

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**H. B. No. 49**

**Representative Smith, R.**

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4713.56, 4731.07, 4731.224, and 4776.01 of the	306
Revised Code effective January 21, 2018; to repeal	307
section 5166.35 of the Revised Code effective	308
January 1, 2019; and to repeal section 5124.17 and	309
enact new section 5124.17 of the Revised Code	310
effective July 1, 2018; to amend for the purpose	311
of codifying and changing the number of Section	312
369.540 of Am. Sub. H.B. 64 of the 131st General	313
Assembly to section 3333.95 of the Revised Code;	314
to amend for the purpose of codifying and changing	315
the number of Section 529.10 of S.B. 310 of the	316
131st General Assembly to section 123.211 of the	317
Revised Code; to amend Section 203.10 of S.B. 310	318
of the 131st General Assembly, as subsequently	319
amended, Sections 125.10 and 125.11 of Am. Sub.	320
H.B. 59 of the 130th General Assembly, as	321

subsequently amended, and Section 2 of Am. Sub. 322  
S.B. 1 of the 130th General Assembly, as 323  
subsequently amended; and to repeal Section 7 of 324  
Am. Sub. H.B. 52 of the 131st General Assembly to 325  
make operating appropriations for the biennium 326  
beginning July 1, 2017, and ending June 30, 2019, 327  
and to provide authorization and conditions for 328  
the operation of state programs. 329

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

**Section 101.01.** That sections 101.38, 102.02, 102.022, 330  
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5116.10, 5116.11, 5116.12, 5116.20, 5116.21, 5116.22, 5116.23, 516  
5116.24, 5116.25, 5119.011, 5160.51, 5162.16, 5162.65, 5164.10, 517  
5164.29, 5167.18, 5167.34, 5168.75, 5168.76, 5168.77, 5168.78, 518  
5168.79, 5168.80, 5168.81, 5168.82, 5168.83, 5168.84, 5168.85, 519  
5168.86, 5502.1321, 5703.0510, 5718.01, 5718.02, 5718.04, 520  
5718.041, 5718.05, 5718.051, 5718.06, 5718.07, 5718.08, 5718.10, 521  
5718.12, 5718.13, 5718.15, 5718.19, 5718.23, 5718.24, 5718.27, 522  
5718.35, 5718.41, 5718.97, 5718.99, 5739.18, 5747.503, 5747.504, 523  
5748.10, 5907.17, 6111.561, 6301.111, 6301.112, 6301.20, and 524  
6301.21 of the Revised Code be enacted to read as follows: 525

**Sec. 101.38.** (A) As used in this section, "relative" means a 526  
spouse, parent, parent-in-law, sibling, sibling-in-law, child, 527  
child-in-law, grandparent, aunt, or uncle. 528

(B) There is hereby created the Ohio cystic fibrosis 529  
legislative task force to study and make recommendations on issues 530  
pertaining to the care and treatment of individuals with cystic 531  
fibrosis. The task force shall study and make recommendations on 532  
the following issues: 533

(1) Use of prescription drug and innovative therapies under 534  
the program for medically handicapped children established under 535  
section 3701.023 of the Revised Code ~~and~~, the program for adults 536  
with cystic fibrosis administered by the department of health 537  
under division ~~(G)~~(H) of that section, and the program established 538  
under section 5160.51 of the Revised Code; 539

(2) Screening of newborn children for the presence of genetic 540  
disorders, as required under section 3701.501 of the Revised Code; 541

(3) Any other issues the task force considers appropriate. 542

(C) The task force shall consist of the following members, 543  
each with the authority to vote on matters before the task force: 544

(1) Three members of the senate: two appointed by the 545  
president of the senate from the majority party and one appointed 546  
by the minority leader of the senate; 547

(2) Three members of the house of representatives: two 548  
appointed by the speaker of the house of representatives from the 549  
majority party and one appointed by the minority leader of the 550  
house of representatives; 551

(3) Three members, at least two of whom have been diagnosed 552  
with cystic fibrosis or are relatives of individuals who have been 553  
diagnosed with cystic fibrosis, appointed by the president of the 554  
senate; 555

(4) Three members, at least two of whom have been diagnosed 556  
with cystic fibrosis or are relatives of individuals who have been 557  
diagnosed with cystic fibrosis, appointed by the speaker of the 558  
house of representatives. 559

Initial members shall be appointed not later than sixty days 560  
after ~~the effective date of this section~~ May 18, 2005. 561

(D) Each member of the task force shall serve a one-year term 562  
that ends on the same day of the same month as did the term that 563  
it succeeds. Members may be reappointed. 564

(E) A vacancy shall be filled in the same manner as the 565  
original appointment. Any member appointed to fill a vacancy 566  
occurring prior to the expiration date of the term for which the 567  
member's predecessor was appointed shall hold office as a member 568  
for the remainder of that term. 569

A member shall continue in office subsequent to the 570  
expiration date of the member's term until a successor takes 571

office or until a period of sixty days has elapsed, whichever 572  
occurs first. 573

(F) Members of the task force shall elect a chair to serve a 574  
term of one year. A vacancy of the chair position shall be filled 575  
by election. 576

(G) Members of the task force shall receive no compensation, 577  
except to the extent that serving as a member is part of the 578  
individual's regular duties of employment and except for the 579  
reimbursement of expenses that may be provided under division (H) 580  
of this section. 581

(H) The task force may solicit and accept grants from public 582  
and private sources. Grant funds may be used to reimburse members 583  
for expenses incurred in the performance of official task force 584  
duties and to pursue initiatives pertaining to the care and 585  
treatment of individuals with cystic fibrosis. 586

(I) A majority of the members of the task force constitutes a 587  
quorum for the conduct of task force meetings. 588

**Sec. 102.02.** (A)(1) Except as otherwise provided in division 589  
(H) of this section, all of the following shall file with the 590  
appropriate ethics commission the disclosure statement described 591  
in this division on a form prescribed by the appropriate 592  
commission: every person who is elected to or is a candidate for a 593  
state, county, or city office and every person who is appointed to 594  
fill a vacancy for an unexpired term in such an elective office; 595  
all members of the state board of education; the director, 596  
assistant directors, deputy directors, division chiefs, or persons 597  
of equivalent rank of any administrative department of the state; 598  
the president or other chief administrative officer of every state 599  
institution of higher education as defined in section 3345.011 of 600  
the Revised Code; the executive director and the members of the 601  
capitol square review and advisory board appointed or employed 602

pursuant to section 105.41 of the Revised Code; all members of the 603  
Ohio casino control commission, the executive director of the 604  
commission, all professional employees of the commission, and all 605  
technical employees of the commission who perform an internal 606  
audit function; the individuals set forth in division (B)(2) of 607  
section 187.03 of the Revised Code; the chief executive officer 608  
and the members of the board of each state retirement system; each 609  
employee of a state retirement board who is a state retirement 610  
system investment officer licensed pursuant to section 1707.163 of 611  
the Revised Code; the members of the Ohio retirement study council 612  
appointed pursuant to division (C) of section 171.01 of the 613  
Revised Code; employees of the Ohio retirement study council, 614  
other than employees who perform purely administrative or clerical 615  
functions; the administrator of workers' compensation and each 616  
member of the bureau of workers' compensation board of directors; 617  
the bureau of workers' compensation director of investments; the 618  
chief investment officer of the bureau of workers' compensation; 619  
all members of the board of commissioners on grievances and 620  
discipline of the supreme court and the ethics commission created 621  
under section 102.05 of the Revised Code; every business manager, 622  
treasurer, or superintendent of a city, local, exempted village, 623  
joint vocational, or cooperative education school district or an 624  
educational service center; every person who is elected to or is a 625  
candidate for the office of member of a board of education of a 626  
city, local, exempted village, joint vocational, or cooperative 627  
education school district or of a governing board of an 628  
educational service center that has a total student count of 629  
twelve thousand or more as most recently determined by the 630  
department of education pursuant to section 3317.03 of the Revised 631  
Code; every person who is appointed to the board of education of a 632  
municipal school district pursuant to division (B) or (F) of 633  
section 3311.71 of the Revised Code; all members of the board of 634  
directors of a sanitary district that is established under Chapter 635

6115. of the Revised Code and organized wholly for the purpose of 636  
providing a water supply for domestic, municipal, and public use, 637  
and that includes two municipal corporations in two counties; 638  
every public official or employee who is paid a salary or wage in 639  
accordance with schedule C of section 124.15 or schedule E-2 of 640  
section 124.152 of the Revised Code; members of the board of 641  
trustees and the executive director of the southern Ohio 642  
agricultural and community development foundation; all members 643  
appointed to the Ohio livestock care standards board under section 644  
904.02 of the Revised Code; all entrepreneurs in residence 645  
assigned by the LeanOhio office in the department of 646  
administrative services under section 125.65 of the Revised Code 647  
and every other public official or employee who is designated by 648  
the appropriate ethics commission pursuant to division (B) of this 649  
section. 650

(2) The disclosure statement shall include all of the 651  
following: 652

(a) The name of the person filing the statement and each 653  
member of the person's immediate family and all names under which 654  
the person or members of the person's immediate family do 655  
business; 656

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 657  
section and except as otherwise provided in section 102.022 of the 658  
Revised Code, identification of every source of income, other than 659  
income from a legislative agent identified in division 660  
(A)(2)(b)(ii) of this section, received during the preceding 661  
calendar year, in the person's own name or by any other person for 662  
the person's use or benefit, by the person filing the statement, 663  
and a brief description of the nature of the services for which 664  
the income was received. If the person filing the statement is a 665  
member of the general assembly, the statement shall identify the 666  
amount of every source of income received in accordance with the 667

following ranges of amounts: zero or more, but less than one 668  
thousand dollars; one thousand dollars or more, but less than ten 669  
thousand dollars; ten thousand dollars or more, but less than 670  
twenty-five thousand dollars; twenty-five thousand dollars or 671  
more, but less than fifty thousand dollars; fifty thousand dollars 672  
or more, but less than one hundred thousand dollars; and one 673  
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 674  
section shall not be construed to require a person filing the 675  
statement who derives income from a business or profession to 676  
disclose the individual items of income that constitute the gross 677  
income of that business or profession, except for those individual 678  
items of income that are attributable to the person's or, if the 679  
income is shared with the person, the partner's, solicitation of 680  
services or goods or performance, arrangement, or facilitation of 681  
services or provision of goods on behalf of the business or 682  
profession of clients, including corporate clients, who are 683  
legislative agents. A person who files the statement under this 684  
section shall disclose the identity of and the amount of income 685  
received from a person who the public official or employee knows 686  
or has reason to know is doing or seeking to do business of any 687  
kind with the public official's or employee's agency. 688

(ii) If the person filing the statement is a member of the 689  
general assembly, the statement shall identify every source of 690  
income and the amount of that income that was received from a 691  
legislative agent during the preceding calendar year, in the 692  
person's own name or by any other person for the person's use or 693  
benefit, by the person filing the statement, and a brief 694  
description of the nature of the services for which the income was 695  
received. Division (A)(2)(b)(ii) of this section requires the 696  
disclosure of clients of attorneys or persons licensed under 697  
section 4732.12 of the Revised Code, or patients of persons 698  
~~certified~~ licensed under section 4731.14 of the Revised Code, if 699  
those clients or patients are legislative agents. Division 700

(A)(2)(b)(ii) of this section requires a person filing the 701  
statement who derives income from a business or profession to 702  
disclose those individual items of income that constitute the 703  
gross income of that business or profession that are received from 704  
legislative agents. 705

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 706  
of this section, division (A)(2)(b)(i) of this section applies to 707  
attorneys, physicians, and other persons who engage in the 708  
practice of a profession and who, pursuant to a section of the 709  
Revised Code, the common law of this state, a code of ethics 710  
applicable to the profession, or otherwise, generally are required 711  
not to reveal, disclose, or use confidences of clients, patients, 712  
or other recipients of professional services except under 713  
specified circumstances or generally are required to maintain 714  
those types of confidences as privileged communications except 715  
under specified circumstances. Division (A)(2)(b)(i) of this 716  
section does not require an attorney, physician, or other 717  
professional subject to a confidentiality requirement as described 718  
in division (A)(2)(b)(iii) of this section to disclose the name, 719  
other identity, or address of a client, patient, or other 720  
recipient of professional services if the disclosure would 721  
threaten the client, patient, or other recipient of professional 722  
services, would reveal details of the subject matter for which 723  
legal, medical, or professional advice or other services were 724  
sought, or would reveal an otherwise privileged communication 725  
involving the client, patient, or other recipient of professional 726  
services. Division (A)(2)(b)(i) of this section does not require 727  
an attorney, physician, or other professional subject to a 728  
confidentiality requirement as described in division 729  
(A)(2)(b)(iii) of this section to disclose in the brief 730  
description of the nature of services required by division 731  
(A)(2)(b)(i) of this section any information pertaining to 732  
specific professional services rendered for a client, patient, or 733

other recipient of professional services that would reveal details 734  
of the subject matter for which legal, medical, or professional 735  
advice was sought or would reveal an otherwise privileged 736  
communication involving the client, patient, or other recipient of 737  
professional services. 738

(c) The name of every corporation on file with the secretary 739  
of state that is incorporated in this state or holds a certificate 740  
of compliance authorizing it to do business in this state, trust, 741  
business trust, partnership, or association that transacts 742  
business in this state in which the person filing the statement or 743  
any other person for the person's use and benefit had during the 744  
preceding calendar year an investment of over one thousand dollars 745  
at fair market value as of the thirty-first day of December of the 746  
preceding calendar year, or the date of disposition, whichever is 747  
earlier, or in which the person holds any office or has a 748  
fiduciary relationship, and a description of the nature of the 749  
investment, office, or relationship. Division (A)(2)(c) of this 750  
section does not require disclosure of the name of any bank, 751  
savings and loan association, credit union, or building and loan 752  
association with which the person filing the statement has a 753  
deposit or a withdrawable share account. 754

(d) All fee simple and leasehold interests to which the 755  
person filing the statement holds legal title to or a beneficial 756  
interest in real property located within the state, excluding the 757  
person's residence and property used primarily for personal 758  
recreation; 759

(e) The names of all persons residing or transacting business 760  
in the state to whom the person filing the statement owes, in the 761  
person's own name or in the name of any other person, more than 762  
one thousand dollars. Division (A)(2)(e) of this section shall not 763  
be construed to require the disclosure of debts owed by the person 764  
resulting from the ordinary conduct of a business or profession or 765

debts on the person's residence or real property used primarily 766  
for personal recreation, except that the superintendent of 767  
financial institutions shall disclose the names of all 768  
state-chartered savings and loan associations and of all service 769  
corporations subject to regulation under division (E)(2) of 770  
section 1151.34 of the Revised Code to whom the superintendent in 771  
the superintendent's own name or in the name of any other person 772  
owes any money, and that the superintendent and any deputy 773  
superintendent of banks shall disclose the names of all 774  
state-chartered banks and all bank subsidiary corporations subject 775  
to regulation under section 1109.44 of the Revised Code to whom 776  
the superintendent or deputy superintendent owes any money. 777

(f) The names of all persons residing or transacting business 778  
in the state, other than a depository excluded under division 779  
(A)(2)(c) of this section, who owe more than one thousand dollars 780  
to the person filing the statement, either in the person's own 781  
name or to any person for the person's use or benefit. Division 782  
(A)(2)(f) of this section shall not be construed to require the 783  
disclosure of clients of attorneys or persons licensed under 784  
section 4732.12 of the Revised Code, or patients of persons 785  
~~certified~~ licensed under section 4731.14 of the Revised Code, nor 786  
the disclosure of debts owed to the person resulting from the 787  
ordinary conduct of a business or profession. 788

(g) Except as otherwise provided in section 102.022 of the 789  
Revised Code, the source of each gift of over seventy-five 790  
dollars, or of each gift of over twenty-five dollars received by a 791  
member of the general assembly from a legislative agent, received 792  
by the person in the person's own name or by any other person for 793  
the person's use or benefit during the preceding calendar year, 794  
except gifts received by will or by virtue of section 2105.06 of 795  
the Revised Code, or received from spouses, parents, grandparents, 796  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 797

brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 798  
fathers-in-law, mothers-in-law, or any person to whom the person 799  
filing the statement stands in loco parentis, or received by way 800  
of distribution from any inter vivos or testamentary trust 801  
established by a spouse or by an ancestor; 802

(h) Except as otherwise provided in section 102.022 of the 803  
Revised Code, identification of the source and amount of every 804  
payment of expenses incurred for travel to destinations inside or 805  
outside this state that is received by the person in the person's 806  
own name or by any other person for the person's use or benefit 807  
and that is incurred in connection with the person's official 808  
duties, except for expenses for travel to meetings or conventions 809  
of a national or state organization to which any state agency, 810  
including, but not limited to, any legislative agency or state 811  
institution of higher education as defined in section 3345.011 of 812  
the Revised Code, pays membership dues, or any political 813  
subdivision or any office or agency of a political subdivision 814  
pays membership dues; 815

(i) Except as otherwise provided in section 102.022 of the 816  
Revised Code, identification of the source of payment of expenses 817  
for meals and other food and beverages, other than for meals and 818  
other food and beverages provided at a meeting at which the person 819  
participated in a panel, seminar, or speaking engagement or at a 820  
meeting or convention of a national or state organization to which 821  
any state agency, including, but not limited to, any legislative 822  
agency or state institution of higher education as defined in 823  
section 3345.011 of the Revised Code, pays membership dues, or any 824  
political subdivision or any office or agency of a political 825  
subdivision pays membership dues, that are incurred in connection 826  
with the person's official duties and that exceed one hundred 827  
dollars aggregated per calendar year; 828

(j) If the disclosure statement is filed by a public official 829

or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code.

(3) A person may file a statement required by this section in person, by mail, or by electronic means.

(4) A person who is required to file a statement under this section shall file that statement according to the following deadlines, as applicable:

(a) Except as otherwise provided in divisions (A)(4)(b), (c), and (d) of this section, the person shall file the statement not later than the fifteenth day of May of each year.

(b) A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on.

(c) A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office.

(d) A person who is appointed or employed after the fifteenth day of May, other than a person described in division (A)(4)(c) of this section, shall file an annual statement within ninety days

after appointment or employment. 861

(5) No person shall be required to file with the appropriate 862  
ethics commission more than one statement or pay more than one 863  
filing fee for any one calendar year. 864

(6) The appropriate ethics commission, for good cause, may 865  
extend for a reasonable time the deadline for filing a statement 866  
under this section. 867

(7) A statement filed under this section is subject to public 868  
inspection at locations designated by the appropriate ethics 869  
commission except as otherwise provided in this section. 870

(B) The Ohio ethics commission, the joint legislative ethics 871  
committee, and the board of commissioners on grievances and 872  
discipline of the supreme court, using the rule-making procedures 873  
of Chapter 119. of the Revised Code, may require any class of 874  
public officials or employees under its jurisdiction and not 875  
specifically excluded by this section whose positions involve a 876  
substantial and material exercise of administrative discretion in 877  
the formulation of public policy, expenditure of public funds, 878  
enforcement of laws and rules of the state or a county or city, or 879  
the execution of other public trusts, to file an annual statement 880  
under division (A) of this section. The appropriate ethics 881  
commission shall send the public officials or employees written 882  
notice of the requirement not less than thirty days before the 883  
applicable filing deadline unless the public official or employee 884  
is appointed after that date, in which case the notice shall be 885  
sent within thirty days after appointment, and the filing shall be 886  
made not later than ninety days after appointment. 887

Disclosure statements filed under this division with the Ohio 888  
ethics commission by members of boards, commissions, or bureaus of 889  
the state for which no compensation is received other than 890  
reasonable and necessary expenses shall be kept confidential. 891

Disclosure statements filed with the Ohio ethics commission under 892  
division (A) of this section by business managers, treasurers, and 893  
superintendents of city, local, exempted village, joint 894  
vocational, or cooperative education school districts or 895  
educational service centers shall be kept confidential, except 896  
that any person conducting an audit of any such school district or 897  
educational service center pursuant to section 115.56 or Chapter 898  
117. of the Revised Code may examine the disclosure statement of 899  
any business manager, treasurer, or superintendent of that school 900  
district or educational service center. Disclosure statements 901  
filed with the Ohio ethics commission under division (A) of this 902  
section by the individuals set forth in division (B)(2) of section 903  
187.03 of the Revised Code shall be kept confidential. The Ohio 904  
ethics commission shall examine each disclosure statement required 905  
to be kept confidential to determine whether a potential conflict 906  
of interest exists for the person who filed the disclosure 907  
statement. A potential conflict of interest exists if the private 908  
interests of the person, as indicated by the person's disclosure 909  
statement, might interfere with the public interests the person is 910  
required to serve in the exercise of the person's authority and 911  
duties in the person's office or position of employment. If the 912  
commission determines that a potential conflict of interest 913  
exists, it shall notify the person who filed the disclosure 914  
statement and shall make the portions of the disclosure statement 915  
that indicate a potential conflict of interest subject to public 916  
inspection in the same manner as is provided for other disclosure 917  
statements. Any portion of the disclosure statement that the 918  
commission determines does not indicate a potential conflict of 919  
interest shall be kept confidential by the commission and shall 920  
not be made subject to public inspection, except as is necessary 921  
for the enforcement of Chapters 102. and 2921. of the Revised Code 922  
and except as otherwise provided in this division. 923

(C) No person shall knowingly fail to file, on or before the 924

applicable filing deadline established under this section, a 925  
statement that is required by this section. 926

(D) No person shall knowingly file a false statement that is 927  
required to be filed under this section. 928

(E)(1) Except as provided in divisions (E)(2) and (3) of this 929  
section, the statement required by division (A) or (B) of this 930  
section shall be accompanied by a filing fee of sixty dollars. 931

(2) The statement required by division (A) of this section 932  
shall be accompanied by the following filing fee to be paid by the 933  
person who is elected or appointed to, or is a candidate for, any 934  
of the following offices: 935

For state office, except member of the		936
state board of education	\$95	937
For office of member of general assembly	\$40	938
For county office	\$60	939
For city office	\$35	940
For office of member of the state board		941
of education	\$35	942
For office of member of a city, local,		943
exempted village, or cooperative		944
education board of		945
education or educational service		946
center governing board	\$30	947
For position of business manager,		948
treasurer, or superintendent of a		949
city, local, exempted village, joint		950
vocational, or cooperative education		951
school district or		952
educational service center	\$30	953

(3) No judge of a court of record or candidate for judge of a 954  
court of record, and no referee or magistrate serving a court of 955  
record, shall be required to pay the fee required under division 956

(E)(1) or (2) or (F) of this section. 957

(4) For any public official who is appointed to a nonelective 958  
office of the state and for any employee who holds a nonelective 959  
position in a public agency of the state, the state agency that is 960  
the primary employer of the state official or employee shall pay 961  
the fee required under division (E)(1) or (F) of this section. 962

(F) If a statement required to be filed under this section is 963  
not filed by the date on which it is required to be filed, the 964  
appropriate ethics commission shall assess the person required to 965  
file the statement a late filing fee of ten dollars for each day 966  
the statement is not filed, except that the total amount of the 967  
late filing fee shall not exceed two hundred fifty dollars. 968

(G)(1) The appropriate ethics commission other than the Ohio 969  
ethics commission and the joint legislative ethics committee shall 970  
deposit all fees it receives under divisions (E) and (F) of this 971  
section into the general revenue fund of the state. 972

(2) The Ohio ethics commission shall deposit all receipts, 973  
including, but not limited to, fees it receives under divisions 974  
(E) and (F) of this section, investigative or other fees, costs, 975  
or other funds it receives as a result of court orders, and all 976  
moneys it receives from settlements under division (G) of section 977  
102.06 of the Revised Code, into the Ohio ethics commission fund, 978  
which is hereby created in the state treasury. All moneys credited 979  
to the fund shall be used solely for expenses related to the 980  
operation and statutory functions of the commission. 981

(3) The joint legislative ethics committee shall deposit all 982  
receipts it receives from the payment of financial disclosure 983  
statement filing fees under divisions (E) and (F) of this section 984  
into the joint legislative ethics committee investigative fund. 985

(H) Division (A) of this section does not apply to a person 986  
elected or appointed to the office of precinct, ward, or district 987

committee member under Chapter 3517. of the Revised Code; a 988  
presidential elector; a delegate to a national convention; village 989  
or township officials and employees; any physician or psychiatrist 990  
who is paid a salary or wage in accordance with schedule C of 991  
section 124.15 or schedule E-2 of section 124.152 of the Revised 992  
Code and whose primary duties do not require the exercise of 993  
administrative discretion; or any member of a board, commission, 994  
or bureau of any county or city who receives less than one 995  
thousand dollars per year for serving in that position. 996

**Sec. 102.022.** Each person who is an officer or employee of a 997  
political subdivision, who receives compensation of less than 998  
sixteen thousand dollars a year for holding an office or position 999  
of employment with that political subdivision, and who is required 1000  
to file a statement under section 102.02 of the Revised Code; each 1001  
member of the board of trustees of a state institution of higher 1002  
education as defined in section 3345.011 of the Revised Code who 1003  
is required to file a statement under section 102.02 of the 1004  
Revised Code; and each individual set forth in division (B)(2) of 1005  
section 187.03 of the Revised Code who is required to file a 1006  
statement under section 102.02 of the Revised Code, shall include 1007  
in that statement, in place of the information required by 1008  
divisions (A)(2)(b), (g), (h), and (i) of that section, the 1009  
following information: 1010

(A) Exclusive of reasonable expenses, identification of every 1011  
source of income over five hundred dollars received during the 1012  
preceding calendar year, in the officer's or employee's own name 1013  
or by any other person for the officer's or employee's use or 1014  
benefit, by the person filing the statement, and a brief 1015  
description of the nature of the services for which the income was 1016  
received. This division shall not be construed to require the 1017  
disclosure of clients of attorneys or persons licensed under 1018  
section 4732.12 of the Revised Code or patients of persons 1019

~~certified~~ licensed under section 4731.14 of the Revised Code. This 1020  
division shall not be construed to require a person filing the 1021  
statement who derives income from a business or profession to 1022  
disclose the individual items of income that constitute the gross 1023  
income of the business or profession. 1024

(B) The source of each gift of over five hundred dollars 1025  
received by the person in the officer's or employee's own name or 1026  
by any other person for the officer's or employee's use or benefit 1027  
during the preceding calendar year, except gifts received by will 1028  
or by virtue of section 2105.06 of the Revised Code, received from 1029  
parents, grandparents, children, grandchildren, siblings, nephews, 1030  
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1031  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 1032  
any person to whom the person filing the statement stands in loco 1033  
parentis, or received by way of distribution from any inter vivos 1034  
or testamentary trust established by a spouse or by an ancestor. 1035

**Sec. 102.03.** (A)(1) No present or former public official or 1036  
employee shall, during public employment or service or for twelve 1037  
months thereafter, represent a client or act in a representative 1038  
capacity for any person on any matter in which the public official 1039  
or employee personally participated as a public official or 1040  
employee through decision, approval, disapproval, recommendation, 1041  
the rendering of advice, investigation, or other substantial 1042  
exercise of administrative discretion. 1043

(2) For twenty-four months after the conclusion of service, 1044  
no former commissioner or attorney examiner of the public 1045  
utilities commission shall represent a public utility, as defined 1046  
in section 4905.02 of the Revised Code, or act in a representative 1047  
capacity on behalf of such a utility before any state board, 1048  
commission, or agency. 1049

(3) For twenty-four months after the conclusion of employment 1050

or service, no former public official or employee who personally 1051  
participated as a public official or employee through decision, 1052  
approval, disapproval, recommendation, the rendering of advice, 1053  
the development or adoption of solid waste management plans, 1054  
investigation, inspection, or other substantial exercise of 1055  
administrative discretion under Chapter 343. or 3734. of the 1056  
Revised Code shall represent a person who is the owner or operator 1057  
of a facility, as defined in section 3734.01 of the Revised Code, 1058  
or who is an applicant for a permit or license for a facility 1059  
under that chapter, on any matter in which the public official or 1060  
employee personally participated as a public official or employee. 1061

(4) For a period of one year after the conclusion of 1062  
employment or service as a member or employee of the general 1063  
assembly, no former member or employee of the general assembly 1064  
shall represent, or act in a representative capacity for, any 1065  
person on any matter before the general assembly, any committee of 1066  
the general assembly, or the controlling board. Division (A)(4) of 1067  
this section does not apply to or affect a person who separates 1068  
from service with the general assembly on or before December 31, 1069  
1995. As used in division (A)(4) of this section "person" does not 1070  
include any state agency or political subdivision of the state. 1071

(5) As used in divisions (A)(1), (2), and (3) of this 1072  
section, "matter" includes any case, proceeding, application, 1073  
determination, issue, or question, but does not include the 1074  
proposal, consideration, or enactment of statutes, rules, 1075  
ordinances, resolutions, or charter or constitutional amendments. 1076  
As used in division (A)(4) of this section, "matter" includes the 1077  
proposal, consideration, or enactment of statutes, resolutions, or 1078  
constitutional amendments. As used in division (A) of this 1079  
section, "represent" includes any formal or informal appearance 1080  
before, or any written or oral communication with, any public 1081  
agency on behalf of any person. 1082

(6) Nothing contained in division (A) of this section shall 1083  
prohibit, during such period, a former public official or employee 1084  
from being retained or employed to represent, assist, or act in a 1085  
representative capacity for the public agency by which the public 1086  
official or employee was employed or on which the public official 1087  
or employee served. 1088

(7) Division (A) of this section shall not be construed to 1089  
prohibit the performance of ministerial functions, including, but 1090  
not limited to, the filing or amendment of tax returns, 1091  
applications for permits and licenses, incorporation papers, and 1092  
other similar documents. 1093

(8) Division (A) of this section does not prohibit a 1094  
nonelected public official or employee of a state agency, as 1095  
defined in section 1.60 of the Revised Code, from becoming a 1096  
public official or employee of another state agency. Division (A) 1097  
of this section does not prohibit such an official or employee 1098  
from representing or acting in a representative capacity for the 1099  
official's or employee's new state agency on any matter in which 1100  
the public official or employee personally participated as a 1101  
public official or employee at the official's or employee's former 1102  
state agency. However, no public official or employee of a state 1103  
agency shall, during public employment or for twelve months 1104  
thereafter, represent or act in a representative capacity for the 1105  
official's or employee's new state agency on any audit or 1106  
investigation pertaining to the official's or employee's new state 1107  
agency in which the public official or employee personally 1108  
participated at the official's or employee's former state agency 1109  
through decision, approval, disapproval, recommendation, the 1110  
rendering of advice, investigation, or other substantial exercise 1111  
of administrative discretion. 1112

(9) Division (A) of this section does not prohibit a 1113  
nonelected public official or employee of a political subdivision 1114

from becoming a public official or employee of a different 1115  
department, division, agency, office, or unit of the same 1116  
political subdivision. Division (A) of this section does not 1117  
prohibit such an official or employee from representing or acting 1118  
in a representative capacity for the official's or employee's new 1119  
department, division, agency, office, or unit on any matter in 1120  
which the public official or employee personally participated as a 1121  
public official or employee at the official's or employee's former 1122  
department, division, agency, office, or unit of the same 1123  
political subdivision. As used in this division, "political 1124  
subdivision" means a county, township, municipal corporation, or 1125  
any other body corporate and politic that is responsible for 1126  
government activities in a geographic area smaller than that of 1127  
the state. 1128

(10) No present or former Ohio casino control commission 1129  
official shall, during public service or for two years thereafter, 1130  
represent a client, be employed or compensated by a person 1131  
regulated by the commission, or act in a representative capacity 1132  
for any person on any matter before or concerning the commission. 1133

No present or former commission employee shall, during public 1134  
employment or for two years thereafter, represent a client or act 1135  
in a representative capacity on any matter in which the employee 1136  
personally participated as a commission employee through decision, 1137  
approval, disapproval, recommendation, the rendering of advice, 1138  
investigation, or other substantial exercise of administrative 1139  
discretion. 1140

(B) No present or former public official or employee shall 1141  
disclose or use, without appropriate authorization, any 1142  
information acquired by the public official or employee in the 1143  
course of the public official's or employee's official duties that 1144  
is confidential because of statutory provisions, or that has been 1145  
clearly designated to the public official or employee as 1146

confidential when that confidential designation is warranted 1147  
because of the status of the proceedings or the circumstances 1148  
under which the information was received and preserving its 1149  
confidentiality is necessary to the proper conduct of government 1150  
business. 1151

(C) No public official or employee shall participate within 1152  
the scope of duties as a public official or employee, except 1153  
through ministerial functions as defined in division (A) of this 1154  
section, in any license or rate-making proceeding that directly 1155  
affects the license or rates of any person, partnership, trust, 1156  
business trust, corporation, or association in which the public 1157  
official or employee or immediate family owns or controls more 1158  
than five per cent. No public official or employee shall 1159  
participate within the scope of duties as a public official or 1160  
employee, except through ministerial functions as defined in 1161  
division (A) of this section, in any license or rate-making 1162  
proceeding that directly affects the license or rates of any 1163  
person to whom the public official or employee or immediate 1164  
family, or a partnership, trust, business trust, corporation, or 1165  
association of which the public official or employee or the public 1166  
official's or employee's immediate family owns or controls more 1167  
than five per cent, has sold goods or services totaling more than 1168  
one thousand dollars during the preceding year, unless the public 1169  
official or employee has filed a written statement acknowledging 1170  
that sale with the clerk or secretary of the public agency and the 1171  
statement is entered in any public record of the agency's 1172  
proceedings. This division shall not be construed to require the 1173  
disclosure of clients of attorneys or persons licensed under 1174  
section 4732.12 of the Revised Code, or patients of persons 1175  
~~certified~~ licensed under section 4731.14 of the Revised Code. 1176

(D) No public official or employee shall use or authorize the 1177  
use of the authority or influence of office or employment to 1178

secure anything of value or the promise or offer of anything of 1179  
value that is of such a character as to manifest a substantial and 1180  
improper influence upon the public official or employee with 1181  
respect to that person's duties. 1182

(E) No public official or employee shall solicit or accept 1183  
anything of value that is of such a character as to manifest a 1184  
substantial and improper influence upon the public official or 1185  
employee with respect to that person's duties. 1186

(F) No person shall promise or give to a public official or 1187  
employee anything of value that is of such a character as to 1188  
manifest a substantial and improper influence upon the public 1189  
official or employee with respect to that person's duties. 1190

(G) In the absence of bribery or another offense under the 1191  
Revised Code or a purpose to defraud, contributions made to a 1192  
campaign committee, political party, legislative campaign fund, 1193  
political action committee, or political contributing entity on 1194  
behalf of an elected public officer or other public official or 1195  
employee who seeks elective office shall be considered to accrue 1196  
ordinarily to the public official or employee for the purposes of 1197  
divisions (D), (E), and (F) of this section. 1198

As used in this division, "contributions," "campaign 1199  
committee," "political party," "legislative campaign fund," 1200  
"political action committee," and "political contributing entity" 1201  
have the same meanings as in section 3517.01 of the Revised Code. 1202

(H)(1) No public official or employee, except for the 1203  
president or other chief administrative officer or a member of 1204  
a board of trustees of a state institution of higher education as 1205  
defined in section 3345.011 of the Revised Code, who is required 1206  
to file a financial disclosure statement under section 102.02 of 1207  
the Revised Code shall solicit or accept, and no person shall give 1208  
to that public official or employee, an honorarium. Except as 1209

provided in division (H)(2) of this section, this division and 1210  
divisions (D), (E), and (F) of this section do not prohibit a 1211  
public official or employee who is required to file a financial 1212  
disclosure statement under section 102.02 of the Revised Code from 1213  
accepting and do not prohibit a person from giving to that public 1214  
official or employee the payment of actual travel expenses, 1215  
including any expenses incurred in connection with the travel for 1216  
lodging, and meals, food, and beverages provided to the public 1217  
official or employee at a meeting at which the public official or 1218  
employee participates in a panel, seminar, or speaking engagement 1219  
or provided to the public official or employee at a meeting or 1220  
convention of a national organization to which any state agency, 1221  
including, but not limited to, any state legislative agency or 1222  
state institution of higher education as defined in section 1223  
3345.011 of the Revised Code, pays membership dues. Except as 1224  
provided in division (H)(2) of this section, this division and 1225  
divisions (D), (E), and (F) of this section do not prohibit a 1226  
public official or employee who is not required to file a 1227  
financial disclosure statement under section 102.02 of the Revised 1228  
Code from accepting and do not prohibit a person from promising or 1229  
giving to that public official or employee an honorarium or the 1230  
payment of travel, meal, and lodging expenses if the honorarium, 1231  
expenses, or both were paid in recognition of demonstrable 1232  
business, professional, or esthetic interests of the public 1233  
official or employee that exist apart from public office or 1234  
employment, including, but not limited to, such a demonstrable 1235  
interest in public speaking and were not paid by any person or 1236  
other entity, or by any representative or association of those 1237  
persons or entities, that is regulated by, doing business with, or 1238  
seeking to do business with the department, division, institution, 1239  
board, commission, authority, bureau, or other instrumentality of 1240  
the governmental entity with which the public official or employee 1241  
serves. 1242

(2) No person who is a member of the board of a state retirement system, a state retirement system investment officer, or an employee of a state retirement system whose position involves substantial and material exercise of discretion in the investment of retirement system funds shall solicit or accept, and no person shall give to that board member, officer, or employee, payment of actual travel expenses, including expenses incurred with the travel for lodging, meals, food, and beverages.

(I) A public official or employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties. The house of representatives and senate, in their code of ethics, and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the public official or employee with respect to that

person's duties. As used in this division, "organization" means a 1275  
church or a religious, benevolent, fraternal, or professional 1276  
organization that is tax exempt under subsection 501(a) and 1277  
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 1278  
"Internal Revenue Code of 1986." This division does not apply to a 1279  
public official or employee who is an employee of an organization, 1280  
serves as a trustee, director, or officer of an organization, or 1281  
otherwise holds a fiduciary relationship with an organization. 1282  
This division does not allow a public official or employee who is 1283  
a member of an organization to participate, formally or 1284  
informally, in deliberations, discussions, or voting on a matter 1285  
or to use the public official's or employee's official position 1286  
with regard to the interests of the organization on the matter if 1287  
the public official or employee has assumed a particular 1288  
responsibility in the organization with respect to the matter or 1289  
if the matter would affect that person's personal, pecuniary 1290  
interests. 1291

(K) It is not a violation of this section for a prosecuting 1292  
attorney to appoint assistants and employees in accordance with 1293  
division (B) of section 309.06 and section 2921.421 of the Revised 1294  
Code, for a chief legal officer of a municipal corporation or an 1295  
official designated as prosecutor in a municipal corporation to 1296  
appoint assistants and employees in accordance with sections 1297  
733.621 and 2921.421 of the Revised Code, for a township law 1298  
director appointed under section 504.15 of the Revised Code to 1299  
appoint assistants and employees in accordance with sections 1300  
504.151 and 2921.421 of the Revised Code, or for a coroner to 1301  
appoint assistants and employees in accordance with division (B) 1302  
of section 313.05 of the Revised Code. 1303

As used in this division, "chief legal officer" has the same 1304  
meaning as in section 733.621 of the Revised Code. 1305

(L) No present public official or employee with a casino 1306

gaming regulatory function shall indirectly invest, by way of an 1307  
entity the public official or employee has an ownership interest 1308  
or control in, or directly invest in a casino operator, management 1309  
company, holding company, casino facility, or gaming-related 1310  
vendor. No present public official or employee with a casino 1311  
gaming regulatory function shall directly or indirectly have a 1312  
financial interest in, have an ownership interest in, be the 1313  
creditor or hold a debt instrument issued by, or have an interest 1314  
in a contractual or service relationship with a casino operator, 1315  
management company, holding company, casino facility, or 1316  
gaming-related vendor. This section does not prohibit or limit 1317  
permitted passive investing by the public official or employee. 1318

As used in this division, "passive investing" means 1319  
investment by the public official or employee by means of a mutual 1320  
fund in which the public official or employee has no control of 1321  
the investments or investment decisions. "Casino operator," 1322  
"holding company," "management company," "casino facility," and 1323  
"gaming-related vendor" have the same meanings as in section 1324  
3772.01 of the Revised Code. 1325

(M) A member of the Ohio casino control commission, the 1326  
executive director of the commission, or an employee of the 1327  
commission shall not: 1328

(1) Accept anything of value, including but not limited to a 1329  
gift, gratuity, emolument, or employment from a casino operator, 1330  
management company, or other person subject to the jurisdiction of 1331  
the commission, or from an officer, attorney, agent, or employee 1332  
of a casino operator, management company, or other person subject 1333  
to the jurisdiction of the commission; 1334

(2) Solicit, suggest, request, or recommend, directly or 1335  
indirectly, to a casino operator, management company, or other 1336  
person subject to the jurisdiction of the commission, or to an 1337  
officer, attorney, agent, or employee of a casino operator, 1338

management company, or other person subject to the jurisdiction of 1339  
the commission, the appointment of a person to an office, place, 1340  
position, or employment; 1341

(3) Participate in casino gaming or any other amusement or 1342  
activity at a casino facility in this state or at an affiliate 1343  
gaming facility of a licensed casino operator, wherever located. 1344

In addition to the penalty provided in section 102.99 of the 1345  
Revised Code, whoever violates division (M)(1), (2), or (3) of 1346  
this section forfeits the individual's office or employment. 1347

**Sec. 105.41.** (A) There is hereby created in the legislative 1348  
branch of government the capitol square review and advisory board, 1349  
consisting of twelve members as follows: 1350

(1) Two members of the senate, appointed by the president of 1351  
the senate, both of whom shall not be members of the same 1352  
political party; 1353

(2) Two members of the house of representatives, appointed by 1354  
the speaker of the house of representatives, both of whom shall 1355  
not be members of the same political party; 1356

(3) Four members appointed by the governor, with the advice 1357  
and consent of the senate, not more than three of whom shall be 1358  
members of the same political party, one of whom shall be the 1359  
chief of staff of the governor's office, one of whom shall 1360  
represent the Ohio arts council, one of whom shall represent the 1361  
Ohio history connection, and one of whom shall represent the 1362  
public at large; 1363

(4) One member, who shall be a former president of the 1364  
senate, appointed by the current president of the senate. If the 1365  
current president of the senate, in the current president's 1366  
discretion, decides for any reason not to make the appointment or 1367  
if no person is eligible or available to serve, the seat shall 1368

remain vacant. 1369

(5) One member, who shall be a former speaker of the house of 1370  
representatives, appointed by the current speaker of the house of 1371  
representatives. If the current speaker of the house of 1372  
representatives, in the current speaker's discretion, decides for 1373  
any reason not to make the appointment or if no person is eligible 1374  
or available to serve, the seat shall remain vacant. 1375

(6) The clerk of the senate and the clerk of the house of 1376  
representatives. 1377

(B) Terms of office of each appointed member of the board 1378  
shall be for three years, except that members of the general 1379  
assembly appointed to the board shall be members of the board only 1380  
so long as they are members of the general assembly and the chief 1381  
of staff of the governor's office shall be a member of the board 1382  
only so long as the appointing governor remains in office. Each 1383  
member shall hold office from the date of the member's appointment 1384  
until the end of the term for which the member was appointed. In 1385  
case of a vacancy occurring on the board, the president of the 1386  
senate, the speaker of the house of representatives, or the 1387  
governor, as the case may be, shall in the same manner prescribed 1388  
for the regular appointment to the commission, fill the vacancy by 1389  
appointing a member. Any member appointed to fill a vacancy 1390  
occurring prior to the expiration of the term for which the 1391  
member's predecessor was appointed shall hold office for the 1392  
remainder of the term. Any appointed member shall continue in 1393  
office subsequent to the expiration date of the member's term 1394  
until the member's successor takes office, or until a period of 1395  
sixty days has elapsed, whichever occurs first. 1396

(C) The board shall hold meetings in a manner and at times 1397  
prescribed by the rules adopted by the board. A majority of the 1398  
board constitutes a quorum, and no action shall be taken by the 1399  
board unless approved by at least six members or by at least seven 1400

members if a person is appointed under division (A)(4) or (5) of 1401  
this section. At its first meeting, the board shall adopt rules 1402  
for the conduct of its business and the election of its officers, 1403  
and shall organize by selecting officers other than a chairperson 1404  
as it considers necessary. In odd-numbered years, the majority 1405  
member from the senate shall serve as chairperson; in 1406  
even-numbered years, the majority member from the house of 1407  
representatives shall serve as chairperson. Board members shall 1408  
serve without compensation but shall be reimbursed for actual and 1409  
necessary expenses incurred in the performance of their duties. 1410

(D) The board may do any of the following: 1411

(1) Employ or hire on a consulting basis professional, 1412  
technical, and clerical employees as are necessary for the 1413  
performance of its duties. All employees of the board are in the 1414  
unclassified service and serve at the pleasure of the board. For 1415  
purposes of section 4117.01 of the Revised Code, employees of the 1416  
board shall be considered employees of the general assembly, 1417  
except that employees who are covered by a collective bargaining 1418  
agreement on September 29, 2011, shall remain subject to the 1419  
agreement until the agreement expires on its terms, and the 1420  
agreement shall not be extended or renewed. Upon expiration of the 1421  
agreement, the employees are considered employees of the general 1422  
assembly for purposes of section 4117.01 of the Revised Code and 1423  
are in the unclassified service and serve at the pleasure of the 1424  
board. 1425

(2) Hold public hearings at times and places as determined by 1426  
the board; 1427

(3) Adopt, amend, or rescind rules necessary to accomplish 1428  
the duties of the board as set forth in this section; 1429

(4) Sponsor, conduct, and support such social events as the 1430  
board may authorize and consider appropriate for the employees of 1431

the board, employees and members of the general assembly, 1432  
employees of persons under contract with the board or otherwise 1433  
engaged to perform services on the premises of capitol square, or 1434  
other persons as the board may consider appropriate. Subject to 1435  
the requirements of Chapter 4303. of the Revised Code, the board 1436  
may provide beer, wine, and intoxicating liquor, with or without 1437  
charge, for those events and may use funds only from the sale of 1438  
goods and services fund to purchase the beer, wine, and 1439  
intoxicating liquor the board provides; 1440

(5) Purchase a warehouse in which to store items of the 1441  
capitol collection trust and, whenever necessary, equipment or 1442  
other property of the board. 1443

(E) The board shall do all of the following: 1444

(1) Have sole authority to coordinate and approve any 1445  
improvements, additions, and renovations that are made to the 1446  
capitol square. The improvements shall include, but not be limited 1447  
to, the placement of monuments and sculpture on the capitol 1448  
grounds. 1449

(2) ~~Subject to section 3353.07 of the Revised Code, operate~~ 1450  
Operate the capitol square, and have sole authority to regulate 1451  
all uses of the capitol square. The uses shall include, but not be 1452  
limited to, the casual and recreational use of the capitol square. 1453

(3) Employ, fix the compensation of, and prescribe the duties 1454  
of the executive director of the board and other employees the 1455  
board considers necessary for the performance of its powers and 1456  
duties; 1457

(4) Establish and maintain the capitol collection trust. The 1458  
capitol collection trust shall consist of furniture, antiques, and 1459  
other items of personal property that the board shall store in 1460  
suitable facilities until they are ready to be displayed in the 1461  
capitol square. 1462

(5) Perform repair, construction, contracting, purchasing, 1463  
maintenance, supervisory, and operating activities the board 1464  
determines are necessary for the operation and maintenance of the 1465  
capitol square; 1466

(6) Maintain and preserve the capitol square, in accordance 1467  
with guidelines issued by the United States secretary of the 1468  
interior for application of the secretary's standards for 1469  
rehabilitation adopted in 36 C.F.R. part 67; 1470

(7) Plan and develop a center at the capitol building for the 1471  
purpose of educating visitors about the history of Ohio, including 1472  
its political, economic, and social development and the design and 1473  
erection of the capitol building and its grounds. 1474

(F)(1) The board shall lease capital facilities improved by 1475  
the department of administrative services or financed by the 1476  
treasurer of state pursuant to Chapter 154. of the Revised Code 1477  
for the use of the board, and may enter into any other agreements 1478  
with the department, the Ohio public facilities commission, or any 1479  
other authorized governmental agency ancillary to improvement, 1480  
financing, or leasing of those capital facilities, including, but 1481  
not limited to, any agreement required by the applicable bond 1482  
proceedings authorized by Chapter 154. of the Revised Code. Any 1483  
lease of capital facilities authorized by this section shall be 1484  
governed by Chapter 154. of the Revised Code. 1485

(2) Fees, receipts, and revenues received by the board from 1486  
the state underground parking garage constitute available receipts 1487  
as defined in section 154.24 of the Revised Code, and may be 1488  
pledged to the payment of bond service charges on obligations 1489  
issued by the treasurer of state pursuant to Chapter 154. of the 1490  
Revised Code to improve, finance, or purchase capital facilities 1491  
useful to the board. The treasurer of state may, with the consent 1492  
of the board, provide in the bond proceedings for a pledge of all 1493  
or a portion of those fees, receipts, and revenues as the 1494

treasurer of state determines. The treasurer of state may provide 1495  
in the bond proceedings or by separate agreement with the board 1496  
for the transfer of those fees, receipts, and revenues to the 1497  
appropriate bond service fund or bond service reserve fund as 1498  
required to pay the bond service charges when due, and any such 1499  
provision for the transfer of those fees, receipts, and revenues 1500  
shall be controlling notwithstanding any other provision of law 1501  
pertaining to those fees, receipts, and revenues. 1502

(3) All moneys received by the treasurer of state on account 1503  
of the board and required by the applicable bond proceedings or by 1504  
separate agreement with the board to be deposited, transferred, or 1505  
credited to the bond service fund or bond service reserve fund 1506  
established by the bond proceedings shall be transferred by the 1507  
treasurer of state to such fund, whether or not it is in the 1508  
custody of the treasurer of state, without necessity for further 1509  
appropriation. 1510

(G)(1) Except as otherwise provided in division (G)(2) of 1511  
this section, all fees, receipts, and revenues received by the 1512  
board from the state underground parking garage shall be deposited 1513  
into the state treasury to the credit of the underground parking 1514  
garage operating fund, which is hereby created, to be used for the 1515  
purposes specified in division (F) of this section and for the 1516  
operation and maintenance of the garage. All investment earnings 1517  
of the fund shall be credited to the fund. 1518

(2) There is hereby created the parking garage automated 1519  
equipment fund, which shall be in the custody of the treasurer of 1520  
state but shall not be part of the state treasury. Money in the 1521  
fund shall be used to purchase the automated teller machine 1522  
quality dollar bills needed for operation of the parking garage 1523  
automated equipment. The fund shall consist of fees, receipts, or 1524  
revenues received by the board from the state underground parking 1525  
garage; provided, however, that the total amount deposited into 1526

the fund at any one time shall not exceed ten thousand dollars. 1527  
All investment earnings of the fund shall be credited to the fund. 1528

(H) All donations received by the board shall be deposited 1529  
into the state treasury to the credit of the capitol square 1530  
renovation gift fund, which is hereby created. The fund shall be 1531  
used by the board as follows: 1532

(1) To provide part or all of the funding related to 1533  
construction, goods, or services for the renovation of the capitol 1534  
square; 1535

(2) To purchase art, antiques, and artifacts for display at 1536  
the capitol square; 1537

(3) To award contracts or make grants to organizations for 1538  
educating the public regarding the historical background and 1539  
governmental functions of the capitol square. Chapters 125., 127., 1540  
and 153. and section 3517.13 of the Revised Code do not apply to 1541  
purchases made exclusively from the fund, notwithstanding anything 1542  
to the contrary in those chapters or that section. All investment 1543  
earnings of the fund shall be credited to the fund. 1544

(I) Except as provided in divisions (G), (H), and (J) of this 1545  
section, all fees, receipts, and revenues received by the board 1546  
shall be deposited into the state treasury to the credit of the 1547  
sale of goods and services fund, which is hereby created. Money 1548  
credited to the fund shall be used solely to pay costs of the 1549  
board other than those specified in divisions (F) and (G) of this 1550  
section. All investment earnings of the fund shall be credited to 1551  
the fund. 1552

(J) There is hereby created in the state treasury the capitol 1553  
square improvement fund, to be used by the board to pay 1554  
construction, renovation, and other costs related to the capitol 1555  
square for which money is not otherwise available to the board. 1556  
Whenever the board determines that there is a need to incur those 1557

costs and that the unencumbered, unobligated balance to the credit 1558  
of the underground parking garage operating fund exceeds the 1559  
amount needed for the purposes specified in division (F) of this 1560  
section and for the operation and maintenance of the garage, the 1561  
board may request the director of budget and management to 1562  
transfer from the underground parking garage operating fund to the 1563  
capitol square improvement fund the amount needed to pay such 1564  
construction, renovation, or other costs. The director then shall 1565  
transfer the amount needed from the excess balance of the 1566  
underground parking garage operating fund. 1567

(K) As the operation and maintenance of the capitol square 1568  
constitute essential government functions of a public purpose, the 1569  
board shall not be required to pay taxes or assessments upon the 1570  
square, upon any property acquired or used by the board under this 1571  
section, or upon any income generated by the operation of the 1572  
square. 1573

(L) As used in this section, "capitol square" means the 1574  
capitol building, senate building, capitol atrium, capitol 1575  
grounds, the state underground parking garage, and the warehouse 1576  
owned by the board. 1577

(M) The capitol annex shall be known as the senate building. 1578

(N) Any person may possess a firearm in a motor vehicle in 1579  
the state underground parking garage at the state capitol 1580  
building, if the person's possession of the firearm in the motor 1581  
vehicle is not in violation of section 2923.16 of the Revised Code 1582  
or any other provision of the Revised Code. Any person may store 1583  
or leave a firearm in a locked motor vehicle that is parked in the 1584  
state underground parking garage at the state capitol building, if 1585  
the person's transportation and possession of the firearm in the 1586  
motor vehicle while traveling to the garage was not in violation 1587  
of section 2923.16 of the Revised Code or any other provision of 1588  
the Revised Code. 1589

~~Sec. 107.031. Until the first committee appointed under~~ 1590  
~~division (C) of section 3317.012 of the Revised Code to reexamine~~ 1591  
~~the cost of an adequate education makes its report to the office~~ 1592  
~~of budget and management and the general assembly, the~~ The 1593  
governor shall ensure that among the various budget 1594  
recommendations made by the governor and the director of budget 1595  
and management to the general assembly each biennium there are 1596  
recommendations for appropriations to the Ohio ~~school~~ facilities 1597  
construction commission, aggregating not less than three hundred 1598  
million dollars per fiscal year, ~~excluding recommendations for~~ 1599  
~~appropriations from the education facilities trust fund, created~~ 1600  
~~in section 183.26 of the Revised Code, for constructing,~~ 1601  
acquiring, replacing, reconstructing, or adding to classroom 1602  
facilities, as such term is defined in section 3318.01 of the 1603  
Revised Code. 1604

Sec. 107.036. (A) For each business incentive tax credit, the 1605  
main operating appropriations act shall contain a detailed 1606  
estimate of the total amount of credits that may be authorized in 1607  
each year, an estimate of the amount of credits expected to be 1608  
claimed in each year, and an estimate of the amount of credits 1609  
expected to remain outstanding at the end of the biennium. The 1610  
governor shall include such estimates in the state budget 1611  
submitted to the general assembly pursuant to section 107.03 of 1612  
the Revised Code. 1613

(B) As used in this section, "business incentive tax credit" 1614  
means all of the following: 1615

(1) The job creation tax credit under section 122.17 of the 1616  
Revised Code; 1617

(2) The job retention tax credit under section 122.171 of the 1618  
Revised Code; 1619

<u>(3) The historic preservation tax credit under section</u>	1620
<u>149.311 of the Revised Code;</u>	1621
<u>(4) The motion picture tax credit under section 122.85 of the</u>	1622
<u>Revised Code;</u>	1623
<u>(5) The new markets tax credit under section 5725.33 of the</u>	1624
<u>Revised Code;</u>	1625
<u>(6) The research and development credit under section 166.21</u>	1626
<u>of the Revised Code;</u>	1627
<u>(7) The small business investment credit under section 122.86</u>	1628
<u>of the Revised Code.</u>	1629
<b>Sec. 107.35.</b> <del>Not later than December 31, 2014, the</del> <u>The</u>	1630
governor's office of workforce transformation, with staff support	1631
and assistance from the departments of job and family services	1632
<del>and, education and the Ohio board of regents,</del> <u>higher education,</u>	1633
<del>and the opportunities for Ohioans with disabilities agency,</del> shall	1634
establish criteria to use for evaluating the performance of state	1635
and local workforce programs using basic, aligned workforce	1636
measures related to system efficiency and effectiveness. The	1637
office shall develop and make available on the internet through a	1638
web site a public dashboard to display metrics regarding the	1639
state's administration of primary workforce programs, including	1640
the following programs:	1641
(A) The adult basic and literacy education program;	1642
(B) Programs administered under the federal "Carl D. Perkins	1643
Career and Technical Education Act of 2006," 120 Stat. 683, 20	1644
U.S.C. 2301 et seq., as amended;	1645
(C) State aid and scholarships <del>within the Ohio board of</del>	1646
<del>regents</del> <u>administered by the department of higher education;</u>	1647
(D) Programs administered under title I of the federal	1648
<del>"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801</del>	1649

~~et seq., as amended~~ "Workforce Innovation and Opportunity Act," 29 1650  
U.S.C. 3101 et seq.; 1651

(E) The state vocational rehabilitation program administered 1652  
under title I of the federal "Rehabilitation Act of 1973," 29 1653  
U.S.C. 701, et seq. 1654

**Sec. 107.71.** (A) The Ohio institute of technology is 1655  
established in the office of the governor. The office shall do at 1656  
least all of the following: 1657

(1) Formulate and implement a state strategy to identify 1658  
methods for using technology, research, and development to create 1659  
positive results for citizens and businesses of this state and to 1660  
improve the operations of state government; 1661

(2) Prioritize, coordinate, and focus all state-funded 1662  
research including research funded by the department of higher 1663  
education, department of administrative services, department of 1664  
transportation, department of medicaid, department of job and 1665  
family services, and opportunities for Ohioans with disabilities 1666  
agency; 1667

(3) Identify emerging technologies and advocate for the 1668  
research and application of technologies that may have a 1669  
significant positive impact on the economy or workforce of this 1670  
state; 1671

(4) Advocate for and coordinate research sponsored by state 1672  
institutions of higher education regarding technologies that may 1673  
have a significant positive impact on the economy or workforce of 1674  
this state; 1675

(5) Identify methods to increase collaboration between state 1676  
institutions of higher education; private, not-for-profit 1677  
entities; and other private entities to accelerate product or 1678  
patent incubation and commercialization of new and leading 1679

technologies in the state; 1680

(6) Manage the continued implementation of the Ohio  
innovation exchange and the Ohio federal research network; 1681  
1682

(7) Advise the governor on technology and issues relevant to  
the duties of the office; and 1683  
1684

(8) Perform such other duties as may be prescribed by the  
governor. 1685  
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The office shall issue a report to the governor and the  
members of the general assembly annually not later than the last  
day of December detailing the office's state strategy and the  
office's progress toward initial and updated goals established  
under the state strategy. 1687  
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(B) The governor shall appoint a chief innovation officer to  
serve as executive director of the office, and such other staff as  
may be necessary to manage the office and perform or oversee the  
performance of the duties of the office. To qualify for  
appointment as chief innovation officer, an individual shall have  
significant expertise in as many of the following fields as  
possible: biotechnology, information technology, medicine,  
logistics and supply chain management, advanced manufacturing,  
advanced materials, chemistry, robotics and sensors, aerospace,  
cyber security, and transportation technologies. 1692  
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(C) As used in this section, "state institution of higher  
education" has the meaning defined in section 3345.011 of the  
Revised Code. 1702  
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**Sec. 109.112.** If the state of Ohio or any agency or officer  
of the state is named in a court order to be the recipient of any  
money collected or received by the attorney general under section  
109.111 of the Revised Code, the attorney general shall notify the  
director of budget and management of the amount of money to be 1705  
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collected or received under, and the terms of, the court order. 1710  
The director, in consultation with the attorney general, shall 1711  
determine the appropriate distribution of the money. Upon its 1712  
collection or receipt, the attorney general shall transfer the 1713  
money from the attorney general court order fund to the 1714  
appropriate fund or funds as determined by the director. 1715

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 1716  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1717  
a completed form prescribed pursuant to division (C)(1) of this 1718  
section, and a set of fingerprint impressions obtained in the 1719  
manner described in division (C)(2) of this section, the 1720  
superintendent of the bureau of criminal identification and 1721  
investigation shall conduct a criminal records check in the manner 1722  
described in division (B) of this section to determine whether any 1723  
information exists that indicates that the person who is the 1724  
subject of the request previously has been convicted of or pleaded 1725  
guilty to any of the following: 1726

(a) A violation of section 2903.01, 2903.02, 2903.03, 1727  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1728  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1729  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1730  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1731  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1732  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1733  
2925.06, or 3716.11 of the Revised Code, felonious sexual 1734  
penetration in violation of former section 2907.12 of the Revised 1735  
Code, a violation of section 2905.04 of the Revised Code as it 1736  
existed prior to July 1, 1996, a violation of section 2919.23 of 1737  
the Revised Code that would have been a violation of section 1738  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1739  
had the violation been committed prior to that date, or a 1740

violation of section 2925.11 of the Revised Code that is not a 1741  
minor drug possession offense; 1742

(b) A violation of an existing or former law of this state, 1743  
any other state, or the United States that is substantially 1744  
equivalent to any of the offenses listed in division (A)(1)(a) of 1745  
this section; 1746

(c) If the request is made pursuant to section 3319.39 of the 1747  
Revised Code for an applicant who is a teacher, any offense 1748  
specified in section 3319.31 of the Revised Code. 1749

(2) On receipt of a request pursuant to section 3712.09 or 1750  
3721.121 of the Revised Code, a completed form prescribed pursuant 1751  
to division (C)(1) of this section, and a set of fingerprint 1752  
impressions obtained in the manner described in division (C)(2) of 1753  
this section, the superintendent of the bureau of criminal 1754  
identification and investigation shall conduct a criminal records 1755  
check with respect to any person who has applied for employment in 1756  
a position for which a criminal records check is required by those 1757  
sections. The superintendent shall conduct the criminal records 1758  
check in the manner described in division (B) of this section to 1759  
determine whether any information exists that indicates that the 1760  
person who is the subject of the request previously has been 1761  
convicted of or pleaded guilty to any of the following: 1762

(a) A violation of section 2903.01, 2903.02, 2903.03, 1763  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1764  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1765  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1766  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1767  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1768  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1769  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1770  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1771

(b) An existing or former law of this state, any other state, 1772  
or the United States that is substantially equivalent to any of 1773  
the offenses listed in division (A)(2)(a) of this section. 1774

(3) On receipt of a request pursuant to section 173.27, 1775  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 1776  
or 5123.169 of the Revised Code, a completed form prescribed 1777  
pursuant to division (C)(1) of this section, and a set of 1778  
fingerprint impressions obtained in the manner described in 1779  
division (C)(2) of this section, the superintendent of the bureau 1780  
of criminal identification and investigation shall conduct a 1781  
criminal records check of the person for whom the request is made. 1782  
The superintendent shall conduct the criminal records check in the 1783  
manner described in division (B) of this section to determine 1784  
whether any information exists that indicates that the person who 1785  
is the subject of the request previously has been convicted of, 1786  
has pleaded guilty to, or (except in the case of a request 1787  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 1788  
Code) has been found eligible for intervention in lieu of 1789  
conviction for any of the following, regardless of the date of the 1790  
conviction, the date of entry of the guilty plea, or (except in 1791  
the case of a request pursuant to section 5164.34, 5164.341, or 1792  
5164.342 of the Revised Code) the date the person was found 1793  
eligible for intervention in lieu of conviction: 1794

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 1795  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 1796  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 1797  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 1798  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1799  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1800  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 1801  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 1802  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 1803

2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1804  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 1805  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 1806  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 1807  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 1808  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 1809  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 1810  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 1811  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 1812  
2927.12, or 3716.11 of the Revised Code; 1813

(b) Felonious sexual penetration in violation of former 1814  
section 2907.12 of the Revised Code; 1815

(c) A violation of section 2905.04 of the Revised Code as it 1816  
existed prior to July 1, 1996; 1817

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1818  
the Revised Code when the underlying offense that is the object of 1819  
the conspiracy, attempt, or complicity is one of the offenses 1820  
listed in divisions (A)(3)(a) to (c) of this section; 1821

(e) A violation of an existing or former municipal ordinance 1822  
or law of this state, any other state, or the United States that 1823  
is substantially equivalent to any of the offenses listed in 1824  
divisions (A)(3)(a) to (d) of this section. 1825

(4) On receipt of a request pursuant to section 2151.86 of 1826  
the Revised Code, a completed form prescribed pursuant to division 1827  
(C)(1) of this section, and a set of fingerprint impressions 1828  
obtained in the manner described in division (C)(2) of this 1829  
section, the superintendent of the bureau of criminal 1830  
identification and investigation shall conduct a criminal records 1831  
check in the manner described in division (B) of this section to 1832  
determine whether any information exists that indicates that the 1833  
person who is the subject of the request previously has been 1834

convicted of or pleaded guilty to any of the following: 1835

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1836  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1837  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1838  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1839  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1840  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1841  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1842  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1843  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1844  
of the Revised Code, a violation of section 2905.04 of the Revised 1845  
Code as it existed prior to July 1, 1996, a violation of section 1846  
2919.23 of the Revised Code that would have been a violation of 1847  
section 2905.04 of the Revised Code as it existed prior to July 1, 1848  
1996, had the violation been committed prior to that date, a 1849  
violation of section 2925.11 of the Revised Code that is not a 1850  
minor drug possession offense, two or more OVI or OVUAC violations 1851  
committed within the three years immediately preceding the 1852  
submission of the application or petition that is the basis of the 1853  
request, or felonious sexual penetration in violation of former 1854  
section 2907.12 of the Revised Code; 1855

(b) A violation of an existing or former law of this state, 1856  
any other state, or the United States that is substantially 1857  
equivalent to any of the offenses listed in division (A)(4)(a) of 1858  
this section. 1859

(5) Upon receipt of a request pursuant to section 5104.013 of 1860  
the Revised Code, a completed form prescribed pursuant to division 1861  
(C)(1) of this section, and a set of fingerprint impressions 1862  
obtained in the manner described in division (C)(2) of this 1863  
section, the superintendent of the bureau of criminal 1864  
identification and investigation shall conduct a criminal records 1865  
check in the manner described in division (B) of this section to 1866

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

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in

division (A)(5)(a) of this section. 1899

(6) Upon receipt of a request pursuant to section 5153.111 of 1900  
the Revised Code, a completed form prescribed pursuant to division 1901  
(C)(1) of this section, and a set of fingerprint impressions 1902  
obtained in the manner described in division (C)(2) of this 1903  
section, the superintendent of the bureau of criminal 1904  
identification and investigation shall conduct a criminal records 1905  
check in the manner described in division (B) of this section to 1906  
determine whether any information exists that indicates that the 1907  
person who is the subject of the request previously has been 1908  
convicted of or pleaded guilty to any of the following: 1909

(a) A violation of section 2903.01, 2903.02, 2903.03, 1910  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1911  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1912  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1913  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1914  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1915  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1916  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1917  
felonious sexual penetration in violation of former section 1918  
2907.12 of the Revised Code, a violation of section 2905.04 of the 1919  
Revised Code as it existed prior to July 1, 1996, a violation of 1920  
section 2919.23 of the Revised Code that would have been a 1921  
violation of section 2905.04 of the Revised Code as it existed 1922  
prior to July 1, 1996, had the violation been committed prior to 1923  
that date, or a violation of section 2925.11 of the Revised Code 1924  
that is not a minor drug possession offense; 1925

(b) A violation of an existing or former law of this state, 1926  
any other state, or the United States that is substantially 1927  
equivalent to any of the offenses listed in division (A)(6)(a) of 1928  
this section. 1929

(7) On receipt of a request for a criminal records check from 1930

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

(8) On receipt of a request pursuant to section 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving

theft, receiving stolen property, embezzlement, forgery, fraud, 1964  
passing bad checks, money laundering, or drug trafficking, or any 1965  
criminal offense involving money or securities, as set forth in 1966  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 1967  
the Revised Code; or any existing or former law of this state, any 1968  
other state, or the United States that is substantially equivalent 1969  
to those offenses. 1970

(9) On receipt of a request for a criminal records check from 1971  
the treasurer of state under section 113.041 of the Revised Code 1972  
or from an individual under section 4701.08, 4715.101, 4717.061, 1973  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 1974  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 1975  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 1976  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 1977  
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 1978  
accompanied by a completed form prescribed under division (C)(1) 1979  
of this section and a set of fingerprint impressions obtained in 1980  
the manner described in division (C)(2) of this section, the 1981  
superintendent of the bureau of criminal identification and 1982  
investigation shall conduct a criminal records check in the manner 1983  
described in division (B) of this section to determine whether any 1984  
information exists that indicates that the person who is the 1985  
subject of the request has been convicted of or pleaded guilty to 1986  
any criminal offense in this state or any other state. Subject to 1987  
division (F) of this section, the superintendent shall send the 1988  
results of a check requested under section 113.041 of the Revised 1989  
Code to the treasurer of state and shall send the results of a 1990  
check requested under any of the other listed sections to the 1991  
licensing board specified by the individual in the request. 1992

(10) On receipt of a request pursuant to section 1121.23, 1993  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1994  
Code, a completed form prescribed pursuant to division (C)(1) of 1995

this section, and a set of fingerprint impressions obtained in the 1996  
manner described in division (C)(2) of this section, the 1997  
superintendent of the bureau of criminal identification and 1998  
investigation shall conduct a criminal records check in the manner 1999  
described in division (B) of this section to determine whether any 2000  
information exists that indicates that the person who is the 2001  
subject of the request previously has been convicted of or pleaded 2002  
guilty to any criminal offense under any existing or former law of 2003  
this state, any other state, or the United States. 2004

(11) On receipt of a request for a criminal records check 2005  
from an appointing or licensing authority under section 3772.07 of 2006  
the Revised Code, a completed form prescribed under division 2007  
(C)(1) of this section, and a set of fingerprint impressions 2008  
obtained in the manner prescribed in division (C)(2) of this 2009  
section, the superintendent of the bureau of criminal 2010  
identification and investigation shall conduct a criminal records 2011  
check in the manner described in division (B) of this section to 2012  
determine whether any information exists that indicates that the 2013  
person who is the subject of the request previously has been 2014  
convicted of or pleaded guilty or no contest to any offense under 2015  
any existing or former law of this state, any other state, or the 2016  
United States that is a disqualifying offense as defined in 2017  
section 3772.07 of the Revised Code or substantially equivalent to 2018  
such an offense. 2019

(12) On receipt of a request pursuant to section 2151.33 or 2020  
2151.412 of the Revised Code, a completed form prescribed pursuant 2021  
to division (C)(1) of this section, and a set of fingerprint 2022  
impressions obtained in the manner described in division (C)(2) of 2023  
this section, the superintendent of the bureau of criminal 2024  
identification and investigation shall conduct a criminal records 2025  
check with respect to any person for whom a criminal records check 2026  
is required under that section. The superintendent shall conduct 2027

the criminal records check in the manner described in division (B) 2028  
of this section to determine whether any information exists that 2029  
indicates that the person who is the subject of the request 2030  
previously has been convicted of or pleaded guilty to any of the 2031  
following: 2032

(a) A violation of section 2903.01, 2903.02, 2903.03, 2033  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2034  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2035  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2036  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2037  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2038  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2039  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2040  
2925.22, 2925.23, or 3716.11 of the Revised Code; 2041

(b) An existing or former law of this state, any other state, 2042  
or the United States that is substantially equivalent to any of 2043  
the offenses listed in division (A)(12)(a) of this section. 2044

(13) On receipt of a request pursuant to section 3796.12 of 2045  
the Revised Code, a completed form prescribed pursuant to division 2046  
(C)(1) of this section, and a set of fingerprint impressions 2047  
obtained in a manner described in division (C)(2) of this section, 2048  
the superintendent of the bureau of criminal identification and 2049  
investigation shall conduct a criminal records check in the manner 2050  
described in division (B) of this section to determine whether any 2051  
information exists that indicates that the person who is the 2052  
subject of the request previously has been convicted of or pleaded 2053  
guilty to the following: 2054

(a) A disqualifying offense as specified in rules adopted 2055  
under division (B)(2)(b) of section 3796.03 of the Revised Code if 2056  
the person who is the subject of the request is an administrator 2057  
or other person responsible for the daily operation of, or an 2058  
owner or prospective owner, officer or prospective officer, or 2059

board member or prospective board member of, an entity seeking a 2060  
license from the department of commerce under Chapter 3796. of the 2061  
Revised Code; 2062

(b) A disqualifying offense as specified in rules adopted 2063  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 2064  
the person who is the subject of the request is an administrator 2065  
or other person responsible for the daily operation of, or an 2066  
owner or prospective owner, officer or prospective officer, or 2067  
board member or prospective board member of, an entity seeking a 2068  
license from the state board of pharmacy under Chapter 3796. of 2069  
the Revised Code. 2070

(14) On receipt of a request required by section 3796.13 of 2071  
the Revised Code, a completed form prescribed pursuant to division 2072  
(C)(1) of this section, and a set of fingerprint impressions 2073  
obtained in a manner described in division (C)(2) of this section, 2074  
the superintendent of the bureau of criminal identification and 2075  
investigation shall conduct a criminal records check in the manner 2076  
described in division (B) of this section to determine whether any 2077  
information exists that indicates that the person who is the 2078  
subject of the request previously has been convicted of or pleaded 2079  
guilty to the following: 2080

(a) A disqualifying offense as specified in rules adopted 2081  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 2082  
the person who is the subject of the request is seeking employment 2083  
with an entity licensed by the department of commerce under 2084  
Chapter 3796. of the Revised Code; 2085

(b) A disqualifying offense as specified in rules adopted 2086  
under division (B)(14)(a) of section 3796.04 of the Revised Code 2087  
if the person who is the subject of the request is seeking 2088  
employment with an entity licensed by the state board of pharmacy 2089  
under Chapter 3796. of the Revised Code. 2090

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

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

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

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal

government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. 2123  
2124

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), or (14) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law. 2125  
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(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C)(2) of this section: 2133  
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(a) If the superintendent is required by division (A) of this section (other than division (A)(3) of this section) to conduct the criminal records check, thirty; 2140  
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(b) If the superintendent is required by division (A)(3) of this section to conduct the criminal records check, sixty. 2143  
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(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats. 2145  
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(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this 2151  
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section. Any person for whom a records check is to be conducted 2154  
under this section shall obtain the fingerprint impressions at a 2155  
county sheriff's office, municipal police department, or any other 2156  
entity with the ability to make fingerprint impressions on the 2157  
standard impression sheets prescribed by the superintendent. The 2158  
office, department, or entity may charge the person a reasonable 2159  
fee for making the impressions. The standard impression sheets the 2160  
superintendent prescribes pursuant to this division may be in a 2161  
tangible format, in an electronic format, or in both tangible and 2162  
electronic formats. 2163

(3) Subject to division (D) of this section, the 2164  
superintendent shall prescribe and charge a reasonable fee for 2165  
providing a criminal records check under this section. The person 2166  
requesting the criminal records check shall pay the fee prescribed 2167  
pursuant to this division. In the case of a request under section 2168  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2169  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2170  
the manner specified in that section. 2171

(4) The superintendent of the bureau of criminal 2172  
identification and investigation may prescribe methods of 2173  
forwarding fingerprint impressions and information necessary to 2174  
conduct a criminal records check, which methods shall include, but 2175  
not be limited to, an electronic method. 2176

(D) The results of a criminal records check conducted under 2177  
this section, other than a criminal records check specified in 2178  
division (A)(7) of this section, are valid for the person who is 2179  
the subject of the criminal records check for a period of one year 2180  
from the date upon which the superintendent completes the criminal 2181  
records check. If during that period the superintendent receives 2182  
another request for a criminal records check to be conducted under 2183  
this section for that person, the superintendent shall provide the 2184  
results from the previous criminal records check of the person at 2185

a lower fee than the fee prescribed for the initial criminal records check. 2186  
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(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(1)(c) of this section to any such request for an applicant who is a teacher. 2188  
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(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense. 2194  
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(2) Division (F)(1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to the arrest of a person who is eighteen years of age or older, to an adjudication of a child as a delinquent child, or to a criminal conviction of a person under eighteen years of age in circumstances in which a release of that nature is authorized under division (E)(2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E)(1) of that section. 2202  
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(G) As used in this section: 2211

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section. 2212  
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(2) "Minor drug possession offense" has the same meaning as 2216

in section 2925.01 of the Revised Code. 2217

(3) "OVI or OVUAC violation" means a violation of section 2218  
4511.19 of the Revised Code or a violation of an existing or 2219  
former law of this state, any other state, or the United States 2220  
that is substantially equivalent to section 4511.19 of the Revised 2221  
Code. 2222

(4) "Registered private provider" means a nonpublic school or 2223  
entity registered with the superintendent of public instruction 2224  
under section 3310.41 of the Revised Code to participate in the 2225  
autism scholarship program or section 3310.58 of the Revised Code 2226  
to participate in the Jon Peterson special needs scholarship 2227  
program. 2228

**Sec. 109.5721.** (A) As used in this section: 2229

(1) "Employment" includes volunteer service. 2230

(2) "Independent provider" has the same meaning as in section 2231  
5164.341 of the Revised Code. 2232

(3) "Licensure" means the authorization, evidenced by a 2233  
license, certificate, registration, permit, or other authority 2234  
that is issued or conferred by a public office, to engage in a 2235  
profession, occupation, or occupational activity, to be a foster 2236  
caregiver, or to have control of and operate certain specific 2237  
equipment, machinery, or premises over which a public office has 2238  
jurisdiction. 2239

~~(3)~~(4) "Participating public office" means a public office 2240  
that requires a fingerprint background check as a condition of 2241  
employment with, licensure by, or approval for adoption by the 2242  
public office and that elects to receive notice under division 2243  
~~(C)~~(D) of this section in accordance with rules adopted by the 2244  
attorney general. "Participating public office" also means the 2245  
department of medicaid if it elects to receive notices under 2246

division (D) of this section regarding independent providers. 2247

~~(4)~~(5) "Public office" has the same meaning as in section 2248  
117.01 of the Revised Code. 2249

~~(5)~~(6) "Participating private party" means any person or 2250  
private entity that is allowed to request a criminal records check 2251  
pursuant to ~~divisions~~ division (A)(2) or (3) of section 109.572 of 2252  
the Revised Code. 2253

(B) Within six months after August 15, 2007, the 2254  
superintendent of the bureau of criminal identification and 2255  
investigation shall establish and maintain a database of 2256  
fingerprints of individuals on whom the bureau has conducted 2257  
criminal records checks for either of the ~~purpose of determining~~ 2258  
following purposes: 2259

(1) To determine the individual's eligibility for employment 2260  
with, licensure by, or approval for adoption by a public office or 2261  
participating private party; 2262

(2) To determine whether an applicant for a medicaid provider 2263  
agreement as an independent provider is ineligible for the 2264  
medicaid provider agreement because of section 5164.341 of the 2265  
Revised Code. The 2266

(C) The superintendent shall maintain the database separate 2267  
and apart from other records maintained by the bureau. The 2268  
database shall be known as the retained applicant fingerprint 2269  
database. 2270

~~(C)~~(D) When the superintendent receives information that an 2271  
individual whose name is in the retained applicant fingerprint 2272  
database has been arrested for, convicted of, or pleaded guilty to 2273  
any offense, the superintendent shall promptly notify ~~any~~ the 2274  
following of the individual's arrest, conviction, or guilty plea: 2275

(1) Any participating public office or participating private 2276

party that employs, licensed, or approved the individual ~~of the~~ 2277  
~~arrest, conviction, or guilty plea;~~ 2278

(2) The department of medicaid if the individual is an 2279  
independent provider. The 2280

(E)(1) A participating public office or participating private 2281  
party that receives ~~the~~ a notification under division (D) of this 2282  
section, and its employees and officers, shall use the information 2283  
contained in the notification solely to determine the individual's 2284  
continued eligibility for ~~continued employment~~ the following: 2285

(a) Employment with the participating public office or 2286  
participating private party, ~~to retain licensure issued;~~ 2287

(b) Licensure by the participating public office, ~~or to be~~ 2288  
~~approved;~~ 2289

(c) Approval for adoption by the participating public office; 2290

(d) A medicaid provider agreement as an independent provider. 2291  
The 2292

(2) Except as provided in division (E) of section 5164.341 of 2293  
the Revised Code, in formation contained in the notification is 2294  
confidential and not a public record under section 149.43 of the 2295  
Revised Code and a participating public office or participating 2296  
private party, and its employees and officers, shall not disclose 2297  
that information to any person for any ~~other~~ purpose not specified 2298  
in division (E)(1) of this section. 2299

~~(D)~~(F) If an individual has submitted fingerprint impressions 2300  
for employment with, licensure by, or approval for adoption by a 2301  
participating public office or participating private party and 2302  
seeks employment with, licensure by, or approval for adoption by 2303  
another participating public office or participating private 2304  
party, the other participating public office or participating 2305  
private party shall reprint the individual. If an individual has 2306

been reprinted, the superintendent shall update that individual's 2307  
information accordingly. 2308

~~(E)~~(G) The bureau of criminal identification and 2309  
investigation ~~and the participating public office or participating~~ 2310  
~~private party~~ shall use information contained in the retained 2311  
applicant fingerprint database ~~and in the notice described in~~ 2312  
~~division (C) of this section~~ only for the purpose of ~~employment~~ 2313  
~~with, licensure by, or approval for adoption by the participating~~ 2314  
~~public office or participating private party~~ this section. This 2315  
information is otherwise confidential and not a public record 2316  
under section 149.43 of the Revised Code. 2317

~~(F)~~(H) The attorney general shall adopt rules in accordance 2318  
with Chapter 119. of the Revised Code governing the operation and 2319  
maintenance of the database. The rules shall provide for, but not 2320  
be limited to, both of the following: 2321

(1) The expungement or sealing of records of ~~individuals~~ the 2322  
following: 2323

(a) Individuals who are deceased ~~or~~; 2324

(b) Individuals who are no longer employed, granted 2325  
licensure, or approved for adoption by the participating public 2326  
office or participating private party that required submission of 2327  
the individual's fingerprints; 2328

(c) Individuals who are no longer independent providers. 2329

(2) The terms under which a public office or participating 2330  
private party may elect to receive notification under division 2331  
~~(C)~~(D) of this section, including payment of any reasonable fee 2332  
that may be charged for the purpose. 2333

~~(G)~~(I) No public office or employee of a public office shall 2334  
be considered negligent in a civil action solely because the 2335  
public office did not elect to be a participating public office. 2336

~~(H)~~(J)(1) No person shall knowingly use information contained 2337  
in or received from the retained applicant fingerprint database 2338  
for purposes not authorized by this section. 2339

(2) No person shall knowingly use information contained in or 2340  
received from the retained applicant fingerprint database with the 2341  
intent to harass or intimidate another person. 2342

(3) Whoever violates division ~~(H)~~(J)(1) or ~~(H)~~(J)(2) of this 2343  
section is guilty of unlawful use of retained applicant 2344  
fingerprint database records. A violation of division ~~(H)~~(J)(1) of 2345  
this section is a misdemeanor of the fourth degree. A violation of 2346  
division ~~(H)~~(J)(2) of this section is a misdemeanor of the first 2347  
degree. 2348

**Sec. 113.061.** The treasurer of state shall adopt rules in 2349  
accordance with Chapter 119. of the Revised Code governing the 2350  
remittance of taxes by electronic funds transfer as required under 2351  
sections 3769.103, 5718.051, 5726.03, 5727.311, 5727.83, 5733.022, 2352  
5735.062, 5736.04, 5739.032, 5745.04, 5747.072, 5749.06, and 2353  
5751.07 of the Revised Code and any other section of the Revised 2354  
Code under which a person is required to remit taxes by electronic 2355  
funds transfer. The rules shall govern the modes of electronic 2356  
funds transfer acceptable to the treasurer of state and under what 2357  
circumstances each mode is acceptable, the content and format of 2358  
electronic funds transfers, the coordination of payment by 2359  
electronic funds transfer and filing of associated tax reports and 2360  
returns, the remittance of taxes by means other than electronic 2361  
funds transfer by persons otherwise required to do so but relieved 2362  
of the requirement by the treasurer of state, and any other matter 2363  
that in the opinion of the treasurer of state facilitates payment 2364  
by electronic funds transfer in a manner consistent with those 2365  
sections. 2366

Upon failure by a person, if so required, to remit taxes by 2367

electronic funds transfer in the manner prescribed under section 2368  
3769.103, 5718.051, 5726.03, 5727.83, 5733.022, 5735.062, 5736.04, 2369  
5739.032, 5745.04, 5747.072, 5749.06, or 5751.07 of the Revised 2370  
Code and rules adopted under this section, the treasurer of state 2371  
shall notify the tax commissioner of such failure if the treasurer 2372  
of state determines that such failure was not due to reasonable 2373  
cause or was due to willful neglect, and shall provide the tax 2374  
commissioner with any information used in making that 2375  
determination. The tax commissioner may assess an additional 2376  
charge as specified in the respective section of the Revised Code 2377  
governing the requirement to remit taxes by electronic funds 2378  
transfer. 2379

The treasurer of state may implement means of acknowledging, 2380  
upon the request of a taxpayer, receipt of tax remittances made by 2381  
electronic funds transfer, and may adopt rules governing 2382  
acknowledgments. The cost of acknowledging receipt of electronic 2383  
remittances shall be paid by the person requesting acknowledgment. 2384

The treasurer of state, not the tax commissioner, is 2385  
responsible for resolving any problems involving electronic funds 2386  
transfer transmissions. 2387

**Sec. 119.06.** No adjudication order of an agency shall be 2388  
valid unless the agency is specifically authorized by law to make 2389  
such order. 2390

No adjudication order shall be valid unless an opportunity 2391  
for a hearing is afforded in accordance with sections 119.01 to 2392  
119.13 of the Revised Code. Such opportunity for a hearing shall 2393  
be given before making the adjudication order except in those 2394  
situations where this section provides otherwise. 2395

The following adjudication orders shall be effective without 2396  
a hearing: 2397

(A) Orders revoking a license in cases where an agency is required by statute to revoke a license pursuant to the judgment of a court;

(B) Orders suspending a license where a statute specifically permits the suspension of a license without a hearing;

(C) Orders or decisions of an authority within an agency if the rules of the agency or the statutes pertaining to such agency specifically give a right of appeal to a higher authority within such agency, to another agency, or to the board of tax appeals, and also give the appellant a right to a hearing on such appeal.

When a statute permits the suspension of a license without a prior hearing, any agency issuing an order pursuant to such statute shall afford the person to whom the order is issued a hearing upon request.

Whenever an agency claims that a person is required by statute to obtain a license, it shall afford a hearing upon the request of a person who claims that the law does not impose such a requirement.

Every agency shall afford a hearing upon the request of any person who has been refused admission to an examination where such examination is a prerequisite to the issuance of a license unless a hearing was held prior to such refusal.

Unless a hearing was held prior to the refusal to issue the license, every agency shall afford a hearing upon the request of a person whose application for a license has been rejected and to whom the agency has refused to issue a license, whether it is a renewal or a new license, except that the following are not required to afford a hearing to a person to whom a new license has been refused because the person failed a licensing examination: the state medical board, state chiropractic board, architects board, Ohio landscape architects board, and ~~any section of the~~

~~Ohio occupational therapy, physical therapy, and athletic trainers~~ 2429  
~~board the state physical health services board with respect to~~ 2430  
~~licenses issued under Chapter 4755. of the Revised Code.~~ 2431

When periodic registration of licenses is required by law, 2432  
the agency shall afford a hearing upon the request of any licensee 2433  
whose registration has been denied, unless a hearing was held 2434  
prior to such denial. 2435

When periodic registration of licenses or renewal of licenses 2436  
is required by law, a licensee who has filed an application for 2437  
registration or renewal within the time and in the manner provided 2438  
by statute or rule of the agency shall not be required to 2439  
discontinue a licensed business or profession merely because of 2440  
the failure of the agency to act on the licensee's application. 2441  
Action of an agency rejecting any such application shall not be 2442  
effective prior to fifteen days after notice of the rejection is 2443  
mailed to the licensee. 2444

**Sec. 120.08.** There is hereby created in the state treasury 2445  
the indigent defense support fund, consisting of money paid into 2446  
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 2447  
4511.19 of the Revised Code and pursuant to sections 2937.22, 2448  
2949.091, and 2949.094 of the Revised Code out of the additional 2449  
court costs imposed under those sections. The state public 2450  
defender shall use at least ~~eighty-eight~~ eighty-three per cent of 2451  
the money in the fund for the purposes of reimbursing county 2452  
governments for expenses incurred pursuant to sections 120.18, 2453  
120.28, and 120.33 of the Revised Code and operating its system 2454  
pursuant to division (C)(7) of section 120.04 of the Revised Code 2455  
and division (B) of section 120.33 of the Revised Code. 2456  
Disbursements from the fund to county governments shall be made at 2457  
least once per year and shall be allocated proportionately so that 2458  
each county receives an equal percentage of its total cost for 2459

operating its county public defender system, its joint county 2460  
public defender system, its county appointed counsel system, or 2461  
its system operated under division (C)(7) of section 120.04 of the 2462  
Revised Code and division (B) of section 120.33 of the Revised 2463  
Code. The state public defender may use not more than ~~twelve~~ 2464  
seventeen per cent of the money in the fund for the purposes of 2465  
appointing assistant state public defenders, providing other 2466  
personnel, equipment, and facilities necessary for the operation 2467  
of the state public defender office, and providing training, 2468  
developing and implementing electronic forms, or establishing and 2469  
maintaining an information technology system used for the uniform 2470  
operation of this chapter. 2471

**Sec. 120.33.** (A) In lieu of using a county public defender or 2472  
joint county public defender to represent indigent persons in the 2473  
proceedings set forth in division (A) of section 120.16 of the 2474  
Revised Code, the board of county commissioners of any county may 2475  
adopt a resolution to pay counsel who are either personally 2476  
selected by the indigent person or appointed by the court. The 2477  
resolution shall include those provisions the board of county 2478  
commissioners considers necessary to provide effective 2479  
representation of indigent persons in any proceeding for which 2480  
counsel is provided under this section. The resolution shall 2481  
include provisions for contracts with any municipal corporation 2482  
under which the municipal corporation shall reimburse the county 2483  
for counsel appointed to represent indigent persons charged with 2484  
violations of the ordinances of the municipal corporation. 2485

(1) In a county that adopts a resolution to pay counsel, an 2486  
indigent person shall have the right to do either of the 2487  
following: 2488

(a) To select the person's own personal counsel to represent 2489  
the person in any proceeding included within the provisions of the 2490

resolution; 2491

(b) To request the court to appoint counsel to represent the 2492  
person in such a proceeding. 2493

(2) The court having jurisdiction over the proceeding in a 2494  
county that adopts a resolution to pay counsel shall, after 2495  
determining that the person is indigent and entitled to legal 2496  
representation under this section, do either of the following: 2497

(a) By signed journal entry recorded on its docket, enter the 2498  
name of the lawyer selected by the indigent person as counsel of 2499  
record; 2500

(b) Appoint counsel for the indigent person if the person has 2501  
requested the court to appoint counsel and, by signed journal 2502  
entry recorded on its dockets, enter the name of the lawyer 2503  
appointed for the indigent person as counsel of record. 2504

(3) The board of county commissioners shall establish a 2505  
schedule of fees by case or on an hourly basis to be paid to 2506  
counsel for legal services provided pursuant to a resolution 2507  
adopted under this section. Prior to establishing the schedule, 2508  
the board of county commissioners shall request the bar 2509  
association or associations of the county to submit a proposed 2510  
schedule for cases other than capital cases. The schedule 2511  
submitted shall be subject to the review, amendment, and approval 2512  
of the board of county commissioners, except with respect to 2513  
capital cases. With respect to capital cases, the schedule shall 2514  
provide for fees by case or on an hourly basis to be paid to 2515  
counsel in the amount or at the rate set by the capital case 2516  
attorney fee council pursuant to division (D) of this section, and 2517  
the board of county commissioners shall approve that amount or 2518  
rate. 2519

(4) Counsel selected by the indigent person or appointed by 2520  
the court at the request of an indigent person in a county that 2521

adopts a resolution to pay counsel, except for counsel appointed 2522  
to represent a person charged with any violation of an ordinance 2523  
of a municipal corporation that has not contracted with the county 2524  
commissioners for the payment of appointed counsel, shall be paid 2525  
by the county and shall receive the compensation and expenses the 2526  
court approves. With respect to capital cases, the court shall 2527  
approve compensation and expenses in accordance with the amount or 2528  
at the rate set by the capital case attorney fee council pursuant 2529  
to division (D) of this section. Each request for payment shall ~~be~~ 2530  
~~accompanied by~~ include a financial disclosure form ~~and an~~ 2531  
~~affidavit of indigency that are~~ completed by the indigent person 2532  
on ~~forms~~ a form prescribed by the state public defender. 2533  
Compensation and expenses shall not exceed the amounts fixed by 2534  
the board of county commissioners in the schedule adopted pursuant 2535  
to division (A)(3) of this section. No court shall approve 2536  
compensation and expenses that exceed the amount fixed pursuant to 2537  
division (A)(3) of this section. 2538

The fees and expenses approved by the court shall not be 2539  
taxed as part of the costs and shall be paid by the county. 2540  
However, if the person represented has, or may reasonably be 2541  
expected to have, the means to meet some part of the cost of the 2542  
services rendered to the person, the person shall pay the county 2543  
an amount that the person reasonably can be expected to pay. 2544  
Pursuant to section 120.04 of the Revised Code, the county shall 2545  
pay to the state public defender a percentage of the payment 2546  
received from the person in an amount proportionate to the 2547  
percentage of the costs of the person's case that were paid to the 2548  
county by the state public defender pursuant to this section. The 2549  
money paid to the state public defender shall be credited to the 2550  
client payment fund created pursuant to division (B)(5) of section 2551  
120.04 of the Revised Code. 2552

The county auditor shall draw a warrant on the county 2553

treasurer for the payment of counsel in the amount fixed by the 2554  
court, plus the expenses the court fixes and certifies to the 2555  
auditor. The county auditor shall report periodically, but not 2556  
less than annually, to the board of county commissioners and to 2557  
the state public defender the amounts paid out pursuant to the 2558  
approval of the court. The board of county commissioners, after 2559  
review and approval of the auditor's report, or the county 2560  
auditor, with permission from and notice to the board of county 2561  
commissioners, may then certify it to the state public defender 2562  
for reimbursement. The state public defender may pay a requested 2563  
reimbursement only if the request for reimbursement ~~is accompanied~~ 2564  
~~by~~ includes a financial disclosure form ~~and an affidavit of~~ 2565  
~~indigency~~ completed by the indigent person on ~~forms~~ a form 2566  
prescribed by the state public defender or if the court certifies 2567  
by electronic signature as prescribed by the state public defender 2568  
that a financial disclosure form ~~and affidavit of indigency have~~ 2569  
has been completed by the indigent person and ~~are~~ is available for 2570  
inspection. If a request for the reimbursement of the cost of 2571  
counsel in any case is not received by the state public defender 2572  
within ninety days after the end of the calendar month in which 2573  
the case is finally disposed of by the court, unless the county 2574  
has requested and the state public defender has granted an 2575  
extension of the ninety-day limit, the state public defender shall 2576  
not pay the requested reimbursement. The state public defender 2577  
shall also review the report and, in accordance with the 2578  
standards, guidelines, and maximums established pursuant to 2579  
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 2580  
prepare a voucher for fifty per cent of the total cost of each 2581  
county appointed counsel system in the period of time covered by 2582  
the certified report and a voucher for fifty per cent of the costs 2583  
and expenses that are reimbursable under section 120.35 of the 2584  
Revised Code, if any, or, if the amount of money appropriated by 2585  
the general assembly to reimburse counties for the operation of 2586

county public defender offices, joint county public defender 2587  
offices, and county appointed counsel systems is not sufficient to 2588  
pay fifty per cent of the total cost of all of the offices and 2589  
systems other than costs and expenses that are reimbursable under 2590  
section 120.35 of the Revised Code, for the lesser amount required 2591  
by section 120.34 of the Revised Code. 2592

(5) If any county appointed counsel system fails to maintain 2593  
the standards for the conduct of the system established by the 2594  
rules of the Ohio public defender commission pursuant to divisions 2595  
(B) and (C) of section 120.03 or the standards established by the 2596  
state public defender pursuant to division (B)(7) of section 2597  
120.04 of the Revised Code, the Ohio public defender commission 2598  
shall notify the board of county commissioners of the county that 2599  
the county appointed counsel system has failed to comply with its 2600  
rules or the standards of the state public defender. Unless the 2601  
board of county commissioners corrects the conduct of its 2602  
appointed counsel system to comply with the rules and standards 2603  
within ninety days after the date of the notice, the state public 2604  
defender may deny all or part of the county's reimbursement from 2605  
the state provided for in division (A)(4) of this section. 2606

(B) In lieu of using a county public defender or joint county 2607  
public defender to represent indigent persons in the proceedings 2608  
set forth in division (A) of section 120.16 of the Revised Code, 2609  
and in lieu of adopting the resolution and following the procedure 2610  
described in division (A) of this section, the board of county 2611  
commissioners of any county may contract with the state public 2612  
defender for the state public defender's legal representation of 2613  
indigent persons. A contract entered into pursuant to this 2614  
division may provide for payment for the services provided on a 2615  
per case, hourly, or fixed contract basis. 2616

(C) If a court appoints an attorney pursuant to this section 2617  
to represent a petitioner in a postconviction relief proceeding 2618

under section 2953.21 of the Revised Code, the petitioner has 2619  
received a sentence of death, and the proceeding relates to that 2620  
sentence, the attorney who represents the petitioner in the 2621  
proceeding pursuant to the appointment shall be certified under 2622  
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 2623  
represent indigent defendants charged with or convicted of an 2624  
offense for which the death penalty can be or has been imposed. 2625

(D)(1) There is hereby created the capital case attorney fee 2626  
council, appointed as described in division (D)(2) of this 2627  
section. The council shall set an amount by case, or a rate on an 2628  
hourly basis, to be paid under this section to counsel in a 2629  
capital case. 2630

(2) The capital case attorney fee council shall consist of 2631  
five members, all of whom shall be active judges serving on one of 2632  
the district courts of appeals in this state. Terms for council 2633  
members shall be the lesser of three years or until the member 2634  
ceases to be an active judge of a district court of appeals. The 2635  
initial terms shall commence ninety days after ~~the effective date~~ 2636  
~~of this amendment~~ September 28, 2016. The chief justice of the 2637  
supreme court shall appoint the members of the council, and shall 2638  
make all of the appointments not later than sixty days after ~~the~~ 2639  
~~effective date of this amendment~~ September 28, 2016. When any 2640  
vacancy occurs, the chief justice shall appoint an active judge of 2641  
a district court of appeals in this state to fill the vacancy for 2642  
the unexpired term, in the same manner as prescribed in this 2643  
division. The chief justice shall designate a chairperson from the 2644  
appointed members of the council. Members of the council shall 2645  
receive no additional compensation for their service as a member, 2646  
but may be reimbursed for expenses reasonably incurred in service 2647  
to the council, to be paid by the supreme court. The supreme court 2648  
may provide administrative support to the council. 2649

(3) The capital case attorney fee council initially shall 2650

meet not later than one hundred twenty days after ~~the effective~~ 2651  
~~date of this amendment~~ September 28, 2016. Thereafter, the council 2652  
shall meet not less than annually. 2653

(4) Upon setting the amount or rate described in division 2654  
(D)(1) of this section, the chairperson of the capital case 2655  
attorney fee council promptly shall provide written notice to the 2656  
state public defender of the amount or rate so set. The amount or 2657  
rate so set shall become effective ninety days after the date on 2658  
which the chairperson provides that written notice to the state 2659  
public defender. The council shall specify that effective date in 2660  
the written notice provided to the state public defender. All 2661  
amounts or rates set by the council shall be final, subject to 2662  
modification as described in division (D)(5) of this section, and 2663  
not subject to appeal. 2664

(5) The capital case attorney fee council may modify an 2665  
amount or rate set as described in division (D)(4) of this 2666  
section. The provisions of that division apply with respect to any 2667  
such modification of an amount or rate. 2668

**Sec. 120.36.** (A)(1) Subject to division (A)(2), (3), (4), 2669  
(5), or (6) of this section, if a person who is a defendant in a 2670  
criminal case or a party in a case in juvenile court requests or 2671  
is provided a state public defender, a county or joint county 2672  
public defender, or any other counsel appointed by the court, the 2673  
court in which the criminal case is initially filed or the 2674  
juvenile court, whichever is applicable, shall assess, unless the 2675  
application fee is waived or reduced, a non-refundable application 2676  
fee of twenty-five dollars. 2677

The court shall direct the person to pay the application fee 2678  
to the clerk of court. The person shall pay the application fee to 2679  
the clerk of court at the time the person files ~~an affidavit of~~ 2680  
~~indigency or~~ a financial disclosure form with the court, a state 2681

public defender, a county or joint county public defender, or any 2682  
other counsel appointed by the court or within seven days of that 2683  
date. If the person does not pay the application fee within that 2684  
seven-day period, the court shall assess the application fee at 2685  
sentencing or at the final disposition of the case. 2686

(2) For purposes of this section, a criminal case includes 2687  
any case involving a violation of any provision of the Revised 2688  
Code or of an ordinance of a municipal corporation for which the 2689  
potential penalty includes loss of liberty and includes any 2690  
contempt proceeding in which a court may impose a term of 2691  
imprisonment. 2692

(3) In a juvenile court proceeding, the court shall not 2693  
assess the application fee against a child if the court appoints a 2694  
guardian ad litem for the child or the court appoints an attorney 2695  
to represent the child at the request of a guardian ad litem. 2696

(4) The court shall not assess an application fee for a 2697  
postconviction proceeding or when the defendant files an appeal. 2698

(5)(a) Except when the court assesses an application fee 2699  
pursuant to division (A)(5)(b) of this section, the court shall 2700  
assess an application fee when a person is charged with a 2701  
violation of a community control sanction or a violation of a 2702  
post-release control sanction. 2703

(b) If a charge of violating a community control sanction or 2704  
post-release control sanction described in division (A)(5)(a) of 2705  
this section results in a person also being charged with violating 2706  
any provision of the Revised Code or an ordinance of a municipal 2707  
corporation, the court shall only assess an application fee for 2708  
the case that results from the additional charge. 2709

(6) If a case is transferred from one court to another court 2710  
and the person failed to pay the application fee to the court that 2711  
initially assessed the application fee, the court that initially 2712

assessed the fee shall remove the assessment, and the court to 2713  
which the case was transferred shall assess the application fee. 2714

(7) The court shall assess an application fee pursuant to 2715  
this section one time per case. For purposes of assessing the 2716  
application fee, a case means one complete proceeding or trial 2717  
held in one court for a person on an indictment, information, 2718  
complaint, petition, citation, writ, motion, or other document 2719  
initiating a case that arises out of a single incident or a series 2720  
of related incidents, or when one individual is charged with two 2721  
or more offenses that the court handles simultaneously. The court 2722  
may waive or reduce the fee for a specific person in a specific 2723  
case upon a finding that the person lacks financial resources that 2724  
are sufficient to pay the fee or that payment of the fee would 2725  
result in an undue hardship. 2726

(B) No court, state public defender, county or joint county 2727  
public defender, or other counsel appointed by the court shall 2728  
deny a person the assistance of counsel solely due to the person's 2729  
failure to pay the application fee assessed pursuant to division 2730  
(A) of this section. A person's present inability, failure, or 2731  
refusal to pay the application fee shall not disqualify that 2732  
person from legal representation. 2733

(C) The application fee assessed pursuant to division (A) of 2734  
this section is separate from and in addition to any other amount 2735  
assessed against a person who is found to be able to contribute 2736  
toward the cost of the person's legal representation pursuant to 2737  
division (D) of section 2941.51 of the Revised Code. 2738

(D) The clerk of the court that assessed the fees shall 2739  
forward all application fees collected pursuant to this section to 2740  
the county treasurer for deposit in the county treasury. The 2741  
county shall retain eighty per cent of the application fees so 2742  
collected to offset the costs of providing legal representation to 2743  
indigent persons. Not later than the last day of each month, the 2744

county auditor shall remit twenty per cent of the application fees 2745  
so collected in the previous month to the state public defender. 2746  
The state public defender shall deposit the remitted fees into the 2747  
state treasury to the credit of the client payment fund created 2748  
pursuant to division (B)(5) of section 120.04 of the Revised Code. 2749  
The state public defender may use that money in accordance with 2750  
that section. 2751

(E) On or before the twentieth day of each month beginning in 2752  
February of the year 2007, each clerk of court shall provide to 2753  
the state public defender a report including all of the following: 2754

(1) The number of persons in the previous month who requested 2755  
or were provided a state public defender, county or joint county 2756  
public defender, or other counsel appointed by the court; 2757

(2) The number of persons in the previous month for whom the 2758  
court waived the application fee pursuant to division (A) of this 2759  
section; 2760

(3) The dollar value of the application fees assessed 2761  
pursuant to division (A) of this section in the previous month; 2762

(4) The amount of assessed application fees collected in the 2763  
previous month; 2764

(5) The balance of unpaid assessed application fees at the 2765  
open and close of the previous month. 2766

(F) As used in this section: 2767

(1) "Clerk of court" means the clerk of the court of common 2768  
pleas of the county, the clerk of the juvenile court of the 2769  
county, the clerk of the domestic relations division of the court 2770  
of common pleas of the county, the clerk of the probate court of 2771  
the county, the clerk of a municipal court in the county, the 2772  
clerk of a county-operated municipal court, or the clerk of a 2773  
county court in the county, whichever is applicable. 2774

(2) "County-operated municipal court" has the same meaning as 2775  
in section 1901.03 of the Revised Code. 2776

**Sec. 121.22.** (A) This section shall be liberally construed to 2777  
require public officials to take official action and to conduct 2778  
all deliberations upon official business only in open meetings 2779  
unless the subject matter is specifically excepted by law. 2780

(B) As used in this section: 2781

(1) "Public body" means any of the following: 2782

(a) Any board, commission, committee, council, or similar 2783  
decision-making body of a state agency, institution, or authority, 2784  
and any legislative authority or board, commission, committee, 2785  
council, agency, authority, or similar decision-making body of any 2786  
county, township, municipal corporation, school district, or other 2787  
political subdivision or local public institution; 2788

(b) Any committee or subcommittee of a body described in 2789  
division (B)(1)(a) of this section; 2790

(c) A court of jurisdiction of a sanitary district organized 2791  
wholly for the purpose of providing a water supply for domestic, 2792  
municipal, and public use when meeting for the purpose of the 2793  
appointment, removal, or reappointment of a member of the board of 2794  
directors of such a district pursuant to section 6115.10 of the 2795  
Revised Code, if applicable, or for any other matter related to 2796  
such a district other than litigation involving the district. As 2797  
used in division (B)(1)(c) of this section, "court of 2798  
jurisdiction" has the same meaning as "court" in section 6115.01 2799  
of the Revised Code. 2800

(2) "Meeting" means any prearranged discussion of the public 2801  
business of the public body by a majority of its members. 2802

(3) "Regulated individual" means either of the following: 2803

(a) A student in a state or local public educational 2804

institution; 2805

(b) A person who is, voluntarily or involuntarily, an inmate, 2806  
patient, or resident of a state or local institution because of 2807  
criminal behavior, mental illness, an intellectual disability, 2808  
disease, disability, age, or other condition requiring custodial 2809  
care. 2810

(4) "Public office" has the same meaning as in section 2811  
149.011 of the Revised Code. 2812

(C) All meetings of any public body are declared to be public 2813  
meetings open to the public at all times. A member of a public 2814  
body shall be present in person at a meeting open to the public to 2815  
be considered present or to vote at the meeting and for purposes 2816  
of determining whether a quorum is present at the meeting. 2817

The minutes of a regular or special meeting of any public 2818  
body shall be promptly prepared, filed, and maintained and shall 2819  
be open to public inspection. The minutes need only reflect the 2820  
general subject matter of discussions in executive sessions 2821  
authorized under division (G) or (J) of this section. 2822

(D) This section does not apply to any of the following: 2823

(1) A grand jury; 2824

(2) An audit conference conducted by the auditor of state or 2825  
independent certified public accountants with officials of the 2826  
public office that is the subject of the audit; 2827

(3) The adult parole authority when its hearings are 2828  
conducted at a correctional institution for the sole purpose of 2829  
interviewing inmates to determine parole or pardon; 2830

(4) The organized crime investigations commission established 2831  
under section 177.01 of the Revised Code; 2832

(5) Meetings of a child fatality review board established 2833  
under section 307.621 of the Revised Code, meetings related to a 2834

review conducted pursuant to guidelines established by the 2835  
director of health under section 3701.70 of the Revised Code, and 2836  
meetings conducted pursuant to sections 5153.171 to 5153.173 of 2837  
the Revised Code; 2838

(6) The state medical board when determining whether to 2839  
suspend a certificate without a prior hearing pursuant to division 2840  
(G) of either section 4730.25 or 4731.22 of the Revised Code; 2841

(7) The board of nursing when determining whether to suspend 2842  
a license or certificate without a prior hearing pursuant to 2843  
division (B) of section 4723.281 of the Revised Code; 2844

(8) The state board of pharmacy when determining whether to 2845  
suspend a license without a prior hearing pursuant to division (D) 2846  
of section 4729.16 of the Revised Code; 2847

(9) The state chiropractic board when determining whether to 2848  
suspend a license without a hearing pursuant to section 4734.37 of 2849  
the Revised Code; 2850

(10) The executive committee of the emergency response 2851  
commission when determining whether to issue an enforcement order 2852  
or request that a civil action, civil penalty action, or criminal 2853  
action be brought to enforce Chapter 3750. of the Revised Code; 2854

(11) The board of directors of the nonprofit corporation 2855  
formed under section 187.01 of the Revised Code or any committee 2856  
thereof, and the board of directors of any subsidiary of that 2857  
corporation or a committee thereof; 2858

(12) An audit conference conducted by the audit staff of the 2859  
department of job and family services with officials of the public 2860  
office that is the subject of that audit under section 5101.37 of 2861  
the Revised Code; 2862

(13) The occupational therapy section of the occupational 2863  
therapy, physical therapy, and athletic trainers board when 2864

determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code;	2865 2866 2867
(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.47 of the Revised Code;	2868 2869 2870 2871
(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (D) of section 4755.64 of the Revised Code;	2872 2873 2874 2875
<u>(16) Meetings of a drug overdose fatality review committee established under section 307.631 of the Revised Code.</u>	2876 2877
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	2878 2879 2880 2881 2882 2883 2884 2885 2886
(1) Marketing plans;	2887
(2) Specific business strategy;	2888
(3) Production techniques and trade secrets;	2889
(4) Financial projections;	2890
(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.	2891 2892 2893 2894

The vote by the authority or board to accept or reject the application, as well as all proceedings of the authority or board not subject to this division, shall be open to the public and governed by this section.

(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

(G) Except as provided in divisions (G)(8) and (J) of this section, the members of a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official,

licensee, or regulated individual requests a public hearing. 2927  
Except as otherwise provided by law, no public body shall hold an 2928  
executive session for the discipline of an elected official for 2929  
conduct related to the performance of the elected official's 2930  
official duties or for the elected official's removal from office. 2931  
If a public body holds an executive session pursuant to division 2932  
(G)(1) of this section, the motion and vote to hold that executive 2933  
session shall state which one or more of the approved purposes 2934  
listed in division (G)(1) of this section are the purposes for 2935  
which the executive session is to be held, but need not include 2936  
the name of any person to be considered at the meeting. 2937

(2) To consider the purchase of property for public purposes, 2938  
the sale of property at competitive bidding, or the sale or other 2939  
disposition of unneeded, obsolete, or unfit-for-use property in 2940  
accordance with section 505.10 of the Revised Code, if premature 2941  
disclosure of information would give an unfair competitive or 2942  
bargaining advantage to a person whose personal, private interest 2943  
is adverse to the general public interest. No member of a public 2944  
body shall use division (G)(2) of this section as a subterfuge for 2945  
providing covert information to prospective buyers or sellers. A 2946  
purchase or sale of public property is void if the seller or buyer 2947  
of the public property has received covert information from a 2948  
member of a public body that has not been disclosed to the general 2949  
public in sufficient time for other prospective buyers and sellers 2950  
to prepare and submit offers. 2951

If the minutes of the public body show that all meetings and 2952  
deliberations of the public body have been conducted in compliance 2953  
with this section, any instrument executed by the public body 2954  
purporting to convey, lease, or otherwise dispose of any right, 2955  
title, or interest in any public property shall be conclusively 2956  
presumed to have been executed in compliance with this section 2957  
insofar as title or other interest of any bona fide purchasers, 2958

lessees, or transferees of the property is concerned.	2959
(3) Conferences with an attorney for the public body	2960
concerning disputes involving the public body that are the subject	2961
of pending or imminent court action;	2962
(4) Preparing for, conducting, or reviewing negotiations or	2963
bargaining sessions with public employees concerning their	2964
compensation or other terms and conditions of their employment;	2965
(5) Matters required to be kept confidential by federal law	2966
or regulations or state statutes;	2967
(6) Details relative to the security arrangements and	2968
emergency response protocols for a public body or a public office,	2969
if disclosure of the matters discussed could reasonably be	2970
expected to jeopardize the security of the public body or public	2971
office;	2972
(7) In the case of a county hospital operated pursuant to	2973
Chapter 339. of the Revised Code, a joint township hospital	2974
operated pursuant to Chapter 513. of the Revised Code, or a	2975
municipal hospital operated pursuant to Chapter 749. of the	2976
Revised Code, to consider trade secrets, as defined in section	2977
1333.61 of the Revised Code;	2978
(8) To consider confidential information related to the	2979
marketing plans, specific business strategy, production	2980
techniques, trade secrets, or personal financial statements of an	2981
applicant for economic development assistance, or to negotiations	2982
with other political subdivisions respecting requests for economic	2983
development assistance, provided that both of the following	2984
conditions apply:	2985
(a) The information is directly related to a request for	2986
economic development assistance that is to be provided or	2987
administered under any provision of Chapter 715., 725., 1724., or	2988
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43,	2989

5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 2990  
the Revised Code, or that involves public infrastructure 2991  
improvements or the extension of utility services that are 2992  
directly related to an economic development project. 2993

(b) A unanimous quorum of the public body determines, by a 2994  
roll call vote, that the executive session is necessary to protect 2995  
the interests of the applicant or the possible investment or 2996  
expenditure of public funds to be made in connection with the 2997  
economic development project. 2998

If a public body holds an executive session to consider any 2999  
of the matters listed in divisions (G)(2) to (8) of this section, 3000  
the motion and vote to hold that executive session shall state 3001  
which one or more of the approved matters listed in those 3002  
divisions are to be considered at the executive session. 3003

A public body specified in division (B)(1)(c) of this section 3004  
shall not hold an executive session when meeting for the purposes 3005  
specified in that division. 3006

(H) A resolution, rule, or formal action of any kind is 3007  
invalid unless adopted in an open meeting of the public body. A 3008  
resolution, rule, or formal action adopted in an open meeting that 3009  
results from deliberations in a meeting not open to the public is 3010  
invalid unless the deliberations were for a purpose specifically 3011  
authorized in division (G) or (J) of this section and conducted at 3012  
an executive session held in compliance with this section. A 3013  
resolution, rule, or formal action adopted in an open meeting is 3014  
invalid if the public body that adopted the resolution, rule, or 3015  
formal action violated division (F) of this section. 3016

(I)(1) Any person may bring an action to enforce this 3017  
section. An action under division (I)(1) of this section shall be 3018  
brought within two years after the date of the alleged violation 3019  
or threatened violation. Upon proof of a violation or threatened 3020

violation of this section in an action brought by any person, the 3021  
court of common pleas shall issue an injunction to compel the 3022  
members of the public body to comply with its provisions. 3023

(2)(a) If the court of common pleas issues an injunction 3024  
pursuant to division (I)(1) of this section, the court shall order 3025  
the public body that it enjoins to pay a civil forfeiture of five 3026  
hundred dollars to the party that sought the injunction and shall 3027  
award to that party all court costs and, subject to reduction as 3028  
described in division (I)(2) of this section, reasonable 3029  
attorney's fees. The court, in its discretion, may reduce an award 3030  
of attorney's fees to the party that sought the injunction or not 3031  
award attorney's fees to that party if the court determines both 3032  
of the following: 3033

(i) That, based on the ordinary application of statutory law 3034  
and case law as it existed at the time of violation or threatened 3035  
violation that was the basis of the injunction, a well-informed 3036  
public body reasonably would believe that the public body was not 3037  
violating or threatening to violate this section; 3038

(ii) That a well-informed public body reasonably would 3039  
believe that the conduct or threatened conduct that was the basis 3040  
of the injunction would serve the public policy that underlies the 3041  
authority that is asserted as permitting that conduct or 3042  
threatened conduct. 3043

(b) If the court of common pleas does not issue an injunction 3044  
pursuant to division (I)(1) of this section and the court 3045  
determines at that time that the bringing of the action was 3046  
frivolous conduct, as defined in division (A) of section 2323.51 3047  
of the Revised Code, the court shall award to the public body all 3048  
court costs and reasonable attorney's fees, as determined by the 3049  
court. 3050

(3) Irreparable harm and prejudice to the party that sought 3051

the injunction shall be conclusively and irrebuttably presumed 3052  
upon proof of a violation or threatened violation of this section. 3053

(4) A member of a public body who knowingly violates an 3054  
injunction issued pursuant to division (I)(1) of this section may 3055  
be removed from office by an action brought in the court of common 3056  
pleas for that purpose by the prosecuting attorney or the attorney 3057  
general. 3058

(J)(1) Pursuant to division (C) of section 5901.09 of the 3059  
Revised Code, a veterans service commission shall hold an 3060  
executive session for one or more of the following purposes unless 3061  
an applicant requests a public hearing: 3062

(a) Interviewing an applicant for financial assistance under 3063  
sections 5901.01 to 5901.15 of the Revised Code; 3064

(b) Discussing applications, statements, and other documents 3065  
described in division (B) of section 5901.09 of the Revised Code; 3066

(c) Reviewing matters relating to an applicant's request for 3067  
financial assistance under sections 5901.01 to 5901.15 of the 3068  
Revised Code. 3069

(2) A veterans service commission shall not exclude an 3070  
applicant for, recipient of, or former recipient of financial 3071  
assistance under sections 5901.01 to 5901.15 of the Revised Code, 3072  
and shall not exclude representatives selected by the applicant, 3073  
recipient, or former recipient, from a meeting that the commission 3074  
conducts as an executive session that pertains to the applicant's, 3075  
recipient's, or former recipient's application for financial 3076  
assistance. 3077

(3) A veterans service commission shall vote on the grant or 3078  
denial of financial assistance under sections 5901.01 to 5901.15 3079  
of the Revised Code only in an open meeting of the commission. The 3080  
minutes of the meeting shall indicate the name, address, and 3081  
occupation of the applicant, whether the assistance was granted or 3082

denied, the amount of the assistance if assistance is granted, and 3083  
the votes for and against the granting of assistance. 3084

**Sec. 122.071.** (A) The TourismOhio advisory board is hereby 3085  
established to advise the director of development services and the 3086  
director of the office of TourismOhio on strategies for promoting 3087  
tourism in this state. The board shall consist of the chief 3088  
investment officer of the nonprofit corporation formed under 3089  
section 187.01 of the Revised Code or the chief investment 3090  
officer's designee, the director of the office of TourismOhio, and 3091  
nine members to be appointed by the governor as provided in 3092  
division (B) of this section. All members of the board, except the 3093  
director of the office of TourismOhio, shall be voting members. 3094

(B)(1) The governor shall, within sixty days after ~~the~~ 3095  
~~effective date of this section~~ September 28, 2012, appoint to the 3096  
TourismOhio advisory board one individual who is a representative 3097  
of convention and visitors' bureaus, one individual who is a 3098  
representative of the lodging industry, one individual who is a 3099  
representative of the restaurant industry, one individual who is a 3100  
representative of attractions, one individual who is a 3101  
representative of special events and festivals, one individual who 3102  
is a representative of agritourism, and three individuals who are 3103  
representatives of the tourism industry. Of the initial 3104  
appointments, two individuals shall serve a term of one year, 3105  
three individuals shall serve a term of two years, and the 3106  
remainder shall serve a term of three years. Thereafter, terms of 3107  
office shall be for three years. Each individual appointed to the 3108  
board shall be a United States citizen. 3109

(2) For purposes of division (B)(1) of this section, an 3110  
individual is a "representative of the tourism industry" if the 3111  
individual possesses five years or more executive-level experience 3112  
in the attractions, lodging, restaurant, transportation, or retail 3113

industry or five years or more executive-level experience with a destination marketing organization.

(C)(1) Each member of the TourismOhio advisory board shall hold office from the date of the member's appointment until the end of the term for which the member is appointed. Vacancies that occur on the board shall be filled in the manner prescribed for regular appointments to the board. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that predecessor's term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until sixty days have elapsed, whichever occurs first. Any member appointed to the board is eligible for reappointment.

(2) The governor shall designate one member of the board as chairperson.

(3) Members appointed to the board may be reimbursed for actual and necessary expenses incurred in connection with their official duties.

**Sec. 122.08.** (A) There is hereby created within the ~~department of development~~ services agency an office to be known as the office of small business and entrepreneurship. The office shall be under the supervision of a manager appointed by the director of development services.

(B) The office shall do all of the following:

(1) Act as liaison between the small business community and state governmental agencies;

(2) Furnish information and technical assistance to persons and small businesses concerning the establishment and maintenance of a small business, and concerning state laws and rules relevant

to the operation of a small business. In conjunction with these 3144  
duties, the office ~~shall keep a record of all proposed and~~ 3145  
~~currently effective state agency rules affecting small businesses,~~ 3146  
and may testify before the joint committee on agency rule review 3147  
concerning any proposed rule affecting small businesses. 3148

(3) Prepare and publish the small business register under 3149  
section 122.081 of the Revised Code; 3150

~~(4) Receive complaints from small businesses concerning~~ 3151  
~~governmental activity, compile and analyze those complaints, and~~ 3152  
~~periodically~~ Periodically make recommendations to the governor and 3153  
the general assembly on changes in state laws or agency rules 3154  
needed to eliminate burdensome and unproductive governmental 3155  
regulation to improve the economic climate within which small 3156  
businesses operate; 3157

(5) Receive complaints or questions from small businesses and 3158  
direct those businesses to the appropriate governmental agency. 3159  
If, within a reasonable period of time, a complaint is not 3160  
satisfactorily resolved or a question is not satisfactorily 3161  
answered, the office shall, on behalf of the small business, make 3162  
every effort to secure a satisfactory result. For this purpose, 3163  
the office may consult with any state governmental agency and may 3164  
make any suggestion or request that seems appropriate. 3165

(6) Utilize, to the maximum extent possible, the printed and 3166  
electronic media to disseminate information of current concern and 3167  
interest to the small business community and to make known to 3168  
small businesses the services available through the office. The 3169  
office shall publish such books, pamphlets, and other printed 3170  
materials, and shall participate in such trade association 3171  
meetings, conventions, fairs, and other meetings involving the 3172  
small business community, as the manager considers appropriate. 3173

(7) Prepare a description of the activities of the office for 3174

inclusion in the ~~department of development's~~ development services 3175  
agency's annual report to the governor and general assembly, ~~a~~ 3176  
~~description of the activities of the office and a report of the~~ 3177  
~~number of rules affecting small businesses that were recorded by~~ 3178  
~~the office during the preceding calendar year;~~ 3179

(8) Operate the Ohio first-stop business connection to assist 3180  
individuals in identifying and preparing applications for business 3181  
licenses, permits, and certificates and to serve as ~~the central~~ a 3182  
public distributor for all forms, applications, and other 3183  
information related to business licensing. Each state agency, 3184  
board, and commission shall cooperate in providing assistance, 3185  
information, and materials to enable the connection to perform its 3186  
duties under this division. 3187

(9) Provide information to individuals about the resources 3188  
available on the OhioMeansJobs web site and through the local 3189  
OhioMeansJobs one-stop systems established under section 6301.08 3190  
of the Revised Code that connect businesses with job seekers. As 3191  
used in this division, "OhioMeansJobs" has the same meaning as in 3192  
section 6301.01 of the Revised Code. 3193

(C) The office may, upon the request of a state agency, 3194  
assist the agency with the preparation of any rule that will 3195  
affect small businesses. 3196

(D) The director of development services shall assign 3197  
employees and furnish equipment and supplies to the office as the 3198  
director considers necessary for the proper performance of the 3199  
duties assigned to the office. 3200

**Sec. 122.081.** (A) The office of small business and 3201  
entrepreneurship in the ~~department of development~~ services agency 3202  
shall prepare and publish a "small business register" or contract 3203  
with any person as provided in this section to prepare and publish 3204  
the register. The small business register shall contain the 3205

following information regarding each proposed rule recorded by the 3206  
office of small business and entrepreneurship: 3207

(1) The title and administrative code rule number of the 3208  
proposed rule; 3209

(2) A brief summary of the proposed rule; 3210

(3) The date on which the proposed rule was recorded by the 3211  
office of small business and entrepreneurship; and 3212

(4) The name, address, and telephone number of an individual 3213  
or office within the agency that proposed the rule who can provide 3214  
information about the proposed rule. 3215

(B) The small business register shall be published on a 3216  
weekly basis. The information required under division (A) of this 3217  
section shall be published in the register no later than two weeks 3218  
after the proposed rule to which the information relates is 3219  
recorded by the office of small business and entrepreneurship. The 3220  
office of ~~small business~~ shall furnish the small business 3221  
register, on a single copy or subscription basis, to any person 3222  
who requests it and pays a single copy price or subscription rate 3223  
fixed by the office. The office shall furnish the chairpersons of 3224  
the standing committees of the senate and house of representatives 3225  
having jurisdiction over small businesses with free subscriptions 3226  
to the small business register. 3227

(C) Upon the request of the office of small business and 3228  
entrepreneurship, the director of administrative services shall, 3229  
in accordance with the competitive selection procedure of Chapter 3230  
125. of the Revised Code, let a contract for the compilation, 3231  
printing, and distribution of the small business register. 3232

(D) The office of small business and entrepreneurship shall 3233  
adopt, and may amend or rescind, in accordance with Chapter 119. 3234  
of the Revised Code, such rules as are necessary to enable it to 3235  
properly carry out this section. 3236

**Sec. 122.17.** (A) As used in this section: 3237

(1) "Payroll" means the total taxable income paid by the 3238  
employer during the employer's taxable year, or during the 3239  
calendar year that includes the employer's tax period, to each 3240  
employee or each home-based employee employed in the project to 3241  
the extent such payroll is not used to determine the credit under 3242  
section 122.171 of the Revised Code. "Payroll" excludes amounts 3243  
paid before the day the taxpayer becomes eligible for the credit 3244  
and retirement or other benefits paid or contributed by the 3245  
employer to or on behalf of employees. 3246

(2) "Baseline payroll" means Ohio employee payroll, except 3247  
that the applicable measurement period is the twelve months 3248  
immediately preceding the date the tax credit authority approves 3249  
the taxpayer's application or the date the tax credit authority 3250  
receives the recommendation described in division (C)(2)(a) of 3251  
this section, whichever occurs first, multiplied by the sum of one 3252  
plus an annual pay increase factor to be determined by the tax 3253  
credit authority. 3254

(3) "Ohio employee payroll" means the amount of compensation 3255  
used to determine the withholding obligations in division (A) of 3256  
section 5747.06 of the Revised Code and paid by the employer 3257  
during the employer's taxable year, or during the calendar year 3258  
that includes the employer's tax period, to each employee employed 3259  
in the project who is a resident of this state, as defined in 3260  
section 5747.01 of the Revised Code, to each employee employed at 3261  
the project site who is not a resident and whose compensation is 3262  
not exempt from the tax imposed under section 5747.02 of the 3263  
Revised Code pursuant to a reciprocity agreement with another 3264  
state under division (A)(3) of section 5747.05 of the Revised 3265  
Code, or to each home-based employee employed in the project, to 3266  
the extent such compensation is not used to determine the credit 3267

under section 122.171 of the Revised Code. "Ohio employee payroll" 3268  
excludes amounts paid before the day the taxpayer becomes eligible 3269  
for the credit. 3270

(4) "Excess payroll" means Ohio employee payroll minus 3271  
baseline payroll. 3272

(5) "Home-based employee" means an employee whose services 3273  
are performed primarily from the employee's residence in this 3274  
state exclusively for the benefit of the project and whose rate of 3275  
pay is at least one hundred thirty-one per cent of the federal 3276  
minimum wage under 29 U.S.C. 206. 3277

(6) "Full-time equivalent employees" means the quotient 3278  
obtained by dividing the total number of hours for which employees 3279  
were compensated for employment in the project by two thousand 3280  
eighty. "Full-time equivalent employees" excludes hours that are 3281  
counted for a credit under section 122.171 of the Revised Code. 3282

(7) "Metric evaluation date" means the date by which the 3283  
taxpayer must meet all of the commitments included in the 3284  
agreement. 3285

(B) The tax credit authority may make grants under this 3286  
section to foster job creation in this state. Such a grant shall 3287  
take the form of a refundable credit allowed against the tax 3288  
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 3289  
5747.02 or levied under Chapter 5751. of the Revised Code. The 3290  
credit shall be claimed for the taxable years or tax periods 3291  
specified in the taxpayer's agreement with the tax credit 3292  
authority under division (D) of this section. With respect to 3293  
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 3294  
Chapter 5751. of the Revised Code, the credit shall be claimed in 3295  
the order required under section 5726.98, 5733.98, 5747.98, or 3296  
5751.98 of the Revised Code. The amount of the credit available 3297  
for a taxable year or for a calendar year that includes a tax 3298

period equals the excess payroll for that year multiplied by the 3299  
percentage specified in the agreement with the tax credit 3300  
authority. 3301

(C)(1) A taxpayer or potential taxpayer who proposes a 3302  
project to create new jobs in this state may apply to the tax 3303  
credit authority to enter into an agreement for a tax credit under 3304  
this section. 3305

An application shall not propose to include both home-based 3306  
employees and employees who are not home-based employees in the 3307  
computation of Ohio employee payroll for the purposes of the same 3308  
tax credit agreement. If a taxpayer or potential taxpayer employs 3309  
both home-based employees and employees who are not home-based 3310  
employees in a project, the taxpayer shall submit separate 3311  
applications for separate tax credit agreements for the project, 3312  
one of which shall include home-based employees in the computation 3313  
of Ohio employee payroll and one of which shall include all other 3314  
employees in the computation of Ohio employee payroll. 3315

The director of development services shall prescribe the form 3316  
of the application. After receipt of an application, the authority 3317  
may enter into an agreement with the taxpayer for a credit under 3318  
this section if it determines all of the following: 3319

(a) The taxpayer's project will increase payroll; 3320

(b) The taxpayer's project is economically sound and will 3321  
benefit the people of this state by increasing opportunities for 3322  
employment and strengthening the economy of this state; 3323

(c) Receiving the tax credit is a major factor in the 3324  
taxpayer's decision to go forward with the project. 3325

(2)(a) A taxpayer that chooses to begin the project prior to 3326  
receiving the determination of the authority may, upon submitting 3327  
the taxpayer's application to the authority, request that the 3328  
chief investment officer of the nonprofit corporation formed under 3329

section 187.01 of the Revised Code and the director review the 3330  
taxpayer's application and recommend to the authority that the 3331  
taxpayer's application be considered. As soon as possible after 3332  
receiving such a request, the chief investment officer and the 3333  
director shall review the taxpayer's application and, if they 3334  
determine that the application warrants consideration by the 3335  
authority, make that recommendation to the authority not later 3336  
than six months after the application is received by the 3337  
authority. 3338

(b) The authority shall consider any taxpayer's application 3339  
for which it receives a recommendation under division (C)(2)(a) of 3340  
this section. If the authority determines that the taxpayer does 3341  
not meet all of the criteria set forth in division (C)(1) of this 3342  
section, the authority and the development services agency shall 3343  
proceed in accordance with rules adopted by the director pursuant 3344  
to division (I) of this section. 3345

(D) An agreement under this section shall include all of the 3346  
following: 3347

(1) A detailed description of the project that is the subject 3348  
of the agreement; 3349

(2)(a) The term of the tax credit, which, except as provided 3350  
in division (D)(2)(b) of this section, shall not exceed fifteen 3351  
years, and the first taxable year, or first calendar year that 3352  
includes a tax period, for which the credit may be claimed; 3353

(b) If the tax credit is computed on the basis of home-based 3354  
employees, the term of the credit shall expire on or before the 3355  
last day of the taxable or calendar year ending before the 3356  
beginning of the seventh year after September 6, 2012, the 3357  
effective date of H.B. 327 of the 129th general assembly. 3358

(3) A requirement that the taxpayer shall maintain operations 3359  
at the project location for at least the greater of seven years or 3360

the term of the credit plus three years; 3361

(4) The percentage, as determined by the tax credit 3362  
authority, of excess payroll that will be allowed as the amount of 3363  
the credit for each taxable year or for each calendar year that 3364  
includes a tax period; 3365

(5) The pay increase factor to be applied to the taxpayer's 3366  
baseline payroll; 3367

(6) A requirement that the taxpayer annually shall report to 3368  
the director of development services full-time equivalent 3369  
employees, payroll, Ohio employee payroll, investment, the 3370  
provision of health care benefits and tuition reimbursement if 3371  
required in the agreement, and other information the director 3372  
needs to perform the director's duties under this section; 3373

(7) A requirement that the director of development services 3374  
annually review the information reported under division (D)(6) of 3375  
this section and verify compliance with the agreement; if the 3376  
taxpayer is in compliance, a requirement that the director issue a 3377  
certificate to the taxpayer stating that the information has been 3378  
verified and identifying the amount of the credit that may be 3379  
claimed for the taxable or calendar year; 3380

(8) A provision providing that the taxpayer may not relocate 3381  
a substantial number of employment positions from elsewhere in 3382  
this state to the project location unless the director of 3383  
development services determines that the legislative authority of 3384  
the county, township, or municipal corporation from which the 3385  
employment positions would be relocated has been notified by the 3386  
taxpayer of the relocation. 3387

For purposes of this section, the movement of an employment 3388  
position from one political subdivision to another political 3389  
subdivision shall be considered a relocation of an employment 3390  
position unless the employment position in the first political 3391

subdivision is replaced. 3392

(9) If the tax credit is computed on the basis of home-based 3393  
employees, that the tax credit may not be claimed by the taxpayer 3394  
until the taxable year or tax period in which the taxpayer employs 3395  
at least two hundred employees more than the number of employees 3396  
the taxpayer employed on June 30, 2011. 3397

(E) If a taxpayer fails to meet or comply with any condition 3398  
or requirement set forth in a tax credit agreement, the tax credit 3399  
authority may amend the agreement to reduce the percentage or term 3400  
of the tax credit. The reduction of the percentage or term may 3401  
take effect in the current taxable or calendar year. 3402

(F) Projects that consist solely of point-of-final-purchase 3403  
retail facilities are not eligible for a tax credit under this 3404  
section. If a project consists of both point-of-final-purchase 3405  
retail facilities and nonretail facilities, only the portion of 3406  
the project consisting of the nonretail facilities is eligible for 3407  
a tax credit and only the excess payroll from the nonretail 3408  
facilities shall be considered when computing the amount of the 3409  
tax credit. If a warehouse facility is part of a 3410  
point-of-final-purchase retail facility and supplies only that 3411  
facility, the warehouse facility is not eligible for a tax credit. 3412  
Catalog distribution centers are not considered 3413  
point-of-final-purchase retail facilities for the purposes of this 3414  
division, and are eligible for tax credits under this section. 3415

(G) Financial statements and other information submitted to 3416  
the development services agency or the tax credit authority by an 3417  
applicant or recipient of a tax credit under this section, and any 3418  
information taken for any purpose from such statements or 3419  
information, are not public records subject to section 149.43 of 3420  
the Revised Code. However, the chairperson of the authority may 3421  
make use of the statements and other information for purposes of 3422  
issuing public reports or in connection with court proceedings 3423

concerning tax credit agreements under this section. Upon the 3424  
request of the tax commissioner or, if the applicant or recipient 3425  
is an insurance company, upon the request of the superintendent of 3426  
insurance, the chairperson of the authority shall provide to the 3427  
commissioner or superintendent any statement or information 3428  
submitted by an applicant or recipient of a tax credit in 3429  
connection with the credit. The commissioner or superintendent 3430  
shall preserve the confidentiality of the statement or 3431  
information. 3432

(H) A taxpayer claiming a credit under this section shall 3433  
submit to the tax commissioner or, if the taxpayer is an insurance 3434  
company, to the superintendent of insurance, a copy of the 3435  
director of development services' certificate of verification 3436  
under division (D)(7) of this section with the taxpayer's tax 3437  
report or return for the taxable year or for the calendar year 3438  
that includes the tax period. Failure to submit a copy of the 3439  
certificate with the report or return does not invalidate a claim 3440  
for a credit if the taxpayer submits a copy of the certificate to 3441  
the commissioner or superintendent within the time prescribed by 3442  
section 5703.0510 of the Revised Code or within thirty days after 3443  
the commissioner or superintendent requests it. 3444

(I) The director of development services, after consultation 3445  
with the tax commissioner and the superintendent of insurance and 3446  
in accordance with Chapter 119. of the Revised Code, shall adopt 3447  
rules necessary to implement this section, including rules that 3448  
establish a procedure to be followed by the tax credit authority 3449  
and the development services agency in the event the authority 3450  
considers a taxpayer's application for which it receives a 3451  
recommendation under division (C)(2)(a) of this section but does 3452  
not approve it. The rules may provide for recipients of tax 3453  
credits under this section to be charged fees to cover 3454  
administrative costs of the tax credit program. The fees collected 3455

shall be credited to the ~~business assistance~~ tax incentives 3456  
operating fund created in section 122.174 of the Revised Code. At 3457  
the time the director gives public notice under division (A) of 3458  
section 119.03 of the Revised Code of the adoption of the rules, 3459  
the director shall submit copies of the proposed rules to the 3460  
chairpersons of the standing committees on economic development in 3461  
the senate and the house of representatives. 3462

(J) For the purposes of this section, a taxpayer may include 3463  
a partnership, a corporation that has made an election under 3464  
subchapter S of chapter one of subtitle A of the Internal Revenue 3465  
Code, or any other business entity through which income flows as a 3466  
distributive share to its owners. A partnership, S-corporation, or 3467  
other such business entity may elect to pass the credit received 3468  
under this section through to the persons to whom the income or 3469  
profit of the partnership, S-corporation, or other entity is 3470  
distributed. The election shall be made on the annual report 3471  
required under division (D)(6) of this section. The election 3472  
applies to and is irrevocable for the credit for which the report 3473  
is submitted. If the election is made, the credit shall be 3474  
apportioned among those persons in the same proportions as those 3475  
in which the income or profit is distributed. 3476

(K)(1) If the director of development services determines 3477  
that a taxpayer who has received a credit under this section is 3478  
not complying with the requirements of the agreement, the director 3479  
shall notify the tax credit authority of the noncompliance. After 3480  
receiving such a notice, and after giving the taxpayer an 3481  
opportunity to explain the noncompliance, the tax credit authority 3482  
may require the taxpayer to refund to this state a portion of the 3483  
credit in accordance with the following: 3484

(a) If the taxpayer fails to comply with the requirement 3485  
under division (D)(3) of this section, an amount determined in 3486  
accordance with the following: 3487

(i) If the taxpayer maintained operations at the project 3488  
location for a period less than or equal to the term of the 3489  
credit, an amount not exceeding one hundred per cent of the sum of 3490  
any credits allowed and received under this section; 3491

(ii) If the taxpayer maintained operations at the project 3492  
location for a period longer than the term of the credit, but less 3493  
than the greater of seven years or the term of the credit plus 3494  
three years, an amount not exceeding seventy-five per cent of the 3495  
sum of any credits allowed and received under this section. 3496

(b) If, on the metric evaluation date, the taxpayer fails to 3497  
substantially meet the job creation, payroll, or investment 3498  
requirements included in the agreement, an amount determined at 3499  
the discretion of the authority; 3500

(c) If the taxpayer fails to substantially maintain the 3501  
number of new full-time equivalent employees or amount of payroll 3502  
required under the agreement at any time during the term of the 3503  
agreement after the metric evaluation date, an amount determined 3504  
at the discretion of the authority. 3505

(2) If a taxpayer files for bankruptcy and fails as described 3506  
in division (K)(1)(a), (b), or (c) of this section, the director 3507  
may immediately commence an action to recoup an amount not 3508  
exceeding one hundred per cent of the sum of any credits received 3509  
by the taxpayer under this section. 3510

(3) In determining the portion of the tax credit to be 3511  
refunded to this state, the tax credit authority shall consider 3512  
the effect of market conditions on the taxpayer's project and 3513  
whether the taxpayer continues to maintain other operations in 3514  
this state. After making the determination, the authority shall 3515  
certify the amount to be refunded to the tax commissioner or 3516  
superintendent of insurance, as appropriate. If the amount is 3517  
certified to the commissioner, the commissioner shall make an 3518

assessment for that amount against the taxpayer under Chapter 3519  
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 3520  
amount is certified to the superintendent, the superintendent 3521  
shall make an assessment for that amount against the taxpayer 3522  
under Chapter 5725. or 5729. of the Revised Code. The time 3523  
limitations on assessments under those chapters do not apply to an 3524  
assessment under this division, but the commissioner or 3525  
superintendent, as appropriate, shall make the assessment within 3526  
one year after the date the authority certifies to the 3527  
commissioner or superintendent the amount to be refunded. 3528

(L) On or before the first day of August each year, the 3529  
director of development services shall submit a report to the 3530  
governor, the president of the senate, and the speaker of the 3531  
house of representatives on the tax credit program under this 3532  
section. The report shall include information on the number of 3533  
agreements that were entered into under this section during the 3534  
preceding calendar year, a description of the project that is the 3535  
subject of each such agreement, and an update on the status of 3536  
projects under agreements entered into before the preceding 3537  
calendar year. 3538

(M) There is hereby created the tax credit authority, which 3539  
consists of the director of development services and four other 3540  
members appointed as follows: the governor, the president of the 3541  
senate, and the speaker of the house of representatives each shall 3542  
appoint one member who shall be a specialist in economic 3543  
development; the governor also shall appoint a member who is a 3544  
specialist in taxation. Terms of office shall be for four years. 3545  
Each member shall serve on the authority until the end of the term 3546  
for which the member was appointed. Vacancies shall be filled in 3547  
the same manner provided for original appointments. Any member 3548  
appointed to fill a vacancy occurring prior to the expiration of 3549  
the term for which the member's predecessor was appointed shall 3550

hold office for the remainder of that term. Members may be 3551  
reappointed to the authority. Members of the authority shall 3552  
receive their necessary and actual expenses while engaged in the 3553  
business of the authority. The director of development services 3554  
shall serve as chairperson of the authority, and the members 3555  
annually shall elect a vice-chairperson from among themselves. 3556  
Three members of the authority constitute a quorum to transact and 3557  
vote on the business of the authority. The majority vote of the 3558  
membership of the authority is necessary to approve any such 3559  
business, including the election of the vice-chairperson. 3560

The director of development services may appoint a 3561  
professional employee of the development services agency to serve 3562  
as the director's substitute at a meeting of the authority. The 3563  
director shall make the appointment in writing. In the absence of 3564  
the director from a meeting of the authority, the appointed 3565  
substitute shall serve as chairperson. In the absence of both the 3566  
director and the director's substitute from a meeting, the 3567  
vice-chairperson shall serve as chairperson. 3568

(N) For purposes of the credits granted by this section 3569  
against the taxes imposed under sections 5725.18 and 5729.03 of 3570  
the Revised Code, "taxable year" means the period covered by the 3571  
taxpayer's annual statement to the superintendent of insurance. 3572

(O) On or before the first day of March of each of the five 3573  
calendar years beginning with 2014, each taxpayer subject to an 3574  
agreement with the tax credit authority under this section on the 3575  
basis of home-based employees shall report the number of 3576  
home-based employees and other employees employed by the taxpayer 3577  
in this state to the development services agency. 3578

(P) On or before the first day of January of 2019, the 3579  
director of development services shall submit a report to the 3580  
governor, the president of the senate, and the speaker of the 3581  
house of representatives on the effect of agreements entered into 3582

under this section in which the taxpayer included home-based 3583  
employees in the computation of income tax revenue, as that term 3584  
was defined in this section prior to the amendment of this section 3585  
by H.B. 64 of the 131st general assembly. The report shall include 3586  
information on the number of such agreements that were entered 3587  
into in the preceding six years, a description of the projects 3588  
that were the subjects of such agreements, and an analysis of 3589  
nationwide home-based employment trends, including the number of 3590  
home-based jobs created from July 1, 2011, through June 30, 2017, 3591  
and a description of any home-based employment tax incentives 3592  
provided by other states during that time. 3593

(Q) The director of development services may require any 3594  
agreement entered into under this section for a tax credit 3595  
computed on the basis of home-based employees to contain a 3596  
provision that the taxpayer makes available health care benefits 3597  
and tuition reimbursement to all employees. 3598

(R) Original agreements approved by the tax credit authority 3599  
under this section in 2014 or 2015 before ~~the effective date of~~ 3600  
~~this division~~ September 29, 2015, may be revised at the request of 3601  
the taxpayer to conform with the amendments to this section and 3602  
sections 5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised 3603  
Code by H.B. 64 of the 131st general assembly, upon mutual 3604  
agreement of the taxpayer and the development services agency, and 3605  
approval by the tax credit authority. 3606

(S)(1) As used in division (S) of this section: 3607

(a) "Eligible agreement" means an agreement approved by the 3608  
tax credit authority under this section on or before December 31, 3609  
2013. 3610

(b) "Reporting period" means a period corresponding to the 3611  
annual report required under division (D)(6) of this section. 3612

(c) "Income tax revenue" has the same meaning as under this 3613

section as it existed before September 29, 2015, the effective 3614  
date of the amendment of this section by H.B. 64 of the 131st 3615  
general assembly. 3616

(2) In calendar year 2016 and thereafter, the tax credit 3617  
authority shall annually determine a withholding adjustment factor 3618  
to be used in the computation of income tax revenue for eligible 3619  
agreements. The withholding adjustment factor shall be a numerical 3620  
percentage that equals the percentage that employer income tax 3621  
withholding rates have been increased or decreased as a result of 3622  
changes in the income tax rates prescribed by section 5747.02 of 3623  
the Revised Code by amendment of that section taking effect on or 3624  
after June 29, 2013. 3625

(3) Except as provided in division (S)(4) of this section, 3626  
for reporting periods ending in 2015 and thereafter for taxpayers 3627  
subject to eligible agreements, the tax credit authority shall 3628  
adjust the income tax revenue reported on the taxpayer's annual 3629  
report by multiplying the withholding adjustment factor by the 3630  
taxpayer's income tax revenue and doing one of the following: 3631

(a) If the income tax rates prescribed by section 5747.02 of 3632  
the Revised Code have decreased by amendment of that section 3633  
taking effect on or after June 29, 2013, add the product to the 3634  
taxpayer's income tax revenue. 3635

(b) If the income tax rates prescribed by section 5747.02 of 3636  
the Revised Code have increased by amendment of that section 3637  
taking effect on or after June 29, 2013, subtract the product from 3638  
the taxpayer's income tax revenue. 3639

(4) Division (S)(3) of this section shall not apply unless 3640  
all of the following apply for the reporting period with respect 3641  
to the eligible agreement: 3642

(a) The taxpayer has achieved one hundred per cent of the new 3643  
employment commitment identified in the agreement. 3644

(b) If applicable, the taxpayer has achieved one hundred per cent of the new payroll commitment identified in the agreement. 3645  
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(c) If applicable, the taxpayer has achieved one hundred per cent of the investment commitment identified in the agreement. 3647  
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(5) Failure by a taxpayer to have achieved any of the applicable commitments described in divisions (S)(4)(a) to (c) of this section in a reporting period does not disqualify the taxpayer for the adjustment under division (S) of this section for an ensuing reporting period. 3649  
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**Sec. 122.171.** (A) As used in this section: 3654

(1) "Capital investment project" means a plan of investment at a project site for the acquisition, construction, renovation, or repair of buildings, machinery, or equipment, or for capitalized costs of basic research and new product development determined in accordance with generally accepted accounting principles, but does not include any of the following: 3655  
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(a) Payments made for the acquisition of personal property through operating leases; 3661  
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(b) Project costs paid before January 1, 2002; 3663

(c) Payments made to a related member as defined in section 5733.042 of the Revised Code or to a consolidated elected taxpayer or a combined taxpayer as defined in section 5751.01 of the Revised Code. 3664  
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(2) "Eligible business" means a taxpayer and its related members with Ohio operations satisfying all of the following: 3668  
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(a) The taxpayer employs at least five hundred full-time equivalent employees or has an annual Ohio employee payroll of at least thirty-five million dollars at the time the tax credit authority grants the tax credit under this section; 3670  
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(b) The taxpayer makes or causes to be made payments for the capital investment project of one of the following:

(i) If the taxpayer is engaged at the project site primarily as a manufacturer, at least fifty million dollars in the aggregate at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;

(ii) If the taxpayer is engaged at the project site primarily in significant corporate administrative functions, as defined by the director of development services by rule, at least twenty million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted.

(c) The taxpayer had a capital investment project reviewed and approved by the tax credit authority as provided in divisions (C), (D), and (E) of this section.

(3) "Full-time equivalent employees" means the quotient obtained by dividing the total number of hours for which employees were compensated for employment in the project by two thousand eighty. "Full-time equivalent employees" shall exclude hours that are counted for a credit under section 122.17 of the Revised Code.

(4) "Ohio employee payroll" has the same meaning as in section 122.17 of the Revised Code.

(5) "Manufacturer" has the same meaning as in section 5739.011 of the Revised Code.

(6) "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this section, within a fifteen-mile radius where a taxpayer is primarily operating as an eligible business.

(7) "Related member" has the same meaning as in section 3705  
5733.042 of the Revised Code as that section existed on the 3706  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 3707  
general assembly, September 29, 1997. 3708

(8) "Taxable year" includes, in the case of a domestic or 3709  
foreign insurance company, the calendar year ending on the 3710  
thirty-first day of December preceding the day the superintendent 3711  
of insurance is required to certify to the treasurer of state 3712  
under section 5725.20 or 5729.05 of the Revised Code the amount of 3713  
taxes due from insurance companies. 3714

(B) The tax credit authority created under section 122.17 of 3715  
the Revised Code may grant a nonrefundable tax credit to an 3716  
eligible business under this section for the purpose of fostering 3717  
job retention in this state. Upon application by an eligible 3718  
business and upon consideration of the determination of the 3719  
director of budget and management, tax commissioner, and the 3720  
superintendent of insurance in the case of an insurance company, 3721  
and the recommendation and determination of the director of 3722  
development services under division (C) of this section, the tax 3723  
credit authority may grant the credit against the tax imposed by 3724  
section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 3725  
5751.02 of the Revised Code. 3726

The credit authorized in this section may be granted for a 3727  
period up to fifteen taxable years or, in the case of the tax 3728  
levied by section 5736.02 or 5751.02 of the Revised Code, for a 3729  
period of up to fifteen calendar years. The credit amount for a 3730  
taxable year or a calendar year that includes the tax period for 3731  
which a credit may be claimed equals the Ohio employee payroll for 3732  
that year multiplied by the percentage specified in the agreement 3733  
with the tax credit authority. The credit shall be claimed in the 3734  
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 3735  
5747.98, or 5751.98 of the Revised Code. In determining the 3736

percentage and term of the credit, the tax credit authority shall 3737  
consider both the number of full-time equivalent employees and the 3738  
value of the capital investment project. The credit amount may not 3739  
be based on the Ohio employee payroll for a calendar year before 3740  
the calendar year in which the tax credit authority specifies the 3741  
tax credit is to begin, and the credit shall be claimed only for 3742  
the taxable years or tax periods specified in the eligible 3743  
business' agreement with the tax credit authority. In no event 3744  
shall the credit be claimed for a taxable year or tax period 3745  
terminating before the date specified in the agreement. 3746

If a credit allowed under this section for a taxable year or 3747  
tax period exceeds the taxpayer's tax liability for that year or 3748  
period, the excess may be carried forward for the three succeeding 3749  
taxable or calendar years, but the amount of any excess credit 3750  
allowed in any taxable year or tax period shall be deducted from 3751  
the balance carried forward to the succeeding year or period. 3752

(C) A taxpayer that proposes a capital investment project to 3753  
retain jobs in this state may apply to the tax credit authority to 3754  
enter into an agreement for a tax credit under this section. The 3755  
director of development services shall prescribe the form of the 3756  
application. After receipt of an application, the authority shall 3757  
forward copies of the application to the director of budget and 3758  
management, the tax commissioner, and the superintendent of 3759  
insurance in the case of an insurance company, each of whom shall 3760  
review the application to determine the economic impact the 3761  
proposed project would have on the state and the affected 3762  
political subdivisions and shall submit a summary of their 3763  
determinations to the authority. The authority shall also forward 3764  
a copy of the application to the director of development services, 3765  
who shall review the application to determine the economic impact 3766  
the proposed project would have on the state and the affected 3767  
political subdivisions and shall submit a summary of the 3768

director's determinations and recommendations to the authority. 3769

(D) Upon review and consideration of the determinations and 3770  
recommendations described in division (C) of this section, the tax 3771  
credit authority may enter into an agreement with the taxpayer for 3772  
a credit under this section if the authority determines all of the 3773  
following: 3774

(1) The taxpayer's capital investment project will result in 3775  
the retention of employment in this state. 3776

(2) The taxpayer is economically sound and has the ability to 3777  
complete the proposed capital investment project. 3778

(3) The taxpayer intends to and has the ability to maintain 3779  
operations at the project site for at least the greater of (a) the 3780  
term of the credit plus three years, or (b) seven years. 3781

(4) Receiving the credit is a major factor in the taxpayer's 3782  
decision to begin, continue with, or complete the project. 3783

(E) An agreement under this section shall include all of the 3784  
following: 3785

(1) A detailed description of the project that is the subject 3786  
of the agreement, including the amount of the investment, the 3787  
period over which the investment has been or is being made, the 3788  
number of full-time equivalent employees at the project site, and 3789  
the anticipated Ohio employee payroll to be generated. 3790

(2) The term of the credit, the percentage of the tax credit, 3791  
the maximum annual value of tax credits that may be allowed each 3792  
year, and the first year for which the credit may be claimed. 3793

(3) A requirement that the taxpayer maintain operations at 3794  
the project site for at least the greater of (a) the term of the 3795  
credit plus three years, or (b) seven years. 3796

(4) A requirement that the taxpayer retain at least five 3797  
hundred full-time equivalent employees at the project site and 3798

within this state for the entire term of the credit, or a 3799  
requirement that the taxpayer maintain an annual Ohio employee 3800  
payroll of at least thirty-five million dollars for the entire 3801  
term of the credit. 3802

(5) A requirement that the taxpayer annually report to the 3803  
director of development services full-time equivalent employees, 3804  
Ohio employee payroll, capital investment, and other information 3805  
the director needs to perform the director's duties under this 3806  
section. 3807

(6) A requirement that the director of development services 3808  
annually review the annual reports of the taxpayer to verify the 3809  
information reported under division (E)(5) of this section and 3810  
compliance with the agreement. Upon verification, the director 3811  
shall issue a certificate to the taxpayer stating that the 3812  
information has been verified and identifying the amount of the 3813  
credit for the taxable year or calendar year that includes the tax 3814  
period. In determining the number of full-time equivalent 3815  
employees, no position shall be counted that is filled by an 3816  
employee who is included in the calculation of a tax credit under 3817  
section 122.17 of the Revised Code. 3818

(7) A provision providing that the taxpayer may not relocate 3819  
a substantial number of employment positions from elsewhere in 3820  
this state to the project site unless the director of development 3821  
services determines that the taxpayer notified the legislative 3822  
authority of the county, township, or municipal corporation from 3823  
which the employment positions would be relocated. 3824

For purposes of this section, the movement of an employment 3825  
position from one political subdivision to another political 3826  
subdivision shall be considered a relocation of an employment 3827  
position unless the movement is confined to the project site. The 3828  
transfer of an employment position from one political subdivision 3829  
to another political subdivision shall not be considered a 3830

relocation of an employment position if the employment position in 3831  
the first political subdivision is replaced by another employment 3832  
position. 3833

(8) A waiver by the taxpayer of any limitations periods 3834  
relating to assessments or adjustments resulting from the 3835  
taxpayer's failure to comply with the agreement. 3836

(F) If a taxpayer fails to meet or comply with any condition 3837  
or requirement set forth in a tax credit agreement, the tax credit 3838  
authority may amend the agreement to reduce the percentage or term 3839  
of the credit. The reduction of the percentage or term may take 3840  
effect in the current taxable or calendar year. 3841

(G) Financial statements and other information submitted to 3842  
the department of development services or the tax credit authority 3843  
by an applicant for or recipient of a tax credit under this 3844  
section, and any information taken for any purpose from such 3845  
statements or information, are not public records subject to 3846  
section 149.43 of the Revised Code. However, the chairperson of 3847  
the authority may make use of the statements and other information 3848  
for purposes of issuing public reports or in connection with court 3849  
proceedings concerning tax credit agreements under this section. 3850  
Upon the request of the tax commissioner, or the superintendent of 3851  
insurance in the case of an insurance company, the chairperson of 3852  
the authority shall provide to the commissioner or superintendent 3853  
any statement or other information submitted by an applicant for 3854  
or recipient of a tax credit in connection with the credit. The 3855  
commissioner or superintendent shall preserve the confidentiality 3856  
of the statement or other information. 3857

(H) A taxpayer claiming a tax credit under this section shall 3858  
submit to the tax commissioner or, in the case of an insurance 3859  
company, to the superintendent of insurance, a copy of the 3860  
director of development services' certificate of verification 3861  
under division (E)(6) of this section with the taxpayer's tax 3862

report or return for the taxable year or for the calendar year 3863  
that includes the tax period. Failure to submit a copy of the 3864  
certificate with the report or return does not invalidate a claim 3865  
for a credit if the taxpayer submits a copy of the certificate to 3866  
the commissioner or superintendent within the time prescribed by 3867  
section 5703.0510 of the Revised Code or within thirty days after 3868  
the commissioner or superintendent requests it. 3869

(I) For the purposes of this section, a taxpayer may include 3870  
a partnership, a corporation that has made an election under 3871  
subchapter S of chapter one of subtitle A of the Internal Revenue 3872  
Code, or any other business entity through which income flows as a 3873  
distributive share to its owners. A partnership, S-corporation, or 3874  
other such business entity may elect to pass the credit received 3875  
under this section through to the persons to whom the income or 3876  
profit of the partnership, S-corporation, or other entity is 3877  
distributed. The election shall be made on the annual report 3878  
required under division (E)(5) of this section. The election 3879  
applies to and is irrevocable for the credit for which the report 3880  
is submitted. If the election is made, the credit shall be 3881  
apportioned among those persons in the same proportions as those 3882  
in which the income or profit is distributed. 3883

(J)(1) If the director of development services determines 3884  
that a taxpayer that received a certificate under division (E)(6) 3885  
of this section is not complying with the requirements of the 3886  
agreement, the director shall notify the tax credit authority of 3887  
the noncompliance. After receiving such a notice, and after giving 3888  
the taxpayer an opportunity to explain the noncompliance, the 3889  
authority may terminate the agreement and require the taxpayer, or 3890  
any related member or members that claimed the tax credit under 3891  
division (N) of this section, to refund to the state all or a 3892  
portion of the credit claimed in previous years, as follows: 3893

(a) If the taxpayer fails to comply with the requirement 3894

under division (E)(3) of this section, an amount determined in 3895  
accordance with the following: 3896

(i) If the taxpayer maintained operations at the project site 3897  
for less than or equal to the term of the credit, an amount not to 3898  
exceed one hundred per cent of the sum of any tax credits allowed 3899  
and received under this section. 3900

(ii) If the taxpayer maintained operations at the project 3901  
site longer than the term of the credit, but less than the greater 3902  
of seven years or the term of the credit plus three years, the 3903  
amount required to be refunded shall not exceed seventy-five per 3904  
cent of the sum of any tax credits allowed and received under this 3905  
section. 3906

(b) If the taxpayer fails to substantially maintain both the 3907  
number of full-time equivalent employees and the amount of Ohio 3908  
employee payroll required under the agreement at any time during 3909  
the term of the agreement or during the post-term reporting 3910  
period, an amount determined at the discretion of the authority. 3911

(2) If a taxpayer files for bankruptcy and fails as described 3912  
in division (J)(1)(a) or (b) of this section, the director may 3913  
immediately commence an action to recoup an amount not exceeding 3914  
one hundred per cent of the sum of any credits received by the 3915  
taxpayer under this section. 3916

(3) In determining the portion of the credit to be refunded 3917  
to this state, the authority shall consider the effect of market 3918  
conditions on the taxpayer's project and whether the taxpayer 3919  
continues to maintain other operations in this state. After making 3920  
the determination, the authority shall certify the amount to be 3921  
refunded to the tax commissioner or the superintendent of 3922  
insurance. If the taxpayer, or any related member or members who 3923  
claimed the tax credit under division (N) of this section, is not 3924  
an insurance company, the commissioner shall make an assessment 3925

for that amount against the taxpayer under Chapter 5726., 5733., 3926  
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 3927  
any related member or members that claimed the tax credit under 3928  
division (N) of this section, is an insurance company, the 3929  
superintendent of insurance shall make an assessment under section 3930  
5725.222 or 5729.102 of the Revised Code. The time limitations on 3931  
assessments under those chapters and sections do not apply to an 3932  
assessment under this division, but the commissioner or 3933  
superintendent shall make the assessment within one year after the 3934  
date the authority certifies to the commissioner or superintendent 3935  
the amount to be refunded. 3936

(K) The director of development services, after consultation 3937  
with the tax commissioner and the superintendent of insurance and 3938  
in accordance with Chapter 119. of the Revised Code, shall adopt 3939  
rules necessary to implement this section. The rules may provide 3940  
for recipients of tax credits under this section to be charged 3941  
fees to cover administrative costs of the tax credit program. The 3942  
fees collected shall be credited to the ~~business assistance tax~~ 3943  
incentives operating fund created in section 122.174 of the 3944  
Revised Code. At the time the director gives public notice under 3945  
division (A) of section 119.03 of the Revised Code of the adoption 3946  
of the rules, the director shall submit copies of the proposed 3947  
rules to the chairpersons of the standing committees on economic 3948  
development in the senate and the house of representatives. 3949

(L) On or before the first day of August of each year, the 3950  
director of development services shall submit a report to the 3951  
governor, the president of the senate, and the speaker of the 3952  
house of representatives on the tax credit program under this 3953  
section. The report shall include information on the number of 3954  
agreements that were entered into under this section during the 3955  
preceding calendar year, a description of the project that is the 3956  
subject of each such agreement, and an update on the status of 3957

projects under agreements entered into before the preceding 3958  
calendar year. 3959

(M) The aggregate amount of nonrefundable tax credits issued 3960  
under this section during any calendar year for capital investment 3961  
projects reviewed and approved by the tax credit authority may not 3962  
exceed the following amounts: 3963

(1) For 2010, thirteen million dollars; 3964

(2) For 2011 through 2023, the amount of the limit for the 3965  
preceding calendar year plus thirteen million dollars; 3966

(3) For 2024 and each year thereafter, one hundred 3967  
ninety-five million dollars. 3968

The limitations in division (M) of this section do not apply 3969  
to credits for capital investment projects approved by the tax 3970  
credit authority before July 1, 2009. 3971

(N) This division applies only to an eligible business that 3972  
is part of an affiliated group that includes a diversified savings 3973  
and loan holding company or a grandfathered unitary savings and 3974  
loan holding company, as those terms are defined in section 3975  
5726.01 of the Revised Code. Notwithstanding any contrary 3976  
provision of the agreement between such an eligible business and 3977  
the tax credit authority, any credit granted under this section 3978  
against the tax imposed by section 5725.18, 5729.03, 5733.06, 3979  
5747.02, or 5751.02 of the Revised Code to the eligible business, 3980  
at the election of the eligible business and without any action by 3981  
the tax credit authority, may be shared with any member or members 3982  
of the affiliated group that includes the eligible business, which 3983  
member or members may claim the credit against the taxes imposed 3984  
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 3985  
of the Revised Code. Credits shall be claimed by the eligible 3986  
business in sequential order, as applicable, first claiming the 3987  
credits to the fullest extent possible against the tax that the 3988

certificate holder is subject to, then against the tax imposed by, 3989  
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 3990  
lastly 5726.02 of the Revised Code. The credits may be allocated 3991  
among the members of the affiliated group in such manner as the 3992  
eligible business elects, but subject to the sequential order 3993  
required under this division. This division applies to credits 3994  
granted before, on, or after March 27, 2013, the effective date of 3995  
H.B. 510 of the 129th general assembly. Credits granted before 3996  
that effective date that are shared and allocated under this 3997  
division may be claimed in those calendar years in which the 3998  
remaining taxable years specified in the agreement end. 3999

As used in this division, "affiliated group" means a group of 4000  
two or more persons with fifty per cent or greater of the value of 4001  
each person's ownership interests owned or controlled directly, 4002  
indirectly, or constructively through related interests by common 4003  
owners during all or any portion of the taxable year, and the 4004  
common owners. "Affiliated group" includes, but is not limited to, 4005  
any person eligible to be included in a consolidated elected 4006  
taxpayer group under section 5751.011 of the Revised Code or a 4007  
combined taxpayer group under section 5751.012 of the Revised 4008  
Code. 4009

(O)(1) As used in division (O) of this section: 4010

(a) "Eligible agreement" means an agreement approved by the 4011  
tax credit authority under this section on or before December 31, 4012  
2013. 4013

(b) "Reporting period" means a period corresponding to the 4014  
annual report required under division (E)(5) of this section. 4015

(c) "Income tax revenue" has the same meaning as under 4016  
division (S) of section 122.17 of the Revised Code. 4017

(2) In calendar year 2016 and thereafter, the tax credit 4018  
authority shall annually determine a withholding adjustment factor 4019

to be used in the computation of income tax revenue for eligible 4020  
agreements. The withholding adjustment factor shall be a numerical 4021  
percentage that equals the percentage that employer income tax 4022  
withholding rates have been increased or decreased as a result of 4023  
changes in the income tax rates prescribed by section 5747.02 of 4024  
the Revised Code by amendment of that section taking effect on or 4025  
after June 29, 2013. 4026

(3) Except as provided in division (O)(4) of this section, 4027  
for reporting periods ending in 2015 and thereafter for taxpayers 4028  
subject to eligible agreements, the tax credit authority shall 4029  
adjust the income tax revenue reported on the taxpayer's annual 4030  
report by multiplying the withholding adjustment factor by the 4031  
taxpayer's income tax revenue and doing one of the following: 4032

(a) If the income tax rates prescribed by section 5747.02 of 4033  
the Revised Code have decreased by amendment of this section 4034  
taking effect on or after June 29, 2013, add the product to the 4035  
taxpayer's income tax revenue. 4036

(b) If the income tax rates prescribed by section 5747.02 of 4037  
the Revised Code have increased by amendment of this section 4038  
taking effect on or after June 29, 2013, subtract the product from 4039  
the taxpayer's income tax revenue. 4040

(4) Division (O)(3) of this section shall not apply unless 4041  
all of the following apply with respect to the eligible agreement: 4042

(a) The taxpayer has achieved one hundred per cent of the job 4043  
retention commitment identified in the agreement. 4044

(b) If applicable, the taxpayer has achieved one hundred per 4045  
cent of the payroll retention commitment identified in the 4046  
agreement. 4047

(c) If applicable, the taxpayer has achieved one hundred per 4048  
cent of the investment commitment identified in the agreement. 4049

(5) Failure by a taxpayer to have achieved any of the 4050  
applicable commitments described in divisions (O)(4)(a) to (c) of 4051  
this section in a reporting period does not disqualify the 4052  
taxpayer for the adjustment under division (O) of this section for 4053  
an ensuing reporting period. 4054

**Sec. 122.174.** There is hereby created in the state treasury 4055  
the ~~business assistance~~ tax incentives operating fund. The fund 4056  
shall consist of any amounts appropriated to it and money credited 4057  
to the fund pursuant to ~~division (I) of section 121.17, division~~ 4058  
~~(K) of section 122.17, 122.171, division (K) of section 122.175,~~ 4059  
~~division (C)(2) of section 122.85, division (C) of section 122.86,~~ 4060  
~~3735.672, and division (C) of section 5709.68, or 5725.33~~ of the 4061  
Revised Code. The director of development services shall use money 4062  
in the fund to pay expenses related to the administration of (A) 4063  
the business services division of the development services agency 4064  
and (B) the programs described in those sections. 4065

**Sec. 122.175.** (A) As used in this section: 4066

(1) "Capital investment project" means a plan of investment 4067  
at a project site for the acquisition, construction, renovation, 4068  
expansion, replacement, or repair of a computer data center or of 4069  
computer data center equipment, but does not include any of the 4070  
following: 4071

(a) Project costs paid before a date determined by the tax 4072  
credit authority for each capital investment project; 4073

(b) Payments made to a related member as defined in section 4074  
5733.042 of the Revised Code or to a consolidated elected taxpayer 4075  
or a combined taxpayer as defined in section 5751.01 of the 4076  
Revised Code. 4077

(2) "Computer data center" means a facility used or to be 4078  
used primarily to house computer data center equipment used or to 4079

be used in conducting one or more computer data center businesses, 4080  
as determined by the tax credit authority. 4081

(3) "Computer data center business" means, as may be further 4082  
determined by the tax credit authority, a business that provides 4083  
electronic information services as defined in division (Y)(1)(c) 4084  
of section 5739.01 of the Revised Code, or that leases a facility 4085  
to one or more such businesses. "Computer data center business" 4086  
does not include providing electronic publishing as defined in 4087  
division (LLL) of that section. 4088

(4) "Computer data center equipment" means tangible personal 4089  
property used or to be used for any of the following: 4090

(a) To conduct a computer data center business, including 4091  
equipment cooling systems to manage the performance of computer 4092  
data center equipment; 4093

(b) To generate, transform, transmit, distribute, or manage 4094  
electricity necessary to operate the tangible personal property 4095  
used or to be used in conducting a computer data center business; 4096

(c) As building and construction materials sold to 4097  
construction contractors for incorporation into a computer data 4098  
center. 4099

(5) "Eligible computer data center" means a computer data 4100  
center that satisfies all of the following requirements: 4101

(a) One or more taxpayers operating a computer data center 4102  
business at the project site will, in the aggregate, make payments 4103  
for a capital investment project of at least one hundred million 4104  
dollars at the project site during one of the following cumulative 4105  
periods: 4106

(i) For projects beginning in 2013, five consecutive calendar 4107  
years; 4108

(ii) For projects beginning in 2014, four consecutive 4109

calendar years; 4110

(iii) For projects beginning in or after 2015, three 4111  
consecutive calendar years. 4112

(b) One or more taxpayers operating a computer data center 4113  
business at the project site will, in the aggregate, pay annual 4114  
compensation that is subject to the withholding obligation imposed 4115  
under section 5747.06 of the Revised Code of at least one million 4116  
five hundred thousand dollars to employees employed at the project 4117  
site for each year of the agreement beginning on or after the 4118  
first day of the twenty-fifth month after the agreement was 4119  
entered into under this section. 4120

(6) "Person" has the same meaning as in section 5701.01 of 4121  
the Revised Code. 4122

(7) "Project site," "related member," and "tax credit 4123  
authority" have the same meanings as in sections 122.17 and 4124  
122.171 of the Revised Code. 4125

(8) "Taxpayer" means any person subject to the taxes imposed 4126  
under Chapters 5739. and 5741. of the Revised Code. 4127

(B) The tax credit authority may completely or partially 4128  
exempt from the taxes levied under Chapters 5739. and 5741. of the 4129  
Revised Code the sale, storage, use, or other consumption of 4130  
computer data center equipment used or to be used at an eligible 4131  
computer data center. Any such exemption shall extend to charges 4132  
for the delivery, installation, or repair of the computer data 4133  
center equipment subject to the exemption under this section. 4134

(C) A taxpayer that proposes a capital improvement project 4135  
for an eligible computer data center in this state may apply to 4136  
the tax credit authority to enter into an agreement under this 4137  
section authorizing a complete or partial exemption from the taxes 4138  
imposed under Chapters 5739. and 5741. of the Revised Code on 4139  
computer data center equipment purchased by the applicant or any 4140

other taxpayer that operates a computer data center business at 4141  
the project site and used or to be used at the eligible computer 4142  
data center. The director of development services shall prescribe 4143  
the form of the application. After receipt of an application, the 4144  
authority shall forward copies of the application to the director 4145  
of budget and management and the tax commissioner, each of whom 4146  
shall review the application to determine the economic impact that 4147  
the proposed eligible computer data center would have on the state 4148  
and any affected political subdivisions and submit to the 4149  
authority a summary of their determinations. The authority shall 4150  
also forward a copy of the application to the director of 4151  
development services who shall review the application to determine 4152  
the economic impact that the proposed eligible computer data 4153  
center would have on the state and the affected political 4154  
subdivisions and shall submit a summary of their determinations 4155  
and recommendations to the authority. 4156

(D) Upon review and consideration of such determinations and 4157  
recommendations, the tax credit authority may enter into an 4158  
agreement with the applicant and any other taxpayer that operates 4159  
a computer data center business at the project site for a complete 4160  
or partial exemption from the taxes imposed under Chapters 5739. 4161  
and 5741. of the Revised Code on computer data center equipment 4162  
used or to be used at an eligible computer data center if the 4163  
authority determines all of the following: 4164

(1) The capital investment project for the eligible computer 4165  
data center will increase payroll and the amount of income taxes 4166  
to be withheld from employee compensation pursuant to section 4167  
5747.06 of the Revised Code. 4168

(2) The applicant is economically sound and has the ability 4169  
to complete or effect the completion of the proposed capital 4170  
investment project. 4171

(3) The applicant intends to and has the ability to maintain 4172

operations at the project site for the term of the agreement. 4173

(4) Receiving the exemption is a major factor in the 4174  
applicant's decision to begin, continue with, or complete the 4175  
capital investment project. 4176

(E) An agreement entered into under this section shall 4177  
include all of the following: 4178

(1) A detailed description of the capital investment project 4179  
that is the subject of the agreement, including the amount of the 4180  
investment, the period over which the investment has been or is 4181  
being made, the annual compensation to be paid by each taxpayer 4182  
subject to the agreement to its employees at the project site, and 4183  
the anticipated amount of income taxes to be withheld from 4184  
employee compensation pursuant to section 5747.06 of the Revised 4185  
Code. 4186

(2) The percentage of the exemption from the taxes imposed 4187  
under Chapters 5739. and 5741. of the Revised Code for the 4188  
computer data center equipment used or to be used at the eligible 4189  
computer data center, the length of time the computer data center 4190  
equipment will be exempted, and the first date on which the 4191  
exemption applies. 4192

(3) A requirement that the computer data center remain an 4193  
eligible computer data center during the term of the agreement and 4194  
that the applicant maintain operations at the eligible computer 4195  
data center during that term. An applicant does not violate the 4196  
requirement described in division (E)(3) of this section if the 4197  
applicant ceases operations at the eligible computer data center 4198  
during the term of the agreement but resumes those operations 4199  
within eighteen months after the date of cessation. The agreement 4200  
shall provide that, in such a case, the applicant and any other 4201  
taxpayer that operates a computer data center business at the 4202  
project site shall not claim the tax exemption authorized in the 4203

agreement for any purchase of computer data center equipment made 4204  
during the period in which the applicant did not maintain 4205  
operations at the eligible computer data center. 4206

(4) A requirement that, for each year of the term of the 4207  
agreement beginning on or after the first day of the twenty-fifth 4208  
month after the date the agreement was entered into, one or more 4209  
taxpayers operating a computer data center business at the project 4210  
site will, in the aggregate, pay annual compensation that is 4211  
subject to the withholding obligation imposed under section 4212  
5747.06 of the Revised Code of at least one million five hundred 4213  
thousand dollars to employees at the eligible computer data 4214  
center. 4215

(5) A requirement that each taxpayer subject to the agreement 4216  
annually report to the director of development services 4217  
employment, tax withholding, capital investment, and other 4218  
information required by the director to perform the director's 4219  
duties under this section. 4220

(6) A requirement that the director of development services 4221  
annually review the annual reports of each taxpayer subject to the 4222  
agreement to verify the information reported under division (E)(5) 4223  
of this section and compliance with the agreement. Upon 4224  
verification, the director shall issue a certificate to each such 4225  
taxpayer stating that the information has been verified and that 4226  
the taxpayer remains eligible for the exemption specified in the 4227  
agreement. 4228

(7) A provision providing that the taxpayers subject to the 4229  
agreement may not relocate a substantial number of employment 4230  
positions from elsewhere in this state to the project site unless 4231  
the director of development services determines that the 4232  
appropriate taxpayer notified the legislative authority of the 4233  
county, township, or municipal corporation from which the 4234  
employment positions would be relocated. For purposes of this 4235

paragraph, the movement of an employment position from one 4236  
political subdivision to another political subdivision shall be 4237  
considered a relocation of an employment position unless the 4238  
movement is confined to the project site. The transfer of an 4239  
employment position from one political subdivision to another 4240  
political subdivision shall not be considered a relocation of an 4241  
employment position if the employment position in the first 4242  
political subdivision is replaced by another employment position. 4243

(8) A waiver by each taxpayer subject to the agreement of any 4244  
limitations periods relating to assessments or adjustments 4245  
resulting from the taxpayer's failure to comply with the 4246  
agreement. 4247

(F) The term of an agreement under this section shall be 4248  
determined by the tax credit authority, and the amount of the 4249  
exemption shall not exceed one hundred per cent of such taxes that 4250  
would otherwise be owed in respect to the exempted computer data 4251  
center equipment. 4252

(G) If any taxpayer subject to an agreement under this 4253  
section fails to meet or comply with any condition or requirement 4254  
set forth in the agreement, the tax credit authority may amend the 4255  
agreement to reduce the percentage of the exemption or term during 4256  
which the exemption applies to the computer data center equipment 4257  
used or to be used by the noncompliant taxpayer at an eligible 4258  
computer data center. The reduction of the percentage or term may 4259  
take effect in the current calendar year. 4260

(H) Financial statements and other information submitted to 4261  
the department of development services or the tax credit authority 4262  
by an applicant for or recipient of an exemption under this 4263  
section, and any information taken for any purpose from such 4264  
statements or information, are not public records subject to 4265  
section 149.43 of the Revised Code. However, the chairperson of 4266  
the authority may make use of the statements and other information 4267

for purposes of issuing public reports or in connection with court 4268  
proceedings concerning tax exemption agreements under this 4269  
section. Upon the request of the tax commissioner, the chairperson 4270  
of the authority shall provide to the tax commissioner any 4271  
statement or other information submitted by an applicant for or 4272  
recipient of an exemption under this section. The tax commissioner 4273  
shall preserve the confidentiality of the statement or other 4274  
information. 4275

(I) The tax commissioner shall issue a direct payment permit 4276  
under section 5739.031 of the Revised Code to each taxpayer 4277  
subject to an agreement under this section. Such direct payment 4278  
permit shall authorize the taxpayer to pay any sales and use taxes 4279  
due on purchases of computer data center equipment used or to be 4280  
used in an eligible computer data center and to pay any sales and 4281  
use taxes due on purchases of tangible personal property or 4282  
taxable services other than computer data center equipment used or 4283  
to be used in an eligible computer data center directly to the tax 4284  
commissioner. Each such taxpayer shall pay pursuant to such direct 4285  
payment permit all sales tax levied on such purchases under 4286  
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 4287  
Code and all use tax levied on such purchases under sections 4288  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 4289  
consistent with the terms of the agreement entered into under this 4290  
section. 4291

During the term of an agreement under this section each 4292  
taxpayer subject to the agreement shall submit to the tax 4293  
commissioner a return that shows the amount of computer data 4294  
center equipment purchased for use at the eligible computer data 4295  
center, the amount of tangible personal property and taxable 4296  
services other than computer data center equipment purchased for 4297  
use at the eligible computer data center, the amount of tax under 4298  
Chapter 5739. or 5741. of the Revised Code that would be due in 4299

the absence of the agreement under this section, the exemption 4300  
percentage for computer data center equipment specified in the 4301  
agreement, and the amount of tax due under Chapter 5739. or 5741. 4302  
of the Revised Code as a result of the agreement under this 4303  
section. Each such taxpayer shall pay the tax shown on the return 4304  
to be due in the manner and at the times as may be further 4305  
prescribed by the tax commissioner. Each such taxpayer shall 4306  
include a copy of the director of development services' 4307  
certificate of verification issued under division (E)(6) of this 4308  
section. Failure to submit a copy of the certificate with the 4309  
return does not invalidate the claim for exemption if the taxpayer 4310  
submits a copy of the certificate to the tax commissioner within 4311  
~~sixty days after the tax commissioner requests it~~ the time 4312  
prescribed by section 5703.0510 of the Revised Code. 4313

(J) If the director of development services determines that 4314  
one or more taxpayers received an exemption from taxes due on the 4315  
purchase of computer data center equipment purchased for use at a 4316  
computer data center that no longer complies with the requirement 4317  
under division (E)(3) of this section, the director shall notify 4318  
the tax credit authority and, if applicable, the taxpayer that 4319  
applied to enter the agreement for the exemption under division 4320  
(C) of this section of the noncompliance. After receiving such a 4321  
notice, and after giving each taxpayer subject to the agreement an 4322  
opportunity to explain the noncompliance, the authority may 4323  
terminate the agreement and require each such taxpayer to pay to 4324  
the state all or a portion of the taxes that would have been owed 4325  
in regards to the exempt equipment in previous years, all as 4326  
determined under rules adopted pursuant to division (K) of this 4327  
section. In determining the portion of the taxes that would have 4328  
been owed on the previously exempted equipment to be paid to this 4329  
state by a taxpayer, the authority shall consider the effect of 4330  
market conditions on the eligible computer data center, whether 4331  
the taxpayer continues to maintain other operations in this state, 4332

and, with respect to agreements involving multiple taxpayers, the 4333  
taxpayer's level of responsibility for the noncompliance. After 4334  
making the determination, the authority shall certify to the tax 4335  
commissioner the amount to be paid by each taxpayer subject to the 4336  
agreement. The tax commissioner shall make an assessment for that 4337  
amount against each such taxpayer under Chapter 5739. or 5741. of 4338  
the Revised Code. The time limitations on assessments under those 4339  
chapters do not apply to an assessment under this division, but 4340  
the tax commissioner shall make the assessment within one year 4341  
after the date the authority certifies to the tax commissioner the 4342  
amount to be paid by the taxpayer. 4343

(K) The director of development services, after consultation 4344  
with the tax commissioner and in accordance with Chapter 119. of 4345  
the Revised Code, shall adopt rules necessary to implement this 4346  
section. The rules may provide for recipients of tax exemptions 4347  
under this section to be charged fees to cover administrative 4348  
costs incurred in the administration of this section. The fees 4349  
collected shall be credited to the ~~business assistance tax~~ 4350  
incentives operating fund created in section 122.174 of the 4351  
Revised Code. At the time the director gives public notice under 4352  
division (A) of section 119.03 of the Revised Code of the adoption 4353  
of the rules, the director shall submit copies of the proposed 4354  
rules to the chairpersons of the standing committees on economic 4355  
development in the senate and the house of representatives. 4356

(L) On or before the first day of August of each year, the 4357  
director of development services shall submit a report to the 4358  
governor, the president of the senate, and the speaker of the 4359  
house of representatives on the tax exemption authorized under 4360  
this section. The report shall include information on the number 4361  
of agreements that were entered into under this section during the 4362  
preceding calendar year, a description of the eligible computer 4363  
data center that is the subject of each such agreement, and an 4364

update on the status of eligible computer data centers under 4365  
agreements entered into before the preceding calendar year. 4366

(M) A taxpayer may be made a party to an existing agreement 4367  
entered into under this section by the tax credit authority and 4368  
another taxpayer or group of taxpayers. In such a case, the 4369  
taxpayer shall be entitled to all benefits and bound by all 4370  
obligations contained in the agreement and all requirements 4371  
described in this section. When an agreement includes multiple 4372  
taxpayers, each taxpayer shall be entitled to a direct payment 4373  
permit as authorized in division (I) of this section. 4374

**Sec. 122.85.** (A) As used in this section and in sections 4375  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 4376

(1) "Tax credit-eligible production" means a motion picture 4377  
production certified by the director of development services under 4378  
division (B) of this section as qualifying the motion picture 4379  
company for a tax credit under section 5726.55, 5733.59, 5747.66, 4380  
or 5751.54 of the Revised Code. 4381

(2) "Certificate owner" means a motion picture company to 4382  
which a tax credit certificate is issued or a person to which the 4383  
company has transferred under division (H) of this section the 4384  
authority to claim all or a part of the tax credit authorized by 4385  
that certificate. 4386

(3) "Motion picture company" means an individual, 4387  
corporation, partnership, limited liability company, or other form 4388  
of business association producing a motion picture. 4389

(4) "Eligible production expenditures" means expenditures 4390  
made after June 30, 2009, for goods or services purchased and 4391  
consumed in this state by a motion picture company directly for 4392  
the production of a tax credit-eligible production. 4393

"Eligible production expenditures" includes, but is not 4394

limited to, expenditures for cast and crew wages, accommodations, 4395  
costs of set construction and operations, editing and related 4396  
services, photography, sound synchronization, lighting, wardrobe, 4397  
makeup and accessories, film processing, transfer, sound mixing, 4398  
special and visual effects, music, location fees, and the purchase 4399  
or rental of facilities and equipment. 4400

(5) "Motion picture" means entertainment content created in 4401  
whole or in part within this state for distribution or exhibition 4402  
to the general public, including, but not limited to, 4403  
feature-length films; documentaries; long-form, specials, 4404  
miniseries, series, and interstitial television programming; 4405  
interactive web sites; sound recordings; videos; music videos; 4406  
interactive television; interactive games; video games; 4407  
commercials; any format of digital media; and any trailer, pilot, 4408  
video teaser, or demo created primarily to stimulate the sale, 4409  
marketing, promotion, or exploitation of future investment in 4410  
either a product or a motion picture by any means and media in any 4411  
digital media format, film, or videotape, provided the motion 4412  
picture qualifies as a motion picture. "Motion picture" does not 4413  
include any television program created primarily as news, weather, 4414  
or financial market reports, a production featuring current events 4415  
or sporting events, an awards show or other gala event, a 4416  
production whose sole purpose is fundraising, a long-form 4417  
production that primarily markets a product or service or in-house 4418  
corporate advertising or other similar productions, a production 4419  
for purposes of political advocacy, or any production for which 4420  
records are required to be maintained under 18 U.S.C. 2257 with 4421  
respect to sexually explicit content. 4422

(B) For the purpose of encouraging and developing a strong 4423  
film industry in this state, the director of development services 4424  
may certify a motion picture produced by a motion picture company 4425  
as a tax credit-eligible production. In the case of a television 4426

series, the director may certify the production of each episode of 4427  
the series as a separate tax credit-eligible production. A motion 4428  
picture company shall apply for certification of a motion picture 4429  
as a tax credit-eligible production on a form and in the manner 4430  
prescribed by the director. Each application shall include the 4431  
following information: 4432

(1) The name and telephone number of the motion picture 4433  
production company; 4434

(2) The name and telephone number of the company's contact 4435  
person; 4436

(3) A list of the first preproduction date through the last 4437  
production date in Ohio; 4438

(4) The Ohio production office address and telephone number; 4439

(5) The total production budget of the motion picture; 4440

(6) The total budgeted eligible production expenditures and 4441  
the percentage that amount is of the total production budget of 4442  
the motion picture; 4443

(7) The total percentage of the motion picture being shot in 4444  
Ohio; 4445

(8) The level of employment of cast and crew who reside in 4446  
Ohio; 4447

(9) A synopsis of the script; 4448

(10) The shooting script; 4449

(11) A creative elements list that includes the names of the 4450  
principal cast and crew and the producer and director; 4451

(12) Documentation of financial ability to undertake and 4452  
complete the motion picture; 4453

(13) Estimated value of the tax credit based upon total 4454  
budgeted eligible production expenditures; 4455

(14) Any other information considered necessary by the 4456  
director. 4457

Within ninety days after certification of a motion picture as 4458  
a tax credit-eligible production, and any time thereafter upon the 4459  
request of the director of development services, the motion 4460  
picture company shall present to the director sufficient evidence 4461  
of reviewable progress. If the motion picture company fails to 4462  
present sufficient evidence, the director may rescind the 4463  
certification. Upon rescission, the director shall notify the 4464  
applicant that the certification has been rescinded. Nothing in 4465  
this section prohibits an applicant whose tax credit-eligible 4466  
production certification has been rescinded from submitting a 4467  
subsequent application for certification. 4468

(C)(1) A motion picture company whose motion picture has been 4469  
certified as a tax credit-eligible production may apply to the 4470  
director of development services on or after July 1, 2009, for a 4471  
refundable credit against the tax imposed by section 5726.02, 4472  
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 4473  
consultation with the tax commissioner shall prescribe the form 4474  
and manner of the application and the information or documentation 4475  
required to be submitted with the application. 4476

The credit is determined as follows: 4477

(a) If the total budgeted eligible production expenditures 4478  
stated in the application submitted under division (B) of this 4479  
section or the actual eligible production expenditures as finally 4480  
determined under division (D) of this section, whichever is least, 4481  
is less than or equal to three hundred thousand dollars, no credit 4482  
is allowed; 4483

(b) If the total budgeted eligible production expenditures 4484  
stated in the application submitted under division (B) of this 4485  
section or the actual eligible production expenditures as finally 4486

determined under division (D) of this section, whichever is least, 4487  
is greater than three hundred thousand dollars, the credit equals 4488  
thirty per cent of the least of such budgeted or actual eligible 4489  
expenditure amounts. 4490

(2) Except as provided in division (C)(4) of this section, if 4491  
the director of development services approves a motion picture 4492  
company's application for a credit, the director shall issue a tax 4493  
credit certificate to the company. The director in consultation 4494  
with the tax commissioner shall prescribe the form and manner of 4495  
issuing certificates. The director shall assign a unique 4496  
identifying number to each tax credit certificate and shall record 4497  
the certificate in a register devised and maintained by the 4498  
director for that purpose. The certificate shall state the amount 4499  
of the eligible production expenditures on which the credit is 4500  
based and the amount of the credit. Upon the issuance of a 4501  
certificate, the director shall certify to the tax commissioner 4502  
the name of the applicant, the amount of eligible production 4503  
expenditures shown on the certificate, and any other information 4504  
required by the rules adopted to administer this section. 4505

(3) The amount of eligible production expenditures for which 4506  
a tax credit may be claimed is subject to inspection and 4507  
examination by the tax commissioner or employees of the 4508  
commissioner under section 5703.19 of the Revised Code and any 4509  
other applicable law. Once the eligible production expenditures 4510  
are finally determined under section 5703.19 of the Revised Code 4511  
and division (D) of this section, the credit amount is not subject 4512  
to adjustment unless the director determines an error was 4513  
committed in the computation of the credit amount. 4514

(4) No tax credit certificate may be issued before the 4515  
completion of the tax credit-eligible production. Not more than 4516  
forty million dollars of tax credit may be allowed per fiscal year 4517  
beginning July 1, 2016. 4518

(D) A motion picture company whose motion picture has been certified as a tax credit-eligible production shall engage, at the company's expense, an independent certified public accountant to examine the company's production expenditures to identify the expenditures that qualify as eligible production expenditures. The certified public accountant shall issue a report to the company and to the director of development services certifying the company's eligible production expenditures and any other information required by the director. Upon receiving and examining the report, the director may disallow any expenditure the director determines is not an eligible production expenditure. If the director disallows an expenditure, the director shall issue a written notice to the motion picture production company stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine finally the lesser of the total budgeted eligible production expenditures stated in the application submitted under division (B) of this section or the actual eligible production expenditures for the purpose of computing the amount of the credit.

(E) No credit shall be allowed under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless the director has reviewed the report and made the determination prescribed by division (D) of this section.

(F) This state reserves the right to refuse the use of this state's name in the credits of any tax credit-eligible motion picture production.

(G)(1) The director of development services in consultation with the tax commissioner shall adopt rules for the administration of this section, including rules setting forth and governing the criteria for determining whether a motion picture production is a tax credit-eligible production; activities that constitute the

production of a motion picture; reporting sufficient evidence of 4551  
reviewable progress; expenditures that qualify as eligible 4552  
production expenditures; a competitive process for approving 4553  
credits; consideration of geographic distribution of credits; and 4554  
implementation of the program described in division (I) of this 4555  
section. The rules shall be adopted under Chapter 119. of the 4556  
Revised Code. 4557

(2) The director may require a reasonable application fee to 4558  
cover administrative costs of the tax credit program. The fees 4559  
collected shall be credited to the ~~business assistance tax~~ 4560  
incentives operating fund created in section 122.174 of the 4561  
Revised Code. All grants, gifts, fees, and contributions made to 4562  
the director for marketing and promotion of the motion picture 4563  
industry within this state shall also be credited to the fund. ~~The~~ 4564  
~~director shall use money in the fund to pay expenses related to~~ 4565  
~~the administration of the Ohio film office and the credit~~ 4566  
~~authorized by this section and sections 5726.55, 5733.59, 5747.66,~~ 4567  
~~and 5751.54 of the Revised Code.~~ 4568

(H)(1) After the director of development services makes the 4569  
determination required under division (D) of this section, a 4570  
motion picture company to which a tax credit certificate is issued 4571  
may transfer the authority to claim all or a portion of the amount 4572  
of the tax credit the motion picture company is authorized to 4573  
claim pursuant to that certificate under section 5726.55, 5733.59, 4574  
5747.66, or 5751.54 of the Revised Code to one or more other 4575  
persons. Within thirty days after a transfer under this division, 4576  
the motion picture company shall submit the following information 4577  
to the director, on a form prescribed by the director: 4578

(a) Information necessary for the director to identify the 4579  
certificate that is the basis for the transfer; 4580

(b) The portion or amount of the tax credit transferred to 4581  
each transferee; 4582

(c) The portion or amount of the tax credit that the motion picture company retains the authority to claim; 4583  
4584

(d) The tax identification number of each transferee; 4585

(e) The date of the transfer; 4586

(f) Any other information required by the director; 4587

(g) Any information required by the tax commissioner. 4588

The director shall deliver a copy of any submission received under division (H)(1) of this section to the tax commissioner. 4589  
4590

(2) A transferee may not claim a credit under section 4591  
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless 4592  
and until the transferring motion picture company complies with 4593  
division (H)(1) of this section. A transferee may claim the 4594  
transferred amount of any credit or portion of a credit for the 4595  
same taxable year or tax period for which the transferring motion 4596  
picture company was authorized to claim the credit or portion of a 4597  
credit pursuant to the certificate. A motion picture company shall 4598  
make no transfer under division (H)(1) of this section after the 4599  
last day of the tax period or taxable year for which the motion 4600  
picture company is required to claim the credit pursuant to the 4601  
certificate. 4602

A motion picture company may make not more than one transfer under division (H)(1) of this section for each tax credit certificate, but pursuant to that transaction, may allocate the authority to claim a portion of the credit to more than one transferee. A motion picture company may not authorize more than one transferee to claim the same portion of a credit. 4603  
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(I) The director of development services shall establish a program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall: 4609  
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4611  
4612

(1) Certify individuals as film and multimedia trainees. In 4613  
order to receive such a certification, an individual must be an 4614  
Ohio resident, have participated in relevant on-the-job training 4615  
or have completed a relevant training course approved by the 4616  
director, and have met any other requirements established by the 4617  
director. 4618

(2) Accept applications from motion picture companies that 4619  
intend to hire and provide on-the-job training to one or more 4620  
certified film and multimedia trainees who will be employed in the 4621  
company's tax credit-eligible production. 4622

(3) Upon completion of a tax-credit eligible production, and 4623  
upon the receipt of any salary information and other documentation 4624  
required by the director, authorize a reimbursement payment to 4625  
each motion picture company whose application was approved under 4626  
division (I)(2) of this section. The payment shall equal fifty per 4627  
cent of the salaries paid to film and multimedia trainees employed 4628  
in the production. 4629

**Sec. 122.86.** (A) As used in this section and section 5747.81 4630  
of the Revised Code: 4631

(1) "Small business enterprise" means a corporation, 4632  
pass-through entity, or other person satisfying all of the 4633  
following: 4634

(a) At the time of a qualifying investment, the enterprise 4635  
meets all of the following requirements: 4636

(i) Has no outstanding tax or other liabilities owed to the 4637  
state; 4638

(ii) Is in good standing with the secretary of state, if the 4639  
enterprise is required to be registered with the secretary; 4640

(iii) Is current with any court-ordered payments; 4641

(iv) Is not engaged in any illegal activity. 4642

(b) At the time of a qualifying investment, the enterprise's assets according to generally accepted accounting principles do not exceed fifty million dollars, or its annual sales do not exceed ten million dollars. When making this determination, the assets and annual sales of all of the enterprise's related or affiliated entities shall be included in the calculation.

(c) The enterprise employs at least fifty full-time equivalent employees in this state for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, or more than one-half the enterprise's total number of full-time equivalent employees employed anywhere in the United States are employed in this state and are subject to that withholding requirement.

(d) The enterprise, within six months after an eligible investor's qualifying investment is made, invests in or incurs cost for one or more of the following in an amount at least equal to the amount of the qualifying investment:

(i) Tangible personal property, other than motor vehicles operated on public roads and highways, used in business and physically located in this state from the time of its acquisition by the enterprise until the end of the investor's holding period;

(ii) Motor vehicles operated on public roads and highways if, from the time of acquisition by the enterprise until the end of the investor's holding period, the motor vehicles are purchased in this state, registered in this state under Chapter 4503. of the Revised Code, are used primarily for business purposes, and are necessary for the operation of the enterprise's business;

(iii) Real property located in this state that is used in business from the time of its acquisition by the enterprise until the end of the holding period;

(iv) Intangible personal property, including patents,

copyrights, trademarks, service marks, or licenses used in 4674  
business primarily in this state from the time of its acquisition 4675  
by the enterprise until the end of the holding period; 4676

(v) Compensation for new employees of the enterprise for whom 4677  
the enterprise is required to withhold income tax under section 4678  
5747.06 of the Revised Code, not including increased compensation 4679  
for owners, officers, or managers of the enterprise. For this 4680  
purpose compensation for new employees includes compensation for 4681  
newly hired or retained employees. 4682

(2) "Qualifying investment" means an investment of money made 4683  
on or after July 1, 2011, to acquire capital stock or other equity 4684  
interest in a small business enterprise. "Qualifying investment" 4685  
does not include either of the following: 4686

(a) Any investment of money an eligible investor derives, 4687  
directly or indirectly, from a grant or loan from the federal 4688  
government or the state or a political subdivision, including the 4689  
third frontier program under Chapter 184. of the Revised Code; 4690

(b) Any investment of money which is the basis of a tax 4691  
credit granted under any other section of the Revised Code. 4692

(3) "Eligible investor" means an individual, estate, or trust 4693  
subject to the tax imposed by section 5747.02 of the Revised Code, 4694  
or a pass-through entity in which such an individual, estate, or 4695  
trust holds a direct or indirect ownership or other equity 4696  
interest. To qualify as an eligible investor, the individual, 4697  
estate, trust, or pass-through entity shall not owe any 4698  
outstanding tax or other liability to the state at the time of a 4699  
qualifying investment. 4700

(4) "Holding period" means the two-year period beginning on 4701  
the day a qualifying investment is made. 4702

(5) "Pass-through entity" has the same meaning as in section 4703  
5733.04 of the Revised Code. 4704

(B) Any eligible investor that makes a qualifying investment 4705  
in a small business enterprise on or after July 1, 2011, may apply 4706  
to the director of development services to obtain a small business 4707  
investment certificate from the director. Alternatively, a small 4708  
business enterprise may apply on behalf of eligible investors to 4709  
obtain the certificates for those investors. The director, in 4710  
consultation with the tax commissioner, shall prescribe the form 4711  
or manner in which an applicant shall apply for the certificate, 4712  
devise the form of the certificate, and prescribe any records or 4713  
other information an applicant shall furnish with the application 4714  
to evidence the qualifying investment. The applicant shall state 4715  
the amount of the intended investment. The applicant shall pay an 4716  
application fee equal to the greater of one-tenth of one per cent 4717  
of the amount of the intended investment or one hundred dollars. 4718

A small business investment certificate entitles the 4719  
certificate holder to receive a tax credit under section 5747.81 4720  
of the Revised Code if the certificate holder qualifies for the 4721  
credit as otherwise provided in this section. If the certificate 4722  
holder is a pass-through entity, the certificate entitles the 4723  
entity's equity owners to receive their distributive or 4724  
proportionate shares of the credit. In any fiscal biennium, an 4725  
eligible investor may not apply for small business investment 4726  
certificates representing intended investment amounts in excess of 4727  
ten million dollars. Such certificates are not transferable. 4728

The director of development services may reserve small 4729  
business investment certificates to qualifying applicants in the 4730  
order in which the director receives applications, but may issue 4731  
the certificates as the applications are completed. An application 4732  
is completed when the director has validated that an eligible 4733  
investor has made a qualified investment and the small business 4734  
enterprise has made the appropriate reinvestment of the qualified 4735  
investment pursuant to the requirements of division (A)(1)(d) of 4736

this section. To qualify for a certificate, an eligible investor 4737  
must satisfy both of the following, subject to the limitation on 4738  
the amount of qualifying investments for which certificates may be 4739  
issued under division (C) of this section: 4740

(1) The eligible investor makes a qualifying investment on or 4741  
after July 1, 2011. 4742

(2) The eligible investor pledges not to sell or otherwise 4743  
dispose of the qualifying investment before the conclusion of the 4744  
applicable holding period. 4745

(C)(1) The amount of any eligible investor's qualifying 4746  
investments for which small business investment certificates may 4747  
be issued for a fiscal biennium shall not exceed ten million 4748  
dollars. 4749

(2) The director of development services shall not issue a 4750  
small business investment certificate to an eligible investor 4751  
representing an amount of qualifying investment in excess of the 4752  
amount of the intended investment indicated on the investor's 4753  
application for the certificate. 4754

(3) The director of development services shall not issue 4755  
small business investment certificates in a total amount that 4756  
would cause the tax credits claimed in any fiscal biennium to 4757  
exceed one hundred million dollars. 4758

(4) The director of development services may issue a small 4759  
business investment certificate only if both of the following 4760  
apply at the time of issuance: 4761

(a) The small business enterprise meets all the requirements 4762  
listed in divisions (A)(1)(a)(i) to (iv) of this section; 4763

(b) The eligible investor does not owe any outstanding tax or 4764  
other liability to the state. 4765

(D) Before the end of the applicable holding period of a 4766

qualifying investment, each enterprise in which a qualifying 4767  
investment was made for which a small business investment 4768  
certificate has been issued, upon the request of the director of 4769  
development services, shall provide to the director records or 4770  
other evidence satisfactory to the director that the enterprise is 4771  
a small business enterprise for the purposes of this section. Each 4772  
enterprise shall also provide annually to the director records or 4773  
evidence regarding the number of jobs created or retained in the 4774  
state. No credit may be claimed under this section and section 4775  
5747.81 of the Revised Code if the director finds that an 4776  
enterprise is not a small business enterprise for the purposes of 4777  
this section. The director shall compile and maintain a register 4778  
of small business enterprises qualifying under this section and 4779  
shall certify the register to the tax commissioner. The director 4780  
shall also compile and maintain a record of the number of jobs 4781  
created or retained as a result of qualifying investments made 4782  
pursuant to this section. 4783

(E) After the conclusion of the applicable holding period for 4784  
a qualifying investment, a person to whom a small business 4785  
investment certificate has been issued under this section may 4786  
claim a credit as provided under section 5747.81 of the Revised 4787  
Code. 4788

(F) The director of development services, in consultation 4789  
with the tax commissioner, may adopt rules for the administration 4790  
of this section, including rules governing the following: 4791

(1) Documents, records, or other information eligible 4792  
investors shall provide to the director; 4793

(2) Any information a small business enterprise shall provide 4794  
for the purposes of this section and section 5747.81 of the 4795  
Revised Code; 4796

(3) Determination of the number of full-time equivalent 4797

employees of a small business enterprise; 4798

(4) Verification of a small business enterprise's investment 4799  
in tangible personal property and intangible personal property 4800  
under division (A)(1)(d) of this section, including when such 4801  
investments have been made and where the property is used in 4802  
business; 4803

(5) Circumstances under which small business enterprises or 4804  
eligible investors may be subverting the purposes of this section 4805  
and section 5747.81 of the Revised Code. 4806

~~There is hereby created in the state treasury the InvestOhio 4807  
support fund. The fund shall consist of the fees (G) Application 4808  
fees paid under division (B) of this section and shall be used by 4809  
the development services agency to pay the costs of administering 4810  
the small business investment certificate program established 4811  
under this section credited to the tax incentives operating fund 4812  
created in section 122.174 of the Revised Code. 4813~~

**Sec. 152.08 123.011.** (A) The Ohio building authority 4814  
department of administrative services may: 4815

(1) ~~Acquire, by gift, grant, or purchase, and hold and 4816  
mortgage, real estate and interests therein and personal property 4817  
suitable for its purposes, provided that no land used by the 4818  
authority pursuant to section 152.05 of the Revised Code shall be 4819  
mortgaged by the authority; 4820~~

(2) ~~Purchase, construct, reconstruct, equip, furnish, 4821  
improve, alter, enlarge, maintain, repair, and operate buildings, 4822  
facilities, and other properties for the purposes set forth in 4823  
section 152.04 of the Revised Code. The authority shall construct, 4824  
operate, and maintain its buildings, facilities, and other 4825  
properties in a healthy, safe, and sanitary manner. 4826~~

(3) ~~Issue revenue bonds to secure funds to accomplish its 4827~~

~~purposes, the principal of and interest on and all other payments 4828  
required to be made by the trust agreement or indenture securing 4829  
such bonds to be paid solely from revenues accruing to the 4830  
authority through the operation of its buildings, facilities, and 4831  
other properties; 4832~~

~~(4) Enter into contracts and execute all instruments 4833  
necessary in the conduct of its business; 4834~~

~~(5) Fix, alter, and charge rentals and other charges for the 4835  
use and occupancy of its buildings, facilities, and other 4836  
properties and enter into leases with the persons specified in 4837  
section 152.04 of the Revised Code; 4838~~

~~(6) Employ financial consultants, appraisers, consulting 4839  
engineers, architects, superintendents, managers, construction and 4840  
accounting experts, attorneys at law, and other employees and 4841  
agents as are necessary, in its judgment, and fix their 4842  
compensation; 4843~~

~~(7)(2) Provide for the persons occupying its buildings, 4844  
facilities, and other properties, health clinics, medical 4845  
services, food services, and such other services as such persons 4846  
cannot provide for themselves; and, if the authority department 4847  
determines that it is more advantageous, it may enter into 4848  
contracts with persons, firms, or corporations or with any 4849  
governmental agency, board, commission, or department to provide 4850  
any of such clinics or services; 4851~~

~~(8) Pledge, hypothecate, or otherwise encumber such of its 4852  
rentals or other charges as may be agreed as security for its 4853  
obligations, and enter into trust agreements or indentures for the 4854  
benefit of its bondholders; 4855~~

~~(9) Borrow money or accept advances, loans, gifts, grants, 4856  
devises, or bequests from, and enter into contracts or agreements 4857  
with, any federal agency or other governmental or private source, 4858~~

~~and hold and apply advances, loans, gifts, grants, devises, or 4859  
bequests according to the terms thereof. Such advances, loans, 4860  
gifts, grants, or devises of real estate may be in fee simple or 4861  
of any lesser estate and may be subject to any reasonable 4862  
reservations. Any advances or loans received from any federal or 4863  
other governmental or private source may be repaid in accordance 4864  
with the terms of such advance or loan. 4865~~

~~(10) Conduct investigations into housing and living 4866  
conditions in order to be able to purchase, construct, or 4867  
reconstruct suitable buildings and facilities to fulfill its 4868  
purpose, and determine the best locations within the state for its 4869  
buildings, facilities, and other properties; 4870~~

~~(11) Enter into lawful arrangements with the appropriate 4871  
federal or state department or agency, county, township, municipal 4872  
government, or other political subdivision, or public agency for 4873  
the planning and installation of streets, roads, alleys, public 4874  
parks and recreation areas, public utility facilities, and other 4875  
necessary appurtenances to its projects; 4876~~

~~(12) Purchase fire, extended coverage, and liability 4877  
insurance for its property, and insurance covering the authority 4878  
and its officers and employees for liability for damage or injury 4879  
to persons or property; 4880~~

~~(13) Sell, lease, release, or otherwise dispose of property 4881  
owned by the authority and not needed for the purposes of the 4882  
authority and grant such easements across the property of the 4883  
authority as will not interfere with its use of its property; 4884~~

~~(14) Establish rules and regulations for the use and 4885  
operation of its buildings, facilities, and other properties; 4886~~

~~(15) Do all other acts necessary to the fulfillment of its 4887  
purposes. 4888~~

~~(B) Any instrument by which real property is acquired 4889~~

~~pursuant to this section shall identify the agency of the state 4890  
that has the use and benefit of the real property as specified in 4891  
section 5301.012 of the Revised Code. 4892~~

(C) Any person may possess a firearm in a motor vehicle in 4893  
the parking garage at the Riffe center for government and the arts 4894  
in Columbus, if the person's possession of the firearm in the 4895  
motor vehicle is not in violation of section 2923.16 of the 4896  
Revised Code or any other provision of the Revised Code. Any 4897  
person may store or leave a firearm in a locked motor vehicle that 4898  
is parked in the parking garage at the Riffe center for government 4899  
and the arts in Columbus, if the person's transportation and 4900  
possession of the firearm in the motor vehicle while traveling to 4901  
the garage was not in violation of section 2923.16 of the Revised 4902  
Code or any other provision of the Revised Code. 4903

**Sec. 123.20.** (A) There is hereby created the Ohio facilities 4904  
construction commission. The commission shall administer the 4905  
design and construction of improvements to public facilities of 4906  
the state in accordance with this chapter, the provision of 4907  
financial assistance to school districts for the acquisition or 4908  
construction of classroom facilities in accordance with Chapter 4909  
3318. of the Revised Code, and any other applicable provisions of 4910  
the Revised Code. 4911

The commission is a body corporate and politic, an agency of 4912  
state government and an instrumentality of the state, performing 4913  
essential governmental functions of this state. The carrying out 4914  
of the purposes and the exercise by the commission of its powers 4915  
are essential public functions and public purposes of the state. 4916  
The commission may, in its own name, sue and be sued, enter into 4917  
contracts, and perform all the powers and duties given to it by 4918  
the Revised Code, but it does not have and shall not exercise the 4919  
power of eminent domain. In its discretion and as it determines 4920

appropriate, the commission may delegate to any of its members, 4921  
executive director, or other employees any of the commission's 4922  
powers and duties to carry out its functions. 4923

(B) The commission shall consist of the following three 4924  
members: the director of the office of budget and management ~~and,~~ 4925  
the director of administrative services, ~~or their designees,~~ and a 4926  
~~member~~ an additional administrative department head listed in 4927  
section 121.03 of the Revised Code whom the governor shall 4928  
appoint. Each member of the commission may designate an employee 4929  
of the member's agency to serve on the member's behalf. 4930

Members of the commission or their designees shall serve 4931  
without compensation. 4932

~~Within sixty days after the effective date of this section,~~ 4933  
~~the commission shall meet and organize by electing voting members~~ 4934  
~~as the chairperson and vice chairperson of the commission, who~~ 4935  
~~shall hold their offices until the next organizational meeting of~~ 4936  
~~the commission.~~ Organizational meetings of the commission shall be 4937  
held at the first meeting of each calendar year. At each 4938  
organizational meeting, the commission shall elect ~~from among its~~ 4939  
~~voting members~~ a chairperson and vice-chairperson, who shall serve 4940  
until the next annual organizational meeting. The commission shall 4941  
adopt rules pursuant to Chapter 119. of the Revised Code for the 4942  
conduct of its internal business and shall keep a journal of its 4943  
proceedings. Including the organizational meeting, the commission 4944  
shall meet at least once each calendar year. 4945

Two members of the commission constitute a quorum, and the 4946  
affirmative vote of two members is necessary for approval of any 4947  
action taken by the commission. A vacancy in the membership of the 4948  
commission does not impair a quorum from exercising all the rights 4949  
and performing all the duties of the commission. Meetings of the 4950  
commission may be held anywhere in the state and shall be held in 4951  
compliance with section 121.22 of the Revised Code. 4952

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

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

~~(D) The commission shall file an annual report of its activities and finances, including a report of the expenditures and progress of the classroom facilities assistance program under Chapter 3318. of the Revised Code, with the governor, speaker of the house of representatives, president of the senate, and chairpersons of the house and senate finance committees.~~

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

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

(1) ~~Prepare~~ Except as otherwise provided in section 123.211 of the Revised Code, prepare, or contract to be prepared, by licensed engineers or architects, surveys, general and detailed plans, specifications, bills of materials, and estimates of cost for any projects, improvements, or public buildings to be

constructed by state agencies that may be authorized by 4984  
legislative appropriations or any other funds made available 4985  
therefor, provided that the construction of the projects, 4986  
improvements, or public buildings is a statutory duty of the 4987  
commission. This section does not require the independent 4988  
employment of an architect or engineer as provided by section 4989  
153.01 of the Revised Code in the cases to which section 153.01 of 4990  
the Revised Code applies. This section does not affect or alter 4991  
the existing powers of the director of transportation. 4992

(2) ~~Have~~ Except as otherwise provided in section 123.211 of 4993  
the Revised Code, have general supervision over the construction 4994  
of any projects, improvements, or public buildings constructed for 4995  
a state agency and over the inspection of materials prior to their 4996  
incorporation into those projects, improvements, or buildings. 4997

(3) ~~Make~~ Except as otherwise provided in section 123.211 of 4998  
the Revised Code, make contracts for and supervise the design and 4999  
construction of any projects and improvements or the construction 5000  
and repair of buildings under the control of a state agency. All 5001  
such contracts may be based in whole or in part on the unit price 5002  
or maximum estimated cost, with payment computed and made upon 5003  
actual quantities or units. 5004

(4) Adopt, amend, and rescind rules pertaining to the 5005  
administration of the construction of the public works of the 5006  
state as required by law, in accordance with Chapter 119. of the 5007  
Revised Code. 5008

(5) Contract with, retain the services of, or designate, and 5009  
fix the compensation of, such agents, accountants, consultants, 5010  
advisers, and other independent contractors as may be necessary or 5011  
desirable to carry out the programs authorized under this chapter, 5012  
or authorize the executive director to perform such powers and 5013  
duties. 5014

(6) Receive and accept any gifts, grants, donations, and 5015  
pledges, and receipts therefrom, to be used for the programs 5016  
authorized under this chapter. 5017

(7) Make and enter into all contracts, commitments, and 5018  
agreements, and execute all instruments, necessary or incidental 5019  
to the performance of its duties and the execution of its rights 5020  
and powers under this chapter, or authorize the executive director 5021  
to perform such powers and duties. 5022

(8) Debar a contractor as provided in section 153.02 of the 5023  
Revised Code. 5024

(9) Enter into and administer cooperative agreements for 5025  
cultural projects, as provided in sections 123.28 and 123.281 of 5026  
the Revised Code. 5027

(B) The commission shall appoint and fix the compensation of 5028  
an executive director who shall serve at the pleasure of the 5029  
commission. The executive director shall exercise all powers that 5030  
the commission possesses, supervise the operations of the 5031  
commission, and perform such other duties as delegated by the 5032  
commission. The executive director also shall employ and fix the 5033  
compensation of such employees as will facilitate the activities 5034  
and purposes of the commission, who shall serve at the pleasure of 5035  
the executive director. The employees of the commission are exempt 5036  
from Chapter 4117. of the Revised Code and are not considered 5037  
public employees as defined in section 4117.01 of the Revised 5038  
Code. Any agreement entered into prior to July 1, 2012, between 5039  
the office of collective bargaining and the exclusive 5040  
representative for employees of the commission is binding and 5041  
shall continue to have effect. 5042

(C) The attorney general shall serve as the legal 5043  
representative for the commission and may appoint other counsel as 5044  
necessary for that purpose in accordance with section 109.07 of 5045

the Revised Code. 5046

**Sec. 124.23.** (A) All applicants for positions and places in 5047  
the classified service shall be subject to examination, except for 5048  
applicants for positions as professional or certified service and 5049  
paraprofessional employees of county boards of developmental 5050  
disabilities, who shall be hired in the manner provided in section 5051  
124.241 of the Revised Code. 5052

(B) Any examination administered under this section shall be 5053  
public and be open to all citizens of the United States and those 5054  
persons who have legally declared their intentions of becoming 5055  
United States citizens. For examinations administered for 5056  
positions in the service of the state, the director of 5057  
administrative services or the director's designee may determine 5058  
certain limitations as to citizenship, age, experience, education, 5059  
health, habit, and moral character. 5060

(C)(1) ~~Any~~ A person who shall receive additional credit of 5061  
twenty per cent of the person's total grade given in the 5062  
examination in which the person receives a passing grade if either 5063  
of the following apply: 5064

(a) The person has completed service in the uniformed 5065  
services, who, and has been honorably discharged from, the 5066  
uniformed services or transferred to the reserve with evidence of 5067  
satisfactory service, and who is a resident of this state and any 5068  
armed forces. 5069

(b) The person is a member in good standing of a reserve 5070  
component of the armed forces of the United States, including the 5071  
Ohio national guard, who has successfully completed more than one 5072  
hundred eighty days of active duty service pursuant to an 5073  
executive order of the president of the United States or an act of 5074  
the congress of the United States may file with the director a 5075  
certificate of service or honorable discharge, and, upon this 5076

~~filing, the person shall receive additional credit of twenty per cent of the person's total grade given in the examination in which the person receives a passing grade. A person who receives an additional credit under division (C)(1) of this section shall not receive an additional credit under division (C)(2) of this section initial entry-level training.~~ 5077  
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~~(2) A member in good standing of a reserve component of the armed forces of the United States, including the Ohio national guard, who successfully completes the member's initial entry level training shall receive a credit of fifteen per cent of the person's total grade given in the examination in which the person receives a passing grade A person shall receive the additional credit under division (C)(1) of this section upon filing with the director a certificate of service or honorable discharge or other acceptable form of proof as provided in rules adopted by the director.~~ 5083  
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~~(3) No person shall receive additional credit under division (C)(1) of this section greater than twenty per cent of the person's total passing grade given in the examination.~~ 5093  
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~~(4) As used in this division, "service in the uniformed services" and "uniformed services" have the same meanings as in the "Uniformed Services Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 4303:~~ 5096  
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~~(a) "Armed forces" has the same meaning as in section 5903.01 of the Revised Code.~~ 5100  
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~~(b) "Service in the armed forces" means the performance of duty on a voluntary or involuntary basis in the armed forces under competent authority.~~ 5102  
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~~(D) An examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination shall consist of~~ 5105  
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one or more tests in any combination. Tests may be written, oral, 5108  
physical, demonstration of skill, or an evaluation of training and 5109  
experiences and shall be designed to fairly test the relative 5110  
capacity of the persons examined to discharge the particular 5111  
duties of the position for which appointment is sought. Tests may 5112  
include structured interviews, assessment centers, work 5113  
simulations, examinations of knowledge, skills, and abilities, and 5114  
any other acceptable testing methods. If minimum or maximum 5115  
requirements are established for any examination, they shall be 5116  
specified in the examination announcement. 5117

(E) Except as otherwise provided in sections 124.01 to 124.64 5118  
of the Revised Code, when a position in the classified service of 5119  
the state is to be filled, an examination shall be administered. 5120  
The director of administrative services shall have control of all 5121  
examinations administered for positions in the service of the 5122  
state and all other examinations the director administers as 5123  
provided in section 124.07 of the Revised Code, except as 5124  
otherwise provided in sections 124.01 to 124.64 of the Revised 5125  
Code. The director shall, by rule adopted under Chapter 119. of 5126  
the Revised Code, prescribe the notification method that is to be 5127  
used by an appointing authority to notify the director that a 5128  
position in the classified service of the state is to be filled. 5129  
In addition to the positions described in section 124.30 of the 5130  
Revised Code, the director may, with sufficient justification from 5131  
the appointing authority, allow the appointing authority to fill 5132  
the position by noncompetitive examination. The director shall 5133  
establish, by rule adopted under Chapter 119. of the Revised Code, 5134  
standards that the director shall use to determine what serves as 5135  
sufficient justification from an appointing authority to fill a 5136  
position by noncompetitive examination. 5137

(F) No questions in any examination shall relate to political 5138  
or religious opinions or affiliations. No credit for seniority, 5139

efficiency, or any other reason shall be added to an applicant's 5140  
examination grade unless the applicant achieves at least the 5141  
minimum passing grade on the examination without counting that 5142  
extra credit. 5143

(G) Except as otherwise provided in sections 124.01 to 124.64 5144  
of the Revised Code, the director of administrative services or 5145  
the director's designee shall give reasonable notice of the time, 5146  
place, and general scope of every competitive examination for 5147  
appointment that the director or the director's designee 5148  
administers for positions in the classified service of the state. 5149  
The director or the director's designee shall post notices via 5150  
electronic media of every examination to be conducted for 5151  
positions in the classified civil service of the state. The 5152  
electronic notice shall be posted on the director's internet site 5153  
on the world wide web for a minimum of one week preceding any 5154  
examination involved. 5155

**Sec. 124.26.** From the returns of examinations for positions 5156  
in the service of the state, the director of administrative 5157  
services or the director's designee shall prepare an eligible list 5158  
of the persons whose general average standing upon examinations 5159  
for the class or position is not less than the minimum fixed by 5160  
the rules of the director, and who are otherwise eligible. Those 5161  
persons shall take rank upon the eligible list as candidates in 5162  
the order of their relative excellence as determined by the 5163  
examination without reference to priority of the time of 5164  
examination. If two or more applicants receive the same mark in an 5165  
open competitive examination, priority in the time of filing the 5166  
application with the director or the director's designee shall 5167  
determine the order in which their names shall be placed on the 5168  
eligible list, except that applicants eligible for the veteran's 5169  
or ~~the reserve component member's~~ reservist's preference under 5170  
section 124.23 of the Revised Code shall receive priority in rank 5171

on the eligible list over nonveterans and ~~nonmembers of the~~ 5172  
~~reserve component nonreservists~~ on the list with a rating equal to 5173  
that of the veteran or ~~reserve component member~~ reservist. Ties 5174  
among ~~veterans or among reserve component members~~ applicants 5175  
eligible for the veteran's or reservist's preference under section 5176  
124.23 of the Revised Code shall be decided by priority of filing 5177  
the application. ~~A tie between a veteran and a reserve component~~ 5178  
~~member shall be decided in favor of the veteran.~~ 5179

An eligible list expires upon the filling or closing of the 5180  
position. An expired eligible list may be used to fill a position 5181  
of the same classification within the same appointing authority 5182  
for which the list was created. But, in no event shall an expired 5183  
list be used more than one year past its expiration date. 5184

**Sec. 124.27.** (A) Appointments to all positions in the 5185  
classified civil service, that are not filled by promotion, 5186  
transfer, or reduction, as provided in sections 124.01 to 124.64 5187  
of the Revised Code and the rules of the director prescribed under 5188  
those sections, shall be made only from those persons whose names 5189  
take rank order on an eligible list, and no employment, except as 5190  
provided in those sections, shall be otherwise given in the 5191  
classified civil service. The appointing authority shall appoint 5192  
in the following manner: eachtime a selection is made, it shall 5193  
be from one of the names that ranks in the top ten names on the 5194  
eligible list or the top twenty-five per cent of the eligible 5195  
list, whichever is greater. In the event that ten or fewer names 5196  
are on the eligible list, the appointing authority may select any 5197  
of the listed candidates. Each person who qualifies for the 5198  
veteran's or reservist's preference under section 124.23 of the 5199  
Revised Code, ~~who is a resident of this state,~~ and whose name is 5200  
on the eligible list for a position is entitled to preference in 5201  
original appointment to any such competitive position in the 5202  
classified civil service of the state over all other persons who 5203

are eligible for those appointments and who are standing on the 5204  
relevant eligible list with a rating equal to that of the person 5205  
qualifying for the veteran's or reservist's preference. 5206

(B) All original and promotional appointments in the 5207  
classified civil service, including appointments made pursuant to 5208  
section 124.30 of the Revised Code, but not intermittent 5209  
appointments, shall be for a probationary period, not less than 5210  
sixty days nor more than one year, to be fixed by the rules of the 5211  
director for appointments in the civil service of the state, 5212  
except as provided in section 124.231 of the Revised Code, and 5213  
except for original appointments to a police department as a 5214  
police officer or to a fire department as a firefighter which 5215  
shall be for a probationary period of one year. No appointment or 5216  
promotion is final until the appointee has satisfactorily served 5217  
the probationary period. If the service of the probationary 5218  
employee is unsatisfactory, the employee may be removed or reduced 5219  
at any time during the probationary period. If the appointing 5220  
authority decides to remove a probationary employee in the service 5221  
of the state, the appointing authority shall communicate the 5222  
removal to the director. A probationary employee duly removed or 5223  
reduced in position for unsatisfactory service does not have the 5224  
right to appeal the removal or reduction under section 124.34 of 5225  
the Revised Code. 5226

**Sec. 124.384.** (A) Except as otherwise provided in this 5227  
section, employees whose salaries or wages are paid by warrant of 5228  
the director of budget and management and who have accumulated 5229  
sick leave under section 124.38 or 124.382 of the Revised Code 5230  
shall be paid for a percentage of their accumulated balances, upon 5231  
separation for any reason, including death but excluding 5232  
retirement, at their last base rate of pay at the rate of one hour 5233  
of pay for every two hours of accumulated balances. An employee 5234  
who retires in accordance with any retirement plan offered by the 5235

state shall be paid upon retirement for each hour of the 5236  
employee's accumulated sick leave balance at a rate of fifty-five 5237  
per cent of the employee's last base rate of pay. 5238

An employee serving in a temporary work level who elects to 5239  
convert unused sick leave to cash shall do so at the base rate of 5240  
pay of the employee's normal classification. If an employee dies, 5241  
the employee's unused sick leave shall be paid in accordance with 5242  
section 2113.04 of the Revised Code or to the employee's estate. 5243

In order to be eligible for the payment authorized by this 5244  
section, an employee shall have at least one year of state service 5245  
and shall request all or a portion of that payment no later than 5246  
three years after separation from state service. No person is 5247  
eligible to receive all or a portion of the payment authorized by 5248  
this section at any time later than three years after the person's 5249  
separation from state service. 5250

(B) ~~Except as otherwise provided in this division, a~~ A person 5251  
initially employed on or after July 5, 1987, by a state agency in 5252  
which the employees' salaries or wages are paid directly by 5253  
warrant of the director of budget and management shall receive 5254  
payment under this section only for sick leave accumulated while 5255  
employed by state agencies in which the employees' salaries or 5256  
wages are paid directly by warrant of the director of budget and 5257  
management. A Additionally, a person initially employed on or 5258  
after July 5, 1987, but before October 1, 2017, by the state 5259  
department of education as an unclassified employee shall receive 5260  
payment under this section ~~only for sick leave accumulated while~~ 5261  
~~employed by state agencies in which the employees' salaries or~~ 5262  
~~wages are paid directly by warrant of the director of budget and~~ 5263  
~~management and~~ for sick leave placed to the employee's credit 5264  
under division (E)(2) of section 124.382 of the Revised Code. 5265

(C) For employees paid in accordance with section 124.152 of 5266  
the Revised Code and those employees listed in divisions (B)(2) 5267

and (4) of section 124.14 of the Revised Code, the director of 5268  
administrative services, with the approval of the director of 5269  
budget and management, may establish a plan for early payment of 5270  
accrued sick leave and vacation leave. 5271

**Sec. 124.93.** (A) As used in this section, "physician" means 5272  
any person who holds a valid ~~certificate~~ license to practice 5273  
medicine and surgery or osteopathic medicine and surgery issued 5274  
under Chapter 4731. of the Revised Code. 5275

(B) No health insuring corporation that, on or after July 1, 5276  
1993, enters into or renews a contract with the department of 5277  
administrative services under section 124.82 of the Revised Code, 5278  
because of a physician's race, color, religion, sex, national 5279  
origin, disability or military status as defined in section 5280  
4112.01 of the Revised Code, age, or ancestry, shall refuse to 5281  
contract with that physician for the provision of health care 5282  
services under section 124.82 of the Revised Code. 5283

Any health insuring corporation that violates this division 5284  
is deemed to have engaged in an unlawful discriminatory practice 5285  
as defined in section 4112.02 of the Revised Code and is subject 5286  
to Chapter 4112. of the Revised Code. 5287

(C) Each health insuring corporation that, on or after July 5288  
1, 1993, enters into or renews a contract with the department of 5289  
administrative services under section 124.82 of the Revised Code 5290  
and that refuses to contract with a physician for the provision of 5291  
health care services under that section shall provide that 5292  
physician with a written notice that clearly explains the reason 5293  
or reasons for the refusal. The notice shall be sent to the 5294  
physician by regular mail within thirty days after the refusal. 5295

Any health insuring corporation that fails to provide notice 5296  
in compliance with this division is deemed to have engaged in an 5297  
unfair and deceptive act or practice in the business of insurance 5298

as defined in section 3901.21 of the Revised Code and is subject 5299  
to sections 3901.19 to 3901.26 of the Revised Code. 5300

**Sec. 125.035.** (A) Except as otherwise provided in the Revised 5301  
Code, a state agency wanting to purchase supplies or services 5302  
shall make the purchase subject to the requirements of an 5303  
applicable first or second requisite procurement program described 5304  
in this section, or obtain a determination from the department of 5305  
administrative services that the purchase is not subject to a 5306  
first or second requisite procurement program. State agencies 5307  
shall submit a purchase request to the department of 5308  
administrative services unless the department has determined the 5309  
request does not require a review. The director of administrative 5310  
services shall adopt rules under Chapter 119. of the Revised Code 5311  
to provide for the manner of carrying out the function and the 5312  
power and duties imposed upon and vested in the director by this 5313  
section. 5314

(B) The following programs are first requisite procurement 5315  
programs that shall be given preference in the following order in 5316  
fulfilling a purchase request: 5317

(1) Ohio penal industries within the department of 5318  
rehabilitation and correction; and 5319

(2) Community rehabilitation programs administered by the 5320  
department of administrative services under sections 125.601 to 5321  
125.6012 of the Revised Code. 5322

(C) The following programs are second requisite procurement 5323  
programs that may be able to fulfill the purchase request if the 5324  
first requisite procurement programs are unable to do so: 5325

(1) Business enterprise program at the opportunities for 5326  
Ohioans with disabilities agency as prescribed in sections 3304.28 5327  
to 3304.33 of the Revised Code; 5328

(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code; 5329  
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(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code; 5332  
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(4) ~~Office of support services~~ Ohio pharmacy services at the department of mental health and addiction services as prescribed in section 5119.44 of the Revised Code; 5335  
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(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and 5338  
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(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency. 5340  
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(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall: 5343  
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(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program; 5351  
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(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revised Code; or 5354  
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(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this 5357  
5358

section. 5359

(E) In making the determination that a purchase is subject to 5360  
a second requisite procurement program, the department shall 5361  
identify potentially applicable programs and notify each program 5362  
of the requested purchase. The notified second requisite 5363  
procurement program shall respond to the department within two 5364  
business days with regard to its ability to provide the requested 5365  
purchase. If the second requisite procurement program can provide 5366  
the requested purchase, the department shall direct the requesting 5367  
agency to make the requested purchase from the appropriate second 5368  
requisite procurement program. If the department has not received 5369  
notification from a second requisite procurement program within 5370  
two business days and the department has made the determination 5371  
that the purchase is not subject to a second requisite procurement 5372  
program, the department shall provide a waiver to the requesting 5373  
agency. 5374

(F) Within five business days after receipt of a request, the 5375  
department shall notify the requesting agency of its determination 5376  
and provide any waiver under divisions (D) or (E) of this section. 5377  
If the department fails to respond within five business days or 5378  
fails to provide an explanation for any further delay within that 5379  
time, the requesting agency may use direct purchasing authority to 5380  
make the requested purchase, subject to the requirements of 5381  
division (G) of this section and section 127.16 of the Revised 5382  
Code. 5383

(G) As provided in sections 125.02 and 125.05 of the Revised 5384  
Code and subject to such rules as the director of administrative 5385  
services may adopt, the department may issue a release and permit 5386  
to the agency to secure supplies or services. A release and permit 5387  
shall specify the supplies or services to which it applies, the 5388  
time during which it is operative, and the reason for its 5389  
issuance. A release and permit for telephone, other 5390

telecommunications, and computer services shall be provided in 5391  
accordance with section 125.18 of the Revised Code and shall 5392  
specify the type of services to be rendered, the number and type 5393  
of hardware to be used, and may specify the amount of such 5394  
services to be performed. No requesting agency shall proceed with 5395  
such purchase until it has received an approved release and permit 5396  
from the director of administrative services or the director's 5397  
designee. 5398

**Sec. 125.04.** (A) Except for the requirements of division (B) 5399  
of this section, section 125.092, and division (B) of section 5400  
125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 5401  
to 125.15 of the Revised Code do not apply to or affect state 5402  
institutions of higher education. 5403

(B)(1) As used in this division: 5404

(a) "Chartered nonpublic school" has the same meaning as in 5405  
section 3310.01 of the Revised Code. 5406

(b) "Emergency medical service organization" has the same 5407  
meaning as in section 4765.01 of the Revised Code. 5408

(c) "Governmental agency" means a political subdivision or 5409  
special district in this state established by or under law, or any 5410  
combination of these entities; the United States or any 5411  
department, division, or agency of the United States; one or more 5412  
other states or groups of states; other purchasing consortia; and 5413  
any agency, commission, or authority established under an 5414  
interstate compact or agreement. 5415

(d) "Political subdivision" means any county, township, 5416  
municipal corporation, school district, conservancy district, 5417  
township park district, park district created under Chapter 1545. 5418  
of the Revised Code, regional transit authority, regional airport 5419  
authority, regional water and sewer district, or port authority. 5420

"Political subdivision" also includes any other political subdivision described in the Revised Code that has been approved by the department of administrative services to participate in the department's contracts under this division.

(e) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.

(f) "State institution of higher education" has the meaning defined in section 3345.011 of the Revised Code.

(2) Subject to division (C) of this section, the department of administrative services may permit a state institution of higher education, governmental agency, political subdivision, county board of elections, private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school to participate in contracts into which the department has entered for the purchase of supplies and services. The department may charge the entity a reasonable fee to cover the administrative costs the department incurs as a result of participation by the entity in such a purchase contract.

A political subdivision desiring to participate in such purchase contracts shall file with the department a certified copy of an ordinance or resolution of the legislative authority or governing board of the political subdivision. The resolution or ordinance shall request that the political subdivision be authorized to participate in such contracts and shall agree that the political subdivision will be bound by such terms and conditions as the department prescribes and that it will directly pay the vendor under each purchase contract. A board of elections desiring to participate in such purchase contracts shall file with the purchasing authority a written request for inclusion in the program. A private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school desiring to participate in such purchase contracts shall file with

the department a written request for inclusion in the program 5453  
signed by the chief officer of the company, organization, or 5454  
chartered nonpublic school. A governmental agency desiring to 5455  
participate in such purchase contracts shall file with the 5456  
department a written request for inclusion in the program. A state 5457  
institution of higher education desiring to participate in such 5458  
purchase contracts shall file with the department a certified copy 5459  
of resolution of the board of trustees or similar authorizing 5460  
body. The resolution shall request that the state institution of 5461  
higher education be authorized to participate in such contracts. 5462

A request for inclusion shall include an agreement to be 5463  
bound by such terms and conditions as the department prescribes 5464  
and to make direct payments to the vendor under each purchase 5465  
contract. 5466

The department shall include in its annual report, an 5467  
estimate of the purchases made by state institutions of higher 5468  
education, governmental agencies, political subdivisions, county 5469  
boards of elections, private fire companies, private, nonprofit 5470  
emergency medical service organizations, and chartered nonpublic 5471  
schools from contracts pursuant to this division. The department 5472  
may require such entities to file a report with the department, as 5473  
often as it finds necessary, stating how many such contracts the 5474  
entities participated in within a specified period of time, and 5475  
any other information the department requires. 5476

(3) Purchases made by a political subdivision or a county 5477  
board of elections under this division are exempt from any 5478  
competitive selection procedures otherwise required by law. No 5479  
political subdivision shall make any purchase under this division 5480  
when bids have been received for such purchase by the subdivision, 5481  
unless such purchase can be made upon the same terms, conditions, 5482  
and specifications at a lower price under this division. 5483

(C) A political subdivision as defined in division (B) of 5484

this section or a county board of elections may purchase supplies 5485  
or services from another party, including a political subdivision, 5486  
instead of through participation in contracts described in 5487  
division (B) of this section if the political subdivision or 5488  
county board of elections can purchase those supplies or services 5489  
from the other party upon equivalent terms, conditions, and 5490  
specifications but at a lower price than it can through those 5491  
contracts. Purchases that a political subdivision or county board 5492  
of elections makes under this division are exempt from any 5493  
competitive selection procedures otherwise required by law. A 5494  
political subdivision or county board of elections that makes any 5495  
purchase under this division shall maintain sufficient information 5496  
regarding the purchase to verify that the political subdivision or 5497  
county board of elections satisfied the conditions for making a 5498  
purchase under this division. Nothing in this division restricts 5499  
any action taken by a county or township as authorized by division 5500  
(B)(1) of section 9.48 of the Revised Code. 5501

(D) This section does not apply to supplies or services 5502  
purchased by a state agency directly as provided in section 125.05 5503  
of the Revised Code, or to purchases of supplies or services for 5504  
the emergency management agency or other state agencies as 5505  
provided in section 125.061 of the Revised Code. 5506

**Sec. 125.061.** (A) As used in this section: 5507

(1) "Emergency" has the same meaning as defined in section 5508  
5502.21 of the Revised Code. 5509

(2) "State procurement emergency" means a situation that 5510  
creates all of the following: 5511

(a) A threat to public health, safety, or welfare; 5512

(b) An immediate and serious need for supplies or services 5513  
that cannot be met through normal procurement methods required by 5514

state law; and 5515

(c) A serious threat of harm to the functioning of state 5516  
government, the preservation or protection of property, or the 5517  
health or safety of any person. 5518

~~(B) During the period of an emergency as defined in section~~ 5519  
~~5502.21 of the Revised Code, the department of administrative~~ 5520  
~~services may suspend, for the emergency management agency~~ 5521  
~~established in section 5502.22 of the Revised Code or any other~~ 5522  
~~state agency participating in response and recovery activities as~~ 5523  
~~defined in section 5502.21 of the Revised Code, the purchasing and~~ 5524  
~~contracting requirements contained in Chapter 125. and any~~ 5525  
~~requirement of Chapter 153. of the Revised Code that otherwise~~ 5526  
~~would apply to the agency. The director of public safety or the~~ 5527  
~~executive director of the emergency management agency shall make~~ 5528  
~~the request for the suspension of these requirements to the~~ 5529  
~~department of administrative services concurrently with the~~ 5530  
~~request to the governor or the president of the United States for~~ 5531  
~~the declaration of an emergency. The governor also shall include~~ 5532  
~~in any proclamation the governor issues declaring an emergency~~ 5533  
~~language requesting the suspension of those requirements during~~ 5534  
~~the period of the emergency.~~ 5535

~~(B) Before any purchase may be made under a suspension~~ 5536  
~~authorized by this section, the director of administrative~~ 5537  
~~services shall send notice of the suspension as approved under~~ 5538  
~~division (A) of this section to the director of budget and~~ 5539  
~~management and to the members of the controlling board. The notice~~ 5540  
~~shall provide details of the request for suspension and shall~~ 5541  
~~include a copy of the director's approval.~~ 5542

(C) During the period of a state procurement emergency, the 5543  
department of administrative services may suspend, for any state 5544  
agency, the purchasing and contracting requirements contained in 5545  
Chapter 125. of the Revised Code that would otherwise be required 5546

of the agency. 5547

(1) The director or administrative head of the state agency 5548  
where the state procurement emergency exists shall request the 5549  
department of administrative services to suspend the purchasing 5550  
and contracting requirements in Chapter 125. of the Revised Code. 5551

(2) The request shall include information detailing the 5552  
immediacy of the state procurement emergency and a description of 5553  
the necessary supplies or services that cannot be timely purchased 5554  
through normal procurement methods otherwise required by state 5555  
law. 5556

(3) Whenever practical, the agency shall obtain a release and 5557  
permit from the department of administrative services under 5558  
section 125.035 of the Revised Code before making purchases under 5559  
this division. 5560

(D) Before any purchase may be made under a suspension 5561  
authorized by this section, the director of administrative 5562  
services shall send notice of the suspension as approved by the 5563  
director to the director of budget and management and to the 5564  
members of the controlling board. The notice shall provide details 5565  
of the request for suspension and shall include a copy of the 5566  
director's approval. 5567

(E) Purchases made by state agencies under this section are 5568  
exempt from the requirements of section 127.16 of the Revised 5569  
Code, except that state agencies making purchases under this 5570  
section shall file a report with the president of the controlling 5571  
board describing all such purchases made by the agency during the 5572  
period covered by the emergency declaration or state procurement 5573  
emergency. The report shall be filed within ninety days after the 5574  
declaration or state procurement emergency condition expires. 5575

**Sec. 125.18.** (A) There is hereby established the office of 5576

information technology within the department of administrative 5577  
services. The office shall be under the supervision of a state 5578  
chief information officer to be appointed by the director of 5579  
administrative services and subject to removal at the pleasure of 5580  
the director. The chief information officer is an assistant 5581  
director of administrative services. 5582

(B) Under the direction of the director of administrative 5583  
services, the state chief information officer shall lead, oversee, 5584  
and direct state agency activities related to information 5585  
technology development and use. In that regard, the state chief 5586  
information officer shall do all of the following: 5587

(1) Coordinate and superintend statewide efforts to promote 5588  
common use and development of technology by state agencies. The 5589  
office of information technology shall establish policies and 5590  
standards that govern and direct state agency participation in 5591  
statewide programs and initiatives. 5592

(2) Establish policies and standards for the acquisition and 5593  
use of common information technology by state agencies, including, 5594  
but not limited to, hardware, software, technology services, and 5595  
security, and the extension of the service life of information 5596  
technology systems, with which state agencies shall comply; 5597

(3) Establish criteria and review processes to identify state 5598  
agency information technology projects or purchases that require 5599  
alignment or oversight. As appropriate, the department of 5600  
administrative services shall provide the governor and the 5601  
director of budget and management with notice and advice regarding 5602  
the appropriate allocation of resources for those projects. The 5603  
state chief information officer may require state agencies to 5604  
provide, and may prescribe the form and manner by which they must 5605  
provide, information to fulfill the state chief information 5606  
officer's alignment and oversight role; 5607

- (4) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies; 5608  
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- (5) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division (B)(4) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies; 5611  
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- (6) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state's security procedures; 5616  
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- (7) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees; 5620  
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- (8) Establish policies for the reduction of printing and the use of electronic records by state agencies; 5623  
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- (9) Establish policies for the reduction of energy consumption by state agencies; 5625  
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- (10) Compute the amount of revenue attributable to the amortization of all equipment purchases and capitalized systems from information technology service delivery and major information technology purchases operating appropriation items and major computer purchases capital appropriation items that is recovered as part of the information technology services rates the department of administrative services charges and deposits into the information technology fund created in section 125.15 of the Revised Code; 5627  
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- (11) Regularly review and make recommendations regarding improving the infrastructure of the state's cybersecurity operations with existing resources and through partnerships 5636  
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between government, business, and institutions of higher education; 5639  
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(12) Assist, as needed, with general state efforts to grow the cybersecurity industry in this state. 5641  
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(C)(1) The chief information security officer shall assist each state agency with the development of an information technology security strategic plan and review that plan, and each state agency shall submit that plan to the state chief information officer. The chief information security officer may require that each state agency update its information technology security strategic plan annually as determined by the state chief information officer. 5643  
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(2) Prior to the implementation of any information technology data system, a state agency shall prepare or have prepared a privacy impact statement for that system. 5651  
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(D) When a state agency requests a purchase of information technology supplies or services under Chapter 125. of the Revised Code, the state chief information officer may review and reject the requested purchase for noncompliance with information technology direction, plans, policies, standards, or project-alignment criteria. 5654  
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(E) The office of information technology may operate technology services for state agencies in accordance with this chapter. 5660  
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Notwithstanding any provision of the Revised Code to the contrary, the office of information technology may assess a transaction fee to an individual who uses an electronic licensing system operated by the office to apply for or renew a license or registration in an amount determined by the office not to exceed three dollars and fifty cents. The director of administrative services may collect the fee or require a state agency for which 5663  
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the system is being operated to collect the fee. Amounts received 5670  
under this division shall be deposited in the professions 5671  
licensing system fund created in division (I) of this section. 5672

(F) With the approval of the director of administrative 5673  
services, the office of information technology may establish 5674  
cooperative agreements with federal and local government agencies 5675  
and state agencies that are not under the authority of the 5676  
governor for the provision of technology services and the 5677  
development of technology projects. 5678

(G) The office of information technology may operate a 5679  
program to make information technology purchases. The director of 5680  
administrative services may recover the cost of operating the 5681  
program from all participating government entities by issuing 5682  
intrastate transfer voucher billings for the procured technology 5683  
or through any pass-through billing method agreed to by the 5684  
director of administrative services, the director of budget and 5685  
management, and the participating government entities that will 5686  
receive the procured technology. 5687

If the director of administrative services chooses to recover 5688  
the program costs through intrastate transfer voucher billings, 5689  
the participating government entities shall process the intrastate 5690  
transfer vouchers to pay for the cost. Amounts received under this 5691  
section for the information technology purchase program shall be 5692  
deposited to the credit of the information technology governance 5693  
fund created in section 125.15 of the Revised Code. 5694

(H) Upon request from the director of administrative 5695  
services, the director of budget and management may transfer cash 5696  
from the information technology fund created in section 125.15 of 5697  
the Revised Code to the major information technology purchases 5698  
fund in an amount not to exceed the amount computed under division 5699  
(B)(10) of this section. The major information technology 5700  
purchases fund is hereby created in the state treasury. 5701

(I) There is hereby created in the state treasury the professions licensing system fund. The fund shall be used to operate the electronic licensing system referenced in division (E) of this section. 5702  
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(J) As used in this section: 5706

(1) "Personal information" has the same meaning as in section 149.45 of the Revised Code. 5707  
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(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, other than any state-supported institution of higher education, the office of the auditor of state, treasurer of state, secretary of state, or attorney general, the adjutant general's department, the bureau of workers' compensation, the industrial commission, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, the state highway patrol retirement system, the general assembly or any legislative agency, the capitol square review advisory board, or the courts or any judicial agency. 5709  
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**Sec. 125.22.** (A) The department of administrative services shall establish the central service agency to perform routine support for the following boards and commissions: 5721  
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(1) Architects board; 5724

(2) ~~Barber board;~~ 5725

~~(3) State chiropractic board;~~ 5726

~~(4)~~(3) State cosmetology and barber board ~~of cosmetology;~~ 5727

~~(5)~~(4) Accountancy board; 5728

~~(6)~~(5) State dental board; 5729

~~(7) State board of optometry;~~ 5730

<del>(8) Ohio occupational therapy, physical therapy, and athletic trainers board;</del>	5731
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<del>(9)(6) State board of registration for professional engineers and surveyors;</del>	5733
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<del>(10)(7) State board of sanitarian registration;</del>	5735
<del>(11)(8) Board of embalmers and funeral directors;</del>	5736
<del>(12) State board of psychology;</del>	5737
<del>(13) Ohio optical dispensers board;</del>	5738
<del>(14) Board of speech pathology and audiology;</del>	5739
<del>(15) Counselor, social worker, and marriage and family therapist board;</del>	5740
	5741
<del>(16)(9) State veterinary medical licensing board;</del>	5742
<del>(17) Ohio board of dietetics;</del>	5743
<del>(18)(10) Commission on Hispanic-Latino affairs;</del>	5744
<del>(19) Ohio respiratory care board;</del>	5745
<del>(20)(11) Ohio commission on African-American males;</del>	5746
<del>(21) Chemical dependency professionals board</del>	5747
<u>(12) State vision and hearing professionals board;</u>	5748
<u>(13) State behavioral health and social work board;</u>	5749
<u>(14) State physical health services board.</u>	5750
(B)(1) Notwithstanding any other section of the Revised Code,	5751
the agency shall perform the following routine support services	5752
for the boards and commissions named in division (A) of this	5753
section unless the controlling board exempts a board or commission	5754
from this requirement on the recommendation of the director of	5755
administrative services:	5756
(a) Preparing and processing payroll and other personnel	5757

documents;	5758
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	5759 5760
(c) Maintaining ledgers of accounts and balances;	5761
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	5762 5763
(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	5764 5765 5766
(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.	5767 5768 5769
(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts.	5770 5771 5772 5773
(C) The director of administrative services shall be the appointing authority for the agency.	5774 5775
(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission.	5776 5777 5778
(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or from such other fund as the operating expenses of the board or commission are paid. Any amounts set aside for a fiscal year by a board or commission to allow for the payment of fees shall be used only for the services performed by the agency in that fiscal year. All receipts collected by the agency shall be deposited in the	5779 5780 5781 5782 5783 5784 5785 5786 5787

state treasury to the credit of the central service agency fund, 5788  
which is hereby created. All expenses incurred by the agency in 5789  
performing services for the boards or commissions shall be paid 5790  
from the fund. 5791

(F) Nothing in this section shall be construed as a grant of 5792  
authority for the central service agency to initiate or deny 5793  
personnel or fiscal actions for the boards and commissions. 5794

**Sec. 125.28.** (A) The director of administrative services 5795  
shall determine the reimbursable cost of space in state-owned or 5796  
state-leased facilities and shall collect reimbursements for that 5797  
cost. 5798

(B) The director may provide building maintenance services 5799  
and ~~minor construction project management~~ tenant improvement 5800  
services to any state agency and may collect reimbursements for 5801  
the cost of providing those services. 5802

(C) All money collected by the department of administrative 5803  
services, ~~for operating expenses of facilities owned or maintained~~ 5804  
~~by the department, or for tenant improvement services,~~ shall be 5805  
deposited into the state treasury to the credit of the building 5806  
management fund, which is hereby created. ~~All money collected by~~ 5807  
~~the department for minor construction project management services~~ 5808  
~~shall be deposited into the state treasury to the credit of the~~ 5809  
~~minor construction project management fund, which is hereby~~ 5810  
~~created.~~ All money collected for depreciation and related costs 5811  
shall be deposited into the building improvement fund created 5812  
under section 125.27 of the Revised Code or deposited into the 5813  
building management fund and then transferred by the director of 5814  
budget and management to the building improvement fund. 5815

**Sec. 125.32.** (A) The department of administrative services 5816  
may establish an enterprise data management and analytics program 5817

to gather, combine, and analyze data provided by one or more 5818  
agencies to measure the outcome of state-funded programs, develop 5819  
policies to promote the effective, efficient, and best use of 5820  
state resources, and to identify, prevent, or eliminate the 5821  
fraudulent use of state funds, state resources, or state programs. 5822  
Participating state agencies may use data gathered under the 5823  
program for these purposes. 5824

(B) A state agency shall provide data for use under the 5825  
program. A state agency that provides data under the program shall 5826  
comply with the data-sharing protocol adopted under division (D) 5827  
of this section. Notwithstanding any other provision of the 5828  
Revised Code, a state agency's provision of data under the program 5829  
is considered a permitted use of the data under the Revised Code 5830  
and the state agency is not in violation of any contrary provision 5831  
of the Revised Code by providing the data. 5832

(C)(1) A state agency that provides data under the program 5833  
retains ownership over the data. Notwithstanding any other 5834  
provision of the Revised Code, only the state agency that provides 5835  
data under the program may be required under the law of this state 5836  
to respond to requests for records or information regarding the 5837  
provided data, including public records requests, subpoenas, 5838  
warrants, and investigatory requests. 5839

(2) Participating state agencies shall maintain the 5840  
confidentiality of data gathered under the program in accordance 5841  
with confidentiality laws applicable to the data when in the 5842  
possession of the state agency that provided the data. Employees 5843  
of the department of administrative services or another state 5844  
agency who gain access to another state agency's confidential data 5845  
under the program are subject to any confidentiality requirements 5846  
or duty to maintain confidentiality of the data established by law 5847  
applicable to the state agency that provided the data. The results 5848

of the data analysis shall be compared against the confidentiality 5849  
laws applicable to the source data to determine if the results 5850  
retain any attributes of the source data that bring the results 5851  
within the scope of any of the confidentiality obligations that 5852  
applied to the source data. If so, the data analysis results are 5853  
subject to those applicable confidentiality obligations and, in 5854  
the event of a conflict between applicable confidentiality 5855  
obligations, the most stringent of those obligations shall 5856  
control. 5857

(D) In consultation with state agencies participating under 5858  
the program, the department of administrative services shall 5859  
develop a data-sharing protocol and a security plan for the 5860  
program. The security plan shall state how the data is to be 5861  
protected. The data-sharing protocol shall include at least the 5862  
following: 5863

(1) How participating state agencies may use confidential 5864  
data in accordance with confidentiality laws applicable to the 5865  
provided data; 5866

(2) Who has authority to access data gathered under the 5867  
program; and 5868

(3) How participating state agencies shall make, verify, and 5869  
retain corrections to personal information gathered under the 5870  
program. 5871

Any collection of data derived under the program that is a 5872  
"system" with "personal information" as defined in section 1347.01 5873  
of the Revised Code shall comply with Chapter 1347. of the Revised 5874  
Code. 5875

**Sec. 125.92.** (A) As used in this section, "board or 5876  
commission" means any of the following: 5877

(1) The accountancy board; 5878

<u>(2) The architects board;</u>	5879
<u>(3) The state cosmetology and barber board;</u>	5880
<u>(4) The board of embalmers and funeral directors;</u>	5881
<u>(5) The board of executives of long-term services and supports;</u>	5882 5883
<u>(6) The crematory review board;</u>	5884
<u>(7) The motor vehicle dealers board;</u>	5885
<u>(8) The motor vehicle repair board;</u>	5886
<u>(9) The motor vehicle salvage dealer's licensing board;</u>	5887
<u>(10) The Ohio athletic commission;</u>	5888
<u>(11) The Ohio construction industry licensing board;</u>	5889
<u>(12) The Ohio landscape architects board;</u>	5890
<u>(13) The Ohio real estate commission;</u>	5891
<u>(14) The real estate appraiser board;</u>	5892
<u>(15) The state auctioneers commission;</u>	5893
<u>(16) The state behavioral health and social work board;</u>	5894
<u>(17) The state board of career colleges and schools;</u>	5895
<u>(18) The state board of education;</u>	5896
<u>(19) The state board of emergency medical, fire, and transportation services;</u>	5897 5898
<u>(20) The board of nursing;</u>	5899
<u>(21) The state board of pharmacy;</u>	5900
<u>(22) The state board of registration for professional engineers and surveyors;</u>	5901 5902
<u>(23) The state board of sanitarian registration;</u>	5903
<u>(24) The state physical health services board;</u>	5904

<u>(25) The state chiropractic board;</u>	5905
<u>(26) The state dental board;</u>	5906
<u>(27) The state medical board;</u>	5907
<u>(28) The state veterinary medical licensing board;</u>	5908
<u>(29) The state vision and hearing professionals board;</u>	5909
<u>(30) Any other multi-member body created under state law that licenses or otherwise regulates an occupation or industry to which one or more members of the body belongs.</u>	5910 5911 5912
<u>(B) The director of administrative services shall review an action taken or proposed by a board or commission that is subject to review under this section and that is referred to the director pursuant to division (C) of this section.</u>	5913 5914 5915 5916
<u>(1) The following actions are subject to review under this section:</u>	5917 5918
<u>(a) Any action that directly or indirectly has an effect of any of the following:</u>	5919 5920
<u>(i) Fixing prices, limiting price competition, or increasing prices in this state for the goods or services that are provided by the occupation or industry regulated by the board or commission;</u>	5921 5922 5923 5924
<u>(ii) Dividing, allocating, or assigning customers, potential customers, or geographic markets in this state among members of the occupation or industry regulated by the board or commission;</u>	5925 5926 5927
<u>(iii) Excluding present or potential competitors from the occupation or industry regulated by the board or commission;</u>	5928 5929
<u>(iv) Limiting the output or supply in this state of any good or service provided by the members of the occupation or industry regulated by the board or commission.</u>	5930 5931 5932
<u>(b) Any other activity that could be subject to state or</u>	5933

federal antitrust law if the action were undertaken by a private person or combination of private persons. 5934  
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(2) Except as provided in division (H) of this section, the following actions are not subject to review under this section: 5936  
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(a) Denying an application to obtain a license because the applicant has violated the Ohio Revised Code or the Ohio Administrative Code; 5938  
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(b) Taking disciplinary action against an individual or corporation that is licensed by a board or commission for violations of the Ohio Revised Code or the Ohio Administrative Code. 5941  
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(C)(1) The following persons or entities may refer an action to the director for review under this section: 5945  
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(a) A board or commission that has taken or is proposing to take an action; 5947  
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(b) A person who is affected by an action taken by a board or commission or is likely to be affected by an action proposed by a board or commission; 5949  
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(c) A person who has been granted a stay pursuant to division (G) of this section. 5952  
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(2) A board or commission or person who refers an action to the director shall prepare a brief statement explaining the action and its consistency or inconsistency with state or federal antitrust law and file the statement with the director. If the action is in writing, the board or commission or person shall attach a copy of it to the statement. The person shall transmit a copy of the statement to the board or commission. 5954  
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(3) The referral of an action by a board or commission for review by the director does not constitute an admission that the action violates any state or federal law. 5961  
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(4) A person who is affected by an action taken by a board or commission or is likely to be affected by an action proposed by a board or commission shall refer the action to the director for review within thirty days after receiving notice of the action or proposed action. 5964  
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(5) If an ongoing action or an action proposed by a board or commission is referred to the director for review under this section, the board or commission shall cease the ongoing action or not take the proposed action until the director has approved of the action pursuant to division (E) of this section and prepared and transmitted the memorandum required under division (F) of this section. 5969  
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(D) The director shall determine whether an action referred to the director under this section is supported by, and consistent with, a clearly articulated state policy as expressed in the statutes creating the board or commission or the statutes and rules setting forth the board's or commission's powers, authority, and duties. If the director finds this to be the case, the director shall determine whether the clearly articulated state policy is merely a pretext by which the board or commission enables the members of an occupation or industry the board or commission regulates to engage in anticompetitive conduct that could be subject to state or federal antitrust law if the action were taken by a private person or combination of private persons. 5976  
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(E) After making the determinations required under division (D) of this section, the director shall take one of the following actions: 5988  
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(1) Approve the board or commission action if the director determines that the action is pursuant to a clearly articulated state policy and that the policy is not a pretext as described in division (D) of this section. If the director approves the board's or commission's action, the board or commission may proceed to 5991  
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take or may continue the action. 5996

(2) Disapprove the board or commission action if the director 5997  
determines that the action is not pursuant to a clearly 5998  
articulated state policy or that if it is pursuant to a clearly 5999  
articulated state policy, that policy is a pretext as described in 6000  
division (D) of this section. If the director disapproves the 6001  
board's or commission's action, the action is void. 6002

(F) The director shall prepare a memorandum that explains the 6003  
director's approval or disapproval. The director shall transmit a 6004  
copy of the memorandum to the person and the board or commission 6005  
or to the board or commission if only the board or commission is 6006  
involved. The director shall post the memorandum on the web site 6007  
maintained by the department of administrative services. 6008

(G)(1) A person having standing to commence and prosecute a 6009  
state or federal antitrust action against a board or commission 6010  
shall exhaust the remedies provided by this section before 6011  
commencing such an action. This division shall not apply to the 6012  
attorney general, a county prosecuting attorney, or any assistant 6013  
prosecutor designated to assist a county prosecuting attorney. 6014

(2) The state, a board or commission, or a member of a board 6015  
or commission in the member's official capacity, may request a 6016  
stay of any lawsuit alleging that a board or commission engaged in 6017  
anticompetitive conduct by taking an action described in division 6018  
(B)(1) or (2) of this section that has not been previously 6019  
reviewed by the director under this section. If the lawsuit was 6020  
initiated by a person other than the attorney general, a county 6021  
prosecuting attorney, or any assistant prosecutor designated to 6022  
assist a county prosecuting attorney, the court shall grant the 6023  
request. If the lawsuit was initiated by the attorney general, a 6024  
county prosecuting attorney, or any assistant prosecutor 6025  
designated to assist a county prosecuting attorney, the court 6026  
shall deny the request. Any stay granted under this division will 6027

continue in effect until the director has prepared and transmitted 6028  
the memorandum required under division (F) of this section. 6029

(H) The director shall review any action referred to the 6030  
director by a party who has been granted a stay pursuant to 6031  
division (G) of this section. 6032

(I) Notwithstanding any provision of this section to the 6033  
contrary, an action taken by a board or commission is not subject 6034  
to review under this section if participation in the action is 6035  
limited by statute to only the members of the board or commission 6036  
representing the public. 6037

(J) The director shall adopt rules under Chapter 119. of the 6038  
Revised Code that are necessary for the implementation and 6039  
administration of this section. 6040

Sec. 126.071. No state agency shall agree to any monetary 6041  
settlement that obligates payment from any fund within the state 6042  
treasury without consulting with the director of budget and 6043  
management. 6044

**Sec. 126.11.** (A)(1) The director of budget and management 6045  
shall, upon consultation with the treasurer of state, coordinate 6046  
and approve the scheduling of initial sales of publicly offered 6047  
securities of the state and of publicly offered fractionalized 6048  
interests in or securitized issues of public obligations of the 6049  
state. The director shall from time to time develop and distribute 6050  
to state issuers an approved sale schedule for each of the 6051  
obligations covered by division (A) or (B) of this section. 6052  
Division (A) of this section applies only to those obligations on 6053  
which the state or a state agency is the direct obligor or obligor 6054  
on any backup security or related credit enhancement facility or 6055  
source of money subject to state appropriations that is intended 6056  
for payment of those obligations. 6057

(2) The issuers of obligations pursuant to section 151.03, 6058  
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 5537. of the 6059  
Revised Code shall submit to the director: 6060

(a) For review and approval: the projected sale date, amount, 6061  
and type of obligations proposed to be sold; their purpose, 6062  
security, and source of payment; the proposed structure and 6063  
maturity schedule; the trust agreement and any supplemental 6064  
agreements; and any credit enhancement facilities or interest rate 6065  
hedges for the obligations; 6066

(b) For review and comment: the authorizing order or 6067  
resolution; preliminary and final offering documents; method of 6068  
sale; preliminary and final pricing information; and any written 6069  
reports or recommendations of financial advisors or consultants 6070  
relating to those obligations; 6071

(c) Promptly after each sale of those obligations: final 6072  
terms, including sale price, maturity schedule and yields, and 6073  
sources and uses; names of the original purchasers or 6074  
underwriters; a copy of the final offering document and of the 6075  
transcript of proceedings; and any other pertinent information 6076  
requested by the director. 6077

(3) The issuer of obligations pursuant to section 151.06 or 6078  
151.40 or Chapter 154. of the Revised Code shall submit to the 6079  
director: 6080

(a) For review and mutual agreement: the projected sale date, 6081  
amount, and type of obligations proposed to be sold; their 6082  
purpose, security, and source of payment; the proposed structure 6083  
and maturity schedule; the trust agreement and any supplemental 6084  
agreements; and any credit enhancement facilities or interest rate 6085  
hedges for the obligations; 6086

(b) For review and comment: the authorizing order or 6087  
resolution; preliminary and final offering documents; method of 6088

sale; preliminary and final pricing information; and any written 6089  
reports or recommendations of financial advisors or consultants 6090  
relating to those obligations; 6091

(c) Promptly after each sale of those obligations: final 6092  
terms, including sale price, maturity schedule and yields, and 6093  
sources and uses; names of the original purchasers or 6094  
underwriters; a copy of the final offering document and of the 6095  
transcript of proceedings; and any other pertinent information 6096  
requested by the director. 6097

(4) The issuers of obligations pursuant to Chapter 166., 6098  
4981., 5540., or 6121., or section 5531.10, of the Revised Code 6099  
shall submit to the director: 6100

(a) For review and comment: the projected sale date, amount, 6101  
and type of obligations proposed to be sold; the purpose, 6102  
security, and source of payment; and preliminary and final 6103  
offering documents; 6104

(b) Promptly after each sale of those obligations: final 6105  
terms, including a maturity schedule; names of the original 6106  
purchasers or underwriters; a copy of the complete continuing 6107  
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 6108  
rule as from time to time in effect; and any other pertinent 6109  
information requested by the director. 6110

(5) Not later than thirty days after the end of a fiscal 6111  
year, each issuer of obligations subject to divisions (A) and (B) 6112  
of this section shall submit to the director and to the treasurer 6113  
of state a sale plan for the then current fiscal year for each 6114  
type of obligation, projecting the amount and term of each 6115  
issuance, the method of sale, and the month of sale. 6116

(B) Issuers of obligations pursuant to section 3318.085 or 6117  
Chapter 175., 3366., 3706., 3737., 6121., or 6123. of the Revised 6118  
Code shall submit to the director copies of the preliminary and 6119

final offering documents upon their availability if not previously 6120  
submitted pursuant to division (A) of this section. 6121

(C) State agencies or state issuers seeking new legislation 6122  
or changes to existing law relating to public obligations for 6123  
which the state or a state agency is the direct obligor, or 6124  
obligor on any backup security or related credit enhancement 6125  
facility, shall timely submit the legislation or changes to the 6126  
director for review and comment. 6127

(D) Not later than the first day of January of each year, 6128  
every state agency obligated to make payments on outstanding 6129  
public obligations with respect to which fractionalized interests 6130  
have been publicly issued, such as certificates of participation, 6131  
shall submit a report to the director of the amounts payable from 6132  
state appropriations under those public obligations during the 6133  
then current and next two fiscal years, identifying the 6134  
appropriation or intended appropriation from which payment is 6135  
expected to be made. 6136

~~(D)~~(E)(1) Information relating generally to the historic, 6137  
current, or future demographics or economy or financial condition 6138  
or funds or general operations of the state, and descriptions of 6139  
any state contractual obligations relating to public obligations, 6140  
to be contained in any offering document, continuing disclosure 6141  
document, or written presentation prepared, approved, or provided, 6142  
or committed to be provided, by an issuer in connection with the 6143  
original issuance and sale of, or rating, remarketing, or credit 6144  
enhancement facilities relating to, public obligations referred to 6145  
in division (A) of this section shall be approved as to format and 6146  
accuracy by the director before being presented, published, or 6147  
disseminated in preliminary, draft, or final form, or publicly 6148  
filed in paper, electronic, or other format. 6149

(2) Except for information described in division ~~(D)~~(E)(1) of 6150  
this section that is to be contained in an offering document, 6151

continuing disclosure document, or written presentation, division 6152  
~~(D)~~(E)(1) of this section does not inhibit direct communication 6153  
between an issuer and a rating agency, remarketing agent, or 6154  
credit enhancement provider concerning an issuance of public 6155  
obligations referred to in division (A) of this section or matters 6156  
associated with that issuance. 6157

(3) The materials approved and provided pursuant to division 6158  
~~(D)~~(E) of this section are the information relating to the 6159  
particular subjects provided by the state or state agencies that 6160  
are required or contemplated by any applicable state or federal 6161  
securities laws and any commitments by the state or state agencies 6162  
made under those laws. Reliance for the purpose should not be 6163  
placed on any other information publicly provided, in any format 6164  
including electronic, by any state agency for other purposes, 6165  
including general information provided to the public or to 6166  
portions of the public. A statement to that effect shall be 6167  
included in those materials so approved or provided. 6168

~~(E)~~(F) Issuers of obligations referred to in division (A) of 6169  
this section may take steps, by formal agreement, covenants in the 6170  
proceedings, or otherwise, as may be necessary or appropriate to 6171  
comply or permit compliance with applicable lawful disclosure 6172  
requirements relating to those obligations, and may, subject to 6173  
division ~~(D)~~(E) of this section, provide, make available, or file 6174  
copies of any required disclosure materials as necessary or 6175  
appropriate. Any such formal agreement or covenant relating to 6176  
subjects referred to in division ~~(D)~~(E) of this section, and any 6177  
description of that agreement or covenant to be contained in any 6178  
offering document, shall be approved by the director before being 6179  
entered into or published or publicly disseminated in preliminary, 6180  
draft, or final form or publicly filed in paper, electronic, or 6181  
other format. The director shall be responsible for making all 6182  
filings in compliance with those requirements relating to direct 6183

obligations of the state, including fractionalized interests in 6184  
those obligations. 6185

~~(F)~~(G) No state agency or official shall, without the 6186  
approval of the director of budget and management and either the 6187  
general assembly or the state controlling board, do either of the 6188  
following: 6189

(1) Enter into or commit to enter into a public obligation 6190  
under which fractionalized interests in the payments are to be 6191  
publicly offered, which payments are anticipated to be made from 6192  
money from any source appropriated or to be appropriated by the 6193  
general assembly or in which the provision stated in section 9.94 6194  
of the Revised Code is not included; 6195

(2) Except as otherwise expressly authorized for the purpose 6196  
by law, agree or commit to provide, from money from any source to 6197  
be appropriated in the future by the general assembly, financial 6198  
assistance to or participation in the costs of capital facilities, 6199  
or the payment of debt charges, directly or by way of a credit 6200  
enhancement facility, a reserve, rental payments, or otherwise, on 6201  
obligations issued to pay costs of capital facilities. 6202

~~(G)~~(H) As used in this section, "interest rate hedge" has the 6203  
same meaning as in section 9.98 of the Revised Code; "credit 6204  
enhancement facilities," "debt charges," "fractionalized interests 6205  
in public obligations," "obligor," "public issuer," and 6206  
"securities" have the same meanings as in section 133.01 of the 6207  
Revised Code; "public obligation" has the same meaning as in 6208  
division (GG)(2) of section 133.01 of the Revised Code; 6209  
"obligations" means securities or public obligations or 6210  
fractionalized interests in them; "issuers" means issuers of 6211  
securities or state obligors on public obligations; "offering 6212  
document" means an official statement, offering circular, private 6213  
placement memorandum, or prospectus, or similar document; and 6214  
"director" means the director of budget and management or the 6215

employee of the office of budget and management designated by the 6216  
director for the purpose. 6217

**Sec. 126.22.** The director of budget and management may: 6218

(A) Perform accounting services for and design and implement 6219  
accounting systems with state agencies; 6220

(B) Provide other accounting services, including the 6221  
maintenance and periodic auditing of the financial records of and 6222  
submission of vouchers by state agencies, provision of assistance 6223  
in the analysis of the financial position of state agencies, and 6224  
preparation and submission of reports; 6225

(C) Change any accounting code appearing in appropriations 6226  
acts of the general assembly; 6227

(D) Correct accounting errors committed by any state agency 6228  
or state institution of higher education, including, but not 6229  
limited to, the reestablishment of encumbrances cancelled in 6230  
error. 6231

**Sec. 126.35.** (A) The director of budget and management shall 6232  
draw warrants or process electronic funds transfers against the 6233  
treasurer of state pursuant to all requests for payment that the 6234  
director has approved under section 126.07 of the Revised Code. 6235

(B) Unless a cash assistance payment is to be made by 6236  
electronic benefit transfer, payment by the director of budget and 6237  
management to a participant in the Ohio works first program 6238  
pursuant to Chapter 5107. of the Revised Code, ~~a recipient of 6239~~  
~~disability financial assistance pursuant to Chapter 5115. of the 6240~~  
~~Revised Code,~~ or a recipient of cash assistance provided under the 6241  
refugee assistance program established under section 5101.49 of 6242  
the Revised Code shall be made by direct deposit to the account of 6243  
the participant or recipient in the financial institution 6244  
designated under section 329.03 of the Revised Code. Payment by 6245

the director of budget and management to a recipient of benefits 6246  
distributed through the medium of electronic benefit transfer 6247  
pursuant to section 5101.33 of the Revised Code shall be by 6248  
electronic benefit transfer. Payment by the director of budget and 6249  
management as compensation to an employee of the state who has, 6250  
pursuant to section 124.151 of the Revised Code, designated a 6251  
financial institution and account for the direct deposit of such 6252  
payments shall be made by direct deposit to the account of the 6253  
employee. Payment to any other payee who has designated a 6254  
financial institution and account for the direct deposit of such 6255  
payment may be made by direct deposit to the account of the payee 6256  
in the financial institution as provided in section 9.37 of the 6257  
Revised Code. Accounts maintained by the director of budget and 6258  
management or the director's agent in a financial institution for 6259  
the purpose of effectuating payment by direct deposit or 6260  
electronic benefit transfer shall be maintained in accordance with 6261  
section 135.18 of the Revised Code. 6262

(C) All other payments from the state treasury shall be made 6263  
by paper warrants, electronic funds transfers, or by direct 6264  
deposit payable to the respective payees. The director of budget 6265  
and management may mail the paper warrants to the respective 6266  
payees or distribute them through other state agencies, whichever 6267  
the director determines to be the better procedure. 6268

**Sec. 131.23.** The various political subdivisions of this state 6269  
may issue bonds, and any indebtedness created by that issuance 6270  
shall not be subject to the limitations or included in the 6271  
calculation of indebtedness prescribed by sections 133.05, 133.06, 6272  
133.07, and 133.09 of the Revised Code, but the bonds may be 6273  
issued only under the following conditions: 6274

(A) The subdivision desiring to issue the bonds shall obtain 6275  
from the county auditor a certificate showing the total amount of 6276

delinquent taxes due and unpayable to the subdivision at the last 6277  
semiannual tax settlement. 6278

(B) The fiscal officer of that subdivision shall prepare a 6279  
statement, from the books of the subdivision, verified by the 6280  
fiscal officer under oath, which shall contain the following facts 6281  
of the subdivision: 6282

(1) The total bonded indebtedness; 6283

(2) The aggregate amount of notes payable or outstanding 6284  
accounts of the subdivision, incurred prior to the commencement of 6285  
the current fiscal year, which shall include all evidences of 6286  
indebtedness issued by the subdivision except notes issued in 6287  
anticipation of bond issues and the indebtedness of any 6288  
nontax-supported public utility; 6289

(3) ~~Except in the case of school districts, the aggregate 6290  
current year's requirement for disability financial assistance 6291  
provided under Chapter 5115. of the Revised Code that the 6292  
subdivision is unable to finance except by the issue of bonds;~~ 6293

~~(4)~~ The indebtedness outstanding through the issuance of any 6294  
bonds or notes pledged or obligated to be paid by any delinquent 6295  
taxes; 6296

~~(5)~~(4) The total of any other indebtedness; 6297

~~(6)~~(5) The net amount of delinquent taxes unpledged to pay 6298  
any bonds, notes, or certificates, including delinquent 6299  
assessments on improvements on which the bonds have been paid; 6300

~~(7)~~(6) The budget requirements for the fiscal year for bond 6301  
and note retirement; 6302

~~(8)~~(7) The estimated revenue for the fiscal year. 6303

(C) The certificate and statement provided for in divisions 6304  
(A) and (B) of this section shall be forwarded to the tax 6305  
commissioner together with a request for authority to issue bonds 6306

of the subdivision in an amount not to exceed seventy per cent of 6307  
the net unobligated delinquent taxes and assessments due and owing 6308  
to the subdivision, as set forth in division (B)~~(6)~~(5) of this 6309  
section. 6310

(D) No subdivision may issue bonds under this section in 6311  
excess of a sufficient amount to pay the indebtedness of the 6312  
subdivision as shown by division (B)(2) of this section ~~and,~~ 6313  
~~except in the case of school districts, to provide funds for~~ 6314  
~~disability financial assistance as shown by division (B)(3) of~~ 6315  
~~this section.~~ 6316

(E) The tax commissioner shall grant to the subdivision 6317  
authority requested by the subdivision as restricted by divisions 6318  
(C) and (D) of this section and shall make a record of the 6319  
certificate, statement, and grant in a record book devoted solely 6320  
to such recording and which shall be open to inspection by the 6321  
public. 6322

(F) The commissioner shall immediately upon issuing the 6323  
authority provided in division (E) of this section notify the 6324  
proper authority having charge of the retirement of bonds of the 6325  
subdivision by forwarding a copy of the grant of authority and of 6326  
the statement provided for in division (B) of this section. 6327

(G) Upon receipt of authority, the subdivision shall proceed 6328  
according to law to issue the amount of bonds authorized by the 6329  
commissioner, and authorized by the taxing authority, provided the 6330  
taxing authority of that subdivision may submit, by resolution, to 6331  
the electors of that subdivision the question of issuing the 6332  
bonds. The resolution shall make the declarations and statements 6333  
required by section 133.18 of the Revised Code. The county auditor 6334  
and taxing authority shall thereupon proceed as set forth in 6335  
divisions (C) and (D) of that section. The election on the 6336  
question of issuing the bonds shall be held under divisions (E), 6337  
(F), and (G) of that section, except that publication of the 6338

notice of the election shall be made on two separate days prior to 6339  
the election in a newspaper of general circulation in the 6340  
subdivision or as provided in section 7.16 of the Revised Code. If 6341  
the board of elections operates and maintains a web site, notice 6342  
of the election also shall be posted on that web site for thirty 6343  
days prior to the election. The bonds may be exchanged at their 6344  
face value with creditors of the subdivision in liquidating the 6345  
indebtedness described and enumerated in division (B)(2) of this 6346  
section or may be sold as provided in Chapter 133. of the Revised 6347  
Code, and in either event shall be uncontestable. 6348

(H) The per cent of delinquent taxes and assessments 6349  
collected for and to the credit of the subdivision after the 6350  
exchange or sale of bonds as certified by the commissioner shall 6351  
be paid to the authority having charge of the sinking fund of the 6352  
subdivision, which money shall be placed in a separate fund for 6353  
the purpose of retiring the bonds so issued. The proper authority 6354  
of the subdivisions shall provide for the levying of a tax 6355  
sufficient in amount to pay the debt charges on all such bonds 6356  
issued under this section. 6357

(I) This section is for the sole purpose of assisting the 6358  
various subdivisions in paying their unsecured indebtedness, ~~and~~ 6359  
~~providing funds for disability financial assistance.~~ The bonds 6360  
issued under authority of this section shall not be used for any 6361  
other purpose, and any exchange for other purposes, or the use of 6362  
the money derived from the sale of the bonds by the subdivision 6363  
for any other purpose, is misapplication of funds. 6364

(J) The bonds authorized by this section shall be redeemable 6365  
or payable in not to exceed ten years from date of issue and shall 6366  
not be subject to or considered in calculating the net 6367  
indebtedness of the subdivision. The budget commission of the 6368  
county in which the subdivision is located shall annually allocate 6369  
such portion of the then delinquent levy due the subdivision which 6370

is unpledged for other purposes to the payment of debt charges on 6371  
the bonds issued under authority of this section. 6372

(K) The issue of bonds under this section shall be governed 6373  
by Chapter 133. of the Revised Code, respecting the terms used, 6374  
forms, manner of sale, and redemption except as otherwise provided 6375  
in this section. 6376

The board of county commissioners of any county may issue 6377  
bonds authorized by this section and distribute the proceeds of 6378  
the bond issues to any or all of the cities and townships of the 6379  
county, ~~according to their relative needs for disability financial~~ 6380  
~~assistance as determined by the county.~~ 6381

All sections of the Revised Code inconsistent with or 6382  
prohibiting the exercise of the authority conferred by this 6383  
section are inoperative respecting bonds issued under this 6384  
section. 6385

**Sec. 131.33.** (A) No state agency shall incur an obligation 6386  
which exceeds the agency's current appropriation authority. Except 6387  
as provided in division (D) of this section, unexpended balances 6388  
of appropriations shall, at the close of the period for which the 6389  
appropriations are made, revert to the funds from which the 6390  
appropriations were made, except that the director of budget and 6391  
management shall transfer such unexpended balances from the first 6392  
fiscal year to the second fiscal year of an agency's 6393  
appropriations to the extent necessary for voided warrants to be 6394  
reissued pursuant to division (C) of section 126.37 of the Revised 6395  
Code. 6396

Except as provided in this section, appropriations made to a 6397  
specific fiscal year shall be expended only to pay liabilities 6398  
incurred within that fiscal year. 6399

(B) All payrolls shall be charged to the allotments of the 6400

fiscal quarters in which the applicable payroll vouchers are 6401  
certified by the director of budget and management in accordance 6402  
with section 126.07 of the Revised Code. As used in this division, 6403  
"payrolls" means any payment made in accordance with section 6404  
125.21 of the Revised Code. 6405

(C) Legal liabilities from prior fiscal years for which there 6406  
is no reappropriation authority shall be discharged from the 6407  
unencumbered balances of current appropriations. 6408

(D)(1) Federal grant funds obligated by the department of job 6409  
and family services for financial allocations to county family 6410  
services agencies and local ~~workforce investment~~ boards may, at 6411  
the discretion of the director of job and family services, be 6412  
available for expenditure for the duration of the federal grant 6413  
period of obligation and liquidation, as follows: 6414

(a) At the end of the state fiscal year, all unexpended 6415  
county family services agency and local ~~workforce investment~~ board 6416  
financial allocations obligated from federal grant funds may 6417  
continue to be valid for expenditure during subsequent state 6418  
fiscal years. 6419

(b) The financial allocations described in division (D)(1)(a) 6420  
of this section shall be reconciled at the end of the federal 6421  
grant period of availability or as required by federal law, 6422  
regardless of the state fiscal year of the appropriation. 6423

(2) The director of job and family services may adopt rules 6424  
in accordance with section 111.15 of the Revised Code, as if they 6425  
were internal management rules, as necessary to implement division 6426  
(D) of this section. 6427

(3) As used in division (D) of this section: 6428

(a) "County family services agency" has the same meaning as 6429  
in section 307.981 of the Revised Code. 6430

(b) "~~Local workforce investment board~~" means a local 6431  
~~workforce investment board established under section 117 of the~~ 6432  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832,~~ 6433  
~~as amended~~ has the same meaning as in section 6301.01 of the 6434  
Revised Code. 6435

**Sec. 131.44.** (A) As used in this section: 6436

(1) "Surplus revenue" means the excess, if any, of the total 6437  
fund balance over the required year-end balance. 6438

(2) "Total fund balance" means the sum of the unencumbered 6439  
balance in the general revenue fund on the last day of the 6440  
preceding fiscal year plus the balance in the budget stabilization 6441  
fund. 6442

(3) "Required year-end balance" means the sum of the 6443  
following: 6444

(a) Eight and one-half per cent of the general revenue fund 6445  
revenues for the preceding fiscal year; 6446

(b) "Ending fund balance," which means one-half of one per 6447  
cent of general revenue fund revenues for the preceding fiscal 6448  
year; 6449

(c) "Carryover balance," which means, with respect to a 6450  
fiscal biennium, the excess, if any, of the estimated general 6451  
revenue fund appropriation and transfer requirement for the second 6452  
fiscal year of the biennium over the estimated general revenue 6453  
fund revenue for that fiscal year; 6454

(d) "Capital appropriation reserve," which means the amount, 6455  
if any, of general revenue fund capital appropriations made for 6456  
the current biennium that the director of budget and management 6457  
has determined will be encumbered or disbursed; 6458

(e) "Income tax reduction impact reserve," which means an 6459  
amount equal to the reduction projected by the director of budget 6460

and management in income tax revenue in the current fiscal year 6461  
attributable to the previous reduction in the income tax rate made 6462  
by the tax commissioner pursuant to division (B) of section 6463  
5747.02 of the Revised Code. 6464

(4) "Estimated general revenue fund appropriation and 6465  
transfer requirement" means the most recent adjusted 6466  
appropriations made by the general assembly from the general 6467  
revenue fund and includes both of the following: 6468

(a) Appropriations made and transfers of appropriations from 6469  
the first fiscal year to the second fiscal year of the biennium in 6470  
provisions of acts of the general assembly signed by the governor 6471  
but not yet effective; 6472

(b) Transfers of appropriations from the first fiscal year to 6473  
the second fiscal year of the biennium approved by the controlling 6474  
board. 6475

(5) "Estimated general revenue fund revenue" means the most 6476  
recent such estimate available to the director of budget and 6477  
management. 6478

(B)(1) Not later than the thirty-first day of July each year, 6479  
the director of budget and management shall determine the surplus 6480  
revenue that existed on the preceding thirtieth day of June and 6481  
transfer from the general revenue fund, to the extent of the 6482  
unobligated, unencumbered balance on the preceding thirtieth day 6483  
of June in excess of one-half of one per cent of the general 6484  
revenue fund revenues in the preceding fiscal year, the following: 6485

(a) First, to the budget stabilization fund, any amount 6486  
necessary for the balance of the budget stabilization fund to 6487  
equal eight and one-half per cent of the general revenue fund 6488  
revenues of the preceding fiscal year; 6489

(b) Then, to the income tax reduction fund, which is hereby 6490  
created in the state treasury, an amount equal to the surplus 6491

revenue. 6492

(2) Not later than the thirty-first day of July each year, 6493  
the director shall determine the percentage that the balance in 6494  
the income tax reduction fund is of the amount of revenue that the 6495  
director estimates will be received from the tax levied under 6496  
section 5747.02 of the Revised Code in the current fiscal year 6497  
without regard to any reduction under division (B) of that 6498  
section. If that percentage exceeds thirty-five one hundredths of 6499  
one per cent, the director shall certify the percentage to the tax 6500  
commissioner not later than the thirty-first day of July. 6501

(C) The director of budget and management shall transfer 6502  
money in the income tax reduction fund to the general revenue 6503  
fund, the local government fund, and the public library fund as 6504  
necessary to offset revenue reductions resulting from the 6505  
reductions in taxes required under division (B) of section 5747.02 6506  
of the Revised Code in the respective amounts and percentages 6507  
prescribed by division (A) of section 5747.03 and divisions ~~(B)~~(A) 6508  
and ~~(C)~~(B) of section 131.51 of the Revised Code as if the amount 6509  
transferred had been collected as taxes under Chapter 5747. of the 6510  
Revised Code. If no reductions in taxes are made under that 6511  
division that affect revenue received in the current fiscal year, 6512  
the director shall not transfer money from the income tax 6513  
reduction fund to the general revenue fund, the local government 6514  
fund, and the public library fund. 6515

**Sec. 131.51.** ~~(A) On or before July 5, 2013, the tax 6516  
commissioner shall compute the following amounts and certify those 6517  
amounts to the director of budget and management:~~ 6518

~~(1) A percentage calculated by multiplying one hundred by the 6519  
quotient obtained by dividing the total amount credited to the 6520  
local government fund in fiscal year 2013 by the total amount of 6521  
tax revenue credited to the general revenue fund in fiscal year 6522~~

2013. The percentage shall be rounded to the nearest one hundredth  
of one per cent. 6523  
6524

~~(2) A percentage calculated by multiplying one hundred by the  
quotient obtained by dividing the total amount credited to the  
public library fund in fiscal year 2013 by the total amount of tax  
revenue credited to the general revenue fund in fiscal year 2013.  
The percentage shall be rounded to the nearest one hundredth of  
one per cent.~~ 6525  
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~~(B)~~ On or before the seventh day of each month, the director  
of budget and management shall credit to the local government fund  
an amount equal to the product obtained by multiplying the  
percentage calculated under division (A)(1) of this section by one  
and sixty-six one-hundredths per cent of the total tax revenue  
credited to the general revenue fund during the preceding month.  
In determining the total tax revenue credited to the general  
revenue fund during the preceding month, the director shall  
include amounts transferred from the fund during the preceding  
month under this division and division ~~(C)~~(B) of this section.  
Money shall be distributed from the local government fund as  
required under ~~section~~ sections 5747.50, 5747.503, and 5747.504 of  
the Revised Code during the same month in which it is credited to  
the fund. 6531  
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~~(C)~~(B) On or before the seventh day of each month, the  
director of budget and management shall credit to the public  
library fund an amount equal to the product obtained by  
multiplying the percentage calculated under division (A)(2) of  
this section by one and sixty-six one-hundredths per cent of the  
total tax revenue credited to the general revenue fund during the  
preceding month. In determining the total tax revenue credited to  
the general revenue fund during the preceding month, the director  
shall include amounts transferred from the fund during the  
preceding month under this division and division ~~(B)~~(A) of this 6545  
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section. Money shall be distributed from the public library fund 6555  
as required under section 5747.47 of the Revised Code during the 6556  
same month in which it is credited to the fund. 6557

~~(D)~~(C) The director of budget and management shall develop a 6558  
schedule identifying the specific tax revenue sources to be used 6559  
to make the monthly transfers required under divisions ~~(B)~~(A) and 6560  
~~(C)~~(B) of this section. The director may, from time to time, 6561  
revise the schedule as the director considers necessary. 6562

**Sec. 133.022.** (A) As used in this section: 6563

(1) "Large local educational agency" and "qualified school 6564  
construction bond" have the same meaning as in section 54F of the 6565  
Internal Revenue Code, 26 U.S.C. 54F. 6566

(2) "National limit" means, as applicable, the limitation on 6567  
the aggregate amount of qualified school construction bonds that 6568  
may be issued by the states each calendar year under section 54F 6569  
of the Internal Revenue Code. 6570

(3) "State portion" means the portion of the national limit 6571  
allocated to this state pursuant to section 54F of the Internal 6572  
Revenue Code. 6573

(B)(1) To provide for the orderly and prompt issuance of 6574  
qualified school construction bonds, the Ohio ~~school~~ facilities 6575  
construction commission, in consultation with the director of 6576  
budget and management, shall allocate the state portion among 6577  
those issuers authorized to issue qualified school construction 6578  
bonds. The Ohio ~~school~~ facilities construction commission may also 6579  
accept from any large local educational agency the allocation 6580  
received by that agency under section 54F(d)(2) of the Internal 6581  
Revenue Code and reallocate it to any issuer or issuers authorized 6582  
to issue obligations, including any large local educational 6583  
agency. 6584

(2) The factors to be considered when making allocations of 6585  
the state portion or reallocations of any amounts received by a 6586  
large local educational agency include the following: 6587

(a) The interests of the state with regard to education and 6588  
economic development; 6589

(b) The need and ability of each issuer to issue obligations. 6590

(3) The Ohio ~~school~~ facilities construction commission, in 6591  
consultation with the director of budget and management, shall 6592  
establish procedures for making allocations, including those from 6593  
any carryover of the state portion, and shall adopt guidelines to 6594  
carry out the purposes of this section. 6595

**Sec. 133.06.** (A) A school district shall not incur, without a 6596  
vote of the electors, net indebtedness that exceeds an amount 6597  
equal to one-tenth of one per cent of its tax valuation, except as 6598  
provided in divisions (G) and (H) of this section and in division 6599  
(D) of section 3313.372 of the Revised Code, or as prescribed in 6600  
section 3318.052 or 3318.44 of the Revised Code, or as provided in 6601  
division (J) of this section. 6602

(B) Except as provided in divisions (E), (F), and (I) of this 6603  
section, a school district shall not incur net indebtedness that 6604  
exceeds an amount equal to nine per cent of its tax valuation. 6605

(C) A school district shall not submit to a vote of the 6606  
electors the question of the issuance of securities in an amount 6607  
that will make the district's net indebtedness after the issuance 6608  
of the securities exceed an amount equal to four per cent of its 6609  
tax valuation, unless the superintendent of public instruction, 6610  
acting under policies adopted by the state board of education, and 6611  
the tax commissioner, acting under written policies of the 6612  
commissioner, consent to the submission. A request for the 6613  
consents shall be made at least one hundred twenty days prior to 6614

the election at which the question is to be submitted. 6615

The superintendent of public instruction shall certify to the 6616  
district the superintendent's and the tax commissioner's decisions 6617  
within thirty days after receipt of the request for consents. 6618

If the electors do not approve the issuance of securities at 6619  
the election for which the superintendent of public instruction 6620  
and tax commissioner consented to the submission of the question, 6621  
the school district may submit the same question to the electors 6622  
on the date that the next special election may be held under 6623  
section 3501.01 of the Revised Code without submitting a new 6624  
request for consent. If the school district seeks to submit the 6625  
same question at any other subsequent election, the district shall 6626  
first submit a new request for consent in accordance with this 6627  
division. 6628

(D) In calculating the net indebtedness of a school district, 6629  
none of the following shall be considered: 6630

(1) Securities issued to acquire school buses and other 6631  
equipment used in transporting pupils or issued pursuant to 6632  
division (D) of section 133.10 of the Revised Code; 6633

(2) Securities issued under division (F) of this section, 6634  
under section 133.301 of the Revised Code, and, to the extent in 6635  
excess of the limitation stated in division (B) of this section, 6636  
under division (E) of this section; 6637

(3) Indebtedness resulting from the dissolution of a joint 6638  
vocational school district under section 3311.217 of the Revised 6639  
Code, evidenced by outstanding securities of that joint vocational 6640  
school district; 6641

(4) Loans, evidenced by any securities, received under 6642  
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 6643

(5) Debt incurred under section 3313.374 of the Revised Code; 6644

(6) Debt incurred pursuant to division (B)(5) of section 6645  
3313.37 of the Revised Code to acquire computers and related 6646  
hardware; 6647

(7) Debt incurred under section 3318.042 of the Revised Code. 6648

(E) A school district may become a special needs district as 6649  
to certain securities as provided in division (E) of this section. 6650

(1) A board of education, by resolution, may declare its 6651  
school district to be a special needs district by determining both 6652  
of the following: 6653

(a) The student population is not being adequately serviced 6654  
by the existing permanent improvements of the district. 6655

(b) The district cannot obtain sufficient funds by the 6656  
issuance of securities within the limitation of division (B) of 6657  
this section to provide additional or improved needed permanent 6658  
improvements in time to meet the needs. 6659

(2) The board of education shall certify a copy of that 6660  
resolution to the superintendent of public instruction with a 6661  
statistical report showing all of the following: 6662

(a) The history of and a projection of the growth of the tax 6663  
valuation; 6664

(b) The projected needs; 6665

(c) The estimated cost of permanent improvements proposed to 6666  
meet such projected needs. 6667

(3) The superintendent of public instruction shall certify 6668  
the district as an approved special needs district if the 6669  
superintendent finds both of the following: 6670

(a) The district does not have available sufficient 6671  
additional funds from state or federal sources to meet the 6672  
projected needs. 6673

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent shall be conclusive.

(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:

(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;

(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase during the next ten years.

(F) A school district may issue securities for emergency purposes, in a principal amount that does not exceed an amount equal to three per cent of its tax valuation, as provided in this division.

(1) A board of education, by resolution, may declare an emergency if it determines both of the following:

(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned

by a constituted public authority, or that such buildings or 6705  
facilities are partially constructed, or so constructed or planned 6706  
as to require additions and improvements to them before the 6707  
buildings or facilities are usable for their intended purpose, or 6708  
that corrections to permanent improvements are necessary to remove 6709  
or prevent health or safety hazards. 6710

(b) Existing fiscal and net indebtedness limitations make 6711  
adequate replacement, additions, or improvements impossible. 6712

(2) Upon the declaration of an emergency, the board of 6713  
education may, by resolution, submit to the electors of the 6714  
district pursuant to section 133.18 of the Revised Code the 6715  
question of issuing securities for the purpose of paying the cost, 6716  
in excess of any insurance or condemnation proceeds received by 6717  
the district, of permanent improvements to respond to the 6718  
emergency need. 6719

(3) The procedures for the election shall be as provided in 6720  
section 133.18 of the Revised Code, except that: 6721

(a) The form of the ballot shall describe the emergency 6722  
existing, refer to this division as the authority under which the 6723  
emergency is declared, and state that the amount of the proposed 6724  
securities exceeds the limitations prescribed by division (B) of 6725  
this section; 6726

(b) The resolution required by division (B) of section 133.18 6727  
of the Revised Code shall be certified to the county auditor and 6728  
the board of elections at least one hundred days prior to the 6729  
election; 6730

(c) The county auditor shall advise and, not later than 6731  
ninety-five days before the election, confirm that advice by 6732  
certification to, the board of education of the information 6733  
required by division (C) of section 133.18 of the Revised Code; 6734

(d) The board of education shall then certify its resolution 6735

and the information required by division (D) of section 133.18 of 6736  
the Revised Code to the board of elections not less than ninety 6737  
days prior to the election. 6738

(4) Notwithstanding division (B) of section 133.21 of the 6739  
Revised Code, the first principal payment of securities issued 6740  
under this division may be set at any date not later than sixty 6741  
months after the earliest possible principal payment otherwise 6742  
provided for in that division. 6743

(G)(1) The board of education may contract with an architect, 6744  
professional engineer, or other person experienced in the design 6745  
and implementation of energy conservation measures for an analysis 6746  
and recommendations pertaining to installations, modifications of 6747  
installations, or remodeling that would significantly reduce 6748  
energy consumption in buildings owned by the district. The report 6749  
shall include estimates of all costs of such installations, 6750  
modifications, or remodeling, including costs of design, 6751  
engineering, installation, maintenance, repairs, measurement and 6752  
verification of energy savings, and debt service, forgone residual 6753  
value of materials or equipment replaced by the energy 6754  
conservation measure, as defined by the Ohio ~~school~~ facilities 6755  
construction commission, a baseline analysis of actual energy 6756  
consumption data for the preceding three years with the utility 6757  
baseline based on only the actual energy consumption data for the 6758  
preceding twelve months, and estimates of the amounts by which 6759  
energy consumption and resultant operational and maintenance 6760  
costs, as defined by the commission, would be reduced. 6761

If the board finds after receiving the report that the amount 6762  
of money the district would spend on such installations, 6763  
modifications, or remodeling is not likely to exceed the amount of 6764  
money it would save in energy and resultant operational and 6765  
maintenance costs over the ensuing fifteen years, the board may 6766  
submit to the commission a copy of its findings and a request for 6767

approval to incur indebtedness to finance the making or 6768  
modification of installations or the remodeling of buildings for 6769  
the purpose of significantly reducing energy consumption. 6770

The ~~school~~ facilities construction commission, in 6771  
consultation with the auditor of state, may deny a request under 6772  
this division by the board of education of any school district 6773  
that is in a state of fiscal watch pursuant to division (A) of 6774  
section 3316.03 of the Revised Code, if it determines that the 6775  
expenditure of funds is not in the best interest of the school 6776  
district. 6777

No district board of education of a school district that is 6778  
in a state of fiscal emergency pursuant to division (B) of section 6779  
3316.03 of the Revised Code shall submit a request without 6780  
submitting evidence that the installations, modifications, or 6781  
remodeling have been approved by the district's financial planning 6782  
and supervision commission established under section 3316.05 of 6783  
the Revised Code. 6784

No board of education of a school district that, for three or 6785  
more consecutive years, has been declared to be in a state of 6786  
academic emergency under section 3302.03 of the Revised Code, as 6787  
that section existed prior to March 22, 2013, and has failed to 6788  
meet adequate yearly progress, or has met any condition set forth 6789  
in division (A) of section 3302.10 of the Revised Code shall 6790  
submit a request without first receiving approval to incur 6791  
indebtedness from the district's academic distress commission 6792  
established under that section, for so long as such commission 6793  
continues to be required for the district. 6794

(2) The ~~school~~ facilities construction commission shall 6795  
approve the board's request provided that the following conditions 6796  
are satisfied: 6797

(a) The commission determines that the board's findings are 6798

reasonable. 6799

(b) The request for approval is complete. 6800

(c) The installations, modifications, or remodeling are 6801  
consistent with any project to construct or acquire classroom 6802  
facilities, or to reconstruct or make additions to existing 6803  
classroom facilities under sections 3318.01 to 3318.20 or sections 6804  
3318.40 to 3318.45 of the Revised Code. 6805

Upon receipt of the commission's approval, the district may 6806  
issue securities without a vote of the electors in a principal 6807  
amount not to exceed nine-tenths of one per cent of its tax 6808  
valuation for the purpose of making such installations, 6809  
modifications, or remodeling, but the total net indebtedness of 6810  
the district without a vote of the electors incurred under this 6811  
and all other sections of the Revised Code, except section 6812  
3318.052 of the Revised Code, shall not exceed one per cent of the 6813  
district's tax valuation. 6814

(3) So long as any securities issued under this division 6815  
remain outstanding, the board of education shall monitor the 6816  
energy consumption and resultant operational and maintenance costs 6817  
of buildings in which installations or modifications have been 6818  
made or remodeling has been done pursuant to this division. Except 6819  
as provided in division (G)(4) of this section, the board shall 6820  
maintain and annually update a report in a form and manner 6821  
prescribed by the ~~school~~ facilities construction commission 6822  
documenting the reductions in energy consumption and resultant 6823  
operational and maintenance cost savings attributable to such 6824  
installations, modifications, or remodeling. The resultant 6825  
operational and maintenance cost savings shall be certified by the 6826  
school district treasurer. The report shall be submitted annually 6827  
to the commission. 6828

(4) If the ~~school~~ facilities construction commission verifies 6829

that the certified annual reports submitted to the commission by a board of education under division (G)(3) of this section fulfill the guarantee required under division (B) of section 3313.372 of the Revised Code for three consecutive years, the board of education shall no longer be subject to the annual reporting requirements of division (G)(3) of this section.

(H) With the consent of the superintendent of public instruction, a school district may incur without a vote of the electors net indebtedness that exceeds the amounts stated in divisions (A) and (G) of this section for the purpose of paying costs of permanent improvements, if and to the extent that both of the following conditions are satisfied:

(1) The fiscal officer of the school district estimates that receipts of the school district from payments made under or pursuant to agreements entered into pursuant to section 725.02, 1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised Code, or distributions under division (C) of section 5709.43 or division (B) of section 5709.47 of the Revised Code, or any combination thereof, are, after accounting for any appropriate coverage requirements, sufficient in time and amount, and are committed by the proceedings, to pay the debt charges on the securities issued to evidence that indebtedness and payable from those receipts, and the taxing authority of the district confirms the fiscal officer's estimate, which confirmation is approved by the superintendent of public instruction;

(2) The fiscal officer of the school district certifies, and the taxing authority of the district confirms, that the district, at the time of the certification and confirmation, reasonably expects to have sufficient revenue available for the purpose of operating such permanent improvements for their intended purpose upon acquisition or completion thereof, and the superintendent of

public instruction approves the taxing authority's confirmation. 6862

The maximum maturity of securities issued under division (H) 6863  
of this section shall be the lesser of twenty years or the maximum 6864  
maturity calculated under section 133.20 of the Revised Code. 6865

(I) A school district may incur net indebtedness by the 6866  
issuance of securities in accordance with the provisions of this 6867  
chapter in excess of the limit specified in division (B) or (C) of 6868  
this section when necessary to raise the school district portion 6869  
of the basic project cost and any additional funds necessary to 6870  
participate in a project under Chapter 3318. of the Revised Code, 6871  
including the cost of items designated by the ~~school~~ facilities 6872  
construction commission as required locally funded initiatives, 6873  
the cost of other locally funded initiatives in an amount that 6874  
does not exceed fifty per cent of the district's portion of the 6875  
basic project cost, and the cost for site acquisition. The 6876  
commission shall notify the superintendent of public instruction 6877  
whenever a school district will exceed either limit pursuant to 6878  
this division. 6879

(J) A school district whose portion of the basic project cost 6880  
of its classroom facilities project under sections 3318.01 to 6881  
3318.20 of the Revised Code is greater than or equal to one 6882  
hundred million dollars may incur without a vote of the electors 6883  
net indebtedness in an amount up to two per cent of its tax 6884  
valuation through the issuance of general obligation securities in 6885  
order to generate all or part of the amount of its portion of the 6886  
basic project cost if the controlling board has approved the 6887  
~~school~~ facilities construction commission's conditional approval 6888  
of the project under section 3318.04 of the Revised Code. The 6889  
school district board and the Ohio ~~school~~ facilities construction 6890  
commission shall include the dedication of the proceeds of such 6891  
securities in the agreement entered into under section 3318.08 of 6892  
the Revised Code. No state moneys shall be released for a project 6893

to which this section applies until the proceeds of any bonds 6894  
issued under this section that are dedicated for the payment of 6895  
the school district portion of the project are first deposited 6896  
into the school district's project construction fund. 6897

**Sec. 133.061.** (A) This section applies only to a school 6898  
district that satisfies all of the following conditions: 6899

(1) The district, prior to ~~the effective date of this section~~ 6900  
June 30, 2007, undertook a classroom facilities project under 6901  
section 3318.37 of the Revised Code. 6902

(2) The district will undertake a subsequent classroom 6903  
facilities project under section 3318.37 of the Revised Code that 6904  
will consist of a single building housing grades six through 6905  
twelve. 6906

(3) The district's project described in division (A)(2) of 6907  
this section will include locally funded initiatives that are not 6908  
required by the Ohio ~~school~~ facilities construction commission. 6909

(4) The district's project described in division (A)(2) of 6910  
this section will commence within two years after ~~the effective~~ 6911  
~~date of this section~~ June 30, 2007. 6912

(B) Notwithstanding any other provision of law to the 6913  
contrary, a school district to which this section applies may 6914  
incur net indebtedness by the issuance of securities in accordance 6915  
with the provisions of this chapter in excess of the limit 6916  
specified in division (B) or (C) of section 133.06 of the Revised 6917  
Code when necessary to raise the school district portion of the 6918  
basic project cost and any additional funds necessary to 6919  
participate in the classroom facilities project described in 6920  
division (A)(2) of this section, including the cost of items 6921  
designated by the Ohio ~~school~~ facilities construction commission 6922  
as required locally funded initiatives, the cost for site 6923

acquisition, and the cost of the locally funded initiatives that 6924  
are not required by the commission described in division (A)(3) of 6925  
this section, as long as the district's total net indebtedness 6926  
after the issuance of those securities does not exceed one hundred 6927  
twenty-five per cent of the limit prescribed in division (B) of 6928  
section 133.06 of the Revised Code and the electors of the 6929  
district approve the issuance of those securities. 6930

The ~~school~~ facilities construction commission shall notify 6931  
the superintendent of public instruction whenever a school 6932  
district will exceed either limit pursuant to this section. 6933

**Sec. 149.43.** (A) As used in this section: 6934

(1) "Public record" means records kept by any public office, 6935  
including, but not limited to, state, county, city, village, 6936  
township, and school district units, and records pertaining to the 6937  
delivery of educational services by an alternative school in this 6938  
state kept by the nonprofit or for-profit entity operating the 6939  
alternative school pursuant to section 3313.533 of the Revised 6940  
Code. "Public record" does not mean any of the following: 6941

(a) Medical records; 6942

(b) Records pertaining to probation and parole proceedings or 6943  
to proceedings related to the imposition of community control 6944  
sanctions and post-release control sanctions; 6945

(c) Records pertaining to actions under section 2151.85 and 6946  
division (C) of section 2919.121 of the Revised Code and to 6947  
appeals of actions arising under those sections; 6948

(d) Records pertaining to adoption proceedings, including the 6949  
contents of an adoption file maintained by the department of 6950  
health under sections 3705.12 to 3705.124 of the Revised Code; 6951

(e) Information in a record contained in the putative father 6952  
registry established by section 3107.062 of the Revised Code, 6953

regardless of whether the information is held by the department of 6954  
job and family services or, pursuant to section 3111.69 of the 6955  
Revised Code, the office of child support in the department or a 6956  
child support enforcement agency; 6957

(f) Records specified in division (A) of section 3107.52 of 6958  
the Revised Code; 6959

(g) Trial preparation records; 6960

(h) Confidential law enforcement investigatory records; 6961

(i) Records containing information that is confidential under 6962  
section 2710.03 or 4112.05 of the Revised Code; 6963

(j) DNA records stored in the DNA database pursuant to 6964  
section 109.573 of the Revised Code; 6965

(k) Inmate records released by the department of 6966  
rehabilitation and correction to the department of youth services 6967  
or a court of record pursuant to division (E) of section 5120.21 6968  
of the Revised Code; 6969

(l) Records maintained by the department of youth services 6970  
pertaining to children in its custody released by the department 6971  
of youth services to the department of rehabilitation and 6972  
correction pursuant to section 5139.05 of the Revised Code; 6973

(m) Intellectual property records; 6974

(n) Donor profile records; 6975

(o) Records maintained by the department of job and family 6976  
services pursuant to section 3121.894 of the Revised Code; 6977

(p) Peace officer, parole officer, probation officer, 6978  
bailiff, prosecuting attorney, assistant prosecuting attorney, 6979  
correctional employee, community-based correctional facility 6980  
employee, youth services employee, firefighter, EMT, investigator 6981  
of the bureau of criminal identification and investigation, or 6982  
federal law enforcement officer residential and familial 6983

information; 6984

(q) In the case of a county hospital operated pursuant to 6985  
Chapter 339. of the Revised Code or a municipal hospital operated 6986  
pursuant to Chapter 749. of the Revised Code, information that 6987  
constitutes a trade secret, as defined in section 1333.61 of the 6988  
Revised Code; 6989

(r) Information pertaining to the recreational activities of 6990  
a person under the age of eighteen; 6991

(s) In the case of a child fatality review board acting under 6992  
sections 307.621 to 307.629 of the Revised Code or a review 6993  
conducted pursuant to guidelines established by the director of 6994  
health under section 3701.70 of the Revised Code, records provided 6995  
to the board or director, statements made by board members during 6996  
meetings of the board or by persons participating in the 6997  
director's review, and all work products of the board or director, 6998  
and in the case of a child fatality review board, child fatality 6999  
review data submitted by the board to the department of health or 7000  
a national child death review database, other than the report 7001  
prepared pursuant to division (A) of section 307.626 of the 7002  
Revised Code; 7003

(t) Records provided to and statements made by the executive 7004  
director of a public children services agency or a prosecuting 7005  
attorney acting pursuant to section 5153.171 of the Revised Code 7006  
other than the information released under that section; 7007

(u) Test materials, examinations, or evaluation tools used in 7008  
an examination for licensure as a nursing home administrator that 7009  
the board of executives of long-term services and supports 7010  
administers under section 4751.04 of the Revised Code or contracts 7011  
under that section with a private or government entity to 7012  
administer; 7013

(v) Records the release of which is prohibited by state or 7014

federal law;	7015
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	7016 7017 7018
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	7019 7020 7021 7022 7023 7024
(y) Records listed in section 5101.29 of the Revised Code;	7025
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	7026 7027 7028
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	7029 7030 7031
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	7032 7033 7034
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	7035 7036 7037
(dd) Personal information, as defined in section 149.45 of the Revised Code;	7038 7039
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot	7040 7041 7042 7043 7044

identification envelope statement of voter, or provisional ballot 7045  
affirmation completed by a program participant who has a 7046  
confidential voter registration record, and records or portions of 7047  
records pertaining to that program that identify the number of 7048  
program participants that reside within a precinct, ward, 7049  
township, municipal corporation, county, or any other geographic 7050  
area smaller than the state. As used in this division, 7051  
"confidential address" and "program participant" have the meaning 7052  
defined in section 111.41 of the Revised Code. 7053

(ff) Orders for active military service of an individual 7054  
serving or with previous service in the armed forces of the United 7055  
States, including a reserve component, or the Ohio organized 7056  
militia, except that, such order becomes a public record on the 7057  
day that is fifteen years after the published date or effective 7058  
date of the call to order; 7059

(gg) In the case of a drug overdose fatality review committee 7060  
acting under sections 307.631 to 307.639 of the Revised Code, 7061  
information, documents, or reports presented to the committee, 7062  
statements made by committee members during meetings of the 7063  
committee, all work products of the committee, and data submitted 7064  
by the committee to the department of health, other than the 7065  
report prepared pursuant to section 307.636 of the Revised Code. 7066

(2) "Confidential law enforcement investigatory record" means 7067  
any record that pertains to a law enforcement matter of a 7068  
criminal, quasi-criminal, civil, or administrative nature, but 7069  
only to the extent that the release of the record would create a 7070  
high probability of disclosure of any of the following: 7071

(a) The identity of a suspect who has not been charged with 7072  
the offense to which the record pertains, or of an information 7073  
source or witness to whom confidentiality has been reasonably 7074  
promised; 7075

(b) Information provided by an information source or witness 7076  
to whom confidentiality has been reasonably promised, which 7077  
information would reasonably tend to disclose the source's or 7078  
witness's identity; 7079

(c) Specific confidential investigatory techniques or 7080  
procedures or specific investigatory work product; 7081

(d) Information that would endanger the life or physical 7082  
safety of law enforcement personnel, a crime victim, a witness, or 7083  
a confidential information source. 7084

(3) "Medical record" means any document or combination of 7085  
documents, except births, deaths, and the fact of admission to or 7086  
discharge from a hospital, that pertains to the medical history, 7087  
diagnosis, prognosis, or medical condition of a patient and that 7088  
is generated and maintained in the process of medical treatment. 7089

(4) "Trial preparation record" means any record that contains 7090  
information that is specifically compiled in reasonable 7091  
anticipation of, or in defense of, a civil or criminal action or 7092  
proceeding, including the independent thought processes and 7093  
personal trial preparation of an attorney. 7094

(5) "Intellectual property record" means a record, other than 7095  
a financial or administrative record, that is produced or 7096  
collected by or for faculty or staff of a state institution of 7097  
higher learning in the conduct of or as a result of study or 7098  
research on an educational, commercial, scientific, artistic, 7099  
technical, or scholarly issue, regardless of whether the study or 7100  
research was sponsored by the institution alone or in conjunction 7101  
with a governmental body or private concern, and that has not been 7102  
publicly released, published, or patented. 7103

(6) "Donor profile record" means all records about donors or 7104  
potential donors to a public institution of higher education 7105  
except the names and reported addresses of the actual donors and 7106

the date, amount, and conditions of the actual donation. 7107

(7) "Peace officer, parole officer, probation officer, 7108  
bailiff, prosecuting attorney, assistant prosecuting attorney, 7109  
correctional employee, community-based correctional facility 7110  
employee, youth services employee, firefighter, EMT, investigator 7111  
of the bureau of criminal identification and investigation, or 7112  
federal law enforcement officer residential and familial 7113  
information" means any information that discloses any of the 7114  
following about a peace officer, parole officer, probation 7115  
officer, bailiff, prosecuting attorney, assistant prosecuting 7116  
attorney, correctional employee, community-based correctional 7117  
facility employee, youth services employee, firefighter, EMT, 7118  
investigator of the bureau of criminal identification and 7119  
investigation, or federal law enforcement officer: 7120

(a) The address of the actual personal residence of a peace 7121  
officer, parole officer, probation officer, bailiff, assistant 7122  
prosecuting attorney, correctional employee, community-based 7123  
correctional facility employee, youth services employee, 7124  
firefighter, EMT, an investigator of the bureau of criminal 7125  
identification and investigation, or federal law enforcement 7126  
officer, except for the state or political subdivision in which 7127  
the peace officer, parole officer, probation officer, bailiff, 7128  
assistant prosecuting attorney, correctional employee, 7129  
community-based correctional facility employee, youth services 7130  
employee, firefighter, EMT, investigator of the bureau of criminal 7131  
identification and investigation, or federal law enforcement 7132  
officer resides; 7133

(b) Information compiled from referral to or participation in 7134  
an employee assistance program; 7135

(c) The social security number, the residential telephone 7136  
number, any bank account, debit card, charge card, or credit card 7137  
number, or the emergency telephone number of, or any medical 7138

information pertaining to, a peace officer, parole officer, 7139  
probation officer, bailiff, prosecuting attorney, assistant 7140  
prosecuting attorney, correctional employee, community-based 7141  
correctional facility employee, youth services employee, 7142  
firefighter, EMT, investigator of the bureau of criminal 7143  
identification and investigation, or federal law enforcement 7144  
officer; 7145

(d) The name of any beneficiary of employment benefits, 7146  
including, but not limited to, life insurance benefits, provided 7147  
to a peace officer, parole officer, probation officer, bailiff, 7148  
prosecuting attorney, assistant prosecuting attorney, correctional 7149  
employee, community-based correctional facility employee, youth 7150  
services employee, firefighter, EMT, investigator of the bureau of 7151  
criminal identification and investigation, or federal law 7152  
enforcement officer by the peace officer's, parole officer's, 7153  
probation officer's, bailiff's, prosecuting attorney's, assistant 7154  
prosecuting attorney's, correctional employee's, community-based 7155  
correctional facility employee's, youth services employee's, 7156  
firefighter's, EMT's, investigator of the bureau of criminal 7157  
identification and investigation's, or federal law enforcement 7158  
officer's employer; 7159

(e) The identity and amount of any charitable or employment 7160  
benefit deduction made by the peace officer's, parole officer's, 7161  
probation officer's, bailiff's, prosecuting attorney's, assistant 7162  
prosecuting attorney's, correctional employee's, community-based 7163  
correctional facility employee's, youth services employee's, 7164  
firefighter's, EMT's, investigator of the bureau of criminal 7165  
identification and investigation's, or federal law enforcement 7166  
officer's employer from the peace officer's, parole officer's, 7167  
probation officer's, bailiff's, prosecuting attorney's, assistant 7168  
prosecuting attorney's, correctional employee's, community-based 7169  
correctional facility employee's, youth services employee's, 7170

firefighter's, EMT's, investigator of the bureau of criminal 7171  
identification and investigation's, or federal law enforcement 7172  
officer's compensation unless the amount of the deduction is 7173  
required by state or federal law; 7174

(f) The name, the residential address, the name of the 7175  
employer, the address of the employer, the social security number, 7176  
the residential telephone number, any bank account, debit card, 7177  
charge card, or credit card number, or the emergency telephone 7178  
number of the spouse, a former spouse, or any child of a peace 7179  
officer, parole officer, probation officer, bailiff, prosecuting 7180  
attorney, assistant prosecuting attorney, correctional employee, 7181  
community-based correctional facility employee, youth services 7182  
employee, firefighter, EMT, investigator of the bureau of criminal 7183  
identification and investigation, or federal law enforcement 7184  
officer; 7185

(g) A photograph of a peace officer who holds a position or 7186  
has an assignment that may include undercover or plain clothes 7187  
positions or assignments as determined by the peace officer's 7188  
appointing authority. 7189

As used in divisions (A)(7) and (B)(9) of this section, 7190  
"peace officer" has the same meaning as in section 109.71 of the 7191  
Revised Code and also includes the superintendent and troopers of 7192  
the state highway patrol; it does not include the sheriff of a 7193  
county or a supervisory employee who, in the absence of the 7194  
sheriff, is authorized to stand in for, exercise the authority of, 7195  
and perform the duties of the sheriff. 7196

As used in divisions (A)(7) and (B)(9) of this section, 7197  
"correctional employee" means any employee of the department of 7198  
rehabilitation and correction who in the course of performing the 7199  
employee's job duties has or has had contact with inmates and 7200  
persons under supervision. 7201

As used in divisions (A)(7) and (B)(9) of this section, 7202  
"youth services employee" means any employee of the department of 7203  
youth services who in the course of performing the employee's job 7204  
duties has or has had contact with children committed to the 7205  
custody of the department of youth services. 7206

As used in divisions (A)(7) and (B)(9) of this section, 7207  
"firefighter" means any regular, paid or volunteer, member of a 7208  
lawfully constituted fire department of a municipal corporation, 7209  
township, fire district, or village. 7210

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 7211  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 7212  
medical services for a public emergency medical service 7213  
organization. "Emergency medical service organization," 7214  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 7215  
section 4765.01 of the Revised Code. 7216

As used in divisions (A)(7) and (B)(9) of this section, 7217  
"investigator of the bureau of criminal identification and 7218  
investigation" has the meaning defined in section 2903.11 of the 7219  
Revised Code. 7220

As used in divisions (A)(7) and (B)(9) of this section, 7221  
"federal law enforcement officer" has the meaning defined in 7222  
section 9.88 of the Revised Code. 7223

(8) "Information pertaining to the recreational activities of 7224  
a person under the age of eighteen" means information that is kept 7225  
in the ordinary course of business by a public office, that 7226  
pertains to the recreational activities of a person under the age 7227  
of eighteen years, and that discloses any of the following: 7228

(a) The address or telephone number of a person under the age 7229  
of eighteen or the address or telephone number of that person's 7230  
parent, guardian, custodian, or emergency contact person; 7231

(b) The social security number, birth date, or photographic 7232

image of a person under the age of eighteen; 7233

(c) Any medical record, history, or information pertaining to 7234  
a person under the age of eighteen; 7235

(d) Any additional information sought or required about a 7236  
person under the age of eighteen for the purpose of allowing that 7237  
person to participate in any recreational activity conducted or 7238  
sponsored by a public office or to use or obtain admission 7239  
privileges to any recreational facility owned or operated by a 7240  
public office. 7241

(9) "Community control sanction" has the same meaning as in 7242  
section 2929.01 of the Revised Code. 7243

(10) "Post-release control sanction" has the same meaning as 7244  
in section 2967.01 of the Revised Code. 7245

(11) "Redaction" means obscuring or deleting any information 7246  
that is exempt from the duty to permit public inspection or 7247  
copying from an item that otherwise meets the definition of a 7248  
"record" in section 149.011 of the Revised Code. 7249

(12) "Designee" and "elected official" have the same meanings 7250  
as in section 109.43 of the Revised Code. 7251

(B)(1) Upon request and subject to division (B)(8) of this 7252  
section, all public records responsive to the request shall be 7253  
promptly prepared and made available for inspection to any person 7254  
at all reasonable times during regular business hours. Subject to 7255  
division (B)(8) of this section, upon request, a public office or 7256  
person responsible for public records shall make copies of the 7257  
requested public record available at cost and within a reasonable 7258  
period of time. If a public record contains information that is 7259  
exempt from the duty to permit public inspection or to copy the 7260  
public record, the public office or the person responsible for the 7261  
public record shall make available all of the information within 7262  
the public record that is not exempt. When making that public 7263

record available for public inspection or copying that public 7264  
record, the public office or the person responsible for the public 7265  
record shall notify the requester of any redaction or make the 7266  
redaction plainly visible. A redaction shall be deemed a denial of 7267  
a request to inspect or copy the redacted information, except if 7268  
federal or state law authorizes or requires a public office to 7269  
make the redaction. 7270

(2) To facilitate broader access to public records, a public 7271  
office or the person responsible for public records shall organize 7272  
and maintain public records in a manner that they can be made 7273  
available for inspection or copying in accordance with division 7274  
(B) of this section. A public office also shall have available a 7275  
copy of its current records retention schedule at a location 7276  
readily available to the public. If a requester makes an ambiguous 7277  
or overly broad request or has difficulty in making a request for 7278  
copies or inspection of public records under this section such 7279  
that the public office or the person responsible for the requested 7280  
public record cannot reasonably identify what public records are 7281  
being requested, the public office or the person responsible for 7282  
the requested public record may deny the request but shall provide 7283  
the requester with an opportunity to revise the request by 7284  
informing the requester of the manner in which records are 7285  
maintained by the public office and accessed in the ordinary 7286  
course of the public office's or person's duties. 7287

(3) If a request is ultimately denied, in part or in whole, 7288  
the public office or the person responsible for the requested 7289  
public record shall provide the requester with an explanation, 7290  
including legal authority, setting forth why the request was 7291  
denied. If the initial request was provided in writing, the 7292  
explanation also shall be provided to the requester in writing. 7293  
The explanation shall not preclude the public office or the person 7294  
responsible for the requested public record from relying upon 7295

additional reasons or legal authority in defending an action 7296  
commenced under division (C) of this section. 7297

(4) Unless specifically required or authorized by state or 7298  
federal law or in accordance with division (B) of this section, no 7299  
public office or person responsible for public records may limit 7300  
or condition the availability of public records by requiring 7301  
disclosure of the requester's identity or the intended use of the 7302  
requested public record. Any requirement that the requester 7303  
disclose the requester's identity or the intended use of the 7304  
requested public record constitutes a denial of the request. 7305

(5) A public office or person responsible for public records 7306  
may ask a requester to make the request in writing, may ask for 7307  
the requester's identity, and may inquire about the intended use 7308  
of the information requested, but may do so only after disclosing 7309  
to the requester that a written request is not mandatory and that 7310  
the requester may decline to reveal the requester's identity or 7311  
the intended use and when a written request or disclosure of the 7312  
identity or intended use would benefit the requester by enhancing 7313  
the ability of the public office or person responsible for public 7314  
records to identify, locate, or deliver the public records sought 7315  
by the requester. 7316

(6) If any person chooses to obtain a copy of a public record 7317  
in accordance with division (B) of this section, the public office 7318  
or person responsible for the public record may require that 7319  
person to pay in advance the cost involved in providing the copy 7320  
of the public record in accordance with the choice made by the 7321  
person seeking the copy under this division. The public office or 7322  
the person responsible for the public record shall permit that 7323  
person to choose to have the public record duplicated upon paper, 7324  
upon the same medium upon which the public office or person 7325  
responsible for the public record keeps it, or upon any other 7326  
medium upon which the public office or person responsible for the 7327

public record determines that it reasonably can be duplicated as 7328  
an integral part of the normal operations of the public office or 7329  
person responsible for the public record. When the person seeking 7330  
the copy makes a choice under this division, the public office or 7331  
person responsible for the public record shall provide a copy of 7332  
it in accordance with the choice made by the person seeking the 7333  
copy. Nothing in this section requires a public office or person 7334  
responsible for the public record to allow the person seeking a 7335  
copy of the public record to make the copies of the public record. 7336

(7)(a) Upon a request made in accordance with division (B) of 7337  
this section and subject to division (B)(6) of this section, a 7338  
public office or person responsible for public records shall 7339  
transmit a copy of a public record to any person by United States 7340  
mail or by any other means of delivery or transmission within a 7341  
reasonable period of time after receiving the request for the 7342  
copy. The public office or person responsible for the public 7343  
record may require the person making the request to pay in advance 7344  
the cost of postage if the copy is transmitted by United States 7345  
mail or the cost of delivery if the copy is transmitted other than 7346  
by United States mail, and to pay in advance the costs incurred 7347  
for other supplies used in the mailing, delivery, or transmission. 7348

(b) Any public office may adopt a policy and procedures that 7349  
it will follow in transmitting, within a reasonable period of time 7350  
after receiving a request, copies of public records by United 7351  
States mail or by any other means of delivery or transmission 7352  
pursuant to division (B)(7) of this section. A public office that 7353  
adopts a policy and procedures under division (B)(7) of this 7354  
section shall comply with them in performing its duties under that 7355  
division. 7356

(c) In any policy and procedures adopted under division 7357  
(B)(7) of this section: 7358

(i) A public office may limit the number of records requested 7359

by a person that the office will physically deliver by United States mail or by another delivery service to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes;

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

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

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence

or made the adjudication with respect to the person, or the 7392  
judge's successor in office, finds that the information sought in 7393  
the public record is necessary to support what appears to be a 7394  
justiciable claim of the person. 7395

(9)(a) Upon written request made and signed by a journalist 7396  
on or after December 16, 1999, a public office, or person 7397  
responsible for public records, having custody of the records of 7398  
the agency employing a specified peace officer, parole officer, 7399  
probation officer, bailiff, prosecuting attorney, assistant 7400  
prosecuting attorney, correctional employee, community-based 7401  
correctional facility employee, youth services employee, 7402  
firefighter, EMT, investigator of the bureau of criminal 7403  
identification and investigation, or federal law enforcement 7404  
officer shall disclose to the journalist the address of the actual 7405  
personal residence of the peace officer, parole officer, probation 7406  
officer, bailiff, prosecuting attorney, assistant prosecuting 7407  
attorney, correctional employee, community-based correctional 7408  
facility employee, youth services employee, firefighter, EMT, 7409  
investigator of the bureau of criminal identification and 7410  
investigation, or federal law enforcement officer and, if the 7411  
peace officer's, parole officer's, probation officer's, bailiff's, 7412  
prosecuting attorney's, assistant prosecuting attorney's, 7413  
correctional employee's, community-based correctional facility 7414  
employee's, youth services employee's, firefighter's, EMT's, 7415  
investigator of the bureau of criminal identification and 7416  
investigation's, or federal law enforcement officer's spouse, 7417  
former spouse, or child is employed by a public office, the name 7418  
and address of the employer of the peace officer's, parole 7419  
officer's, probation officer's, bailiff's, prosecuting attorney's, 7420  
assistant prosecuting attorney's, correctional employee's, 7421  
community-based correctional facility employee's, youth services 7422  
employee's, firefighter's, EMT's, investigator of the bureau of 7423  
criminal identification and investigation's, or federal law 7424

enforcement officer's spouse, former spouse, or child. The request 7425  
shall include the journalist's name and title and the name and 7426  
address of the journalist's employer and shall state that 7427  
disclosure of the information sought would be in the public 7428  
interest. 7429

(b) Division (B)(9)(a) of this section also applies to 7430  
journalist requests for customer information maintained by a 7431  
municipally owned or operated public utility, other than social 7432  
security numbers and any private financial information such as 7433  
credit reports, payment methods, credit card numbers, and bank 7434  
account information. 7435

(c) As used in division (B)(9) of this section, "journalist" 7436  
means a person engaged in, connected with, or employed by any news 7437  
medium, including a newspaper, magazine, press association, news 7438  
agency, or wire service, a radio or television station, or a 7439  
similar medium, for the purpose of gathering, processing, 7440  
transmitting, compiling, editing, or disseminating information for 7441  
the general public. 7442

(C)(1) If a person allegedly is aggrieved by the failure of a 7443  
public office or the person responsible for public records to 7444  
promptly prepare a public record and to make it available to the 7445  
person for inspection in accordance with division (B) of this 7446  
section or by any other failure of a public office or the person 7447  
responsible for public records to comply with an obligation in 7448  
accordance with division (B) of this section, the person allegedly 7449  
aggrieved may do only one of the following, and not both: 7450

(a) File a complaint with the clerk of the court of claims or 7451  
the clerk of the court of common pleas under section 2743.75 of 7452  
the Revised Code; 7453

(b) Commence a mandamus action to obtain a judgment that 7454  
orders the public office or the person responsible for the public 7455

record to comply with division (B) of this section, that awards 7456  
court costs and reasonable attorney's fees to the person that 7457  
instituted the mandamus action, and, if applicable, that includes 7458  
an order fixing statutory damages under division (C)(2) of this 7459  
section. The mandamus action may be commenced in the court of 7460  
common pleas of the county in which division (B) of this section 7461  
allegedly was not complied with, in the supreme court pursuant to 7462  
its original jurisdiction under Section 2 of Article IV, Ohio 7463  
Constitution, or in the court of appeals for the appellate 7464  
district in which division (B) of this section allegedly was not 7465  
complied with pursuant to its original jurisdiction under Section 7466  
3 of Article IV, Ohio Constitution. 7467

(2) If a requester transmits a written request by hand 7468  
delivery or certified mail to inspect or receive copies of any 7469  
public record in a manner that fairly describes the public record 7470  
or class of public records to the public office or person 7471  
responsible for the requested public records, except as otherwise 7472  
provided in this section, the requester shall be entitled to 7473  
recover the amount of statutory damages set forth in this division 7474  
if a court determines that the public office or the person 7475  
responsible for public records failed to comply with an obligation 7476  
in accordance with division (B) of this section. 7477

The amount of statutory damages shall be fixed at one hundred 7478  
dollars for each business day during which the public office or 7479  
person responsible for the requested public records failed to 7480  
comply with an obligation in accordance with division (B) of this 7481  
section, beginning with the day on which the requester files a 7482  
mandamus action to recover statutory damages, up to a maximum of 7483  
one thousand dollars. The award of statutory damages shall not be 7484  
construed as a penalty, but as compensation for injury arising 7485  
from lost use of the requested information. The existence of this 7486  
injury shall be conclusively presumed. The award of statutory 7487

damages shall be in addition to all other remedies authorized by 7488  
this section. 7489

The court may reduce an award of statutory damages or not 7490  
award statutory damages if the court determines both of the 7491  
following: 7492

(a) That, based on the ordinary application of statutory law 7493  
and case law as it existed at the time of the conduct or 7494  
threatened conduct of the public office or person responsible for 7495  
the requested public records that allegedly constitutes a failure 7496  
to comply with an obligation in accordance with division (B) of 7497  
this section and that was the basis of the mandamus action, a 7498  
well-informed public office or person responsible for the 7499  
requested public records reasonably would believe that the conduct 7500  
or threatened conduct of the public office or person responsible 7501  
for the requested public records did not constitute a failure to 7502  
comply with an obligation in accordance with division (B) of this 7503  
section; 7504

(b) That a well-informed public office or person responsible 7505  
for the requested public records reasonably would believe that the 7506  
conduct or threatened conduct of the public office or person 7507  
responsible for the requested public records would serve the 7508  
public policy that underlies the authority that is asserted as 7509  
permitting that conduct or threatened conduct. 7510

(3) In a mandamus action filed under division (C)(1) of this 7511  
section, the following apply: 7512

(a)(i) If the court orders the public office or the person 7513  
responsible for the public record to comply with division (B) of 7514  
this section, the court shall determine and award to the relator 7515  
all court costs, which shall be construed as remedial and not 7516  
punitive. 7517

(ii) If the court makes a determination described in division 7518

(C)(3)(b)(iii) of this section, the court shall determine and 7519  
award to the relator all court costs, which shall be construed as 7520  
remedial and not punitive. 7521

(b) If the court renders a judgment that orders the public 7522  
office or the person responsible for the public record to comply 7523  
with division (B) of this section or if the court determines any 7524  
of the following, the court may award reasonable attorney's fees 7525  
to the relator, subject to the provisions of division (C)(4) of 7526  
this section: 7527

(i) The public office or the person responsible for the 7528  
public records failed to respond affirmatively or negatively to 7529  
the public records request in accordance with the time allowed 7530  
under division (B) of this section. 7531

(ii) The public office or the person responsible for the 7532  
public records promised to permit the relator to inspect or 7533  
receive copies of the public records requested within a specified 7534  
period of time but failed to fulfill that promise within that 7535  
specified period of time. 7536

(iii) The public office or the person responsible for the 7537  
public records acted in bad faith when the office or person 7538  
voluntarily made the public records available to the relator for 7539  
the first time after the relator commenced the mandamus action, 7540  
but before the court issued any order concluding whether or not 7541  
the public office or person was required to comply with division 7542  
(B) of this section. No discovery may be conducted on the issue of 7543  
the alleged bad faith of the public office or person responsible 7544  
for the public records. This division shall not be construed as 7545  
creating a presumption that the public office or the person 7546  
responsible for the public records acted in bad faith when the 7547  
office or person voluntarily made the public records available to 7548  
the relator for the first time after the relator commenced the 7549  
mandamus action, but before the court issued any order described 7550

in this division. 7551

(c) The court shall not award attorney's fees to the relator 7552  
if the court determines both of the following: 7553

(i) That, based on the ordinary application of statutory law 7554  
and case law as it existed at the time of the conduct or 7555  
threatened conduct of the public office or person responsible for 7556  
the requested public records that allegedly constitutes a failure 7557  
to comply with an obligation in accordance with division (B) of 7558  
this section and that was the basis of the mandamus action, a 7559  
well-informed public office or person responsible for the 7560  
requested public records reasonably would believe that the conduct 7561  
or threatened conduct of the public office or person responsible 7562  
for the requested public records did not constitute a failure to 7563  
comply with an obligation in accordance with division (B) of this 7564  
section; 7565

(ii) That a well-informed public office or person responsible 7566  
for the requested public records reasonably would believe that the 7567  
conduct or threatened conduct of the public office or person 7568  
responsible for the requested public records would serve the 7569  
public policy that underlies the authority that is asserted as 7570  
permitting that conduct or threatened conduct. 7571

(4) All of the following apply to any award of reasonable 7572  
attorney's fees awarded under division (C)(3)(b) of this section: 7573

(a) The fees shall be construed as remedial and not punitive. 7574

(b) The fees awarded shall not exceed the total of the 7575  
reasonable attorney's fees incurred before the public record was 7576  
made available to the relator and the fees described in division 7577  
(C)(4)(c) of this section. 7578

(c) Reasonable attorney's fees shall include reasonable fees 7579  
incurred to produce proof of the reasonableness and amount of the 7580  
fees and to otherwise litigate entitlement to the fees. 7581

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

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

(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.

(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. In addition, all public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public

records, unless that period is less than eight hours. 7614

(2) The public office shall distribute the public records 7615  
policy adopted by the public office under division (E)(1) of this 7616  
section to the employee of the public office who is the records 7617  
custodian or records manager or otherwise has custody of the 7618  
records of that office. The public office shall require that 7619  
employee to acknowledge receipt of the copy of the public records 7620  
policy. The public office shall create a poster that describes its 7621  
public records policy and shall post the poster in a conspicuous 7622  
place in the public office and in all locations where the public 7623  
office has branch offices. The public office may post its public 7624  
records policy on the internet web site of the public office if 7625  
the public office maintains an internet web site. A public office 7626  
that has established a manual or handbook of its general policies 7627  
and procedures for all employees of the public office shall 7628  
include the public records policy of the public office in the 7629  
manual or handbook. 7630

(F)(1) The bureau of motor vehicles may adopt rules pursuant 7631  
to Chapter 119. of the Revised Code to reasonably limit the number 7632  
of bulk commercial special extraction requests made by a person 7633  
for the same records or for updated records during a calendar 7634  
year. The rules may include provisions for charges to be made for 7635  
bulk commercial special extraction requests for the actual cost of 7636  
the bureau, plus special extraction costs, plus ten per cent. The 7637  
bureau may charge for expenses for redacting information, the 7638  
release of which is prohibited by law. 7639

(2) As used in division (F)(1) of this section: 7640

(a) "Actual cost" means the cost of depleted supplies, 7641  
records storage media costs, actual mailing and alternative 7642  
delivery costs, or other transmitting costs, and any direct 7643  
equipment operating and maintenance costs, including actual costs 7644  
paid to private contractors for copying services. 7645

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

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

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

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

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the

defendant, or agent of the defendant making a request under this 7678  
division shall serve a copy of the request on the prosecuting 7679  
attorney, director of law, or other chief legal officer 7680  
responsible for prosecuting the action. 7681

**Sec. 151.03.** This section applies to obligations as defined 7682  
in this section. 7683

(A) As used in this section: 7684

(1) "Costs of capital facilities" includes related direct 7685  
administrative expenses and allocable portions of direct costs of 7686  
the using school district and the Ohio ~~school~~ facilities 7687  
construction commission. 7688

(2) "Net state lottery proceeds" means the amount determined 7689  
by the director of budget and management to be an excess amount to 7690  
the credit of the state lottery fund and to be transferred to the 7691  
lottery profits education fund, and moneys from time to time in 7692  
the lottery profits education fund, all as provided for and 7693  
referred to in section 3770.06 of the Revised Code. 7694

(3) "Ohio ~~school~~ facilities construction commission" and 7695  
"school district" have the same meanings as in section 3318.01 of 7696  
the Revised Code. 7697

(4) "Obligations" means obligations as defined in section 7698  
151.01 of the Revised Code issued to pay costs of capital 7699  
facilities for a system of common schools throughout the state. 7700

(5) "Using school district" means the school district, or two 7701  
or more school districts acting jointly, that are the ultimate 7702  
users of the capital facilities for a system of common schools 7703  
financed with net proceeds of obligations. 7704

(B) The issuing authority shall issue obligations to pay 7705  
costs of capital facilities for a system of common schools 7706  
throughout the state pursuant to Section 2n of Article VIII, Ohio 7707

Constitution, section 151.01 of the Revised Code, and this 7708  
section. The issuing authority, upon the certification by the Ohio 7709  
~~school~~ facilities construction commission to it of the amount of 7710  
moneys needed in the school building program assistance fund 7711  
created by section 3318.25 of the Revised Code for purposes of 7712  
that fund, shall issue obligations in the amount determined to be 7713  
required by the issuing authority. 7714

(C) Net proceeds of obligations shall be deposited into the 7715  
school building program assistance fund created by section 3318.25 7716  
of the Revised Code. 7717

(D) There is hereby created in the state treasury the "common 7718  
schools capital facilities bond service fund." All moneys received 7719  
by the state and required by the bond proceedings, consistent with 7720  
sections 151.01 and 151.03 of the Revised Code, to be deposited, 7721  
transferred, or credited to the bond service fund, and all other 7722  
moneys transferred or allocated to or received for the purposes of 7723  
that fund, shall be deposited and credited to the bond service 7724  
fund, subject to any applicable provisions of the bond proceedings 7725  
but without necessity for any act of appropriation. During the 7726  
period beginning with the date of the first issuance of 7727  
obligations and continuing during the time that any obligations 7728  
are outstanding in accordance with their terms, so long as moneys 7729  
in the bond service fund are insufficient to pay debt service when 7730  
due on those obligations payable from that fund (except the 7731  
principal amounts of bond anticipation notes payable from the 7732  
proceeds of renewal notes or bonds anticipated) and due in the 7733  
particular fiscal year, a sufficient amount of revenues of the 7734  
state, including net state lottery proceeds, is committed and, 7735  
without necessity for further act of appropriation, shall be paid 7736  
to the bond service fund for the purpose of paying that debt 7737  
service when due. 7738

**Sec. 153.02.** (A) The executive director of the Ohio 7739  
facilities construction commission, may debar a contractor from 7740  
contract awards for public improvements as referred to in section 7741  
153.01 of the Revised Code or for projects as defined in section 7742  
3318.01 of the Revised Code, upon proof that the contractor has 7743  
done any of the following: 7744

(1) Defaulted on a contract requiring the execution of a 7745  
takeover agreement as set forth in division (B) of section 153.17 7746  
of the Revised Code; 7747

(2) Knowingly failed during the course of a contract to 7748  
maintain the coverage required by the bureau of workers' 7749  
compensation; 7750

(3) Knowingly failed during the course of a contract to 7751  
maintain the contractor's drug-free workplace program as required 7752  
by the contract; 7753

(4) Knowingly failed during the course of a contract to 7754  
maintain insurance required by the contract or otherwise by law, 7755  
resulting in a substantial loss to the owner, as owner is referred 7756  
to in section 153.01 of the Revised Code, or to the commission and 7757  
school district board, as provided in division (F) of section 7758  
3318.08 of the Revised Code; 7759

(5) Misrepresented the firm's qualifications in the selection 7760  
process set forth in sections 153.65 to 153.71 or section 3318.10 7761  
of the Revised Code; 7762

(6) Been convicted of a criminal offense related to the 7763  
application for or performance of any public or private contract, 7764  
including, but not limited to, embezzlement, theft, forgery, 7765  
bribery, falsification or destruction of records, receiving stolen 7766  
property, and any other offense that directly reflects on the 7767  
contractor's business integrity; 7768

(7) Been convicted of a criminal offense under state or federal antitrust laws; 7769  
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(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract; 7771  
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(9) Been debarred from bidding on or participating in a contract with any state or federal agency. 7774  
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(B) When the executive director debars a contractor that is a partnership, association, or corporation, the executive director also may debar any partner of the partnership or any officer or director of the association or corporation, as applicable. 7776  
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(C) When the executive director reasonably believes that grounds for debarment exist, the executive director shall send the contractor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the contractor does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the executive director shall issue the debarment decision without a hearing and shall notify the contractor of the decision by certified mail, return receipt requested. 7780  
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~~(C)~~(D) The executive director shall determine the length of the debarment period and may rescind the debarment at any time upon notification to the contractor. During the period of debarment, the contractor is not eligible to bid for or participate in any contract for a public improvement as referred to in section 153.01 of the Revised Code or for a project as defined in section 3318.01 of the Revised Code. After the debarment period expires, the contractor shall be eligible to bid for and participate in such contracts. 7791  
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~~(D)~~(E) The executive director shall maintain a list of all 7800  
contractors currently debarred under this section. Any 7801  
governmental entity awarding a contract for construction of a 7802  
public improvement or project may use a contractor's presence on 7803  
the debarment list to determine whether a contractor is 7804  
responsible or best under section 9.312 or any other section of 7805  
the Revised Code in the award of a contract. 7806

(F) As used in this section, "contractor" means a 7807  
construction contracting business, a subcontractor of a 7808  
construction contracting business, a supplier of materials, or a 7809  
manufacturer of materials. 7810

**Sec. 154.11.** The issuing authority may authorize and issue 7811  
obligations for the refunding, including funding and retirement, 7812  
of any obligations previously issued under this chapter and any 7813  
other bonds or notes previously issued under Chapter 152. of the 7814  
Revised Code to pay the costs of capital facilities. Such 7815  
obligations may be issued in amounts sufficient for payment of the 7816  
principal amount of the prior obligations, any redemption premiums 7817  
thereon, principal maturities of any such obligations maturing 7818  
prior to the redemption of the remaining obligations on a parity 7819  
therewith, interest accrued or to accrue to the maturity dates or 7820  
dates of redemption of such obligations, and any expenses incurred 7821  
or to be incurred in connection with such issuance and such 7822  
refunding, funding, and retirement. Subject to the bond 7823  
proceedings therefor, the portion of proceeds of the sale of 7824  
obligations issued under this section to be applied to bond 7825  
service charges on the prior obligations shall be credited to the 7826  
bond service fund for those prior obligations. Obligations 7827  
authorized under this section shall be deemed to be issued for 7828  
those purposes for which those prior obligations were issued and 7829  
are subject to the provisions of Chapter 154. of the Revised Code 7830  
pertaining to other obligations, except as otherwise indicated by 7831

this section and except for division (A) of section 154.02 of the Revised Code, provided that, unless otherwise authorized by the general assembly, any limitations imposed by the general assembly pursuant to that division with respect to bond service charges applicable to the prior obligations shall be applicable to the obligations issued under this section to refund, fund, or retire those prior obligations.

**Sec. 166.08.** (A) As used in this chapter:

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations.

(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations.

(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the economic development bond service fund created by division (S) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto.

(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of such officer.

(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.

(6) "Pledged receipts" means all receipts of the state 7862  
representing the gross profit on the sale of spirituous liquor, as 7863  
referred to in division (B)(4) of section 4301.10 of the Revised 7864  
Code, after paying all costs and expenses of the division of 7865  
liquor control and providing an adequate working capital reserve 7866  
for the division of liquor control as provided in that division, 7867  
but excluding the sum required by the second paragraph of section 7868  
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 7869  
paid into the state treasury; moneys accruing to the state from 7870  
the lease, sale, or other disposition, or use, of project 7871  
facilities, and from the repayment, including interest, of loans 7872  
made from proceeds received from the sale of obligations; accrued 7873  
interest received from the sale of obligations; income from the 7874  
investment of the special funds; and any gifts, grants, donations, 7875  
and pledges, and receipts therefrom, available for the payment of 7876  
bond service charges. 7877

(7) "Special funds" or "funds" means, except where the 7878  
context does not permit, the bond service fund, and any other 7879  
funds, including reserve funds, created under the bond 7880  
proceedings, and the economic development bond service fund 7881  
created by division (S) of this section to the extent provided in 7882  
the bond proceedings, including all moneys and investments, and 7883  
earnings from investment, credited and to be credited thereto. 7884

(B) Subject to the limitations provided in section 166.11 of 7885  
the Revised Code, the issuing authority, upon the certification by 7886  
the director of development or, ~~with respect to eligible advanced~~ 7887  
~~energy projects~~ prior to the effective date of this amendment, 7888  
upon certification by the Ohio air quality development authority 7889  
regarding eligible advanced energy projects, to the issuing 7890  
authority of the amount of moneys or additional moneys needed in 7891  
the facilities establishment fund, the loan guarantee fund, the 7892  
innovation Ohio loan fund, the innovation Ohio loan guarantee 7893

fund, the research and development loan fund, the logistics and 7894  
distribution infrastructure fund, the advanced energy research and 7895  
development fund, or the advanced energy research and development 7896  
taxable fund, as applicable, for the purpose of paying, or making 7897  
loans for, allowable costs from the facilities establishment fund, 7898  
allowable innovation costs from the innovation Ohio loan fund, 7899  
allowable costs from the research and development loan fund, 7900  
allowable costs from the logistics and distribution infrastructure 7901  
fund, allowable costs from the advanced energy research and 7902  
development fund, or allowable costs from the advanced energy 7903  
research and development taxable fund, as applicable, or needed 7904  
for capitalized interest, for funding reserves, and for paying 7905  
costs and expenses incurred in connection with the issuance, 7906  
carrying, securing, paying, redeeming, or retirement of the 7907  
obligations or any obligations refunded thereby, including payment 7908  
of costs and expenses relating to letters of credit, lines of 7909  
credit, insurance, put agreements, standby purchase agreements, 7910  
indexing, marketing, remarketing and administrative arrangements, 7911  
interest swap or hedging agreements, and any other credit 7912  
enhancement, liquidity, remarketing, renewal, or refunding 7913  
arrangements, all of which are authorized by this section, or 7914  
providing moneys for the loan guarantee fund or the innovation 7915  
Ohio loan guarantee fund, as provided in this chapter or needed 7916  
for the purposes of funds established in accordance with or 7917  
pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 7918  
122.561, 122.57, and 122.80 of the Revised Code which are within 7919  
the authorization of Section 13 of Article VIII, Ohio 7920  
Constitution, or, prior to the effective date of this amendment, 7921  
with respect to certain eligible advanced energy projects, Section 7922  
2p of Article VIII, Ohio Constitution, shall issue obligations of 7923  
the state under this section in the required amount; provided that 7924  
such obligations may be issued to satisfy the covenants in 7925  
contracts of guarantee made under section 166.06 or 166.15 of the 7926

Revised Code, notwithstanding limitations otherwise applicable to 7927  
the issuance of obligations under this section. The proceeds of 7928  
such obligations, except for the portion to be deposited in 7929  
special funds, including reserve funds, as may be provided in the 7930  
bond proceedings, shall as provided in the bond proceedings be 7931  
deposited by the director of development to the facilities 7932  
establishment fund, the loan guarantee fund, the innovation Ohio 7933  
loan guarantee fund, the innovation Ohio loan fund, the research 7934  
and development loan fund, or the logistics and distribution 7935  
infrastructure fund, or be deposited by the Ohio air quality 7936  
development authority prior to the effective date of this 7937  
amendment to the advanced energy research and development fund or 7938  
the advanced energy research and development taxable fund. Bond 7939  
proceedings for project financing obligations may provide that the 7940  
proceeds derived from the issuance of such obligations shall be 7941  
deposited into such fund or funds provided for in the bond 7942  
proceedings and, to the extent provided for in the bond 7943  
proceedings, such proceeds shall be deemed to have been deposited 7944  
into the facilities establishment fund and transferred to such 7945  
fund or funds. The issuing authority may appoint trustees, paying 7946  
agents, and transfer agents and may retain the services of 7947  
financial advisors, accounting experts, and attorneys, and retain 7948  
or contract for the services of marketing, remarketing, indexing, 7949  
and administrative agents, other consultants, and independent 7950  
contractors, including printing services, as are necessary in the 7951  
issuing authority's judgment to carry out this section. The costs 7952  
of such services are allowable costs payable from the facilities 7953  
establishment fund or the research and development loan fund, 7954  
allowable innovation costs payable from the innovation Ohio loan 7955  
fund, ~~or~~ allowable costs payable from the logistics and 7956  
distribution infrastructure fund, or allowable costs payable prior 7957  
to the effective date of this amendment from the advanced energy 7958  
research and development fund, or the advanced energy research and 7959

development taxable fund, as applicable. 7960

(C) The holders or owners of such obligations shall have no 7961  
right to have moneys raised by taxation obligated or pledged, and 7962  
moneys raised by taxation shall not be obligated or pledged, for 7963  
the payment of bond service charges. Such holders or owners shall 7964  
have no rights to payment of bond service charges from any moneys 7965  
accruing to the state from the lease, sale, or other disposition, 7966  
or use, of project facilities, or from payment of the principal of 7967  
or interest on loans made, or fees charged for guarantees made, or 7968  
from any money or property received by the director, treasurer of 7969  
state, or the state under Chapter 122. of the Revised Code, or 7970  
from any other use of the proceeds of the sale of the obligations, 7971  
and no such moneys may be used for the payment of bond service 7972  
charges, except for accrued interest, capitalized interest, and 7973  
reserves funded from proceeds received upon the sale of the 7974  
obligations and except as otherwise expressly provided in the 7975  
applicable bond proceedings pursuant to written directions by the 7976  
director. The right of such holders and owners to payment of bond 7977  
service charges is limited to all or that portion of the pledged 7978  
receipts and those special funds pledged thereto pursuant to the 7979  
bond proceedings in accordance with this section, and each such 7980  
obligation shall bear on its face a statement to that effect. 7981

(D) Obligations shall be authorized by resolution or order of 7982  
the issuing authority and the bond proceedings shall provide for 7983  
the purpose thereof and the principal amount or amounts, and shall 7984  
provide for or authorize the manner or agency for determining the 7985  
principal maturity or maturities, not exceeding twenty-five years 7986  
from the date of issuance, the interest rate or rates or the 7987  
maximum interest rate, the date of the obligations and the dates 7988  
of payment of interest thereon, their denomination, and the 7989  
establishment within or without the state of a place or places of 7990  
payment of bond service charges. Sections 9.98 to 9.983 of the 7991

Revised Code are applicable to obligations issued under this 7992  
section, subject to any applicable limitation under section 166.11 7993  
of the Revised Code. The purpose of such obligations may be stated 7994  
in the bond proceedings in terms describing the general purpose or 7995  
purposes to be served. The bond proceedings also shall provide, 7996  
subject to the provisions of any other applicable bond 7997  
proceedings, for the pledge of all, or such part as the issuing 7998  
authority may determine, of the pledged receipts and the 7999  
applicable special fund or funds to the payment of bond service 8000  
charges, which pledges may be made either prior or subordinate to 8001  
other expenses, claims, or payments, and may be made to secure the 8002  
obligations on a parity with obligations theretofore or thereafter 8003  
issued, if and to the extent provided in the bond proceedings. The 8004  
pledged receipts and special funds so pledged and thereafter 8005  
received by the state are immediately subject to the lien of such 8006  
pledge without any physical delivery thereof or further act, and 8007  
the lien of any such pledges is valid and binding against all 8008  
parties having claims of any kind against the state or any 8009  
governmental agency of the state, irrespective of whether such 8010  
parties have notice thereof, and shall create a perfected security 8011  
interest for all purposes of Chapter 1309. of the Revised Code, 8012  
without the necessity for separation or delivery of funds or for 8013  
the filing or recording of the bond proceedings by which such 8014  
pledge is created or any certificate, statement or other document 8015  
with respect thereto; and the pledge of such pledged receipts and 8016  
special funds is effective and the money therefrom and thereof may 8017  
be applied to the purposes for which pledged without necessity for 8018  
any act of appropriation. Every pledge, and every covenant and 8019  
agreement made with respect thereto, made in the bond proceedings 8020  
may therein be extended to the benefit of the owners and holders 8021  
of obligations authorized by this section, and to any trustee 8022  
therefor, for the further security of the payment of the bond 8023  
service charges. 8024

- (E) The bond proceedings may contain additional provisions as 8025  
to: 8026
- (1) The redemption of obligations prior to maturity at the 8027  
option of the issuing authority at such price or prices and under 8028  
such terms and conditions as are provided in the bond proceedings; 8029
- (2) Other terms of the obligations; 8030
- (3) Limitations on the issuance of additional obligations; 8031
- (4) The terms of any trust agreement or indenture securing 8032  
the obligations or under which the same may be issued; 8033
- (5) The deposit, investment and application of special funds, 8034  
and the safeguarding of moneys on hand or on deposit, without 8035  
regard to Chapter 131. or 135. of the Revised Code, but subject to 8036  
any special provisions of this chapter, with respect to particular 8037  
funds or moneys, provided that any bank or trust company which 8038  
acts as depository of any moneys in the special funds may furnish 8039  
such indemnifying bonds or may pledge such securities as required 8040  
by the issuing authority; 8041
- (6) Any or every provision of the bond proceedings being 8042  
binding upon such officer, board, commission, authority, agency, 8043  
department, or other person or body as may from time to time have 8044  
the authority under law to take such actions as may be necessary 8045  
to perform all or any part of the duty required by such provision; 8046
- (7) Any provision that may be made in a trust agreement or 8047  
indenture; 8048
- (8) Any other or additional agreements with the holders of 8049  
the obligations, or the trustee therefor, relating to the 8050  
obligations or the security therefor, including the assignment of 8051  
mortgages or other security obtained or to be obtained for loans 8052  
under section 122.43, 166.07, or 166.16 of the Revised Code. 8053
- (F) The obligations may have the great seal of the state or a 8054

facsimile thereof affixed thereto or printed thereon. The 8055  
obligations and any coupons pertaining to obligations shall be 8056  
signed or bear the facsimile signature of the issuing authority. 8057  
Any obligations or coupons may be executed by the person who, on 8058  
the date of execution, is the proper issuing authority although on 8059  
the date of such bonds or coupons such person was not the issuing 8060  
authority. If the issuing authority whose signature or a facsimile 8061  
of whose signature appears on any such obligation or coupon ceases 8062  
to be the issuing authority before delivery thereof, such 8063  
signature or facsimile is nevertheless valid and sufficient for 8064  
all purposes as if the former issuing authority had remained the 8065  
issuing authority until such delivery; and if the seal to be 8066  
affixed to obligations has been changed after a facsimile of the 8067  
seal has been imprinted on such obligations, such facsimile seal 8068  
shall continue to be sufficient as to such obligations and 8069  
obligations issued in substitution or exchange therefor. 8070

(G) All obligations are negotiable instruments and securities 8071  
under Chapter 1308. of the Revised Code, subject to the provisions 8072  
of the bond proceedings as to registration. The obligations may be 8073  
issued in coupon or in registered form, or both, as the issuing 8074  
authority determines. Provision may be made for the registration 8075  
of any obligations with coupons attached thereto as to principal 8076  
alone or as to both principal and interest, their exchange for 8077  
obligations so registered, and for the conversion or reconversion 8078  
into obligations with coupons attached thereto of any obligations 8079  
registered as to both principal and interest, and for reasonable 8080  
charges for such registration, exchange, conversion, and 8081  
reconversion. 8082

(H) Obligations may be sold at public sale or at private 8083  
sale, as determined in the bond proceedings. 8084

Obligations issued to provide moneys for the loan guarantee 8085  
fund or the innovation Ohio loan guarantee fund may, as determined 8086

by the issuing authority, be sold at private sale, and without 8087  
publication of a notice of sale. 8088

(I) Pending preparation of definitive obligations, the 8089  
issuing authority may issue interim receipts or certificates which 8090  
shall be exchanged for such definitive obligations. 8091

(J) In the discretion of the issuing authority, obligations 8092  
may be secured additionally by a trust agreement or indenture 8093  
between the issuing authority and a corporate trustee which may be 8094  
any trust company or bank having a place of business within the 8095  
state. Any such agreement or indenture may contain the resolution 8096  
or order authorizing the issuance of the obligations, any 8097  
provisions that may be contained in any bond proceedings, and 8098  
other provisions which are customary or appropriate in an 8099  
agreement or indenture of such type, including, but not limited 8100  
to: 8101

(1) Maintenance of each pledge, trust agreement, indenture, 8102  
or other instrument comprising part of the bond proceedings until 8103  
the state has fully paid the bond service charges on the 8104  
obligations secured thereby, or provision therefor has been made; 8105

(2) In the event of default in any payments required to be 8106  
made by the bond proceedings, or any other agreement of the 8107  
issuing authority made as a part of the contract under which the 8108  
obligations were issued, enforcement of such payments or agreement 8109  
by mandamus, the appointment of a receiver, suit in equity, action 8110  
at law, or any combination of the foregoing; 8111

(3) The rights and remedies of the holders of obligations and 8112  
of the trustee, and provisions for protecting and enforcing them, 8113  
including limitations on rights of individual holders of 8114  
obligations; 8115

(4) The replacement of any obligations that become mutilated 8116  
or are destroyed, lost, or stolen; 8117

(5) Such other provisions as the trustee and the issuing authority agree upon, including limitations, conditions, or qualifications relating to any of the foregoing.

(K) Any holders of obligations or trustees under the bond proceedings, except to the extent that their rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority, the director of development, the Ohio air quality development authority, or the division of liquor control required by this chapter or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the issuing authority, the director of development, the Ohio air quality development authority, or the division of liquor control in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the pledged receipts and special funds, other than those in the custody of the treasurer of state, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the issuing authority or the state or governmental agencies of the state to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project facilities.

Each duty of the issuing authority and the issuing 8150  
authority's officers and employees, and of each governmental 8151  
agency and its officers, members, or employees, undertaken 8152  
pursuant to the bond proceedings or any agreement or lease, 8153  
lease-purchase agreement, or loan made under authority of this 8154  
chapter, and in every agreement by or with the issuing authority, 8155  
is hereby established as a duty of the issuing authority, and of 8156  
each such officer, member, or employee having authority to perform 8157  
such duty, specifically enjoined by the law resulting from an 8158  
office, trust, or station within the meaning of section 2731.01 of 8159  
the Revised Code. 8160

The person who is at the time the issuing authority, or the 8161  
issuing authority's officers or employees, are not liable in their 8162  
personal capacities on any obligations issued by the issuing 8163  
authority or any agreements of or with the issuing authority. 8164

(L) The issuing authority may authorize and issue obligations 8165  
for the refunding, including funding and retirement, and advance 8166  
refunding with or without payment or redemption prior to maturity, 8167  
of any obligations previously issued by the issuing authority. 8168  
Such obligations may be issued in amounts sufficient for payment 8169  
of the principal amount of the prior obligations, any redemption 8170  
premiums thereon, principal maturities of any such obligations 8171  
maturing prior to the redemption of the remaining obligations on a 8172  
parity therewith, interest accrued or to accrue to the maturity 8173  
dates or dates of redemption of such obligations, and any 8174  
allowable costs including expenses incurred or to be incurred in 8175  
connection with such issuance and such refunding, funding, and 8176  
retirement. Subject to the bond proceedings therefor, the portion 8177  
of proceeds of the sale of obligations issued under this division 8178  
to be applied to bond service charges on the prior obligations 8179  
shall be credited to an appropriate account held by the trustee 8180  
for such prior or new obligations or to the appropriate account in 8181

the bond service fund for such obligations. Obligations authorized 8182  
under this division shall be deemed to be issued for those 8183  
purposes for which such prior obligations were issued and are 8184  
subject to the provisions of this section pertaining to other 8185  
obligations, except as otherwise provided in this section; 8186  
provided that, unless otherwise authorized by the general 8187  
assembly, any limitations imposed by the general assembly pursuant 8188  
to this section with respect to bond service charges applicable to 8189  
the prior obligations shall be applicable to the obligations 8190  
issued under this division to refund, fund, advance refund or 8191  
retire such prior obligations. 8192

(M) The authority to issue obligations under this section 8193  
includes authority to issue obligations in the form of bond 8194  
anticipation notes and to renew the same from time to time by the 8195  
issuance of new notes. The holders of such notes or interest 8196  
coupons pertaining thereto shall have a right to be paid solely 8197  
from the pledged receipts and special funds that may be pledged to 8198  
the payment of the bonds anticipated, or from the proceeds of such 8199  
bonds or renewal notes, or both, as the issuing authority provides 8200  
in the resolution or order authorizing such notes. Such notes may 8201  
be additionally secured by covenants of the issuing authority to 8202  
the effect that the issuing authority and the state will do such 8203  
or all things necessary for the issuance of such bonds or renewal 8204  
notes in appropriate amount, and apply the proceeds thereof to the 8205  
extent necessary, to make full payment of the principal of and 8206  
interest on such notes at the time or times contemplated, as 8207  
provided in such resolution or order. For such purpose, the 8208  
issuing authority may issue bonds or renewal notes in such 8209  
principal amount and upon such terms as may be necessary to 8210  
provide funds to pay when required the principal of and interest 8211  
on such notes, notwithstanding any limitations prescribed by or 8212  
for purposes of this section. Subject to this division, all 8213  
provisions for and references to obligations in this section are 8214

applicable to notes authorized under this division. 8215

The issuing authority in the bond proceedings authorizing the 8216  
issuance of bond anticipation notes shall set forth for such bonds 8217  
an estimated interest rate and a schedule of principal payments 8218  
for such bonds and the annual maturity dates thereof, and for 8219  
purposes of any limitation on bond service charges prescribed 8220  
under division (A) of section 166.11 of the Revised Code, the 8221  
amount of bond service charges on such bond anticipation notes is 8222  
deemed to be the bond service charges for the bonds anticipated 8223  
thereby as set forth in the bond proceedings applicable to such 8224  
notes, but this provision does not modify any authority in this 8225  
section to pledge receipts and special funds to, and covenant to 8226  
issue bonds to fund, the payment of principal of and interest and 8227  
any premium on such notes. 8228

(N) Obligations issued under this section are lawful 8229  
investments for banks, societies for savings, savings and loan 8230  
associations, deposit guarantee associations, trust companies, 8231  
trustees, fiduciaries, insurance companies, including domestic for 8232  
life and domestic not for life, trustees or other officers having 8233  
charge of sinking and bond retirement or other special funds of 8234  
political subdivisions and taxing districts of this state, the 8235  
commissioners of the sinking fund of the state, the administrator 8236  
of workers' compensation, the state teachers retirement system, 8237  
the public employees retirement system, the school employees 8238  
retirement system, and the Ohio police and fire pension fund, 8239  
notwithstanding any other provisions of the Revised Code or rules 8240  
adopted pursuant thereto by any governmental agency of the state 8241  
with respect to investments by them, and are also acceptable as 8242  
security for the deposit of public moneys. 8243

(O) Unless otherwise provided in any applicable bond 8244  
proceedings, moneys to the credit of or in the special funds 8245  
established by or pursuant to this section may be invested by or 8246

on behalf of the issuing authority only in notes, bonds, or other 8247  
obligations of the United States, or of any agency or 8248  
instrumentality of the United States, obligations guaranteed as to 8249  
principal and interest by the United States, obligations of this 8250  
state or any political subdivision of this state, and certificates 8251  
of deposit of any national bank located in this state and any 8252  
bank, as defined in section 1101.01 of the Revised Code, subject 8253  
to inspection by the superintendent of banks. If the law or the 8254  
instrument creating a trust pursuant to division (J) of this 8255  
section expressly permits investment in direct obligations of the 8256  
United States or an agency of the United States, unless expressly 8257  
prohibited by the instrument, such moneys also may be invested in 8258  
no-front-end-load money market mutual funds consisting exclusively 8259  
of obligations of the United States or an agency of the United 8260  
States and in repurchase agreements, including those issued by the 8261  
fiduciary itself, secured by obligations of the United States or 8262  
an agency of the United States; and in common trust funds 8263  
established in accordance with section 1111.20 of the Revised Code 8264  
and consisting exclusively of any such securities, notwithstanding 8265  
division (A)(4) of that section. The income from such investments 8266  
shall be credited to such funds as the issuing authority 8267  
determines, and such investments may be sold at such times as the 8268  
issuing authority determines or authorizes. 8269

(P) Provision may be made in the applicable bond proceedings 8270  
for the establishment of separate accounts in the bond service 8271  
fund and for the application of such accounts only to the 8272  
specified bond service charges on obligations pertinent to such 8273  
accounts and bond service fund and for other accounts therein 8274  
within the general purposes of such fund. Unless otherwise 8275  
provided in any applicable bond proceedings, moneys to the credit 8276  
of or in the several special funds established pursuant to this 8277  
section shall be disbursed on the order of the treasurer of state, 8278  
provided that no such order is required for the payment from the 8279

bond service fund when due of bond service charges on obligations. 8280

(Q) The issuing authority may pledge all, or such portion as 8281  
the issuing authority determines, of the pledged receipts to the 8282  
payment of bond service charges on obligations issued under this 8283  
section, and for the establishment and maintenance of any 8284  
reserves, as provided in the bond proceedings, and make other 8285  
provisions therein with respect to pledged receipts as authorized 8286  
by this chapter, which provisions are controlling notwithstanding 8287  
any other provisions of law pertaining thereto. 8288

(R) The issuing authority may covenant in the bond 8289  
proceedings, and any such covenants are controlling 8290  
notwithstanding any other provision of law, that the state and 8291  
applicable officers and governmental agencies of the state, 8292  
including the general assembly, so long as any obligations are 8293  
outstanding, shall: 8294

(1) Maintain statutory authority for and cause to be charged 8295  
and collected wholesale and retail prices for spirituous liquor 8296  
sold by the state or its agents so that the pledged receipts are 8297  
sufficient in amount to meet bond service charges, and the 8298  
establishment and maintenance of any reserves and other 8299  
requirements provided for in the bond proceedings, and, as 8300  
necessary, to meet covenants contained in contracts of guarantee 8301  
made under section 166.06 of the Revised Code; 8302

(2) Take or permit no action, by statute or otherwise, that 8303  
would impair the exemption from federal income taxation of the 8304  
interest on the obligations. 8305

(S) There is hereby created the economic development bond 8306  
service fund, which shall be in the custody of the treasurer of 8307  
state but shall be separate and apart from and not a part of the 8308  
state treasury. All moneys received by or on account of the 8309  
issuing authority or state agencies and required by the applicable 8310

bond proceedings, consistent with this section, to be deposited, 8311  
transferred, or credited to a bond service fund or the economic 8312  
development bond service fund, and all other moneys transferred or 8313  
allocated to or received for the purposes of the fund, shall be 8314  
deposited and credited to such fund and to any separate accounts 8315  
therein, subject to applicable provisions of the bond proceedings, 8316  
but without necessity for any act of appropriation. During the 8317  
period beginning with the date of the first issuance of 8318  
obligations and continuing during such time as any such 8319  
obligations are outstanding, and so long as moneys in the 8320  
pertinent bond service funds are insufficient to pay all bond 8321  
services charges on such obligations becoming due in each year, a 8322  
sufficient amount of the gross profit on the sale of spirituous 8323  
liquor included in pledged receipts are committed and shall be 8324  
paid to the bond service fund or economic development bond service 8325  
fund in each year for the purpose of paying the bond service 8326  
charges becoming due in that year without necessity for further 8327  
act of appropriation for such purpose and notwithstanding anything 8328  
to the contrary in Chapter 4301. of the Revised Code. The economic 8329  
development bond service fund is a trust fund and is hereby 8330  
pledged to the payment of bond service charges to the extent 8331  
provided in the applicable bond proceedings, and payment thereof 8332  
from such fund shall be made or provided for by the treasurer of 8333  
state in accordance with such bond proceedings without necessity 8334  
for any act of appropriation. 8335

(T) The obligations, the transfer thereof, and the income 8336  
therefrom, including any profit made on the sale thereof, shall at 8337  
all times be free from taxation within the state. 8338

**Sec. 166.11.** (A) The aggregate amount of debt service payable 8339  
in any calendar year on project financing obligations issued under 8340  
section 166.08 of the Revised Code, exclusive of make-whole call 8341  
redemptions or other optional prepayments, shall not exceed fifty 8342

million dollars. The aggregate principal amount of obligations, 8343  
exclusive of project financing obligations, that may be issued 8344  
under section 166.08 of the Revised Code is six hundred thirty 8345  
million dollars, plus the principal amount of any such obligations 8346  
retired by payment, the amounts held or obligations pledged for 8347  
the payment of the principal amount of any such obligations 8348  
outstanding, amounts in special funds held as reserves to meet 8349  
bond service charges, and amounts of obligations issued to provide 8350  
moneys required to meet payments from the loan guarantee fund 8351  
created in section 166.06 of the Revised Code and the innovation 8352  
Ohio loan guarantee fund created in section 166.15 of the Revised 8353  
Code. Of that six hundred thirty million dollars, not more than 8354  
eighty-four million principal amount of obligations may be issued 8355  
for eligible advanced energy projects and not more than one 8356  
hundred million principal amount of obligations may be issued for 8357  
eligible logistics and distribution projects. No portion of the 8358  
eighty-four million principal amount for eligible advanced energy 8359  
projects may be issued after the effective date of this amendment. 8360  
The terms of the obligations issued under section 166.08 of the 8361  
Revised Code, other than obligations issued to meet guarantees 8362  
that cannot be satisfied from amounts then held in the loan 8363  
guarantee fund or the innovation Ohio loan guarantee fund, shall 8364  
be such that the aggregate amount of moneys used from profit from 8365  
the sale of spirituous liquor, and not from other sources, in any 8366  
fiscal year shall not exceed sixty-three million dollars. For 8367  
purposes of the preceding sentence, "other sources" include the 8368  
annual investment income on special funds to the extent it will be 8369  
available for payment of any bond service charges in lieu of use 8370  
of profit from the sale of spirituous liquor, and shall be 8371  
estimated on the basis of the expected funding of those special 8372  
funds and assumed investment earnings thereon at a rate equal to 8373  
the weighted average yield on investments of those special funds 8374  
determined as of any date within sixty days immediately preceding 8375

the date of issuance of the bonds in respect of which the 8376  
determination is being made. Amounts received in any fiscal year 8377  
under section 6341 of the Internal Revenue Code, 26 U.S.C. 6341, 8378  
shall not be included when determining the sixty-three million 8379  
dollar limit. The determinations required by this division shall 8380  
be made by the treasurer of state at the time of issuance of an 8381  
issue of obligations and shall be conclusive for purposes of such 8382  
issue of obligations from and after their issuance and delivery. 8383

(B) The aggregate amount of the guaranteed portion of the 8384  
unpaid principal of loans guaranteed under sections 166.06 and 8385  
166.15 of the Revised Code and the unpaid principal of loans made 8386  
under sections 166.07, 166.16, and 166.21 of the Revised Code may 8387  
not at any time exceed eight hundred million dollars. Of that 8388  
eight hundred million dollars, the aggregate amount of the 8389  
guaranteed portion of the unpaid principal of loans guaranteed 8390  
under sections 166.06 and 166.15 of the Revised Code shall not at 8391  
any time exceed two hundred million dollars. However, the 8392  
limitations established under this division do not apply to loans 8393  
made with proceeds from the issuance and sale of project financing 8394  
obligations. 8395

**Sec. 173.01.** The department of aging shall: 8396

(A) Be the designated state agency to administer programs of 8397  
the federal government relating to the aged, requiring action 8398  
within the state, that are not the specific responsibility of 8399  
another state agency under federal or state statutes. The 8400  
department shall be the sole state agency to administer funds 8401  
granted by the federal government under the "Older Americans Act 8402  
of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended. The department 8403  
shall not supplant or take over for the counties or municipal 8404  
corporations or from other state agencies or facilities any of the 8405  
specific responsibilities borne by them on November 23, 1973. The 8406

department shall cooperate with such federal and state agencies, 8407  
counties, and municipal corporations and private agencies or 8408  
facilities within the state in furtherance of the purposes as set 8409  
forth in this chapter. 8410

(B) Administer state funds appropriated for its use for 8411  
administration and for grants and may use appropriated state funds 8412  
as state match for federal grants. All federal funds received 8413  
shall be reported to the director of budget and management. 8414

(C) Review all proposed plans, programs, and rules primarily 8415  
affecting persons sixty years of age or older, and shall be sent a 8416  
copy of all proposed and final rules, as well as proposals for 8417  
plans and programs that primarily affect persons sixty years of 8418  
age or older and notices of all hearings on such rules, plans, and 8419  
programs. Any state agency proposing a plan, program, or rule that 8420  
primarily affects persons sixty years of age or older shall submit 8421  
a copy of such proposal to the department for its written 8422  
comments. No such proposed plan, program, or rule shall take 8423  
effect until the department's comments have been requested. The 8424  
department shall review the proposal and submit a written comment 8425  
on such proposal to the agency making the proposal, within thirty 8426  
days from the date the department receives the proposal. If the 8427  
department does not agree that the proposed plan, program, or rule 8428  
shall take effect as proposed, the department shall set forth in 8429  
writing its reasons and its suggestions for changes in the 8430  
proposed plan, program, or rule. If the agency making the proposal 8431  
does not choose to comply with the suggestions of the department, 8432  
the agency making the proposal shall send the department, no later 8433  
than thirty days before the proposal becomes final, written notice 8434  
of its intention not to comply with such suggestions and its 8435  
reason for such noncompliance. 8436

This section does not apply to plans or revisions adopted 8437  
under section 5101.46 of the Revised Code. 8438

(D) Plan, initiate, coordinate, and evaluate statewide 8439  
programs, services, and activities for elderly people; 8440

(E) Disseminate information concerning the problems of 8441  
elderly people and establish and maintain a central clearinghouse 8442  
of information on public programs at all levels of government that 8443  
would be of interest or benefit to the elderly; 8444

(F) Report annually to the governor and the general assembly 8445  
on the department's programs; 8446

(G) Have authority to contract with public or private groups 8447  
to perform services for the department; 8448

(H) ~~Conduct investigations under section 3721.17 of the~~ 8449  
~~Revised Code;~~ 8450

(I) ~~Hire investigators to conduct investigations of alleged~~ 8451  
~~violations of sections 3721.10 to 3721.17 of the Revised Code~~ 8452  
~~pursuant to section 3721.17 of the Revised Code;~~ 8453

(J) ~~Adopt rules under Chapter 119. of the Revised Code to~~ 8454  
~~govern investigations conducted under section 3721.17 of the~~ 8455  
~~Revised Code;~~ 8456

(K) Adopt rules ~~pursuant to~~ in accordance with Chapter 119. 8457  
of the Revised Code to govern the operation of services and 8458  
facilities for the elderly that are provided, operated, contracted 8459  
for, or supported by the department, and determine that those 8460  
services and facilities are operated in conformity with the rules; 8461

~~(L)~~(I) Determine the needs of the elderly and represent their 8462  
interests at all levels of government; 8463

~~(M)~~(J) Establish and operate a state long-term care ombudsman 8464  
program pursuant to ~~section 307(a)(12)(A)~~ sections 307 and 712 of 8465  
the "Older Americans Act of 1965," ~~as amended by the~~ 8466  
~~"Comprehensive Older Americans Act Amendments of 1978," 92 Stat.~~ 8467  
~~1524, 42 U.S.C.A. 3027, and amendments thereto~~ 42 U.S.C. 3027 and 8468

3058. 8469

**Sec. 173.14.** As used in sections 173.14 to ~~173.27~~ 173.28 of 8470  
the Revised Code: 8471

(A)(1) Except as otherwise provided in division (A)(2) of 8472  
this section, "long-term care facility" includes any residential 8473  
facility that provides personal care services for more than 8474  
twenty-four hours for one or more unrelated adults, including all 8475  
of the following: 8476

(a) A "nursing home," "residential care facility," or "home 8477  
for the aging," as those terms are defined in section 3721.01 of 8478  
the Revised Code; 8479

(b) A facility authorized to provide extended care services 8480  
under Title XVIII of the "Social Security Act," 49 Stat. 620 8481  
(1935), 42 U.S.C. 301, as amended, including a long-term acute 8482  
care hospital that provides medical and rehabilitative care to 8483  
patients who require an average length of stay greater than 8484  
twenty-five days and is classified by the centers for medicare and 8485  
medicaid services as a long-term care hospital pursuant to 42 8486  
C.F.R. 412.23(e); 8487

(c) A county home or district home operated pursuant to 8488  
Chapter 5155. of the Revised Code; 8489

(d) A residential facility licensed under section 5119.34 of 8490  
the Revised Code that provides accommodations, supervision, and 8491  
personal care services for three to sixteen unrelated adults or 8492  
accommodations and personal care services for only one or two 8493  
adults who are receiving payments under the residential state 8494  
supplement program established under section 5119.41 of the 8495  
Revised Code; 8496

(e) A facility approved by the veterans administration under 8497  
section 104(a) of the "Veterans Health Care Amendments of 1983," 8498

97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.

(2) "Long-term care facility" does not include a residential facility licensed under section 5123.19 of the Revised Code.

(B) "Resident" means a resident of a long-term care facility and, where appropriate, includes a prospective, previous, or deceased resident of a long-term care facility.

(C) "Community-based long-term care services" means health and social services provided to persons in their own homes or in community care settings, and includes any of the following:

(1) Case management;

(2) Home health care;

(3) Homemaker services;

(4) Chore services;

(5) Respite care;

(6) Adult day care;

(7) Home-delivered meals;

(8) Personal care;

(9) Physical, occupational, and speech therapy;

(10) Transportation;

(11) Any other health and social services provided to persons that allow them to retain their independence in their own homes or in community care settings.

(D) "Recipient" means a recipient of community-based long-term care services and, where appropriate, includes a prospective, previous, or deceased recipient of community-based long-term care services.

(E) "Sponsor" means an adult relative, friend, or guardian

who has an interest in or responsibility for the welfare of a 8527  
resident or a recipient. 8528

(F) "Personal care services" has the same meaning as in 8529  
section 3721.01 of the Revised Code. 8530

(G) "Regional long-term care ombudsman program" means an 8531  
entity, either public or private and nonprofit, designated as a 8532  
regional long-term care ombudsman program by the state long-term 8533  
care ombudsman. 8534

(H) "Representative of the office of the state long-term care 8535  
ombudsman program" means the state long-term care ombudsman or a 8536  
member of the ombudsman's staff, or a person certified as a 8537  
representative of the office under section 173.21 of the Revised 8538  
Code. 8539

(I) "Area agency on aging" means an area agency on aging 8540  
established under the "Older Americans Act of 1965," 79 Stat. 219, 8541  
42 U.S.C.A. 3001, as amended. 8542

(J) "Long-term care provider" means a long-term care facility 8543  
or a provider of community-based long-term care services. 8544

(K) "Advocacy visit" means a visit by a representative of the 8545  
office of the state long-term care ombudsman program to a 8546  
long-term care provider, a resident, or a recipient when the 8547  
purpose of the visit is one or more of the following: 8548

(1) To establish a regular presence that creates awareness of 8549  
the availability of the office of the long-term care ombudsman 8550  
program; 8551

(2) To increase awareness of the services the office 8552  
provides; 8553

(3) To address any other matter not related to the 8554  
representative's investigation of a specific complaint. 8555

An advocacy visit may unexpectedly involve addressing 8556

uncomplicated complaints or lead to an investigation of a 8557  
complaint when needed. 8558

**Sec. 173.15.** The state long-term care ombudsman program 8559  
established by the department of aging pursuant to division ~~(M)~~(J) 8560  
of section 173.01 of the Revised Code shall be known as "the 8561  
office of the state long-term care ombudsman program." It shall 8562  
consist of the state long-term care ombudsman ~~and his~~, the 8563  
ombudsman's staff, and regional long-term care ombudsman programs. 8564  
In establishing and operating the office, the department shall 8565  
consider the views of area agencies on aging, individuals age 8566  
sixty or older, and agencies and other entities that provide 8567  
services to individuals age sixty and older. 8568

The department of aging shall appoint the state ombudsman, 8569  
who shall serve at the pleasure of the department. The department 8570  
shall appoint as state ombudsman an individual who has no conflict 8571  
of interest with the position and is capable of administering the 8572  
office impartially, has an understanding of long-term care issues, 8573  
and has experience related to the concerns of residents and 8574  
recipients, such as experience in the fields of aging, health 8575  
care, and long-term care; work with community programs and health 8576  
care providers; and work with and involvement in volunteer 8577  
programs. No individual or entity whose interests are in conflict 8578  
with the responsibilities of the state ombudsman shall be involved 8579  
in ~~his~~ the ombudsman's appointment. 8580

The department shall ensure that no employee or 8581  
representative of the office and no individual involved in the 8582  
designation of the head of any regional long-term care ombudsman 8583  
program has any interest that is, or may be, in conflict with the 8584  
interests and concerns of the office and shall ensure that 8585  
mechanisms are in place to remedy any conflicts. 8586

For purposes of this section, conflicts of interest may 8587

include, but are not limited to, employment by a long-term care 8588  
~~facility or a provider of community based long term care services~~ 8589  
within two years prior to being employed by or associated with the 8590  
office of the state long-term care ombudsman program, affiliation 8591  
with or financial interest in a long-term care ~~facility or a~~ 8592  
~~provider of community based long term care services,~~ and 8593  
affiliation with or financial interest in a membership 8594  
organization of long-term care providers. 8595

**Sec. 173.17.** (A) The state long-term care ombudsman shall do 8596  
all of the following: 8597

(1) Appoint a staff and direct and administer the work of the 8598  
staff; 8599

~~(2) Supervise the nursing home investigative unit established~~ 8600  
~~under division (I) of section 173.01 of the Revised Code;~~ 8601

~~(3)~~ Oversee the performance and operation of the office of 8602  
the state long-term care ombudsman program, including the 8603  
operation of regional long-term care ombudsman programs; 8604

~~(4)~~(3) Establish and maintain a statewide uniform reporting 8605  
system to collect and analyze information relating to complaints 8606  
and conditions in long-term care facilities and complaints 8607  
regarding the provision of community-based long-term care services 8608  
for the purpose of identifying and resolving significant problems; 8609

~~(5)~~(4) Provide for public forums to discuss concerns and 8610  
problems relating to action, inaction, or decisions that may 8611  
adversely affect the health, safety, welfare, or rights of 8612  
residents ~~and~~ recipients of services by providers of long term 8613  
~~care~~ and their representatives with respect to services by 8614  
long-term care providers, public agencies and entities, and social 8615  
service agencies. This may include any of the following: 8616  
conducting public hearings; sponsoring workshops and conferences; 8617

holding meetings for the purpose of obtaining information about 8618  
residents and recipients, discussing and publicizing their needs, 8619  
and advocating solutions to their problems; and promoting the 8620  
development of citizen organizations. 8621

~~(6)~~(5) Encourage, cooperate with, and assist in the 8622  
development and operation of services to provide current, 8623  
objective, and verified information about long-term care; 8624

~~(7)~~(6) Develop and implement, with the assistance of regional 8625  
programs, a continuing program to publicize, through the media and 8626  
civic organizations, the office, its purposes, and its methods of 8627  
operation; 8628

~~(8)~~(7) Maintain written descriptions of the duties and 8629  
qualifications of representatives of the office; 8630

~~(9)~~(8) Evaluate and make known concerns and issues regarding 8631  
long-term care by doing all of the following: 8632

(a) Preparing an annual report containing information and 8633  
findings regarding the types of problems experienced by residents 8634  
and recipients and the complaints made by or on behalf of 8635  
residents and recipients. The report shall include recommendations 8636  
for policy, regulatory, and legislative changes to solve problems, 8637  
resolve complaints, and improve the quality of care and life for 8638  
residents and recipients ~~and~~. The report shall be submitted to the 8639  
governor, the speaker of the house of representatives, the 8640  
president of the senate, the ~~directors~~ director of health ~~and~~, the 8641  
medicaid director, the director of job and family services, the 8642  
director of mental health and addiction services, and the 8643  
~~commissioner of the administration on~~ assistant secretary for 8644  
aging of the United States department of health and human 8645  
services. 8646

(b) Monitoring and analyzing the development and 8647  
implementation of federal, state, and local laws, rules, and 8648

policies regarding long-term care services in this state and 8649  
recommending to officials changes the office considers appropriate 8650  
in ~~these~~ those laws, rules, and policies; 8651

(c) Providing information and making recommendations to 8652  
public agencies, members of the general assembly, and others 8653  
regarding problems and concerns of residents and recipients. 8654

~~(10)~~(9) Conduct training for employees and volunteers on the 8655  
ombudsman's staff and for representatives of the office employed 8656  
by regional programs; 8657

~~(11)~~(10) Monitor the training of representatives of the 8658  
office who provide volunteer services to regional programs, and 8659  
provide technical assistance to the regional programs in 8660  
conducting the training; 8661

~~(12)~~(11) Issue certificates attesting to the successful 8662  
completion of training and specifying the level of responsibility 8663  
for which a representative of the office who has completed 8664  
training is qualified; 8665

~~(13)~~(12) Register as a residents' rights advocate with the 8666  
department of health under division (B) of section 3701.07 of the 8667  
Revised Code; 8668

(13) Conduct advocacy visits and authorize other 8669  
representatives of the office of the state long-term care 8670  
ombudsman program to conduct advocacy visits; 8671

(14) Perform other duties specified by the department of 8672  
aging. 8673

(B) The state ombudsman may delegate to any member of the 8674  
ombudsman's staff any of the ombudsman's authority or duties ~~under~~ 8675  
set forth in sections 173.14 to ~~173.26~~ 173.28 of the Revised Code 8676  
~~to any member of the ombudsman's staff~~ other than any authority or 8677  
duty required by federal law to be exercised or performed by the 8678

ombudsman. The state ombudsman is responsible for any authority or 8679  
duties the ombudsman delegates. 8680

**Sec. 173.19.** (A) The office of the state long-term care 8681  
ombudsman program, through the state long-term care ombudsman and 8682  
the regional long-term care ombudsman programs, shall receive, 8683  
investigate, and attempt to resolve complaints made by residents, 8684  
recipients, sponsors, ~~providers of~~ long-term care providers, or 8685  
any person acting on behalf of a resident or recipient, relating 8686  
to either of the following: 8687

(1) The health, safety, welfare, or civil rights of a 8688  
resident or recipient or any violation of a resident's rights 8689  
described in sections 3721.10 to 3721.17 of the Revised Code; 8690

(2) Any action or inaction or decision by a ~~provider of~~ 8691  
~~long-term care or representative of a provider, a governmental~~ 8692  
~~entity, or a private social service agency~~ any of the following 8693  
that may adversely affect the health, safety, welfare, or rights 8694  
of a resident or recipient: a long-term care provider or a 8695  
representative of a long-term care provider; a medicaid managed 8696  
care organization, as defined in section 5167.01 of the Revised 8697  
Code; a government entity; or a private social service agency. 8698

(B) The department of aging shall adopt rules in accordance 8699  
with Chapter 119. of the Revised Code regarding the handling of 8700  
complaints received under this section, including procedures for 8701  
conducting investigations of complaints. The rules shall include 8702  
procedures to ensure that no representative of the office 8703  
investigates any complaint involving a ~~provider of~~ long-term care 8704  
provider with which the representative was once employed or 8705  
associated. 8706

The state ombudsman and regional programs shall establish 8707  
procedures for handling complaints consistent with the 8708  
department's rules. Complaints shall be dealt with in accordance 8709

with the procedures established under this division. 8710

(C) The office of the state long-term care ombudsman program 8711  
may decline to investigate any complaint if it determines any of 8712  
the following: 8713

(1) That the complaint is frivolous, vexatious, or not made 8714  
in good faith; 8715

(2) That the complaint was made so long after the occurrence 8716  
of the incident on which it is based that it is no longer 8717  
reasonable to conduct an investigation; 8718

(3) That an adequate investigation cannot be conducted 8719  
because of insufficient funds, insufficient staff, lack of staff 8720  
expertise, or any other reasonable factor that would result in an 8721  
inadequate investigation despite a good faith effort; 8722

(4) That an investigation by the office would create a real 8723  
or apparent conflict of interest. 8724

(D) If a regional long-term care ombudsman program declines 8725  
to investigate a complaint, it shall refer the complaint to the 8726  
state long-term care ombudsman. 8727

(E) Each complaint to be investigated by a regional program 8728  
shall be assigned to a representative of the office of the state 8729  
long-term care ombudsman program. If the representative determines 8730  
that the complaint is valid, the representative shall assist the 8731  
parties in attempting to resolve it. If the representative is 8732  
unable to resolve it, the representative shall refer the complaint 8733  
to the state ombudsman. 8734

In order to carry out the duties of sections 173.14 to ~~173.26~~ 8735  
173.28 of the Revised Code, a representative has the right to 8736  
private communication with residents and their sponsors and access 8737  
to long-term care facilities, including the right to tour resident 8738  
areas unescorted and the right to tour facilities unescorted as 8739

reasonably necessary to the investigation of a complaint. Access 8740  
to facilities shall be during reasonable hours or, during 8741  
investigation of a complaint, at other times appropriate to the 8742  
complaint. 8743

When community-based long-term care services are provided at 8744  
a location other than the recipient's home, a representative has 8745  
the right to private communication with the recipient and the 8746  
recipient's sponsors and access to the community-based long-term 8747  
care site, including the right to tour the site unescorted. Access 8748  
to the site shall be during reasonable hours or, during the 8749  
investigation of a complaint, at other times appropriate to the 8750  
complaint. 8751

(F) The state ombudsman shall determine whether complaints 8752  
referred to the ombudsman under division (D) or (E) of this 8753  
section warrant investigation. The ombudsman's determination in 8754  
this matter is final. 8755

(G) No long-term care provider or other entity, no person 8756  
employed by a long-term care provider or other entity, and no 8757  
other individual shall do either of the following: 8758

(1) Knowingly deny a representative of the office of the 8759  
state long-term care ombudsman program the right to private 8760  
communication or access described in division (E) of this section; 8761

(2) Engage in willful interference. 8762

As used in division (G)(2) of this section, "willful 8763  
interference" means any action or inaction that is intended to 8764  
prevent, interfere with, or impede a representative of the office 8765  
of the state long-term care ombudsman program from exercising any 8766  
of the rights or performing any of the duties of an ombudsman set 8767  
forth in sections 173.14 to 173.28 of the Revised Code. 8768

**Sec. 173.20.** (A) If consent is given and unless otherwise 8769

prohibited by law, a representative of the office of the state 8770  
long-term care ombudsman program shall have access to any records, 8771  
including medical records, of a resident or a recipient that are 8772  
reasonably necessary for investigation of a complaint. Consent may 8773  
be given in any of the following ways: 8774

(1) In writing by the resident or recipient; 8775

(2) Orally by the resident or recipient, witnessed in writing 8776  
at the time it is given by one other person, ~~and, if the records~~ 8777  
~~involved are being maintained by a long term care provider, also~~ 8778  
~~by an employee of the long term care provider designated under~~ 8779  
~~division (E)(1) of this section;~~ 8780

(3) In writing by the guardian of the resident or recipient; 8781

(4) In writing by the attorney in fact of the resident or 8782  
recipient, if the resident or recipient has authorized the 8783  
attorney in fact to give such consent; 8784

(5) In writing by the executor or administrator of the estate 8785  
of a deceased resident or recipient. 8786

(B) If consent to access to records is not refused by a 8787  
resident or recipient or the resident's or recipient's legal 8788  
representative but cannot be obtained and any of the following 8789  
circumstances exist, a representative of the office of the state 8790  
long-term care ombudsman program, on approval of the state 8791  
long-term care ombudsman, may inspect the records of a resident or 8792  
a recipient, including medical records, that are reasonably 8793  
necessary for investigation of a complaint: 8794

(1) The resident or recipient is unable to express written or 8795  
oral consent and there is no guardian or attorney in fact; 8796

(2) There is a guardian or attorney in fact, but the guardian 8797  
or attorney in fact cannot be contacted within three working days; 8798

(3) There is a guardianship or durable power of attorney, but 8799

its existence is unknown by the long-term care provider and the 8800  
representative of the office at the time of the investigation; 8801

(4) There is no executor or administrator of the estate of a 8802  
deceased resident or recipient. 8803

(C) If a representative of the office of the state long-term 8804  
care ombudsman program has been refused access to records by a 8805  
guardian or attorney in fact, but has reasonable cause to believe 8806  
that the guardian or attorney in fact is not acting in the best 8807  
interests of the resident or recipient, the representative may, on 8808  
approval of the state long-term care ombudsman, inspect the 8809  
records of the resident or recipient, including medical records, 8810  
that are reasonably necessary for investigation of a complaint. 8811

(D) A representative of the office of the state long-term 8812  
care ombudsman program shall have access to any records of a 8813  
long-term care provider reasonably necessary to an investigation 8814  
conducted under this section, including but not limited to: 8815  
incident reports, dietary records, policies and procedures of a 8816  
facility required to be maintained under section 5165.06 of the 8817  
Revised Code, admission agreements, staffing schedules, any 8818  
document depicting the actual staffing pattern of the provider, 8819  
any financial records that are matters of public record, resident 8820  
council and grievance committee minutes, and any waiting list 8821  
maintained by a facility in accordance with section 5165.08 of the 8822  
Revised Code, or any similar records or lists maintained by a 8823  
provider of community-based long-term care services. Pursuant to 8824  
division (E)~~(2)~~ of this section, a representative shall be 8825  
permitted to make or obtain copies of any of these records after 8826  
giving the long-term care provider twenty-four hours' notice. A 8827  
long-term care provider may impose a charge for providing copies 8828  
of records under this division that does not exceed the actual and 8829  
necessary expense of making the copies. 8830

~~The state ombudsman shall take whatever action is necessary~~ 8831

~~to ensure that any copy of a record made or obtained under this 8832  
division is returned to the long term care provider no later than 8833  
three years after the date the investigation for which the copy 8834  
was made or obtained is completed. 8835~~

~~(E)(1) Each long term care provider shall designate one or 8836  
more of its employees to be responsible for witnessing the giving 8837  
of oral consent under division (A) of this section. In the event 8838  
that a designated employee is not available when a resident or 8839  
recipient attempts to give oral consent, the provider shall 8840  
designate another employee to witness the consent. 8841~~

~~(2) Each long-term care provider shall designate one or more 8842  
of its employees to be responsible for releasing records for 8843  
copying to representatives of the office of the state long-term 8844  
care ombudsman program who request permission to make or obtain 8845  
copies of records specified in division (D) of this section. In 8846  
the event that a designated employee is not available when a 8847  
representative of the office makes the request, the long-term care 8848  
provider shall designate another employee to release the records 8849  
for copying. 8850~~

~~(F) A long-term care provider or any employee of such a 8851  
provider is immune from civil or criminal liability or action 8852  
taken pursuant to a professional disciplinary procedure for the 8853  
release or disclosure of records to a representative of the office 8854  
pursuant to this section. 8855~~

~~(G) A state or local government agency or entity with records 8856  
relevant to a complaint or investigation being conducted by a 8857  
representative of the office shall provide the representative 8858  
access to the records. 8859~~

~~(H) The state ombudsman, with the approval of the director of 8860  
aging, may issue a subpoena to compel any person the ombudsman 8861  
reasonably believes may be able to provide information to appear 8862~~

before the ombudsman or the ombudsman's designee and give sworn 8863  
testimony and to produce documents, books, records, papers, or 8864  
other evidence the state ombudsman believes is relevant to the 8865  
investigation. On the refusal of a witness to be sworn or to 8866  
answer any question put to the witness, or if a person disobeys a 8867  
subpoena, the ombudsman shall apply to the Franklin county court 8868  
of common pleas for a contempt order, as in the case of 8869  
disobedience of the requirements of a subpoena issued from the 8870  
court, or a refusal to testify in the court. 8871

(I) The state ombudsman may petition the court of common 8872  
pleas in the county in which a long-term care facility is located 8873  
to issue an injunction against any long-term care facility in 8874  
violation of sections 3721.10 to 3721.17 of the Revised Code. 8875

(J) ~~Any~~ To the extent permitted by federal law, a 8876  
representative of the office may report to an appropriate 8877  
authority any suspected violation of Chapter 3721. of the Revised 8878  
Code state law discovered during the course of an advocacy visit 8879  
or investigation may be reported to the department of health. Any 8880  
~~suspected criminal violation discovered during the course of an~~ 8881  
~~investigation shall be reported to the attorney general or other~~ 8882  
~~appropriate law enforcement authorities.~~ 8883

(K) The department of aging shall adopt rules in accordance 8884  
with Chapter 119. of the Revised Code for referral by the state 8885  
ombudsman and regional long-term care ombudsman programs of 8886  
complaints to other public agencies or entities. A public agency 8887  
or entity to which a complaint is referred shall keep the state 8888  
ombudsman or regional program handling the complaint advised and 8889  
notified in writing in a timely manner of the disposition of the 8890  
complaint to the extent permitted by law. 8891

**Sec. 173.21.** (A) The office of the state long-term care 8892  
ombudsman program, through the state long-term care ombudsman and 8893

the regional long-term care ombudsman programs, shall require each 8894  
representative of the office to complete a training and 8895  
certification program in accordance with this section and to meet 8896  
the continuing education requirements established under this 8897  
section. 8898

(B) The department of aging shall adopt rules ~~under~~ in 8899  
accordance with Chapter 119. of the Revised Code specifying the 8900  
content of training programs for representatives of the office of 8901  
the state long-term care ombudsman program. Training for 8902  
representatives other than those who are volunteers providing 8903  
services through regional long-term care ombudsman programs shall 8904  
include instruction regarding federal, state, and local laws, 8905  
rules, and policies on long-term care facilities and 8906  
community-based long-term care services; investigative techniques; 8907  
and other topics considered relevant by the department and shall 8908  
consist of the following: 8909

(1) A minimum of forty clock hours of basic instruction, 8910  
which shall be completed before the trainee is permitted to handle 8911  
complaints without the supervision of a representative of the 8912  
office certified under this section; 8913

(2) An additional sixty clock hours of instruction, which 8914  
shall be completed within the first fifteen months of employment; 8915

(3) An internship of twenty clock hours, which shall be 8916  
completed within the first twenty-four months of employment, 8917  
including instruction in, and observation of, basic nursing care 8918  
and long-term care provider operations and procedures. The 8919  
internship shall be performed at a site that has been approved as 8920  
an internship site by the state long-term care ombudsman. 8921

(4) One of the following, which shall be completed within the 8922  
first twenty-four months of employment: 8923

(a) Observation of a survey conducted by the director of 8924

health to certify a nursing facility to participate in the 8925  
medicaid program; 8926

(b) Observation of an inspection conducted by the director of 8927  
mental health and addiction services to license a residential 8928  
facility under section 5119.34 of the Revised Code that provides 8929  
accommodations, supervision, and personal care services for three 8930  
to sixteen unrelated adults. 8931

(5) Any other training considered appropriate by the 8932  
department. 8933

(C) Any person who for a period of at least six months prior 8934  
to June 11, 1990, served as an ombudsman through the long-term 8935  
care ombudsman program established by the department of aging 8936  
under ~~division (M)~~ of section 173.01 of the Revised Code shall not 8937  
be required to complete a training program. Such a person and 8938  
persons who complete a training program shall take an examination 8939  
administered by the department of aging. On attainment of a 8940  
passing score, the person shall be certified by the department as 8941  
a representative of the office. The department shall issue the 8942  
person an identification card, which the representative shall show 8943  
at the request of any person with whom the representative deals 8944  
while performing the representative's duties and which shall be 8945  
surrendered at the time the representative separates from the 8946  
office. 8947

(D) The state ombudsman and each regional program shall 8948  
conduct training programs for volunteers on their respective 8949  
staffs in accordance with the rules of the department of aging 8950  
adopted under division (B) of this section. Training programs may 8951  
be conducted that train volunteers to complete some, but not all, 8952  
of the duties of a representative of the office. Each regional 8953  
office shall bear the cost of training its representatives who are 8954  
volunteers. On completion of a training program, the 8955  
representative shall take an examination administered by the 8956

department of aging. On attainment of a passing score, a volunteer 8957  
shall be certified by the department as a representative 8958  
authorized to perform services specified in the certification. The 8959  
department shall issue an identification card, which the 8960  
representative shall show at the request of any person with whom 8961  
the representative deals while performing the representative's 8962  
duties and which shall be surrendered at the time the 8963  
representative separates from the office. Except as a supervised 8964  
part of a training program, no volunteer shall perform any duty 8965  
unless ~~he~~ the volunteer is certified as a representative having 8966  
received appropriate training for that duty. 8967

(E) The state ombudsman shall provide technical assistance to 8968  
regional programs conducting training programs for volunteers and 8969  
shall monitor the training programs. 8970

(F) Prior to scheduling an observation of a certification 8971  
survey or licensing inspection for purposes of division (B)(4) of 8972  
this section, the state ombudsman shall obtain permission to have 8973  
the survey or inspection observed from both ~~the director of health~~ 8974  
~~and~~ the long-term care facility at which the survey or inspection 8975  
is to take place and, as the case may be, the director of health 8976  
or director of mental health and addiction services. 8977

(G) The department of aging shall establish continuing 8978  
education requirements for representatives of the office. 8979

**Sec. 173.22.** (A) The collection, compilation, analysis, and 8980  
dissemination of information by the office of the state long-term 8981  
care ombudsman program shall be performed in a manner that 8982  
protects complainants, individuals providing information about a 8983  
complaint, public entities, and confidential records of residents 8984  
or recipients. The identity of a resident or recipient, a 8985  
complainant who is not a resident or recipient, or an individual 8986  
providing information about a complaint shall not be disclosed 8987

without the written consent of the resident or recipient, 8988  
complainant, or individual, or ~~his~~ a legal representative of any 8989  
of the foregoing, or except as required by court order. 8990

The investigative files, ~~including any proprietary records of~~ 8991  
~~a long term care provider contained in the files~~, of the office 8992  
and any records contained in those files, including any 8993  
proprietary records of a long-term care provider or records 8994  
relating to advocacy visits, are not public records subject to 8995  
inspection or copying under section 149.43 of the Revised Code and 8996  
are exempt from the provisions of Chapter 1347. of the Revised 8997  
Code. Information contained in investigative and other files 8998  
maintained by the state long-term care ombudsman and regional 8999  
long-term care ombudsman programs shall be disclosed only at the 9000  
discretion of the state ombudsman ~~or the regional program~~ 9001  
~~maintaining the records~~ or if disclosure is required by court 9002  
order. 9003

(B) No report prepared by the state ombudsman or a regional 9004  
program shall include any information that violates the 9005  
confidentiality requirements of this section. Proprietary records 9006  
of a specific long-term care provider are subject to the 9007  
confidentiality requirements of this section. 9008

**Sec. 173.24.** (A) As used in this section, ~~"employee:~~ 9009

(1) "Employee" and "employer" have the same meanings as in 9010  
section 4113.51 of the Revised Code. 9011

(2) "Retaliatory action" includes physical, mental, or verbal 9012  
abuse; change of room assignment; withholding of services; failure 9013  
to provide care in a timely manner; discharge; and termination of 9014  
employment. 9015

(B) An employee providing information to or participating in 9016  
good faith in registering a complaint with the office of the state 9017

long-term care ombudsman program or participating in the 9018  
investigation of a complaint or in administrative or judicial 9019  
proceedings resulting from a complaint registered with the office 9020  
shall have the full protection against disciplinary or retaliatory 9021  
action provided by division (G) of section 3721.17 and by sections 9022  
4113.51 to 4113.53 of the Revised Code. 9023

(C) No long-term care provider or other entity, no person 9024  
employed by a long-term care provider, or other entity, ~~or~~ 9025  
~~employee of such other entity~~ and no other individual shall 9026  
knowingly subject any resident ~~or~~, recipient, employee, 9027  
representative of the office of the state long-term care ombudsman 9028  
program, or another individual to any form of retaliation, 9029  
reprisal, discipline, or discrimination for ~~providing~~ doing any of 9030  
the following: 9031

(1) Providing information to the office ~~or for participating;~~ 9032

(2) Participating in registering a complaint with the 9033  
office,; 9034

(3) Cooperating with or participating in the investigation of 9035  
a complaint, by the office or in administrative or judicial 9036  
proceedings resulting from a complaint registered with the office. 9037  
~~Retaliatory actions include, but are not limited to, physical,~~ 9038  
~~mental, or verbal abuse; change of room assignment; the~~ 9039  
~~withholding of services; and failure to provide care in a timely~~ 9040  
~~manner.~~ 9041

**Sec. 173.27.** (A) As used in this section: 9042

(1) "Applicant" means a person who is under final 9043  
consideration for employment by a responsible party in a 9044  
full-time, part-time, or temporary position that involves 9045  
providing ombudsman services to residents and recipients. 9046  
"Applicant" includes a person who is under final consideration for 9047

employment as the state long-term care ombudsman or the head of a regional long-term care ombudsman program. "Applicant" does not include a person seeking to provide ombudsman services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(4) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary position that involves providing ombudsman services to residents and recipients. "Employee" includes the person employed as the state long-term care ombudsman and a person employed as the head of a regional long-term care ombudsman program. "Employee" does not include a person who provides ombudsman services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(5) "Responsible party" means the following:

(a) In the case of an applicant who is under final consideration for employment as the state long-term care ombudsman or the person employed as the state long-term care ombudsman, the director of aging;

(b) In the case of any other applicant who is under final consideration for employment with the state long-term care ombudsman program or any other employee of the state long-term care ombudsman program, the state long-term care ombudsman;

(c) In the case of an applicant who is under final consideration for employment with a regional long-term care

ombudsman program (including as the head of the regional program) 9079  
or an employee of a regional long-term care ombudsman program 9080  
(including the head of a regional program), the regional long-term 9081  
care ombudsman program. 9082

(B) A responsible party may not employ an applicant or 9083  
continue to employ an employee in a position that involves 9084  
providing ombudsman services to residents and recipients if any of 9085  
the following apply: 9086

(1) A review of the databases listed in division (D) of this 9087  
section reveals any of the following: 9088

(a) That the applicant or employee is included in one or more 9089  
of the databases listed in divisions (D)(1) to (5) of this 9090  
section; 9091

(b) That there is in the state nurse aide registry 9092  
established under section 3721.32 of the Revised Code a statement 9093  
detailing findings by the director of health that the applicant or 9094  
employee abused, neglected, or ~~abused~~ exploited a long-term care 9095  
facility or residential care facility resident or misappropriated 9096  
property of such a resident; 9097

(c) That the applicant or employee is included in one or more 9098  
of the databases, if any, specified in rules adopted under this 9099  
section and the rules prohibit the responsible party from 9100  
employing an applicant or continuing to employ an employee 9101  
included in such a database in a position that involves providing 9102  
ombudsman services to residents and recipients. 9103

(2) After the applicant or employee is provided, pursuant to 9104  
division (E)(2)(a) of this section, a copy of the form prescribed 9105  
pursuant to division (C)(1) of section 109.572 of the Revised Code 9106  
and the standard impression sheet prescribed pursuant to division 9107  
(C)(2) of that section, the applicant or employee fails to 9108  
complete the form or provide the applicant's or employee's 9109

fingerprint impressions on the standard impression sheet. 9110

(3) Unless the applicant or employee meets standards 9111  
specified in rules adopted under this section, the applicant or 9112  
employee is found by a criminal records check required by this 9113  
section to have been convicted of, pleaded guilty to, or been 9114  
found eligible for intervention in lieu of conviction for a 9115  
disqualifying offense. 9116

(C) A responsible party or a responsible party's designee 9117  
shall inform each applicant of both of the following at the time 9118  
of the applicant's initial application for employment in a 9119  
position that involves providing ombudsman services to residents 9120  
and recipients: 9121

(1) That a review of the databases listed in division (D) of 9122  
this section will be conducted to determine whether the 9123  
responsible party is prohibited by division (B)(1) of this section 9124  
from employing the applicant in the position; 9125

(2) That, unless the database review reveals that the 9126  
applicant may not be employed in the position, a criminal records 9127  
check of the applicant will be conducted and the applicant is 9128  
required to provide a set of the applicant's fingerprint 9129  
impressions as part of the criminal records check. 9130

(D) As a condition of any applicant's being employed by a 9131  
responsible party in a position that involves providing ombudsman 9132  
services to residents and recipients, the responsible party or 9133  
designee shall conduct a database review of the applicant in 9134  
accordance with rules adopted under this section. If rules adopted 9135  
under this section so require, the responsible party or designee 9136  
shall conduct a database review of an employee in accordance with 9137  
the rules as a condition of the responsible party continuing to 9138  
employ the employee in a position that involves providing 9139  
ombudsman services to residents and recipients. A database review 9140

shall determine whether the applicant or employee is included in 9141  
any of the following: 9142

(1) The excluded parties list system that is maintained by 9143  
the United States general services administration pursuant to 9144  
subpart 9.4 of the federal acquisition regulation and available at 9145  
the federal web site known as the system for award management; 9146

(2) The list of excluded individuals and entities maintained 9147  
by the office of inspector general in the United States department 9148  
of health and human services pursuant to section 1128 of the 9149  
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 9150  
amended, and section 1156 of the "Social Security Act," 96 Stat. 9151  
388 (1982), 42 U.S.C. 1320c-5, as amended; 9152

(3) The registry of developmental disabilities employees 9153  
established under section 5123.52 of the Revised Code; 9154

(4) The internet-based sex offender and child-victim offender 9155  
database established under division (A)(11) of section 2950.13 of 9156  
the Revised Code; 9157

(5) The internet-based database of inmates established under 9158  
section 5120.66 of the Revised Code; 9159

(6) The state nurse aide registry established under section 9160  
3721.32 of the Revised Code; 9161

(7) Any other database, if any, specified in rules adopted 9162  
under this section. 9163

(E)(1) As a condition of any applicant's being employed by a 9164  
responsible party in a position that involves providing ombudsman 9165  
services to residents and recipients, the responsible party or 9166  
designee shall request that the superintendent of the bureau of 9167  
criminal identification and investigation conduct a criminal 9168  
records check of the applicant. If rules adopted under this 9169  
section so require, the responsible party or designee shall 9170

request that the superintendent conduct a criminal records check 9171  
of an employee at times specified in the rules as a condition of 9172  
the responsible party continuing to employ the employee in a 9173  
position that involves providing ombudsman services to residents 9174  
and recipients. However, the responsible party or designee is not 9175  
required to request the criminal records check of the applicant or 9176  
employee if the responsible party is prohibited by division (B)(1) 9177  
of this section from employing the applicant or continuing to 9178  
employ the employee in a position that involves providing 9179  
ombudsman services to residents and recipients. If an applicant or 9180  
employee for whom a criminal records check request is required by 9181  
this section does not present proof of having been a resident of 9182  
this state for the five-year period immediately prior to the date 9183  
the criminal records check is requested or provide evidence that 9184  
within that five-year period the superintendent has requested 9185  
information about the applicant or employee from the federal 9186  
bureau of investigation in a criminal records check, the 9187  
responsible party or designee shall request that the 9188  
superintendent obtain information from the federal bureau of 9189  
investigation as part of the criminal records check. Even if an 9190  
applicant or employee for whom a criminal records check request is 9191  
required by this section presents proof of having been a resident 9192  
of this state for the five-year period, the responsible party or 9193  
designee may request that the superintendent include information 9194  
from the federal bureau of investigation in the criminal records 9195  
check. 9196

(2) A responsible party or designee shall do all of the 9197  
following: 9198

(a) Provide to each applicant and employee for whom a 9199  
criminal records check request is required by this section a copy 9200  
of the form prescribed pursuant to division (C)(1) of section 9201  
109.572 of the Revised Code and a standard impression sheet 9202

prescribed pursuant to division (C)(2) of that section; 9203

(b) Obtain the completed form and standard impression sheet 9204  
from the applicant or employee; 9205

(c) Forward the completed form and standard impression sheet 9206  
to the superintendent. 9207

(3) A responsible party shall pay to the bureau of criminal 9208  
identification and investigation the fee prescribed pursuant to 9209  
division (C)(3) of section 109.572 of the Revised Code for each 9210  
criminal records check the responsible party or the responsible 9211  
party's designee requests under this section. The responsible 9212  
party may charge an applicant a fee not exceeding the amount the 9213  
responsible party pays to the bureau under this section if the 9214  
responsible party or designee notifies the applicant at the time 9215  
of initial application for employment of the amount of the fee. 9216

(F)(1) A responsible party may employ conditionally an 9217  
applicant for whom a criminal records check is required by this 9218  
section prior to obtaining the results of the criminal records 9219  
check if both of the following apply: 9220

(a) The responsible party is not prohibited by division 9221  
(B)(1) of this section from employing the applicant in a position 9222  
that involves providing ombudsman services to residents and 9223  
recipients; 9224

(b) The responsible party or designee requests the criminal 9225  
records check in accordance with division (E) of this section not 9226  
later than five business days after the applicant begins 9227  
conditional employment. 9228

(2) A responsible party shall terminate the employment of an 9229  
applicant employed conditionally under division (F)(1) of this 9230  
section if the results of the criminal records check, other than 9231  
the results of any request for information from the federal bureau 9232  
of investigation, are not obtained within the period ending sixty 9233

days after the date the request for the criminal records check is 9234  
made. Regardless of when the results of the criminal records check 9235  
are obtained, if the results indicate that the applicant has been 9236  
convicted of, pleaded guilty to, or been found eligible for 9237  
intervention in lieu of conviction for a disqualifying offense, 9238  
the responsible party shall terminate the applicant's employment 9239  
unless the applicant meets standards specified in rules adopted 9240  
under this section that permit the responsible party to employ the 9241  
applicant and the responsible party chooses to employ the 9242  
applicant. Termination of employment under this division shall be 9243  
considered just cause for discharge for purposes of division 9244  
(D)(2) of section 4141.29 of the Revised Code if the applicant 9245  
makes any attempt to deceive the responsible party or designee 9246  
about the applicant's criminal record. 9247

(G) The report of any criminal records check conducted 9248  
pursuant to a request made under this section is not a public 9249  
record for the purposes of section 149.43 of the Revised Code and 9250  
shall not be made available to any person other than the 9251  
following: 9252

(1) The applicant or employee who is the subject of the 9253  
criminal records check or the applicant's or employee's 9254  
representative; 9255

(2) The responsible party or designee; 9256

(3) In the case of a criminal records check conducted for an 9257  
applicant who is under final consideration for employment with a 9258  
regional long-term care ombudsman program (including as the head 9259  
of the regional program) or an employee of a regional long-term 9260  
care ombudsman program (including the head of a regional program), 9261  
the state long-term care ombudsman or a representative of the 9262  
office of the state long-term care ombudsman program who is 9263  
responsible for monitoring the regional program's compliance with 9264  
this section; 9265

(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	9266 9267
(a) A denial of employment of the applicant or employee;	9268
(b) Employment or unemployment benefits of the applicant or employee;	9269 9270
(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.	9271 9272
(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a position that involves providing ombudsman services to residents and recipients, all of the following shall apply:	9273 9274 9275 9276 9277 9278
(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.	9279 9280 9281 9282 9283 9284
(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (F) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.	9285 9286 9287 9288 9289
(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.	9290 9291 9292 9293 9294 9295 9296

(I) The state long-term care ombudsman may not act as the director of aging's designee for the purpose of this section. The head of a regional long-term care ombudsman program may not act as the regional program's designee for the purpose of this section if the head is the employee for whom a database review or criminal records check is being conducted.

(J) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(d) Standards that an applicant or employee must meet for a

responsible party to be permitted to employ the applicant or 9327  
continue to employ the employee in a position that involves 9328  
providing ombudsman services to residents and recipients if the 9329  
applicant or employee is found by a criminal records check 9330  
required by this section to have been convicted of, pleaded guilty 9331  
to, or been found eligible for intervention in lieu of conviction 9332  
for a disqualifying offense. 9333

**Sec. 173.28.** (A)~~(1)~~ As used in this ~~division~~ section, 9334  
"incident" means the occurrence of a violation with respect to a 9335  
resident or recipient, ~~as those terms are defined in section~~ 9336  
~~173.14 of the Revised Code.~~ A violation is a separate incident for 9337  
each day it occurs and for each resident who is subject to it. 9338

(B)(1) In lieu of the fine that may be imposed under division 9339  
(A) of section 173.99 of the Revised Code for a criminal offense, 9340  
the director of aging may, under Chapter 119. of the Revised Code, 9341  
fine a long-term care provider or other entity, ~~or~~ a person 9342  
employed by a long-term care provider or other entity, or an 9343  
individual for a violation of division (C) of section 173.24 of 9344  
the Revised Code. The fine shall not exceed one thousand dollars 9345  
per incident. 9346

(2) In lieu of the fine that may be imposed under division 9347  
(C) of section 173.99 of the Revised Code for a criminal offense, 9348  
the director may, under Chapter 119. of the Revised Code, fine a 9349  
long-term care provider or other entity, ~~or~~ a person employed by a 9350  
long-term care provider or other entity, or an individual for 9351  
~~violating a violation of~~ division (E)(G)(1) or (2) of section 9352  
173.19 of the Revised Code ~~by denying a representative of the~~ 9353  
~~office of the state long term care ombudsman program the access~~ 9354  
~~required by that division.~~ The fine shall not exceed five hundred 9355  
dollars for each day the violation continued. 9356

~~(B)(C)~~ On request of the director, the attorney general shall 9357

bring and prosecute to judgment a civil action to collect any fine 9358  
imposed under division ~~(A)~~(B)(1) or (2) of this section that 9359  
remains unpaid thirty days after the violator's final appeal is 9360  
exhausted. 9361

~~(C)~~(D) All fines collected under this section shall be 9362  
deposited into the state treasury to the credit of the state 9363  
long-term care ombudsman program fund created under section 173.26 9364  
of the Revised Code. 9365

**Sec. 173.38.** (A) As used in this section: 9366

(1) "Applicant" means a person who is under final 9367  
consideration for employment with a responsible party in a 9368  
full-time, part-time, or temporary direct-care position or is 9369  
referred to a responsible party by an employment service for such 9370  
a position. "Applicant" does not include a person being considered 9371  
for a direct-care position as a volunteer. 9372

(2) "Area agency on aging" has the same meaning as in section 9373  
173.14 of the Revised Code. 9374

(3) "Chief administrator of a responsible party" includes a 9375  
consumer when the consumer is a responsible party. 9376

(4) "Community-based long-term care services" means 9377  
community-based long-term care services, as defined in section 9378  
173.14 of the Revised Code, that are provided under a program the 9379  
department of aging administers. 9380

(5) "Consumer" means an individual who receives 9381  
community-based long-term care services. 9382

(6) "Criminal records check" has the same meaning as in 9383  
section 109.572 of the Revised Code. 9384

(7)(a) "Direct-care position" means an employment position in 9385  
which an employee has either or both of the following: 9386

(i) In-person contact with one or more consumers;	9387
(ii) Access to one or more consumers' personal property or records.	9388 9389
(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code.	9390 9391 9392
(8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	9393 9394 9395
(9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.	9396 9397 9398 9399 9400 9401
(10) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.	9402 9403
(11) "Provider" has the same meaning as in section 173.39 of the Revised Code.	9404 9405
(12) "Responsible party" means the following:	9406
(a) An area agency on aging in the case of either of the following:	9407 9408
(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;	9409 9410 9411 9412
(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.	9413 9414 9415 9416

(b) A PASSPORT administrative agency in the case of either of 9417  
the following: 9418

(i) A person who is an applicant because the person is under 9419  
final consideration for employment with the agency in a full-time, 9420  
part-time, or temporary direct-care position or is referred to the 9421  
agency by an employment service for such a position; 9422

(ii) A person who is an employee because the person is 9423  
employed by the agency in a full-time, part-time, or temporary 9424  
direct-care position or works in such a position due to being 9425  
referred to the agency by an employment service. 9426

(c) A provider in the case of either of the following: 9427

(i) A person who is an applicant because the person is under 9428  
final consideration for employment with the provider in a 9429  
full-time, part-time, or temporary direct-care position or is 9430  
referred to the provider by an employment service for such a 9431  
position; 9432

(ii) A person who is an employee because the person is 9433  
employed by the provider in a full-time, part-time, or temporary 9434  
direct-care position or works in such a position due to being 9435  
referred to the provider by an employment service. 9436

(d) A subcontractor in the case of either of the following: 9437

(i) A person who is an applicant because the person is under 9438  
final consideration for employment with the subcontractor in a 9439  
full-time, part-time, or temporary direct-care position or is 9440  
referred to the subcontractor by an employment service for such a 9441  
position; 9442

(ii) A person who is an employee because the person is 9443  
employed by the subcontractor in a full-time, part-time, or 9444  
temporary direct-care position or works in such a position due to 9445  
being referred to the subcontractor by an employment service. 9446

(e) A consumer in the case of either of the following: 9447

(i) A person who is an applicant because the person is under 9448  
final consideration for employment with the consumer in a 9449  
full-time, part-time, or temporary direct-care position for which 9450  
the consumer, as the employer of record, is to direct the person 9451  
in the provision of community-based long-term care services the 9452  
person is to provide the consumer or is referred to the consumer 9453  
by an employment service for such a position; 9454

(ii) A person who is an employee because the person is 9455  
employed by the consumer in a full-time, part-time, or temporary 9456  
direct-care position for which the consumer, as the employer of 9457  
record, directs the person in the provision of community-based 9458  
long-term care services the person provides to the consumer or who 9459  
works in such a position due to being referred to the consumer by 9460  
an employment service. 9461

(13) "Subcontractor" has the meaning specified in rules 9462  
adopted under this section. 9463

(14) "Volunteer" means a person who serves in a direct-care 9464  
position without receiving or expecting to receive any form of 9465  
remuneration other than reimbursement for actual expenses. 9466

(15) "Waiver agency" has the same meaning as in section 9467  
5164.342 of the Revised Code. 9468

(B) This section does not apply to any individual who is 9469  
subject to a database review or criminal records check under 9470  
section 173.381 or 3701.881 of the Revised Code or to any 9471  
individual who is subject to a criminal records check under 9472  
section 3721.121 of the Revised Code. If a provider or 9473  
subcontractor also is a waiver agency, the provider or 9474  
subcontractor may provide for applicants and employees to undergo 9475  
database reviews and criminal records checks in accordance with 9476  
section 5164.342 of the Revised Code rather than this section. 9477

(C) No responsible party shall employ an applicant or 9478  
continue to employ an employee in a direct-care position if any of 9479  
the following apply: 9480

(1) A review of the databases listed in division (E) of this 9481  
section reveals any of the following: 9482

(a) That the applicant or employee is included in one or more 9483  
of the databases listed in divisions (E)(1) to (5) of this 9484  
section; 9485

(b) That there is in the state nurse aide registry 9486  
established under section 3721.32 of the Revised Code a statement 9487  
detailing findings by the director of health that the applicant or 9488  
employee abused, neglected, or ~~abused~~ exploited a long-term care 9489  
facility or residential care facility resident or misappropriated 9490  
property of such a resident; 9491

(c) That the applicant or employee is included in one or more 9492  
of the databases, if any, specified in rules adopted under this 9493  
section and the rules prohibit the responsible party from 9494  
employing an applicant or continuing to employ an employee 9495  
included in such a database in a direct-care position. 9496

(2) After the applicant or employee is provided, pursuant to 9497  
division (F)(2)(a) of this section, a copy of the form prescribed 9498  
pursuant to division (C)(1) of section 109.572 of the Revised Code 9499  
and the standard impression sheet prescribed pursuant to division 9500  
(C)(2) of that section, the applicant or employee fails to 9501  
complete the form or provide the applicant's or employee's 9502  
fingerprint impressions on the standard impression sheet. 9503

(3) Unless the applicant or employee meets standards 9504  
specified in rules adopted under this section, the applicant or 9505  
employee is found by a criminal records check required by this 9506  
section to have been convicted of, pleaded guilty to, or been 9507  
found eligible for intervention in lieu of conviction for a 9508

disqualifying offense. 9509

(D) Except as provided by division (G) of this section, the 9510  
chief administrator of a responsible party shall inform each 9511  
applicant of both of the following at the time of the applicant's 9512  
initial application for employment or referral to the responsible 9513  
party by an employment service for a direct-care position: 9514

(1) That a review of the databases listed in division (E) of 9515  
this section will be conducted to determine whether the 9516  
responsible party is prohibited by division (C)(1) of this section 9517  
from employing the applicant in the direct-care position; 9518

(2) That, unless the database review reveals that the 9519  
applicant may not be employed in the direct-care position, a 9520  
criminal records check of the applicant will be conducted and the 9521  
applicant is required to provide a set of the applicant's 9522  
fingerprint impressions as part of the criminal records check. 9523

(E) As a condition of employing any applicant in a 9524  
direct-care position, the chief administrator of a responsible 9525  
party shall conduct a database review of the applicant in 9526  
accordance with rules adopted under this section. If rules adopted 9527  
under this section so require, the chief administrator of a 9528  
responsible party shall conduct a database review of an employee 9529  
in accordance with the rules as a condition of continuing to 9530  
employ the employee in a direct-care position. However, a chief 9531  
administrator is not required to conduct a database review of an 9532  
applicant or employee if division (G) of this section applies. A 9533  
database review shall determine whether the applicant or employee 9534  
is included in any of the following: 9535

(1) The excluded parties list system that is maintained by 9536  
the United States general services administration pursuant to 9537  
subpart 9.4 of the federal acquisition regulation and available at 9538  
the federal web site known as the system for award management; 9539

(2) The list of excluded individuals and entities maintained 9540  
by the office of inspector general in the United States department 9541  
of health and human services pursuant to the "Social Security 9542  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 9543

(3) The registry of developmental disabilities employees 9544  
established under section 5123.52 of the Revised Code; 9545

(4) The internet-based sex offender and child-victim offender 9546  
database established under division (A)(11) of section 2950.13 of 9547  
the Revised Code; 9548

(5) The internet-based database of inmates established under 9549  
section 5120.66 of the Revised Code; 9550

(6) The state nurse aide registry established under section 9551  
3721.32 of the Revised Code; 9552

(7) Any other database, if any, specified in rules adopted 9553  
under this section. 9554

(F)(1) As a condition of employing any applicant in a 9555  
direct-care position, the chief administrator of a responsible 9556  
party shall request that the superintendent of the bureau of 9557  
criminal identification and investigation conduct a criminal 9558  
records check of the applicant. If rules adopted under this 9559  
section so require, the chief administrator of a responsible party 9560  
shall request that the superintendent conduct a criminal records 9561  
check of an employee at times specified in the rules as a 9562  
condition of continuing to employ the employee in a direct-care 9563  
position. However, the chief administrator is not required to 9564  
request the criminal records check of the applicant or employee if 9565  
division (G) of this section applies or the responsible party is 9566  
prohibited by division (C)(1) of this section from employing the 9567  
applicant or continuing to employ the employee in a direct-care 9568  
position. If an applicant or employee for whom a criminal records 9569  
check request is required by this section does not present proof 9570

of having been a resident of this state for the five-year period 9571  
immediately prior to the date the criminal records check is 9572  
requested or provide evidence that within that five-year period 9573  
the superintendent has requested information about the applicant 9574  
or employee from the federal bureau of investigation in a criminal 9575  
records check, the chief administrator shall request that the 9576  
superintendent obtain information from the federal bureau of 9577  
investigation as part of the criminal records check. Even if an 9578  
applicant or employee for whom a criminal records check request is 9579  
required by this section presents proof of having been a resident 9580  
of this state for the five-year period, the chief administrator 9581  
may request that the superintendent include information from the 9582  
federal bureau of investigation in the criminal records check. 9583

(2) The chief administrator shall do all of the following: 9584

(a) Provide to each applicant and employee for whom a 9585  
criminal records check request is required by this section a copy 9586  
of the form prescribed pursuant to division (C)(1) of section 9587  
109.572 of the Revised Code and a standard impression sheet 9588  
prescribed pursuant to division (C)(2) of that section; 9589

(b) Obtain the completed form and standard impression sheet 9590  
from the applicant or employee; 9591

(c) Forward the completed form and standard impression sheet 9592  
to the superintendent. 9593

(3) A responsible party shall pay to the bureau of criminal 9594  
identification and investigation the fee prescribed pursuant to 9595  
division (C)(3) of section 109.572 of the Revised Code for each 9596  
criminal records check the responsible party requests under this 9597  
section. A responsible party may charge an applicant a fee not 9598  
exceeding the amount the responsible party pays to the bureau 9599  
under this section if both of the following apply: 9600

(a) The responsible party notifies the applicant at the time 9601

of initial application for employment of the amount of the fee and 9602  
that, unless the fee is paid, the applicant will not be considered 9603  
for employment. 9604

(b) The medicaid program does not pay the responsible party 9605  
for the fee it pays to the bureau under this section. 9606

(G) Divisions (D) to (F) of this section do not apply with 9607  
regard to an applicant or employee if the applicant or employee is 9608  
referred to a responsible party by an employment service that 9609  
supplies full-time, part-time, or temporary staff for direct-care 9610  
positions and both of the following apply: 9611

(1) The chief administrator of the responsible party receives 9612  
from the employment service confirmation that a review of the 9613  
databases listed in division (E) of this section was conducted of 9614  
the applicant or employee. 9615

(2) The chief administrator of the responsible party receives 9616  
from the employment service, applicant, or employee a report of 9617  
the results of a criminal records check of the applicant or 9618  
employee that has been conducted by the superintendent within the 9619  
one-year period immediately preceding the following: 9620

(a) In the case of an applicant, the date of the applicant's 9621  
referral by the employment service to the responsible party; 9622

(b) In the case of an employee, the date by which the 9623  
responsible party would otherwise have to request a criminal 9624  
records check of the employee under division (F) of this section. 9625

(H)(1) A responsible party may employ conditionally an 9626  
applicant for whom a criminal records check request is required by 9627  
this section prior to obtaining the results of the criminal 9628  
records check if the responsible party is not prohibited by 9629  
division (C)(1) of this section from employing the applicant in a 9630  
direct-care position and either of the following applies: 9631

(a) The chief administrator of the responsible party requests the criminal records check in accordance with division (F) of this section not later than five business days after the applicant begins conditional employment.

(b) The applicant is referred to the responsible party by an employment service, the employment service or the applicant provides the chief administrator of the responsible party a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the responsible party when the employment service receives the results.

(2) If a responsible party employs an applicant conditionally pursuant to division (H)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the responsible party.

(3) A responsible party that employs an applicant

conditionally pursuant to division (H)(1)(a) or (b) of this 9663  
section shall terminate the applicant's employment if the results 9664  
of the criminal records check, other than the results of any 9665  
request for information from the federal bureau of investigation, 9666  
are not obtained within the period ending sixty days after the 9667  
date the request for the criminal records check is made. 9668  
Regardless of when the results of the criminal records check are 9669  
obtained, if the results indicate that the applicant has been 9670  
convicted of, pleaded guilty to, or been found eligible for 9671  
intervention in lieu of conviction for a disqualifying offense, 9672  
the responsible party shall terminate the applicant's employment 9673  
unless the applicant meets standards specified in rules adopted 9674  
under this section that permit the responsible party to employ the 9675  
applicant and the responsible party chooses to employ the 9676  
applicant. Termination of employment under this division shall be 9677  
considered just cause for discharge for purposes of division 9678  
(D)(2) of section 4141.29 of the Revised Code if the applicant 9679  
makes any attempt to deceive the responsible party about the 9680  
applicant's criminal record. 9681

(I) The report of any criminal records check conducted 9682  
pursuant to a request made under this section is not a public 9683  
record for the purposes of section 149.43 of the Revised Code and 9684  
shall not be made available to any person other than the 9685  
following: 9686

(1) The applicant or employee who is the subject of the 9687  
criminal records check or the applicant's or employee's 9688  
representative; 9689

(2) The chief administrator of the responsible party 9690  
requesting the criminal records check or the administrator's 9691  
representative; 9692

(3) The administrator of any other facility, agency, or 9693  
program that provides community-based long-term care services that 9694

is owned or operated by the same entity that owns or operates the responsible party that requested the criminal records check; (4) The employment service that requested the criminal records check; (5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section; (6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if any of the following apply: (a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency; (b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency; (c) The criminal records check is requested by a consumer who is acting as a responsible party. (7) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following: (a) A denial of employment of the applicant or employee; (b) Employment or unemployment benefits of the applicant or employee; (c) A civil or criminal action regarding the medicaid program or a program the department of aging administers. (J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a direct-care position, all of the following

shall apply: 9725

(1) If the responsible party employed the applicant or 9726  
employee in good faith and reasonable reliance on the report of a 9727  
criminal records check requested under this section, the 9728  
responsible party shall not be found negligent solely because of 9729  
its reliance on the report, even if the information in the report 9730  
is determined later to have been incomplete or inaccurate. 9731

(2) If the responsible party employed the applicant in good 9732  
faith on a conditional basis pursuant to division (H) of this 9733  
section, the responsible party shall not be found negligent solely 9734  
because it employed the applicant prior to receiving the report of 9735  
a criminal records check requested under this section. 9736

(3) If the responsible party in good faith employed the 9737  
applicant or employee because the applicant or employee meets 9738  
standards specified in rules adopted under this section, the 9739  
responsible party shall not be found negligent solely because the 9740  
applicant or employee has been convicted of, pleaded guilty to, or 9741  
been found eligible for intervention in lieu of conviction for a 9742  
disqualifying offense. 9743

(K) The director of aging shall adopt rules in accordance 9744  
with Chapter 119. of the Revised Code to implement this section. 9745

(1) The rules may do the following: 9746

(a) Require employees to undergo database reviews and 9747  
criminal records checks under this section; 9748

(b) If the rules require employees to undergo database 9749  
reviews and criminal records checks under this section, exempt one 9750  
or more classes of employees from the requirements; 9751

(c) For the purpose of division (E)(7) of this section, 9752  
specify other databases that are to be checked as part of a 9753  
database review conducted under this section. 9754

(2) The rules shall specify all of the following: 9755

(a) The meaning of the term "subcontractor"; 9756

(b) The procedures for conducting database reviews under this section; 9757  
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(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 9759  
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(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases; 9763  
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(e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 9768  
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**Sec. 173.381.** (A) As used in this section: 9775

(1) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers. 9776  
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(2) "Community-based long-term care services certificate" means a certificate issued under section 173.391 of the Revised Code. 9780  
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(3) "Community-based long-term care services contract or grant" means a contract or grant awarded under section 173.392 of 9783  
9784

the Revised Code. 9785

(4) "Criminal records check" has the same meaning as in 9786  
section 109.572 of the Revised Code. 9787

(5) "Disqualifying offense" means any of the offenses listed 9788  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 9789  
the Revised Code. 9790

(6) "Provider" has the same meaning as in section 173.39 of 9791  
the Revised Code. 9792

(7) "Self-employed provider" means a provider who works for 9793  
the provider's self and has no employees. 9794

(B) This section does not apply to any individual who is 9795  
subject to a database review or criminal records check under 9796  
section 3701.881 of the Revised Code. 9797

(C)(1) The department of aging or its designee shall take the 9798  
following actions when the circumstances specified in division 9799  
(C)(2) of this section apply: 9800

(a) Refuse to issue a community-based long-term care services 9801  
certificate to a self-employed provider; 9802

(b) Revoke a self-employed provider's community-based 9803  
long-term care services certificate; 9804

(c) Refuse to award a community-based long-term care services 9805  
contract or grant to a self-employed provider; 9806

(d) Terminate a self-employed provider's community-based 9807  
long-term care services contract or grant awarded on or after 9808  
September 15, 2014. 9809

(2) The following are the circumstances that require the 9810  
department of aging or its designee to take action under division 9811  
(C)(1) of this section: 9812

(a) A review of the databases listed in division (E) of this 9813

section reveals any of the following: 9814

(i) That the self-employed provider is included in one or 9815  
more of the databases listed in divisions (E)(1) to (5) of this 9816  
section; 9817

(ii) That there is in the state nurse aide registry 9818  
established under section 3721.32 of the Revised Code a statement 9819  
detailing findings by the director of health that the 9820  
self-employed provider abused, neglected, or ~~abused~~ exploited a 9821  
long-term care facility or residential care facility resident or 9822  
misappropriated property of such a resident; 9823

(iii) That the self-employed provider is included in one or 9824  
more of the databases, if any, specified in rules adopted under 9825  
this section and the rules require the department or its designee 9826  
to take action under division (C)(1) of this section if a 9827  
self-employed provider is included in such a database. 9828

(b) After the self-employed provider is provided, pursuant to 9829  
division (F)(2)(a) of this section, a copy of the form prescribed 9830  
pursuant to division (C)(1) of section 109.572 of the Revised Code 9831  
and the standard impression sheet prescribed pursuant to division 9832  
(C)(2) of that section, the self-employed provider fails to 9833  
complete the form or provide the self-employed provider's 9834  
fingerprint impressions on the standard impression sheet. 9835

(c) Unless the self-employed provider meets standards 9836  
specified in rules adopted under this section, the self-employed 9837  
provider is found by a criminal records check required by this 9838  
section to have been convicted of, pleaded guilty to, or been 9839  
found eligible for intervention in lieu of conviction for a 9840  
disqualifying offense. 9841

(D) The department of aging or its designee shall inform each 9842  
self-employed provider of both of the following at the time of the 9843  
self-employed provider's initial application for a community-based 9844

long-term care services certificate or initial bid for a 9845  
community-based long-term care services contract or grant: 9846

(1) That a review of the databases listed in division (E) of 9847  
this section will be conducted to determine whether the department 9848  
or its designee is required by division (C) of this section to 9849  
refuse to issue or award a community-based long-term care services 9850  
certificate or community-based long-term care services contract or 9851  
grant to the self-employed provider; 9852

(2) That, unless the database review reveals that the 9853  
department or its designee is required to refuse to issue or award 9854  
a community-based long-term care services certificate or 9855  
community-based long-term care services contract or grant to the 9856  
self-employed provider, a criminal records check of the 9857  
self-employed provider will be conducted and the self-employed 9858  
provider is required to provide a set of the self-employed 9859  
provider's fingerprint impressions as part of the criminal records 9860  
check. 9861

(E) As a condition of issuing or awarding a community-based 9862  
long-term care services certificate or community-based long-term 9863  
care services contract or grant to a self-employed provider, the 9864  
department of aging or its designee shall conduct a database 9865  
review of the self-employed provider in accordance with rules 9866  
adopted under this section. If rules adopted under this section so 9867  
require, the department or its designee shall conduct a database 9868  
review of a self-employed provider in accordance with the rules as 9869  
a condition of not revoking or terminating the self-employed 9870  
provider's community-based long-term care services certificate or 9871  
community-based long-term care services contract or grant. A 9872  
database review shall determine whether the self-employed provider 9873  
is included in any of the following: 9874

(1) The excluded parties list system that is maintained by 9875  
the United States general services administration pursuant to 9876

subpart 9.4 of the federal acquisition regulation and available at 9877  
the federal web site known as the system for award management; 9878

(2) The list of excluded individuals and entities maintained 9879  
by the office of inspector general in the United States department 9880  
of health and human services pursuant to the "Social Security 9881  
Act," 42 U.S.C. 1320a-7 and 1320c-5; 9882

(3) The registry of developmental disabilities employees 9883  
established under section 5123.52 of the Revised Code; 9884

(4) The internet-based sex offender and child-victim offender 9885  
database established under division (A)(11) of section 2950.13 of 9886  
the Revised Code; 9887

(5) The internet-based database of inmates established under 9888  
section 5120.66 of the Revised Code; 9889

(6) The state nurse aide registry established under section 9890  
3721.32 of the Revised Code; 9891

(7) Any other database, if any, specified in rules adopted 9892  
under this section. 9893

(F)(1) As a condition of issuing or awarding a 9894  
community-based long-term care services certificate or 9895  
community-based long-term care services contract or grant to a 9896  
self-employed provider, the department of aging or its designee 9897  
shall request that the superintendent of the bureau of criminal 9898  
identification and investigation conduct a criminal records check 9899  
of the self-employed provider. If rules adopted under this section 9900  
so require, the department or its designee shall request that the 9901  
superintendent conduct a criminal records check of a self-employed 9902  
provider at times specified in the rules as a condition of not 9903  
revoking or terminating the self-employed provider's 9904  
community-based long-term care services certificate or 9905  
community-based long-term care services contract or grant. 9906  
However, the department or its designee is not required to request 9907

the criminal records check of the self-employed provider if the 9908  
department or its designee, because of circumstances specified in 9909  
division (C)(2)(a) of this section, is required to refuse to issue 9910  
or award a community-based long-term care services certificate or 9911  
community-based long-term care services contract or grant to the 9912  
self-employed provider or to revoke or terminate the self-employed 9913  
provider's certificate or contract or grant. 9914

If a self-employed provider for whom a criminal records check 9915  
request is required by this section does not present proof of 9916  
having been a resident of this state for the five-year period 9917  
immediately prior to the date the criminal records check is 9918  
requested or provide evidence that within that five-year period 9919  
the superintendent has requested information about the 9920  
self-employed provider from the federal bureau of investigation in 9921  
a criminal records check, the department or its designee shall 9922  
request that the superintendent obtain information from the 9923  
federal bureau of investigation as part of the criminal records 9924  
check. Even if a self-employed provider for whom a criminal 9925  
records check request is required by this section presents proof 9926  
of having been a resident of this state for the five-year period, 9927  
the department or its designee may request that the superintendent 9928  
include information from the federal bureau of investigation in 9929  
the criminal records check. 9930

(2) The department or its designee shall do all of the 9931  
following: 9932

(a) Provide to each self-employed provider for whom a 9933  
criminal records check request is required by this section a copy 9934  
of the form prescribed pursuant to division (C)(1) of section 9935  
109.572 of the Revised Code and a standard impression sheet 9936  
prescribed pursuant to division (C)(2) of that section; 9937

(b) Obtain the completed form and standard impression sheet 9938  
from the self-employed provider; 9939

(c) Forward the completed form and standard impression sheet 9940  
to the superintendent. 9941

(3) The department or its designee shall pay to the bureau of 9942  
criminal identification and investigation the fee prescribed 9943  
pursuant to division (C)(3) of section 109.572 of the Revised Code 9944  
for each criminal records check of a self-employed provider the 9945  
department or its designee requests under this section. The 9946  
department or its designee may charge the self-employed provider a 9947  
fee that does not exceed the amount the department or its designee 9948  
pays to the bureau. 9949

(G) The report of any criminal records check of a 9950  
self-employed provider conducted pursuant to a request made under 9951  
this section is not a public record for the purposes of section 9952  
149.43 of the Revised Code and shall not be made available to any 9953  
person other than the following: 9954

(1) The self-employed provider or the self-employed 9955  
provider's representative; 9956

(2) The department of aging, the department's designee, or a 9957  
representative of the department or its designee; 9958

(3) The medicaid director and the staff of the department of 9959  
medicaid who are involved in the administration of the medicaid 9960  
program if the self-employed provider is to provide, or provides, 9961  
community-based long-term care services under a component of the 9962  
medicaid program that the department of aging administers; 9963

(4) A court, hearing officer, or other necessary individual 9964  
involved in a case dealing with any of the following: 9965

(a) A refusal to issue or award a community-based long-term 9966  
services certificate or community-based long-term care services 9967  
contract or grant to the self-employed provider; 9968

(b) A revocation or termination of the self-employed 9969

provider's community-based long-term care services certificate or 9970  
community-based long-term care services contract or grant; 9971

(c) A civil or criminal action regarding a program the 9972  
department of aging administers. 9973

(H) In a tort or other civil action for damages that is 9974  
brought as the result of an injury, death, or loss to person or 9975  
property caused by a self-employed provider, both of the following 9976  
shall apply: 9977

(1) If the department of aging or its designee, in good faith 9978  
and reasonable reliance on the report of a criminal records check 9979  
requested under this section, issued or awarded a community-based 9980  
long-term care services certificate or community-based long-term 9981  
care services contract or grant to the self-employed provider or 9982  
did not revoke or terminate the self-employed provider's 9983  
certificate or contract or grant, the department and its designee 9984  
shall not be found negligent solely because of its reliance on the 9985  
report, even if the information in the report is determined later 9986  
to have been incomplete or inaccurate. 9987

(2) If the department or its designee in good faith issued or 9988  
awarded a community-based long-term care services certificate or 9989  
community-based long-term care services contract or grant to the 9990  
self-employed provider or did not revoke or terminate the 9991  
self-employed provider's certificate or contract or grant because 9992  
the self-employed provider meets standards specified in rules 9993  
adopted under this section, the department and its designee shall 9994  
not be found negligent solely because the self-employed provider 9995  
has been convicted of, pleaded guilty to, or been found eligible 9996  
for intervention in lieu of conviction for a disqualifying 9997  
offense. 9998

(I) The director of aging shall adopt rules in accordance 9999  
with Chapter 119. of the Revised Code to implement this section. 10000

(1) The rules may do the following:	10001
(a) Require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section;	10002 10003 10004 10005 10006
(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, exempt one or more classes of such self-employed providers from the requirements;	10007 10008 10009 10010 10011 10012
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	10013 10014 10015
(2) The rules shall specify all of the following:	10016
(a) The procedures for conducting database reviews under this section;	10017 10018
(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	10019 10020 10021 10022 10023 10024
(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which the department of aging or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider or to revoke or terminate a self-employed provider's certificate or contract or grant when the self-employed	10025 10026 10027 10028 10029 10030 10031

provider is found by a database review to be included in one or 10032  
more of those databases; 10033

(d) Standards that a self-employed provider must meet for the 10034  
department or its designee to be permitted to issue or award a 10035  
community-based long-term care services certificate or 10036  
community-based long-term care services contract or grant to the 10037  
self-employed provider or not to revoke or terminate the 10038  
self-employed provider's certificate or contract or grant if the 10039  
self-employed provider is found by a criminal records check 10040  
required by this section to have been convicted of, pleaded guilty 10041  
to, or been found eligible for intervention in lieu of conviction 10042  
for a disqualifying offense. 10043

**Sec. 173.42.** (A) As used in sections 173.42 to 173.434 of the 10044  
Revised Code: 10045

(1) "Area agency on aging" means a public or private 10046  
nonprofit entity designated under section 173.011 of the Revised 10047  
Code to administer programs on behalf of the department of aging. 10048

(2) "Department of aging-administered medicaid waiver 10049  
component" means each of the following: 10050

(a) The medicaid-funded component of the PASSPORT program 10051  
created under section 173.52 of the Revised Code; 10052

~~(b) The choices program created under section 173.53 of the 10053  
Revised Code;~~ 10054

~~(e)~~ The medicaid-funded component of the assisted living 10055  
program created under section 173.54 of the Revised Code; 10056

~~(d)~~(c) Any other medicaid waiver component, as defined in 10057  
section 5166.01 of the Revised Code, that the department of aging 10058  
administers pursuant to an interagency agreement with the 10059  
department of medicaid under section 5162.35 of the Revised Code. 10060

(3) "Home and community-based services covered by medicaid 10061

components the department of aging administers" means all of the	10062
following:	10063
(a) Medicaid waiver services available to a participant in a	10064
department of aging-administered medicaid waiver component;	10065
(b) The following medicaid state plan services available to a	10066
participant in a department of aging-administered medicaid waiver	10067
component as specified in rules adopted under section 5164.02 of	10068
the Revised Code:	10069
(i) Home health services;	10070
(ii) Private duty nursing services;	10071
(iii) Durable medical equipment;	10072
(iv) Services of a clinical nurse specialist;	10073
(v) Services of a certified nurse practitioner.	10074
(c) Services available to a participant of the PACE program.	10075
(4) "Long-term care consultation" or "consultation" means the	10076
consultation service made available by the department of aging or	10077
a program administrator through the long-term care consultation	10078
program established pursuant to this section.	10079
(5) "Nursing facility" has the same meaning as in section	10080
5165.01 of the Revised Code.	10081
(6) "PACE program" means the component of the medicaid	10082
program the department of aging administers pursuant to section	10083
173.50 of the Revised Code.	10084
(7) "PASSPORT administrative agency" means an entity under	10085
contract with the department of aging to provide administrative	10086
services regarding the PASSPORT program.	10087
(8) "Program administrator" means an area agency on aging or	10088
other entity under contract with the department of aging to	10089
administer the long-term care consultation program in a geographic	10090

region specified in the contract. 10091

(9) "Representative" means a person acting on behalf of an 10092  
individual ~~specified in division (C) of this section~~ who is the 10093  
subject of a long-term care consultation. A representative may be 10094  
a family member, attorney, hospital social worker, or any other 10095  
person chosen to act on behalf of the individual. 10096

(B) The department of aging shall develop a long-term care 10097  
consultation program whereby individuals or their representatives 10098  
are provided with long-term care consultations and receive through 10099  
these professional consultations information about options 10100  
available to meet long-term care needs and information about 10101  
factors to consider in making long-term care decisions. The 10102  
long-term care consultations ~~provided under the program~~ may be 10103  
provided at any appropriate time, ~~as permitted or required under~~ 10104  
~~this section and the rules adopted under it~~, including either 10105  
prior to or after the individual who is the subject of a 10106  
consultation has been admitted to a nursing facility or granted 10107  
assistance in receiving home and community-based services covered 10108  
by medicaid components the department of aging administers. 10109

(C) The long-term care consultation program shall be 10110  
administered by the department of aging, except that the 10111  
department may have the program administered on a regional basis 10112  
by one or more program administrators. The department and each 10113  
program administrator shall administer the program in such a 10114  
manner that all of the following are included: 10115

(1) Coordination and collaboration with respect to all 10116  
available funding sources for long-term care services; 10117

(2) Assessments of individuals regarding their long-term care 10118  
service needs; 10119

(3) Assessments of individuals regarding their on-going 10120  
eligibility for long-term care services; 10121

(4) Procedures for assisting individuals in obtaining access to, and coordination of, health and supportive services, including department of aging-administered medicaid waiver components;	10122 10123 10124
(5) Priorities for using available resources efficiently and effectively.	10125 10126
(D) The program's long-term care consultations shall be provided by individuals certified by the department under section 173.422 of the Revised Code.	10127 10128 10129
(E) The information provided through a long-term care consultation shall be appropriate to the individual's needs and situation and shall address all of the following:	10130 10131 10132
(1) The availability of any long-term care options open to the individual;	10133 10134
(2) Sources and methods of both public and private payment for long-term care services;	10135 10136
(3) Factors to consider when choosing among the available programs, services, and benefits;	10137 10138
(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community.	10139 10140 10141
(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5119.40, 5123.021, and 5165.03 of the Revised Code and may be provided concurrently with the assessment required under section 173.546 or 5165.04 of the Revised Code.	10142 10143 10144 10145 10146 10147
<del>(G)(1) Unless an exemption specified</del> <u>Except as provided in</u> division (I) of this section <del>is applicable, each of the following shall be provided with a long term care consultation:</del>	10148 10149 10150
<del>(a) An individual who applies or indicates an intention to</del>	10151

~~apply for admission to a nursing facility, regardless of the~~ 10152  
~~source of payment to be used for the individual's care in a~~ 10153  
~~nursing facility;~~ 10154

~~(b) An individual who requests a long term care consultation;~~ 10155

~~(c) An individual identified by the department or a program~~ 10156  
~~administrator as being likely to benefit from a long term care~~ 10157  
~~consultation.~~ 10158

~~(2) In addition to the individuals specified in division~~ 10159  
~~(G)(1) of this section, a long term care consultation may be~~ 10160  
~~provided to a nursing facility resident regardless of the source~~ 10161  
~~of payment being used for the resident's care in the nursing~~ 10162  
~~facility a long-term care consultation shall be provided to each~~ 10163  
~~individual for whom the department or a program administrator~~ 10164  
~~determines such a consultation is appropriate.~~ 10165

~~(H)(1) Except as provided in division (H)(2) or (3) of this~~ 10166  
~~section, a A long-term care consultation provided pursuant to~~ 10167  
~~division (G) of this section shall be provided as follows:~~ 10168

~~(a) If the individual for whom the consultation is being~~ 10169  
~~provided has applied for medicaid and the consultation is being~~ 10170  
~~provided concurrently with the assessment required under section~~ 10171  
~~5165.04 of the Revised Code, the consultation shall be completed~~ 10172  
~~in accordance with within the applicable time frames specified in~~ 10173  
~~that section for providing a level of care determination based on~~ 10174  
~~the assessment.~~ 10175

~~(b) In all other cases, the consultation shall be provided~~ 10176  
~~not later than five calendar days after the department or program~~ 10177  
~~administrator receives notice of the reason for which the~~ 10178  
~~consultation is to be provided pursuant to division (G) of this~~ 10179  
~~section.~~ 10180

~~(2) An individual or the individual's representative may~~ 10181  
~~request that a long term care consultation be provided on a date~~ 10182

~~that is later than the date required under division (H)(1)(a) or  
(b) of this section.~~ 10183  
10184

~~(3) If a long term care consultation cannot be completed  
within the number of days required by division (H)(1) or (2) of  
this section, the department or program administrator may do any  
of the following:~~ 10185  
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10187  
10188

~~(a) In the case of an individual specified in division (G)(1)  
of this section, exempt the individual from the consultation  
pursuant to rules that may be adopted under division (L) of this  
section;~~ 10189  
10190  
10191  
10192

~~(b) In the case of an applicant for admission to a nursing  
facility, provide the consultation after the individual is  
admitted to the nursing facility;~~ 10193  
10194  
10195

~~(c) In the case of a resident of a nursing facility, provide  
the consultation as soon as practicable rules adopted under this  
section.~~ 10196  
10197  
10198

(I) An individual is not required to be provided a long-term  
care consultation ~~under division (G)(1) of this section~~ if any of  
the following ~~apply~~ is the case: 10199  
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10201

(1) The department or a program administrator has attempted  
to provide the consultation, but the individual or the  
individual's representative refuses to cooperate; 10202  
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10204

(2) The individual is to receive care in a nursing facility  
under a contract for continuing care, as defined in section 173.13  
of the Revised Code; 10205  
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(3) The individual has a contractual right to admission to a  
nursing facility operated as part of a system of continuing care  
in conjunction with one or more facilities that provide a less  
intensive level of services, including a residential care facility  
licensed under Chapter 3721. of the Revised Code, a residential 10208  
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facility licensed under section 5119.34 of the Revised Code that 10213  
provides accommodations, supervision, and personal care services 10214  
for three to sixteen unrelated adults, or an independent living 10215  
arrangement; 10216

(4) The individual is to receive continual care in a home for 10217  
the aged exempt from taxation under section 5701.13 of the Revised 10218  
Code; 10219

(5) The individual is seeking admission to a facility that is 10220  
not a nursing facility with a provider agreement under section 10221  
5165.07, 5165.511, or 5165.512 of the Revised Code; 10222

(6) ~~The individual is Pursuant to rules that may be adopted~~ 10223  
~~under this section, the department or a program administrator has~~ 10224  
~~exempted the individual from receiving the long-term care~~ 10225  
~~consultation requirement by the department or the program~~ 10226  
~~administrator pursuant to rules that may be adopted under division~~ 10227  
~~(L) of this section.~~ 10228

(J) As part of the long-term care consultation program, the 10229  
department or a program administrator ~~shall~~ may assist an 10230  
individual or individual's representative in accessing all sources 10231  
of care and services that are appropriate for the individual and 10232  
for which the individual is eligible, including all available home 10233  
and community-based services covered by medicaid components the 10234  
department of aging administers. The assistance ~~shall~~ may include 10235  
providing for the conduct of assessments or other evaluations and 10236  
the development of individualized plans of care or services under 10237  
section 173.424 of the Revised Code. 10238

(K) No nursing facility for which an operator has a provider 10239  
agreement under section 5165.07, 5165.511, or 5165.512 of the 10240  
Revised Code shall admit ~~any individual~~ as a resident any 10241  
individual described in division (G) of this section, unless the 10242  
nursing facility has received evidence that a long-term care 10243

consultation has been completed for the individual or division (I) 10244  
of this section is applicable to the individual. 10245

(L) The director of aging ~~may~~ shall adopt ~~any~~ rules ~~the~~ 10246  
~~director considers necessary~~ for the implementation and 10247  
administration of this section. The rules shall be adopted in 10248  
accordance with Chapter 119. of the Revised Code ~~and~~. The rules 10249  
may specify any or all of the following: 10250

(1) Procedures for providing long-term care consultations 10251  
~~pursuant to this section;~~ 10252

(2) Information to be provided through long-term care 10253  
consultations regarding long-term care services that are 10254  
available; 10255

(3) Criteria and procedures to be used to identify and 10256  
recommend appropriate service options for an individual receiving 10257  
a long-term care consultation; 10258

(4) Criteria for exempting individuals from ~~the~~ receiving a 10259  
long-term care consultation ~~requirement;~~ 10260

(5) Circumstances under which it may be appropriate to 10261  
provide an individual's long-term care consultation after the 10262  
individual's admission to a nursing facility rather than before 10263  
admission; 10264

(6) Criteria for identifying ~~nursing facility residents who~~ 10265  
~~would benefit from the provision of~~ individuals for whom a 10266  
long-term care consultation is appropriate, including nursing 10267  
facility residents who would benefit from the consultation; 10268

(7) A description of the types of information from a nursing 10269  
facility that is needed under the long-term care consultation 10270  
program to assist a resident with relocation from the facility; 10271

(8) Standards to prevent conflicts of interest relative to 10272  
the referrals made by a person who performs a long-term care 10273

consultation, including standards that prohibit the person from 10274  
being employed by a provider of long-term care services; 10275

(9) Procedures for providing notice and an opportunity for a 10276  
hearing under division (N) of this section; 10277

(10) Time frames for providing or completing a long-term care 10278  
consultation; 10279

(11) Any other standards or procedures the director considers 10280  
necessary for the program. 10281

(M) To assist the department and each program administrator 10282  
with identifying individuals ~~who are likely to benefit from~~ for 10283  
whom a long-term care consultation is appropriate, the department 10284  
and program administrator may ask to be given access to nursing 10285  
facility resident assessment data collected through the use of the 10286  
resident assessment instrument specified in rules authorized by 10287  
section 5165.191 of the Revised Code for purposes of the medicaid 10288  
program. Except when prohibited by state or federal law, the 10289  
department of health, department of medicaid, or nursing facility 10290  
holding the data shall grant access to the data on receipt of the 10291  
request from the department of aging or program administrator. 10292

(N)(1) The director of aging, after providing notice and an 10293  
opportunity for a hearing, may fine a nursing facility an amount 10294  
determined by rules the director shall adopt in accordance with 10295  
Chapter 119. of the Revised Code for any of the following reasons: 10296

(a) The nursing facility ~~admits an individual, without~~ 10297  
~~evidence that a long term care consultation has been provided, as~~ 10298  
~~required by this section~~ violates division (K) of this section; 10299

(b) The nursing facility denies a person attempting to 10300  
provide a long-term care consultation access to the facility or a 10301  
resident of the facility; 10302

(c) The nursing facility denies the department of aging or a 10303

program administrator access to the facility or a resident of the 10304  
facility, as the department or administrator considers necessary 10305  
to administer the program. 10306

(2) In accordance with section 5162.66 of the Revised Code, 10307  
all fines collected under division (N)(1) of this section shall be 10308  
deposited into the state treasury to the credit of the residents 10309  
protection fund. 10310

**Sec. 173.424.** If, under federal law, an individual's 10311  
eligibility for the home and community-based services covered by 10312  
medicaid components the department of aging administers is 10313  
dependent on the conduct of an assessment or other evaluation of 10314  
the individual's needs and capabilities and the development of an 10315  
individualized plan of care or services, the department shall 10316  
develop and implement all procedures necessary to comply with the 10317  
federal law. The procedures ~~shall~~ may include the use of long-term 10318  
care consultations. 10319

**Sec. 173.48.** (A)(1) The department of aging may charge annual 10320  
fees to long-term care facilities for the publication of the Ohio 10321  
long-term care consumer guide, as well as late penalties if 10322  
applicable. The department may contract with any person or 10323  
government entity to collect the fees on its behalf. All fees 10324  
collected under this section shall be deposited in accordance with 10325  
division (B) of this section. 10326

(2) The Except as provided in division (A)(3) of this 10327  
section, the annual fees charged under this section shall not 10328  
exceed the following amounts: 10329

(a) For each long-term care facility that is a nursing home, 10330  
six hundred fifty dollars; 10331

(b) For each long-term care facility that is a residential 10332  
care facility: 10333

(i) Until June 30, 2016, three hundred dollars; 10334

(ii) Beginning July 1, 2016, three hundred fifty dollars. 10335

(3) ~~Fees~~ The department, by rule adopted in accordance with 10336  
Chapter 119. of the Revised Code, may establish deadlines for the 10337  
payment of the annual fees charged under this section. If the 10338  
annual fee is not received by the department within ninety days of 10339  
any deadline established by the department, the rules may require 10340  
a long-term care facility to pay a late penalty equal to and in 10341  
addition to the amount of the annual fee charged under this 10342  
section. 10343

(4) Unless prohibited by federal law, fees paid by a 10344  
long-term care facility that is a nursing facility, including late 10345  
penalties, shall be reimbursed through the medicaid program. 10346

(B) There is hereby created in the state treasury the 10347  
long-term care consumer guide fund. Money collected from the fees 10348  
charged for the publication of the Ohio long-term care consumer 10349  
guide under division (A) of this section and any late penalties 10350  
shall be credited to the fund. The department shall use money in 10351  
the fund for costs associated with publishing the Ohio long-term 10352  
care consumer guide, including, but not limited to, costs incurred 10353  
in conducting or providing for the conduct of customer 10354  
satisfaction surveys. 10355

**Sec. 173.51.** As used in sections 173.51 to 173.56 of the 10356  
Revised Code: 10357

"Area agency on aging" has the same meaning as in section 10358  
173.14 of the Revised Code. 10359

"Assisted living program" means the program that consists of 10360  
a medicaid-funded component created under section 173.54 of the 10361  
Revised Code and a state-funded component created under section 10362  
173.543 of the Revised Code and provides assisted living services 10363

to individuals who meet the program's applicable eligibility requirements. 10364  
10365

"Assisted living services" means the following home and community-based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming. 10366  
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"Assisted living waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the assisted living program. 10370  
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~~"Choices program" means the program created under section 173.53 of the Revised Code.~~ 10374  
10375

"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code. 10376  
10377

"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code. 10378  
10379  
10380

"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity. 10381  
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10385

"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 10386  
10387

"Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 10388  
10389

"PASSPORT program" means the preadmission screening system providing options and resources today program (PASSPORT) that consists of a medicaid-funded component created under section 173.52 of the Revised Code and a state-funded component created 10390  
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under section 173.522 of the Revised Code and provides home and 10394  
community-based services as an alternative to nursing facility 10395  
placement for individuals who are aged and disabled and meet the 10396  
program's applicable eligibility requirements. 10397

"PASSPORT waiver" means the federal medicaid waiver granted 10398  
by the United States secretary of health and human services that 10399  
authorizes the medicaid-funded component of the PASSPORT program. 10400

"Representative" means a person acting on behalf of an 10401  
applicant for the medicaid-funded component or state-funded 10402  
component of the assisted living program. A representative may be 10403  
a family member, attorney, hospital social worker, or any other 10404  
person chosen to act on behalf of an applicant. 10405

"Residential care facility" has the same meaning as in 10406  
section 3721.01 of the Revised Code. 10407

"Unified long-term services and support medicaid waiver 10408  
component" means the medicaid waiver component authorized by 10409  
section 5166.14 of the Revised Code. 10410

**Sec. 173.541.** To be eligible for the medicaid-funded 10411  
component of the assisted living program, an individual must meet 10412  
all of the following requirements: 10413

(A) Need an intermediate level of care as determined by an 10414  
assessment conducted under section 173.546 of the Revised Code; 10415

(B) ~~While receiving assisted living services under the~~ 10416  
~~medicaid-funded component, reside~~ Reside in a residential care 10417  
~~facility~~ any of the following that ~~is~~ are authorized by a valid 10418  
~~medicaid~~ provider agreement to participate in the ~~component,~~ 10419  
~~including both of the following~~ assisted living program: 10420

(1) A residential care facility that is owned or operated by 10421  
a metropolitan housing authority that has a contract with the 10422  
United States department of housing and urban development to 10423

receive an operating subsidy or rental assistance for the	10424
residents of the facility;	10425
(2) A county or district home licensed as a residential care	10426
facility;	10427
(3) <u>Any other setting specified in rules adopted under</u>	10428
<u>section 173.54 of the Revised Code.</u>	10429
(C) Meet all other eligibility requirements for the	10430
medicaid-funded component <u>of the assisted living program</u>	10431
established in rules adopted under section 173.54 of the Revised	10432
Code.	10433
<b>Sec. 173.544.</b> To be eligible for the state-funded component	10434
of the assisted living program, an individual must meet all of the	10435
following requirements:	10436
(A) <del>The individual must need</del> <u>Need</u> an intermediate level of	10437
care as determined by an assessment conducted under section	10438
173.546 of the Revised Code-;	10439
(B) <del>The individual must have</del> <u>Have</u> an application for the	10440
medicaid-funded component of the assisted living program (or, if	10441
the medicaid-funded component is terminated under division (C) of	10442
section 173.54 of the Revised Code, the unified long-term services	10443
and support medicaid waiver component) pending and the department	10444
or the department's designee must have determined that the	10445
individual meets the nonfinancial eligibility requirements of the	10446
medicaid-funded component (or, if the medicaid-funded component is	10447
terminated under division (C) of section 173.54 of the Revised	10448
Code, the unified long-term services and support medicaid waiver	10449
component) and not have reason to doubt that the individual meets	10450
the financial eligibility requirements of the medicaid-funded	10451
component (or, if the medicaid-funded component is terminated	10452
under division (C) of section 173.54 of the Revised Code, the	10453

unified long-term services and support medicaid waiver 10454  
component)-; 10455

(C) ~~While receiving assisted living services under the~~ 10456  
~~state-funded component, the individual must reside~~ Reside in a 10457  
~~residential care facility~~ any of the following that ~~is~~ are 10458  
authorized by a valid provider agreement to participate in the 10459  
~~component, including both of the following~~ assisted living 10460  
program: 10461

(1) A residential care facility that is owned or operated by 10462  
a metropolitan housing authority that has a contract with the 10463  
United States department of housing and urban development to 10464  
receive an operating subsidy or rental assistance for the 10465  
residents of the facility; 10466

(2) A county or district home licensed as a residential care 10467  
facility; 10468

(3) Any other setting specified in rules adopted under 10469  
section 173.543 of the Revised Code. 10470

(D) ~~The individual must meet~~ Meet all other eligibility 10471  
requirements for the state-funded component of the assisted living 10472  
program established in rules adopted under section 173.543 of the 10473  
Revised Code. 10474

**Sec. 173.55.** (A) As used in this section: 10475

(1) "Department of aging-administered medicaid waiver 10476  
component" means ~~each~~ both of the following: 10477

(a) The medicaid-funded component of the PASSPORT program; 10478

(b) ~~The choices program;~~ 10479

~~(c)~~ The medicaid-funded component of the assisted living 10480  
program. 10481

(2) "PACE program" means the component of the medicaid 10482

program the department of aging administers pursuant to section 10483  
173.50 of the Revised Code. 10484

(B) If the department of aging determines that there are 10485  
insufficient funds to enroll all individuals who have applied and 10486  
been determined eligible for department of aging-administered 10487  
medicaid waiver components and the PACE program, the department 10488  
shall establish a unified waiting list for the components and 10489  
program. Only individuals eligible for a department of 10490  
aging-administered medicaid waiver component or the PACE program 10491  
may be placed on the unified waiting list. An individual who may 10492  
be enrolled in a department of aging-administered medicaid waiver 10493  
component or the PACE program through a home first component 10494  
established under section 173.501, 173.521, or 173.542 of the 10495  
Revised Code may be so enrolled without being placed on the 10496  
unified waiting list. 10497

**Sec. 173.99.** (A) ~~A long term care provider, person employed~~ 10498  
~~by a long term care provider, other entity, or employee of such~~ 10499  
~~other entity that~~ Whoever violates division (C) of section 173.24 10500  
of the Revised Code is subject to a fine not to exceed one 10501  
thousand dollars for each violation. 10502

(B) Whoever violates division (C) of section 173.23 of the 10503  
Revised Code is guilty of registering a false complaint, a 10504  
misdemeanor of the first degree. 10505

(C) ~~A long term care provider, other entity, or person~~ 10506  
~~employed by a long term care provider or other entity that~~ Whoever 10507  
violates division ~~(E)~~(G)(1) or (2) of section 173.19 of the 10508  
Revised Code ~~by denying a representative of the office of the~~ 10509  
~~state long term care ombudsman program the access required by that~~ 10510  
~~division~~ is subject to a fine not to exceed five hundred dollars 10511  
for each violation. 10512

(D) Whoever violates division (C) of section 173.44 of the 10513

Revised Code is subject to a fine of one hundred dollars. 10514

**Sec. 183.51.** (A) As used in this section and in the 10515  
applicable bond proceedings unless otherwise provided: 10516

(1) "Bond proceedings" means the resolutions, orders, 10517  
indentures, purchase and sale and trust and other agreements 10518  
including any amendments or supplements to them, and credit 10519  
enhancement facilities, and amendments and supplements to them, or 10520  
any one or more or combination of them, authorizing, awarding, or 10521  
providing for the terms and conditions applicable to or providing 10522  
for the security or liquidity of, the particular obligations, and 10523  
the provisions contained in those obligations. 10524

(2) "Bond service fund" means the bond service fund created 10525  
in the bond proceedings for the obligations. 10526

(3) "Capital facilities" means, as applicable, capital 10527  
facilities or projects as referred to in section 151.03 or 151.04 10528  
of the Revised Code. 10529

(4) "Consent decree" means the consent decree and final 10530  
judgment entered November 25, 1998, in the court of common pleas 10531  
of Franklin county, Ohio, as the same may be amended or 10532  
supplemented from time to time. 10533

(5) "Cost of capital facilities" has the same meaning as in 10534  
section 151.01 of the Revised Code, as applicable. 10535

(6) "Credit enhancement facilities," "financing costs," and 10536  
"interest" or "interest equivalent" have the same meanings as in 10537  
section 133.01 of the Revised Code. 10538

(7) "Debt service" means principal, including any mandatory 10539  
sinking fund or redemption requirements for retirement of 10540  
obligations, interest and other accreted amounts, interest 10541  
equivalent, and any redemption premium, payable on obligations. If 10542  
not prohibited by the applicable bond proceedings, "debt service" 10543

may include costs relating to credit enhancement facilities that 10544  
are related to and represent, or are intended to provide a source 10545  
of payment of or limitation on, other debt service. 10546

(8) "Improvement fund" means, as applicable, the school 10547  
building program assistance fund created in section 3318.25 of the 10548  
Revised Code and the higher education improvement fund created in 10549  
section 154.21 of the Revised Code. 10550

(9) "Issuing authority" means the buckeye tobacco settlement 10551  
financing authority created in section 183.52 of the Revised Code. 10552

(10) "Net proceeds" means amounts received from the sale of 10553  
obligations, excluding amounts used to refund or retire 10554  
outstanding obligations, amounts required to be deposited into 10555  
special funds pursuant to the applicable bond proceedings, and 10556  
amounts to be used to pay financing costs. 10557

(11) "Obligations" means bonds, notes, or other evidences of 10558  
obligation of the issuing authority, including any appertaining 10559  
interest coupons, issued by the issuing authority under this 10560  
section and Section 2i of Article VIII, Ohio Constitution, for the 10561  
purpose of providing funds to the state, in exchange for the 10562  
assignment and sale described in division (B) of this section, for 10563  
the purpose of paying costs of capital facilities for: (a) housing 10564  
branches and agencies of state government limited to facilities 10565  
for a system of common schools throughout the state and (b) 10566  
state-supported or state-assisted institutions of higher 10567  
education. 10568

(12) "Pledged receipts" means, as and to the extent provided 10569  
for in the applicable bond proceedings: 10570

(a) Pledged tobacco settlement receipts; 10571

(b) Accrued interest received from the sale of obligations; 10572

(c) Income from the investment of the special funds; 10573

(d) Additional or any other specific revenues or receipts 10574  
lawfully available to be pledged, and pledged, pursuant to the 10575  
bond proceedings, including but not limited to amounts received 10576  
under credit enhancement facilities, to the payment of debt 10577  
service. 10578

(13) "Pledged tobacco settlement receipts" means all amounts 10579  
received by the issuing authority pursuant to division (B) of this 10580  
section. 10581

(14) "Principal amount" means the aggregate of the amount as 10582  
stated or provided for in the applicable bond proceedings as the 10583  
amount on which interest or interest equivalent on particular 10584  
obligations is initially calculated. "Principal amount" does not 10585  
include any premium paid to the issuing authority by the initial 10586  
purchaser of the obligations. "Principal amount" of a capital 10587  
appreciation bond, as defined in division (C) of section 3334.01 10588  
of the Revised Code, means its original face amount and not its 10589  
accrued value, and "principal amount" of a zero coupon bond, as 10590  
defined in division (J) of section 3334.01 of the Revised Code, 10591  
means the discounted offering price at which the bond is initially 10592  
sold to the public, disregarding any purchase price discount to 10593  
the original purchaser, if provided in or for pursuant to the bond 10594  
proceedings. 10595

(15) "Special funds" or "funds," unless the context indicates 10596  
otherwise, means the bond service fund, and any other funds, 10597  
including any reserve funds, created under the bond proceedings 10598  
and stated to be special funds in those proceedings, including 10599  
moneys and investments, and earnings from investments, credited 10600  
and to be credited to the particular fund. "Special funds" does 10601  
not include any improvement fund or investment earnings on amounts 10602  
in any improvement fund, or other funds created by the bond 10603  
proceedings that are not stated by those proceedings to be special 10604  
funds. 10605

(B) The state may assign and sell to the issuing authority, 10606  
and the issuing authority may accept and purchase, all or a 10607  
portion of the amounts to be received by the state under the 10608  
tobacco master settlement agreement for a purchase price payable 10609  
by the issuing authority to the state consisting of the net 10610  
proceeds of obligations and any residual interest, if any. Any 10611  
such assignment and sale shall be irrevocable in accordance with 10612  
its terms during the period any obligations secured by amounts so 10613  
assigned and sold are outstanding under the applicable bond 10614  
proceedings, and shall constitute a contractual obligation to the 10615  
holders or owners of those obligations. Any such assignment and 10616  
sale shall also be treated as an absolute transfer and true sale 10617  
for all purposes, and not as a pledge or other security interest. 10618  
The characterization of any such assignment and sale as a true 10619  
sale and absolute transfer shall not be negated or adversely 10620  
affected by only a portion of the amounts to be received under the 10621  
tobacco master settlement agreement being transferred, the 10622  
acquisition or retention by the state of a residual interest, the 10623  
participation of any state officer or employee as a member or 10624  
officer of, or providing staff support to, the issuing authority, 10625  
any responsibility of an officer or employee of the state for 10626  
collecting the amounts to be received under the tobacco master 10627  
settlement agreement or otherwise enforcing that agreement or 10628  
retaining any legal title to or interest in any portion of the 10629  
amounts to be received under that agreement for the purpose of 10630  
these collection activities, any characterization of the issuing 10631  
authority or its obligations for purposes of accounting, taxation, 10632  
or securities regulation, or by any other factors whatsoever. A 10633  
true sale shall exist under this section regardless of whether the 10634  
issuing authority has any recourse against the state or any other 10635  
term of the bond proceedings or the treatment or characterization 10636  
of the transfer as a financing for any purpose. Upon and following 10637  
the assignment and sale, the state shall not have any right, 10638

title, or interest in the portion of the receipts under the 10639  
tobacco master settlement agreement so assigned and sold, other 10640  
than any residual interest that may be described in the applicable 10641  
bond proceedings for those obligations, and that portion, if any, 10642  
shall be the property of the issuing authority and not of the 10643  
state, and shall be paid directly to the issuing authority, and 10644  
shall be owned, received, held, and disbursed by the issuing 10645  
authority and not by the state. 10646

The state may covenant, pledge, and agree in the bond 10647  
proceedings, with and for the benefit of the issuing authority, 10648  
the holders and owners of obligations, and providers of any credit 10649  
enhancement facilities, that it shall: (1) maintain statutory 10650  
authority for, and cause to be collected and paid directly to the 10651  
issuing authority or its assignee, the pledged receipts, (2) 10652  
enforce the rights of the issuing authority to receive the 10653  
receipts under the tobacco master settlement agreement assigned 10654  
and sold to the issuing authority, (3) not materially impair the 10655  
rights of the issuing authority to fulfill the terms of its 10656  
agreements with the holders or owners of outstanding obligations 10657  
under the bond proceedings, (4) not materially impair the rights 10658  
and remedies of the holders or owners of outstanding obligations 10659  
or materially impair the security for those outstanding 10660  
obligations, and (5) enforce Chapter 1346. of the Revised Code, 10661  
the tobacco master settlement agreement, and the consent decree to 10662  
effectuate the collection of the pledged tobacco settlement 10663  
receipts. The bond proceedings may provide or authorize the manner 10664  
for determining material impairment of the security for any 10665  
outstanding obligations, including by assessing and evaluating the 10666  
pledged receipts in the aggregate. 10667

As further provided for in division (H) of this section, the 10668  
bond proceedings may also include such other covenants, pledges, 10669  
and agreements by the state to protect and safeguard the security 10670

and rights of the holders and owners of the obligations, and of 10671  
the providers of any credit enhancement facilities, including, 10672  
without limiting the generality of the foregoing, any covenant, 10673  
pledge, or agreement customary in transactions involving the 10674  
issuance of securities the debt service on which is payable from 10675  
or secured by amounts received under the tobacco master settlement 10676  
agreement. Notwithstanding any other provision of law, any 10677  
covenant, pledge, and agreement of the state, if and when made in 10678  
the bond proceedings, shall be controlling and binding upon, and 10679  
enforceable against the state in accordance with its terms for so 10680  
long as any obligations are outstanding under the applicable bond 10681  
proceedings. The bond proceedings may also include limitations on 10682  
the remedies available to the issuing authority, the holders and 10683  
owners of the obligations, and the providers of any credit 10684  
enhancement facilities, including, without limiting the generality 10685  
of the foregoing, a provision that those remedies may be limited 10686  
to injunctive relief in circumstances where there has been no 10687  
prior determination by a court of competent jurisdiction that the 10688  
state has not enforced Chapter 1346. of the Revised Code, the 10689  
tobacco master settlement agreement, or the consent decree as may 10690  
have been covenanted or agreed in the bond proceedings under 10691  
division (B)(5) of this section. 10692

Nothing in this section or the bond proceedings shall 10693  
preclude or limit, or be construed to preclude or limit, the state 10694  
from regulating or authorizing or permitting the regulation of 10695  
smoking or from taxing and regulating the sale of cigarettes or 10696  
other tobacco products, or from defending or prosecuting cases or 10697  
other actions relating to the sale or use of cigarettes or other 10698  
tobacco products. Except as otherwise may be agreed in writing by 10699  
the attorney general, nothing in this section or the bond 10700  
proceedings shall modify or limit, or be construed to modify or 10701  
limit, the responsibility, power, judgment, and discretion of the 10702  
attorney general to protect and discharge the duties, rights, and 10703

obligations of the state under the tobacco master settlement 10704  
agreement, the consent decree, or Chapter 1346. of the Revised 10705  
Code. 10706

The governor and the director of budget and management, in 10707  
consultation with the attorney general, on behalf of the state, 10708  
and any member or officer of the issuing authority as authorized 10709  
by that issuing authority, on behalf of the issuing authority, may 10710  
take any action and execute any documents, including any purchase 10711  
and sale agreements, necessary to effect the assignment and sale 10712  
and the acceptance of the assignment and title to the receipts 10713  
including, providing irrevocable direction to the escrow agent 10714  
acting under the tobacco master settlement agreement to transfer 10715  
directly to the issuing authority the amounts to be received under 10716  
that agreement that are subject to such assignment and sale. Any 10717  
purchase and sale agreement or other bond proceedings may contain 10718  
the terms and conditions established by the state and the issuing 10719  
authority to carry out and effectuate the purposes of this 10720  
section, including, without limitation, covenants binding the 10721  
state in favor of the issuing authority and its assignees and the 10722  
owners of the obligations. Any such purchase and sale agreement 10723  
shall be sufficient to effectuate such purchase and sale without 10724  
regard to any other laws governing other property sales or 10725  
financial transactions by the state. 10726

Not later than two years following the date on which there 10727  
are no longer any obligations outstanding under the bond 10728  
proceedings, all assets of the issuing authority shall vest in the 10729  
state, the issuing authority shall execute any necessary 10730  
assignments or instruments, including any assignment of any right, 10731  
title, or ownership to the state for receipt of amounts under the 10732  
tobacco master settlement agreement, and the issuing authority 10733  
shall be dissolved. 10734

(C) The issuing authority is authorized to issue and to sell 10735

obligations as provided in this section. The aggregate principal 10736  
amount of obligations issued under this section shall not exceed 10737  
six billion dollars, exclusive of obligations issued under 10738  
division (M)(1) of this section to refund, renew, or advance 10739  
refund other obligations issued or incurred. At least seventy-five 10740  
per cent of the aggregate net proceeds of the obligations issued 10741  
under the authority of this section, exclusive of obligations 10742  
issued to refund, renew, or advance refund other obligations, 10743  
shall be paid to the state for deposit into the school building 10744  
program assistance fund created in section 3318.25 of the Revised 10745  
Code. 10746

(D) Each issue of obligations shall be authorized by 10747  
resolution or order of the issuing authority. The bond proceedings 10748  
shall provide for or authorize the manner for determining the 10749  
principal amount or maximum principal amount of obligations of an 10750  
issue, the principal maturity or maturities, the interest rate or 10751  
rates, the date of and the dates of payment of interest on the 10752  
obligations, their denominations, and the place or places of 10753  
payment of debt service which may be within or outside the state. 10754  
Unless otherwise provided by law, the latest principal maturity 10755  
may not be later than the earlier of the thirty-first day of 10756  
December of the fiftieth calendar year after the year of issuance 10757  
of the particular obligations or of the fiftieth calendar year 10758  
after the year in which the original obligation to pay was issued 10759  
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 10760  
the Revised Code apply to the obligations. 10761

The purpose of the obligations may be stated in the bond 10762  
proceedings in general terms, such as, as applicable, "paying 10763  
costs of capital facilities for a system of common schools" and 10764  
"paying costs of facilities for state-supported and state-assisted 10765  
institutions of higher education." Unless otherwise provided in 10766  
the bond proceedings or in division (C) of this section, the net 10767

proceeds from the issuance of the obligations shall be paid to the 10768  
state for deposit into the applicable improvement fund. In 10769  
addition to the investments authorized in Chapter 135. of the 10770  
Revised Code, the net proceeds held in an improvement fund may be 10771  
invested by the treasurer of state in guaranteed investment 10772  
contracts with providers rated at the time of any investment in 10773  
the three highest rating categories by two nationally recognized 10774  
rating agencies, all subject to the terms and conditions set forth 10775  
in those agreements or the bond proceedings. Notwithstanding 10776  
anything to the contrary in Chapter 3318. of the Revised Code, net 10777  
proceeds of obligations deposited into the school building program 10778  
assistance fund created in section 3318.25 of the Revised Code may 10779  
be used to pay basic project costs under that chapter at the times 10780  
determined by the Ohio ~~school~~ facilities construction commission 10781  
without regard to whether those expenditures are in proportion to 10782  
the state's and the school district's respective shares of that 10783  
basic project cost; provided that this shall not result in any 10784  
change in the state or school district shares of the basic project 10785  
costs as determined under that chapter. As used in the preceding 10786  
sentence, "Ohio ~~school~~ facilities construction commission" and 10787  
"basic project costs" have the same meanings as in section 3318.01 10788  
of the Revised Code. 10789

(E) The issuing authority may, without need for any other 10790  
approval, appoint or provide for the appointment of paying agents, 10791  
bond registrars, securities depositories, credit enhancement 10792  
providers or counterparties, clearing corporations, and transfer 10793  
agents, and retain or contract for the services of underwriters, 10794  
investment bankers, financial advisers, accounting experts, 10795  
marketing, remarketing, indexing, and administrative agents, other 10796  
consultants, and independent contractors, including printing 10797  
services, as are necessary in the judgment of the issuing 10798  
authority to carry out the issuing authority's functions under 10799  
this section and section 183.52 of the Revised Code. The attorney 10800

general as counsel to the issuing authority shall represent the 10801  
authority in the execution of its powers and duties, and shall 10802  
institute and prosecute all actions on its behalf. The issuing 10803  
authority, in consultation with the attorney general, shall select 10804  
counsel, and the attorney general shall appoint the counsel 10805  
selected, for the purposes of carrying out the functions under 10806  
this section and related sections of the Revised Code. Financing 10807  
costs are payable, as may be provided in the bond proceedings, 10808  
from the proceeds of the obligations, from special funds, or from 10809  
other moneys available for the purpose, including as to future 10810  
financing costs, from the pledged receipts. 10811

(F) The issuing authority may irrevocably pledge and assign 10812  
all, or such portion as the issuing authority determines, of the 10813  
pledged receipts to the payment of the debt service charges on 10814  
obligations issued under this section, and for the establishment 10815  
and maintenance of any reserves, as provided in the bond 10816  
proceedings, and make other provisions in the bond proceedings 10817  
with respect to pledged receipts as authorized by this section, 10818  
which provisions are controlling notwithstanding any other 10819  
provisions of law pertaining to them. Any and all pledged receipts 10820  
received by the issuing authority and required by the bond 10821  
proceedings, consistent with this section, to be deposited, 10822  
transferred, or credited to the bond service fund, and all other 10823  
money transferred or allocated to or received for the purposes of 10824  
that fund, shall be deposited and credited to the bond service 10825  
fund created in the bond proceedings for the obligations, subject 10826  
to any applicable provisions of those bond proceedings, but 10827  
without necessity for any act of appropriation. Those pledged 10828  
receipts shall immediately be subject to the lien of that pledge 10829  
without any physical delivery thereof or further act, and shall 10830  
not be subject to other court judgments. The lien of the pledge of 10831  
those pledged receipts shall be valid and binding against all 10832  
parties having claims of any kind against the issuing authority, 10833

irrespective of whether those parties have notice thereof. The 10834  
pledge shall create a perfected security interest for all purposes 10835  
of Chapter 1309. of the Revised Code and a perfected lien for 10836  
purposes of any other interest, all without the necessity for 10837  
separation or delivery of funds or for the filing or recording of 10838  
the applicable bond proceedings by which that pledge is created or 10839  
any certificate, statement, or other document with respect 10840  
thereto. The pledge of the pledged receipts shall be effective and 10841  
the money therefrom and thereof may be applied to the purposes for 10842  
which pledged. 10843

(G) Obligations may be further secured, as determined by the 10844  
issuing authority, by an indenture or a trust agreement between 10845  
the issuing authority and a corporate trustee, which may be any 10846  
trust company or bank having a place of business within the state. 10847  
Any indenture or trust agreement may contain the resolution or 10848  
order authorizing the issuance of the obligations, any provisions 10849  
that may be contained in any bond proceedings, and other 10850  
provisions that are customary or appropriate in an agreement of 10851  
that type, including, but not limited to: 10852

(1) Maintenance of each pledge, indenture, trust agreement, 10853  
or other instrument comprising part of the bond proceedings until 10854  
the issuing authority has fully paid or provided for the payment 10855  
of debt service on the obligations secured by it; 10856

(2) In the event of default in any payments required to be 10857  
made by the bond proceedings, enforcement of those payments or 10858  
agreements by mandamus, the appointment of a receiver, suit in 10859  
equity, action at law, or any combination of them; 10860

(3) The rights and remedies of the holders or owners of 10861  
obligations and of the trustee and provisions for protecting and 10862  
enforcing them, including limitations on rights of individual 10863  
holders and owners. 10864

(H) The bond proceedings may contain additional provisions 10865  
customary or appropriate to the financing or to the obligations or 10866  
to particular obligations including, but not limited to, 10867  
provisions for: 10868

(1) The redemption of obligations prior to maturity at the 10869  
option of the issuing authority or of the holder or upon the 10870  
occurrence of certain conditions, and at a particular price or 10871  
prices and under particular terms and conditions; 10872

(2) The form of and other terms of the obligations; 10873

(3) The establishment, deposit, investment, and application 10874  
of special funds, and the safeguarding of moneys on hand or on 10875  
deposit, in lieu of the applicability of provisions of Chapter 10876  
131. or 135. of the Revised Code, but subject to any special 10877  
provisions of this section with respect to the application of 10878  
particular funds or moneys. Any financial institution that acts as 10879  
a depository of any moneys in special funds or other funds under 10880  
the bond proceedings may furnish indemnifying bonds or pledge 10881  
securities as required by the issuing authority. 10882

(4) Any or every provision of the bond proceedings being 10883  
binding upon the issuing authority and upon such governmental 10884  
agency or entity, officer, board, authority, agency, department, 10885  
institution, district, or other person or body as may from time to 10886  
time be authorized to take actions as may be necessary to perform 10887  
all or any part of the duty required by the provision; 10888

(5) The maintenance of each pledge or instrument comprising 10889  
part of the bond proceedings until the issuing authority has fully 10890  
paid or provided for the payment of the debt service on the 10891  
obligations or met other stated conditions; 10892

(6) In the event of default in any payments required to be 10893  
made by the bond proceedings, or by any other agreement of the 10894  
issuing authority made as part of a contract under which the 10895

obligations were issued or secured, including a credit enhancement 10896  
facility, the enforcement of those payments by mandamus, a suit in 10897  
equity, an action at law, or any combination of those remedial 10898  
actions; 10899

(7) The rights and remedies of the holders or owners of 10900  
obligations or of book-entry interests in them, and of third 10901  
parties under any credit enhancement facility, and provisions for 10902  
protecting and enforcing those rights and remedies, including 10903  
limitations on rights of individual holders or owners; 10904

(8) The replacement of mutilated, destroyed, lost, or stolen 10905  
obligations; 10906

(9) The funding, refunding, or advance refunding, or other 10907  
provision for payment, of obligations that will then no longer be 10908  
outstanding for purposes of this section or of the applicable bond 10909  
proceedings; 10910

(10) Amendment of the bond proceedings; 10911

(11) Any other or additional agreements with the owners of 10912  
obligations, and such other provisions as the issuing authority 10913  
determines, including limitations, conditions, or qualifications, 10914  
relating to any of the foregoing or the activities of the issuing 10915  
authority in connection therewith. 10916

The bond proceedings shall make provision for the payment of 10917  
the expenses of the enforcement activity of the attorney general 10918  
referred to in division (B) of this section from the amounts from 10919  
the tobacco master settlement agreement assigned and sold to the 10920  
issuing authority under that division or from the proceeds of 10921  
obligations, or a combination thereof, which may include provision 10922  
for both annual payments and a special fund providing reserve 10923  
amounts for the payment of those expenses. 10924

The issuing authority shall not, and shall covenant in the 10925  
bond proceedings that it shall not, be authorized to and shall not 10926

file a voluntary petition under the United States Bankruptcy Code, 10927  
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 10928  
similar bankruptcy proceeding under state law including, without 10929  
limitation, consenting to the appointment of a receiver or trustee 10930  
or making a general or specific assignment for the benefit of 10931  
creditors, and neither any public officer or any organization, 10932  
entity, or other person shall authorize the issuing authority to 10933  
be or become a debtor under the United States Bankruptcy Code or 10934  
take any of those actions under the United States Bankruptcy Code 10935  
or state law. The state hereby covenants, and the issuing 10936  
authority shall covenant, with the holders or owners of the 10937  
obligations, that the state shall not permit the issuing authority 10938  
to file a voluntary petition under the United States Bankruptcy 10939  
Code or take any of those actions under the United States 10940  
Bankruptcy Code or state law during the period obligations are 10941  
outstanding and for any additional period for which the issuing 10942  
authority covenants in the bond proceedings, which additional 10943  
period may, but need not, be a period of three hundred sixty-seven 10944  
days or more. 10945

(I) The obligations requiring execution by or for the issuing 10946  
authority shall be signed as provided in the bond proceedings, and 10947  
may bear the official seal of the issuing authority or a facsimile 10948  
thereof. Any obligation may be signed by the individual who, on 10949  
the date of execution, is the authorized signer even though, on 10950  
the date of the obligations, that individual is not an authorized 10951  
signer. In case the individual whose signature or facsimile 10952  
signature appears on any obligation ceases to be an authorized 10953  
signer before delivery of the obligation, that signature or 10954  
facsimile is nevertheless valid and sufficient for all purposes as 10955  
if that individual had remained the authorized signer until 10956  
delivery. 10957

(J) Obligations are investment securities under Chapter 1308. 10958

of the Revised Code. Obligations may be issued in bearer or in 10959  
registered form, registrable as to principal alone or as to both 10960  
principal and interest, or both, or in certificated or 10961  
uncertificated form, as the issuing authority determines. 10962  
Provision may be made for the exchange, conversion, or transfer of 10963  
obligations and for reasonable charges for registration, exchange, 10964  
conversion, and transfer. Pending preparation of final 10965  
obligations, the issuing authority may provide for the issuance of 10966  
interim instruments to be exchanged for the final obligations. 10967

(K) Obligations may be sold at public sale or at private 10968  
sale, in such manner, and at such price at, above, or below par, 10969  
all as determined by and provided by the issuing authority in the 10970  
bond proceedings. 10971

(L) Except to the extent that rights are restricted by the 10972  
bond proceedings, any owner of obligations or provider of or 10973  
counterparty to a credit enhancement facility may by any suitable 10974  
form of legal proceedings protect and enforce any rights relating 10975  
to obligations or that facility under the laws of this state or 10976  
granted by the bond proceedings. Those rights include the right to 10977  
compel the performance of all applicable duties of the issuing 10978  
authority and the state. Each duty of the issuing authority and 10979  
that issuing authority's officers, staff, and employees, and of 10980  
each state entity or agency, or using district or using 10981  
institution, and its officers, members, staff, or employees, 10982  
undertaken pursuant to the bond proceedings, is hereby established 10983  
as a duty of the entity or individual having authority to perform 10984  
that duty, specifically enjoined by law and resulting from an 10985  
office, trust, or station within the meaning of section 2731.01 of 10986  
the Revised Code. The individuals who are from time to time 10987  
members of the issuing authority, or their designees acting 10988  
pursuant to section 183.52 of the Revised Code, or the issuing 10989  
authority's officers, staff, agents, or employees, when acting 10990

within the scope of their employment or agency, shall not be 10991  
liable in their personal capacities on any obligations or 10992  
otherwise under the bond proceedings, or for otherwise exercising 10993  
or carrying out any purposes or powers of the issuing authority. 10994

(M)(1) Subject to any applicable limitations in division (C) 10995  
of this section, the issuing authority may also authorize and 10996  
provide for the issuance of: 10997

(a) Obligations in the form of bond anticipation notes, and 10998  
may authorize and provide for the renewal of those notes from time 10999  
to time by the issuance of new notes. The holders of notes or 11000  
appertaining interest coupons have the right to have debt service 11001  
on those notes paid solely from the moneys and special funds, and 11002  
all or any portion of the pledged receipts, that are or may be 11003  
pledged to that payment, including the proceeds of bonds or 11004  
renewal notes or both, as the issuing authority provides in the 11005  
bond proceedings authorizing the notes. Notes may be additionally 11006  
secured by covenants of the issuing authority to the effect that 11007  
the issuing authority will do all things necessary for the 11008  
issuance of bonds or renewal notes in such principal amount and 11009  
upon such terms as may be necessary to provide moneys to pay when 11010  
due the debt service on the notes, and apply their proceeds to the 11011  
extent necessary, to make full and timely payment of debt service 11012  
on the notes as provided in the applicable bond proceedings. In 11013  
the bond proceedings authorizing the issuance of bond anticipation 11014  
notes the issuing authority shall set forth for the bonds 11015  
anticipated an estimated schedule of annual principal payments the 11016  
latest of which shall be no later than provided in division (D) of 11017  
this section. While the notes are outstanding there shall be 11018  
deposited, as shall be provided in the bond proceedings for those 11019  
notes, from the sources authorized for payment of debt service on 11020  
the bonds, amounts sufficient to pay the principal of the bonds 11021  
anticipated as set forth in that estimated schedule during the 11022

time the notes are outstanding, which amounts shall be used solely 11023  
to pay the principal of those notes or of the bonds anticipated. 11024

(b) Obligations for the refunding, including funding and 11025  
retirement, and advance refunding, with or without payment or 11026  
redemption prior to maturity, of any obligations previously issued 11027  
under this section and any bonds or notes previously issued for 11028  
the purpose of paying costs of capital facilities for: (i) 11029  
state-supported or state-assisted institutions of higher education 11030  
as authorized by sections 151.01 and 151.04 of the Revised Code, 11031  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, 11032  
and (ii) housing branches and agencies of state government limited 11033  
to facilities for a system of common schools throughout the state 11034  
as authorized by sections 151.01 and 151.03 of the Revised Code, 11035  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. 11036  
Refunding obligations may be issued in amounts sufficient to pay 11037  
or to provide for repayment of the principal amount, including 11038  
principal amounts maturing prior to the redemption of the 11039  
remaining prior obligations or bonds or notes, any redemption 11040  
premium, and interest accrued or to accrue to the maturity or 11041  
redemption date or dates, payable on the prior obligations or 11042  
bonds or notes, and related financing costs and any expenses 11043  
incurred or to be incurred in connection with that issuance and 11044  
refunding. Subject to the applicable bond proceedings, the portion 11045  
of the proceeds of the sale of refunding obligations issued under 11046  
division (M)(1)(b) of this section to be applied to debt service 11047  
on the prior obligations or bonds or notes shall be credited to an 11048  
appropriate separate account in the bond service fund and held in 11049  
trust for the purpose by the issuing authority or by a corporate 11050  
trustee, and may be invested as provided in the bond proceedings. 11051  
Obligations authorized under this division shall be considered to 11052  
be issued for those purposes for which the prior obligations or 11053  
bonds or notes were issued. 11054

(2) The principal amount of refunding, advance refunding, or 11055  
renewal obligations issued pursuant to division (M) of this 11056  
section shall be in addition to the amount authorized in division 11057  
(C) of this section. 11058

(N) Obligations are lawful investments for banks, savings and 11059  
loan associations, credit union share guaranty corporations, trust 11060  
companies, trustees, fiduciaries, insurance companies, including 11061  
domestic for life and domestic not for life, trustees or other 11062  
officers having charge of sinking and bond retirement or other 11063  
special funds of the state and political subdivisions and taxing 11064  
districts of this state, notwithstanding any other provisions of 11065  
the Revised Code or rules adopted pursuant to those provisions by 11066  
any state agency with respect to investments by them, and are also 11067  
acceptable as security for the repayment of the deposit of public 11068  
moneys. The exemptions from taxation in Ohio as provided for in 11069  
particular sections of the Ohio Constitution and section 5709.76 11070  
of the Revised Code apply to the obligations. 11071

(O)(1) Unless otherwise provided or provided for in any 11072  
applicable bond proceedings, moneys to the credit of or in a 11073  
special fund shall be disbursed on the order of the issuing 11074  
authority. No such order is required for the payment, from the 11075  
bond service fund or other special fund, when due of debt service 11076  
or required payments under credit enhancement facilities. 11077

(2) Payments received by the issuing authority under interest 11078  
rate hedges entered into as credit enhancement facilities under 11079  
this section shall be deposited as provided in the applicable bond 11080  
proceedings. 11081

(P) The obligations shall not be general obligations of the 11082  
state and the full faith and credit, revenue, and taxing power of 11083  
the state shall not be pledged to the payment of debt service on 11084  
them or to any guarantee of the payment of that debt service. The 11085  
holders or owners of the obligations shall have no right to have 11086

any moneys obligated or pledged for the payment of debt service 11087  
except as provided in this section and in the applicable bond 11088  
proceedings. The rights of the holders and owners to payment of 11089  
debt service are limited to all or that portion of the pledged 11090  
receipts, and those special funds, pledged to the payment of debt 11091  
service pursuant to the bond proceedings in accordance with this 11092  
section, and each obligation shall bear on its face a statement to 11093  
that effect. 11094

(Q) Each bond service fund is a trust fund and is hereby 11095  
pledged to the payment of debt service on the applicable 11096  
obligations. Payment of that debt service shall be made or 11097  
provided for by the issuing authority in accordance with the bond 11098  
proceedings without necessity for any act of appropriation. The 11099  
bond proceedings may provide for the establishment of separate 11100  
accounts in the bond service fund and for the application of those 11101  
accounts only to debt service on specific obligations, and for 11102  
other accounts in the bond service fund within the general 11103  
purposes of that fund. 11104

(R) Subject to the bond proceedings pertaining to any 11105  
obligations then outstanding in accordance with their terms, the 11106  
issuing authority may in the bond proceedings pledge all, or such 11107  
portion as the issuing authority determines, of the moneys in the 11108  
bond service fund to the payment of debt service on particular 11109  
obligations, and for the establishment and maintenance of any 11110  
reserves for payment of particular debt service. 11111

(S)(1) Unless otherwise provided in any applicable bond 11112  
proceedings, moneys to the credit of special funds may be invested 11113  
by or on behalf of the issuing authority only in one or more of 11114  
the following: 11115

(a) Notes, bonds, or other direct obligations of the United 11116  
States or of any agency or instrumentality of the United States, 11117  
or in no-front-end-load money market mutual funds consisting 11118

exclusively of those obligations, or in repurchase agreements, 11119  
including those issued by any fiduciary, secured by those 11120  
obligations, or in collective investment funds consisting 11121  
exclusively of those obligations; 11122

(b) Obligations of this state or any political subdivision of 11123  
this state; 11124

(c) Certificates of deposit of any national bank located in 11125  
this state and any bank, as defined in section 1101.01 of the 11126  
Revised Code, subject to inspection by the superintendent of 11127  
financial institutions; 11128

(d) The treasurer of state's pooled investment program under 11129  
section 135.45 of the Revised Code; 11130

(e) Other investment agreements or repurchase agreements that 11131  
are consistent with the ratings on the obligations. 11132

(2) The income from investments referred to in division 11133  
(S)(1) of this section shall be credited to special funds or 11134  
otherwise as the issuing authority determines in the bond 11135  
proceedings. Those investments may be sold or exchanged at times 11136  
as the issuing authority determines, provides for, or authorizes. 11137

(T) The treasurer of state shall have responsibility for 11138  
keeping records, making reports, and making payments, relating to 11139  
any arbitrage rebate requirements under the applicable bond 11140  
proceedings. 11141

(U) The issuing authority shall make quarterly reports to the 11142  
general assembly of the amounts in, and activities of, each 11143  
improvement fund, including amounts and activities on the subfund 11144  
level. Each report shall include a detailed description and 11145  
analysis of the amount of proceeds remaining in each fund from the 11146  
sale of obligations pursuant to this section, and any other 11147  
deposits, credits, interest earnings, disbursements, expenses, 11148  
transfers, or activities of each fund. 11149

(V) The costs of the annual audit of the authority conducted 11150  
pursuant to section 117.112 of the Revised Code are payable, as 11151  
may be provided in the bond proceedings, from the proceeds of the 11152  
obligations, from special funds, or from other moneys available 11153  
for the purpose, including as to future financing costs, from the 11154  
pledged receipts. 11155

**Sec. 191.04.** (A) In accordance with federal laws governing 11156  
the confidentiality of individually identifiable health 11157  
information, including the "Health Insurance Portability and 11158  
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 11159  
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 11160  
by the United States department of health and human services to 11161  
implement the act, a state agency may exchange protected health 11162  
information with another state agency relating to eligibility for 11163  
or enrollment in a health plan or relating to participation in a 11164  
government program providing public benefits if the exchange of 11165  
information is necessary for either or both of the following: 11166

(1) Operating a health plan; 11167

(2) Coordinating, or improving the administration or 11168  
management of, the health care-related functions of at least one 11169  
government program providing public benefits. 11170

(B) For fiscal years 2013 through ~~2017~~ 2019 only, a state 11171  
agency also may exchange personally identifiable information with 11172  
another state agency for purposes related to and in support of a 11173  
health transformation initiative identified by the executive 11174  
director of the office of health transformation pursuant to 11175  
division (C) of section 191.06 of the Revised Code. 11176

(C) With respect to a state agency that uses or discloses 11177  
personally identifiable information, all of the following 11178  
conditions apply: 11179

(1) The state agency shall use or disclose the information 11180  
only as permitted or required by state and federal law. In 11181  
addition, if the information is obtained during fiscal year 2013, 11182  
2014, or 2015 from an exchange of personally identifiable 11183  
information permitted under division (B) of this section, the 11184  
agency shall also use or disclose the information in accordance 11185  
with all operating protocols that apply to the use or disclosure. 11186

(2) If the state agency is a state agency other than the 11187  
department of medicaid and it uses or discloses protected health 11188  
information that is related to a medicaid recipient and obtained 11189  
from the department of medicaid or another agency operating a 11190  
component of the medicaid program, the state agency shall comply 11191  
with all state and federal laws that apply to the department of 11192  
medicaid when that department, as the state's single state agency 11193  
to supervise the medicaid program, uses or discloses protected 11194  
health information. 11195

(3) A state agency shall implement administrative, physical, 11196  
and technical safeguards for the purpose of protecting the 11197  
confidentiality, integrity, and availability of personally 11198  
identifiable information the creation, receipt, maintenance, or 11199  
transmittal of which is affected or governed by this section. 11200

(4) If a state agency discovers an unauthorized use or 11201  
disclosure of unsecured protected health information or unsecured 11202  
individually identifiable health information, the state agency 11203  
shall, not later than seventy-two hours after the discovery, do 11204  
all of the following: 11205

(a) Identify the individuals who are the subject of the 11206  
protected health information or individually identifiable health 11207  
information; 11208

(b) Report the discovery and the names of all individuals 11209  
identified pursuant to division (C)(4)(a) of this section to all 11210

other state agencies and the executive director of the office of 11211  
health transformation or the executive director's designee; 11212

(c) Mitigate, to the extent reasonably possible, any 11213  
potential adverse effects of the unauthorized use or disclosure. 11214

(5) A state agency shall make available to the executive 11215  
director of the office of health transformation or the executive 11216  
director's designee, and to any other state or federal 11217  
governmental entity required by law to have access on that 11218  
entity's request, all internal practices, records, and 11219  
documentation relating to personally identifiable information it 11220  
receives, uses, or discloses that is affected or governed by this 11221  
section. 11222

(6) On termination or expiration of an operating protocol and 11223  
if feasible, a state agency shall return or destroy all personally 11224  
identifiable information received directly from or received on 11225  
behalf of another state agency. If the personally identifiable 11226  
information is not returned or destroyed, the state agency 11227  
maintaining the information shall extend the protections set forth 11228  
in this section for as long as it is maintained. 11229

(7) If a state agency enters into a subcontract or, when 11230  
required by 45 C.F.R. 164.502(e)(2), a business associate 11231  
agreement, the subcontract or business associate agreement shall 11232  
require the subcontractor or business associate to comply with the 11233  
terms of this section as if the subcontractor or business 11234  
associate were a state agency. 11235

**Sec. 191.06.** (A) The provisions of this section shall apply 11236  
only for fiscal years 2013 through ~~2017~~ 2019. 11237

(B) The executive director of the office of health 11238  
transformation or the executive director's designee may facilitate 11239  
the coordination of operations and exchange of information between 11240

state agencies. The purpose of the executive director's authority 11241  
under this section is to support agency collaboration for health 11242  
transformation purposes, including modernization of the medicaid 11243  
program, streamlining of health and human services programs in 11244  
this state, and improving the quality, continuity, and efficiency 11245  
of health care and health care support systems in this state. 11246

(C) In furtherance of the authority of the executive director 11247  
of the office of health transformation under division (B) of this 11248  
section, the executive director or the executive director's 11249  
designee shall identify each health transformation initiative in 11250  
this state that involves the participation of two or more state 11251  
agencies and that permits or requires an interagency agreement to 11252  
be entered into for purposes of specifying each participating 11253  
agency's role in coordinating, operating, or funding the 11254  
initiative, or facilitating the exchange of data or other 11255  
information for the initiative. The executive director shall 11256  
publish a list of the identified health transformation initiatives 11257  
on the internet web site maintained by the office of health 11258  
transformation. 11259

(D) For each health transformation initiative that is 11260  
identified under division (C) of this section, the executive 11261  
director or the executive director's designee shall, in 11262  
consultation with each participating agency, adopt one or more 11263  
operating protocols. Notwithstanding any law enacted by the 11264  
general assembly or rule adopted by a state agency, the provisions 11265  
in a protocol shall supersede any provisions in an interagency 11266  
agreement, including an interagency agreement entered into under 11267  
section 5101.10 or 5162.35 of the Revised Code, that differ from 11268  
the provisions of the protocol. 11269

(E)(1) An operating protocol adopted under division (D) of 11270  
this section shall include both of the following: 11271

(a) All terms necessary to meet the requirements of "other 11272

arrangements" between a covered entity and a business associate 11273  
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 11274

(b) If known, the date on which the protocol will terminate 11275  
or expire. 11276

(2) In addition, a protocol may specify the extent to which 11277  
each participating agency is responsible and accountable for 11278  
completing the tasks necessary for successful completion of the 11279  
initiative, including tasks relating to the following components 11280  
of the initiative: 11281

(a) Workflow; 11282

(b) Funding; 11283

(c) Exchange of data or other information that is 11284  
confidential pursuant to state or federal law. 11285

(F) An operating protocol adopted under division (D) of this 11286  
section shall have the same force and effect as an interagency 11287  
agreement or data sharing agreement, and each participating agency 11288  
shall comply with it. 11289

Sec. 307.631. A board of county commissioners may appoint a 11290  
health commissioner of the board of health of a city or general 11291  
health district that is entirely or partially located in the 11292  
county in which the board of county commissioners is located to 11293  
establish a drug overdose fatality review committee to review drug 11294  
overdose deaths and opioid-involved deaths. The boards of county 11295  
commissioners of two or more counties may, by adopting a joint 11296  
resolution passed by a majority of the members of each 11297  
participating board of county commissioners, create a regional 11298  
drug overdose fatality review committee to serve all participating 11299  
counties. The joint resolution shall appoint, for each county 11300  
participating as part of the regional review committee, one health 11301  
commissioner from a board of health of a city or general health 11302

district located at least in part in each county. The health 11303  
commissioners appointed shall select one of their number as the 11304  
health commissioner to establish the regional review committee. 11305  
The regional review committee may be established in the same 11306  
manner as provided for single county review committees. 11307

In any county that has a body acting as a drug overdose 11308  
fatality review committee on the effective date of this section, 11309  
the board of county commissioners of that county, in lieu of 11310  
having a health commissioner establish a drug overdose fatality 11311  
review committee, may appoint that body to function as the drug 11312  
overdose fatality review committee for the county. The body shall 11313  
have the same duties, obligations, and protections as a drug 11314  
overdose fatality review committee appointed by a health 11315  
commissioner. The board of county commissioners or an individual 11316  
designated by the board shall convene the body as required by 11317  
section 307.634 of the Revised Code. 11318

**Sec. 307.632.** (A) If a health commissioner of the board of 11319  
health of a city or a general health district is appointed under 11320  
section 307.631 of the Revised Code to establish a drug overdose 11321  
fatality review committee, the commissioner shall select five 11322  
members to serve on the review committee along with the 11323  
commissioner. The review committee shall consist of the following: 11324

(1) A county coroner or designee; 11325

(2) The chief of police of a police department or the sheriff 11326  
that serves the greatest population in the county or region or a 11327  
designee of the chief or sheriff; 11328

(3) A public health official or designee; 11329

(4) The executive director of a board of alcohol, drug 11330  
addiction, and mental health services or designee; 11331

(5) A physician who holds a certificate issued pursuant to 11332

Chapter 4731. of the Revised Code authorizing the practice of 11333  
medicine and surgery or osteopathic medicine and surgery. 11334

(B) The majority of the members of a review committee may 11335  
invite additional members to serve on the committee. The 11336  
additional members invited under this division shall serve for a 11337  
period of time determined by a majority of the members described 11338  
in division (A) of this section. An additional member shall have 11339  
the same authority, duties, and responsibilities as members 11340  
described in division (A) of this section. 11341

(C) A vacancy in a drug overdose review committee shall be 11342  
filled in the same manner as the original appointment. 11343

(D) A drug overdose fatality review committee member shall 11344  
not receive any compensation for, and shall not be paid for any 11345  
expenses incurred pursuant to, fulfilling the member's duties on 11346  
the committee unless compensation for, or payment for expenses 11347  
incurred pursuant to, those duties is received pursuant to a 11348  
member's regular employment. 11349

**Sec. 307.633.** The purpose of a drug overdose fatality review 11350  
committee established under section 307.631 of the Revised Code is 11351  
to decrease the incidence of preventable overdose deaths by doing 11352  
all of the following: 11353

(A) Promoting cooperation, collaboration, and communication 11354  
between all groups, professions, agencies, or entities engaged in 11355  
drug abuse prevention, education, or treatment efforts; 11356

(B) Maintaining a comprehensive database of all overdose 11357  
deaths that occur in the county or region served by the review 11358  
committee in order to develop an understanding of the causes and 11359  
incidence of those deaths; 11360

(C) Recommending and developing plans for implementing local 11361  
service and program changes and changes to the groups, 11362

professions, agencies, or entities that serve local residents that 11363  
might prevent overdose deaths; 11364

(D) Advising the department of health of aggregate data, 11365  
trends, and patterns concerning overdose deaths. 11366

**Sec. 307.634.** If a drug overdose fatality review committee is 11367  
established under section 307.631 of the Revised Code, the board 11368  
of county commissioners, or if a regional drug overdose fatality 11369  
review committee is established, the group of health commissioners 11370  
appointed to select the health commissioner to establish the 11371  
regional review committee, shall designate either the health 11372  
commissioner that establishes the review committee or a 11373  
representative of the health commissioner to convene meetings and 11374  
be the chairperson of the review committee. If a regional review 11375  
committee includes a county with more than one health district, 11376  
the regional review committee meeting shall be convened in that 11377  
county. If more than one of the counties participating on the 11378  
regional review committee has more than one health district, the 11379  
person convening the meeting shall select one of the counties with 11380  
more than one health district as the county in which to convene 11381  
the meeting. 11382

**Sec. 307.635.** A drug overdose fatality review committee may 11383  
not conduct a review of a death while an investigation of the 11384  
death or prosecution of a person for causing the death is pending 11385  
unless the prosecuting attorney agrees to allow the review. The 11386  
law enforcement agency conducting the criminal investigation, on 11387  
the conclusion of the investigation, and the prosecuting attorney 11388  
prosecuting the case, on the conclusion of the prosecution, shall 11389  
notify the chairperson of the review committee of the conclusion. 11390

**Sec. 307.636.** (A) A drug overdose fatality review committee 11391  
shall establish a system for collecting and maintaining 11392

information necessary for the review of drug overdose or 11393  
opioid-involved deaths in the county or region. In an effort to 11394  
ensure confidentiality, each committee shall do all of the 11395  
following: 11396

(1) Maintain all records in a secure location; 11397

(2) Develop security measures to prevent unauthorized access 11398  
to records containing information that could reasonably identify 11399  
any person; 11400

(3) Develop a system for storing, processing, indexing, 11401  
retrieving, and destroying information obtained in the course of 11402  
reviewing a drug overdose or opioid-involved death. 11403

(B) For each drug overdose or opioid-involved death reviewed 11404  
by a committee, the committee shall collect all of the following: 11405

(1) Demographic information of the deceased, including age, 11406  
sex, race, and ethnicity; 11407

(2) The year in which the death occurred; 11408

(3) The geographic location of the death; 11409

(4) The cause of death; 11410

(5) Any factors contributing to the death; 11411

(6) Any other information the committee considers relevant. 11412

(C) By the first day of April of each year, the person 11413  
convening a drug overdose fatality review committee shall prepare 11414  
and submit to the Ohio department of health in the manner and 11415  
format prescribed by the department a report that includes all of 11416  
the following information for the previous calendar year: 11417

(1) The total number of drug overdose or opioid-involved 11418  
deaths in the county or region; 11419

(2) The total number of drug overdose or opioid-involved 11420  
deaths reviewed by the committee; 11421

(3) A summary of demographic information for the deaths reviewed, including age, sex, race, and ethnicity; 11422  
11423

(4) A summary of any trends or patterns identified by the committee. 11424  
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The report shall specify the number of drug overdose or opioid-involved deaths that were not reviewed during the previous calendar year. 11426  
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The report shall include recommendations for actions that might prevent other deaths, as well as any other information the review board determines should be included. 11429  
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(D) Reports prepared under division (C) of this section shall be considered public records under section 149.43 of the Revised Code. 11432  
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**Sec. 307.637.** (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, any individual, law enforcement agency, or other public or private entity that provided services to a person whose death is being reviewed by a drug overdose fatality review committee, on the request of the review committee, shall submit to the review committee a summary sheet of information. 11435  
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(1) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the person's medical record created by the health care entity. 11442  
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(2) With respect to a request made to any other individual or entity, the summary shall contain only information available and reasonably drawn from any record involving the person that the individual or entity develops in the normal course of business. 11446  
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(3) On the request of the review committee, an individual or entity may, at the individual or entity's discretion, make any 11450  
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additional information, documents, or reports available to the 11452  
review committee. 11453

(B) Notwithstanding division (A) of this section, no person, 11454  
entity, law enforcement agency, or prosecuting attorney shall 11455  
provide any information regarding the death of a person to a drug 11456  
overdose fatality review committee while an investigation of the 11457  
death or prosecution of a person for causing the death is pending 11458  
unless the prosecuting attorney has agreed pursuant to section 11459  
307.635 of the Revised Code to allow review of the death. 11460

**Sec. 307.638.** (A) An individual or public or private entity 11461  
providing information, documents, or reports to a drug overdose 11462  
fatality review committee is immune from any civil liability for 11463  
injury, death, or loss to person or property that otherwise might 11464  
be incurred or imposed as a result of providing the information, 11465  
documents, or reports to the review committee. 11466

(B) Each member of a review committee is immune from any 11467  
civil liability for injury, death, or loss to person or property 11468  
that might otherwise be incurred or imposed as a result of the 11469  
member's participation on the review committee. 11470

**Sec. 307.639.** Any information, document, or report presented 11471  
to a drug overdose fatality review committee, all statements made 11472  
by review committee members during meetings of the review 11473  
committee, all work products of the review committee, and data 11474  
submitted by the review committee to the department of health, 11475  
other than the report prepared pursuant to section 307.636 of the 11476  
Revised Code, are confidential and shall be used by the review 11477  
committee, its members, and the department of health only in the 11478  
exercise of the proper functions of the review committee and the 11479  
department. 11480

**Sec. 307.984.** (A) To enhance the administration, delivery, 11481

and effectiveness of family services duties and workforce 11482  
development activities, a board of county commissioners may enter 11483  
into one or more regional plans of cooperation with the following: 11484

(1) One or more other boards of county commissioners; 11485

(2) The chief elected official or officials of one or more 11486  
municipal corporations that are ~~the type of local area~~ areas as 11487  
defined in ~~division (A)(1)~~ of section 6301.01 of the Revised Code; 11488

(3) Both boards of county commissioners and such chief 11489  
elected officials. 11490

(B) A regional plan of cooperation must specify how the 11491  
private and government entities included in the plan will 11492  
coordinate and enhance the administration, delivery, and 11493  
effectiveness of family services duties and workforce development 11494  
activities. 11495

**Sec. 313.01.** (A) ~~A~~ Except as provided in division (B) of this 11496  
section, a coroner shall be elected quadrennially in each county, 11497  
who shall hold office for a term of four years, beginning on the 11498  
first Monday of January next after election. 11499

(B) The electors of any county may authorize the board of 11500  
county commissioners to appoint, instead of electing, the coroner, 11501  
in the manner provided by Chapter 314. of the Revised Code. The 11502  
election of a coroner shall be eliminated in any county in which 11503  
the appointment of the coroner, or the merger of the coroner's 11504  
position, has been approved by the electors under that chapter. 11505

(C) As used in the Revised Code, unless the context otherwise 11506  
requires: 11507

(1) "Coroner" means the coroner or medical examiner of the 11508  
county in which death occurs or the dead human body is found. 11509

(2) "Deputy coroner" means the deputy coroner or deputy 11510  
medical examiner of the county in which death occurs or the dead 11511

human body is found. 11512

Sec. 314.01. As used in this chapter: 11513

(A) "Appointed county officer" means a county officer who is 11514  
appointed by a board of county commissioners in the manner 11515  
provided by sections 314.02 to 314.05 of the Revised Code, or 11516  
pursuant to a merger under sections 314.06 to 314.10 of the 11517  
Revised Code. 11518

(B) "County officer" means a coroner or a county engineer. 11519

Sec. 314.02. (A) The board of county commissioners of any 11520  
county may adopt, by a two-thirds vote of the board, or shall 11521  
adopt, upon petition filed with the board by three per cent of the 11522  
electors of the county as determined by the number of votes cast 11523  
therein for the office of governor at the most recent 11524  
gubernatorial election, a resolution seeking to authorize the 11525  
board of county commissioners to appoint a county officer or 11526  
county officers in the manner provided by this section and 11527  
sections 314.03 to 314.05 of the Revised Code. The resolution 11528  
shall specify the county officer or county officers to be 11529  
appointed, rather than elected, and the date on which the county 11530  
officer or county officers take office. 11531

(B) The board of county commissioners shall certify the 11532  
resolution to the board of elections in the county within five 11533  
days after its adoption. 11534

Sec. 314.03. (A)(1) The board of elections shall submit to 11535  
the electors of the county the question of authorizing the board 11536  
of county commissioners to appoint a county officer or county 11537  
officers, at the next general election occurring not less than 11538  
ninety days after the resolution adopted under section 314.02 of 11539  
the Revised Code is certified to the board of elections. The board 11540

of elections shall submit the question to the electors in language 11541  
substantially as follows: 11542

"Shall the ..... County board of county commissioners be 11543  
authorized to appoint, rather than elect, the county ..... 11544  
(county officer to be appointed) in the manner provided by 11545  
sections 314.04 and 314.05 of the Revised Code? 11546

( ) For the board of county commissioners appointing the 11547  
county ..... (county officer to be appointed). 11548

( ) Against the board of county commissioners appointing the 11549  
county ..... (county officer to be appointed)." 11550

(2) If the resolution certified under section 314.02 of the 11551  
Revised Code specifies that more than one county officer is to be 11552  
appointed, the board of elections shall submit to the electors a 11553  
separate question regarding each of the county officers. 11554

(B) Immediately following the election, the board of 11555  
elections shall file a certificate of the results thereof with the 11556  
secretary of state. 11557

(C)(1) If a majority of the votes cast on the question of 11558  
appointing a county officer is in the affirmative, the board of 11559  
county commissioners shall appoint the county officer in the 11560  
manner provided by sections 314.04 and 314.05 of the Revised Code; 11561  
however, if the electors, at the same election, elected a county 11562  
officer for the same position for which they approved appointment, 11563  
the election results for the elected county office are void and 11564  
the board of county commissioners shall appoint the county officer 11565  
in the manner provided by that section. 11566

(2) If a majority of the votes cast on the question of 11567  
appointing a county officer is in the negative, that county 11568  
officer shall continue to be elected. 11569

Sec. 314.04. (A) If the appointment of a county officer is approved by the electors under section 314.03 of the Revised Code, the board of county commissioners shall make the appointment and the county officer so appointed shall take office on the first day after the expiration of the current elected county officer's term of office. The county officer shall be appointed for an indefinite term of office, but may be removed from office by a majority vote of the board of county commissioners. 11570  
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(B) A candidate for appointment shall meet the qualifications to hold the office that are required by law, as if the county officer were still elected to that office. 11578  
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(C) No member of the board of county commissioners shall be eligible for appointment as a county officer until the conclusion of one year after the expiration of the member's term. 11581  
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Sec. 314.05. (A) Notwithstanding section 325.01, division (A) of section 325.14, division (A) of section 325.15, and section 325.22 of the Revised Code, the board of county commissioners shall fix the salary of the appointed county officer. The salary shall be not less than the salary that the appointed county officer otherwise would have received were the officer still elected. The board shall pay the appointed county officer biweekly from the county treasury, upon the warrant of the county auditor. 11584  
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(B) An appointed county officer is the county officer of the county for purposes of the Revised Code. An appointed county officer shall exercise any power, perform any function, and render any service vested by law in the elected county officer, and shall comply with all laws that apply to the elected county officer, as if the appointed county officer were still elected. 11592  
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(C) Notwithstanding sections 302.09, 305.02, and 313.04 of the Revised Code, if a vacancy occurs in the office of an 11598  
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appointed county officer, the vacancy shall be filled in the same 11600  
manner as provided for appointments under section 314.04 of the 11601  
Revised Code. 11602

**Sec. 314.06.** (A) A question to discontinue the appointment of 11603  
a county officer or county officers may be submitted to the 11604  
electors of the county at any general election in the manner 11605  
provided for submitting the question of appointing a county 11606  
officer or county officers under sections 314.02 and 314.03 of the 11607  
Revised Code. The question submitted shall be whether the county 11608  
shall discontinue appointing a county officer or county officers, 11609  
as appropriate. 11610

(B) Immediately following the election, the board of 11611  
elections shall file a certificate of the results thereof with the 11612  
secretary of state. 11613

(C) If a majority of the electors of the county vote to 11614  
discontinue appointing a county officer or county officers, the 11615  
county board of elections shall publish a notice once a week for 11616  
two consecutive weeks in a newspaper of general circulation or as 11617  
provided in section 7.16 of the Revised Code, stating that the 11618  
board of elections will accept declarations of candidacy for the 11619  
county office. 11620

**Sec. 314.07.** (A) A county that has an appointed county 11621  
officer may merge that officer's position, or office and position, 11622  
with the same appointed county officer position, or office and 11623  
position, in any number of adjoining counties, in the manner 11624  
provided by this section and sections 314.08 to 314.10 of the 11625  
Revised Code. Each county must approve the merger separately. 11626

(B) The board of county commissioners of each county may 11627  
adopt, by a two-thirds vote of the board, or shall adopt, upon 11628  
petition filed with the board by three per cent of the electors of 11629

the county as determined by the number of votes cast therein for 11630  
the office of governor at the most recent gubernatorial election, 11631  
a resolution seeking a merger. Each resolution shall specify all 11632  
of the following: 11633

(1) The appointed county officer position being merged; 11634

(2) The names of all of the counties that will be 11635  
participating in the merger; 11636

(3) Which county's or counties' appointed county officer 11637  
position, or office and position, will be eliminated; 11638

(4) The location of the appointed county officer's merged 11639  
office, if offices are merged; 11640

(5) The minimum amount of funds, the services, and the 11641  
property to be contributed to the appointed county officer's 11642  
office by each county participating in the merger; 11643

(6) A transition plan and schedule for the merger; and 11644

(7) The name of the position, or office and position, of a 11645  
merged position, or office and position. 11646

(C) Each board of county commissioners shall certify its 11647  
resolution to the board of elections in that county within five 11648  
days after its adoption. 11649

**Sec. 314.08.** (A) Once every county that seeks to participate 11650  
in the merger has certified its resolution to the board of 11651  
elections of its respective county, each board of elections shall 11652  
submit to the electors of the county the question of merging 11653  
appointed county officers' positions, or offices and positions, as 11654  
designated in the resolution, at the next general election 11655  
occurring not less than ninety days after the resolution adopted 11656  
under section 314.07 of the Revised Code is certified to the board 11657  
of elections. The board of elections of each of the counties 11658  
seeking the merger shall submit the question to the electors in 11659

language substantially as follows: 11660

(1) If the appointed county officers' positions are to be merged: 11661  
11662

"Shall the County of ..... merge its appointed county officer's position of ..... (name of position) with the same appointed county officer's position of the County (or Counties) of ..... into one position serving (both or all) of the counties, in the manner provided by sections 314.09 and 314.10 of the Revised Code? 11663  
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( ) For adoption of the merger of the position of ..... (name of appointed county officer's position). 11669  
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( ) Against adoption of the merger of the position of ..... (name of appointed county officer's position)." 11671  
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(2) If both the offices and positions of appointed county officers are to be merged: 11673  
11674

"Shall the County of ..... merge its appointed county officer's position of ..... (name of position) and that officer's office with the same appointed county officer's position and office of the County (or Counties) of ..... into one position and office serving (both or all) of the counties, in the manner provided by sections 314.09 and 314.10 of the Revised Code? 11675  
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( ) For adoption of the merger of the position of ..... (name of appointed county officer's position) and the officer's office. 11681  
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( ) Against adoption of the merger of the position of ..... (name of appointed county officer's position) and the officer's office." 11684  
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(B) Immediately following the election, the board of elections shall file a certificate of the results thereof with the secretary of state. 11687  
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(C)(1) If a merger is approved by a majority of those voting on it in each county, separately, the appointed county officer positions shall be merged into one position in accordance with the resolutions adopted under section 314.07 of the Revised Code. If the ballot also included a question of merging offices and the merger is so approved, the offices of the appointed county officers shall be merged into one in accordance with the resolutions adopted under section 314.07 of the Revised Code.

(2) If a merger is disapproved by a majority of those voting on it in any county, the merger shall not occur.

**Sec. 314.09.** (A) If a merger is approved by the electors under section 314.08 of the Revised Code, a county officer shall be appointed by vote of a majority of the county commissioners of all of the counties participating in the merger, and the county officer shall take office on the first day of January after the election. At least one county commissioner of each county participating in the merger must approve the candidate appointed. If the merger approved by the electors also merges offices, the offices shall be merged in accordance with the resolutions adopted under section 314.07 of the Revised Code. Notwithstanding sections 313.07 and 315.11 of the Revised Code, the merged office may be located outside a county participating in the merger, as long as it is located in one of the counties participating in the merger.

(B) A candidate for appointment under this section shall meet the requirements of divisions (B) and (C) of section 314.04 of the Revised Code.

(C) The county officer of the merger shall be appointed for an indefinite term of office, but may be removed from office by vote of a majority of the county commissioners of all of the counties participating in the merger.

Sec. 314.10. (A) The salary of the appointed county officer shall be as provided in division (A) of section 314.05 of the Revised Code, except that the salary shall be fixed by vote of a majority of the county commissioners of all of the counties participating in the merger. 11720  
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(B) The appointed county officer of the merger is the county officer of each county participating in the merger for purposes of the Revised Code. The appointed county officer of the merger shall exercise any power, perform any function, or render any service vested by law in a county officer in all of the counties that participate in the merger, and shall comply with all laws that apply to an elected county officer, as if the appointed county officer were still elected. 11725  
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(C) Notwithstanding sections 302.09, 305.02, and 313.04 of the Revised Code, if a vacancy occurs in the office of the appointed county officer of the merger, the vacancy shall be filled in the same manner as provided for appointments under section 314.09 of the Revised Code. 11733  
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(D) Before the effective date of the appointment of any appointed county officer under this section, the counties shall agree on the total amount of funds to be contributed to the appointed county officer's office by each county participating in the merger. If the counties cannot agree on the total amount to be contributed, each county shall contribute at least the minimum amount of the funds specified in the resolution certified under section 314.07 of the Revised Code. 11738  
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Sec. 314.11. (A) A question to discontinue a merger that was approved by the electors under section 314.08 of the Revised Code may be submitted to the electors of any county that is participating in the merger, at any general election, in the 11746  
11747  
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manner provided for the submission of a merger question pursuant 11750  
to that section. The question submitted shall be whether the 11751  
county shall continue to participate in the merger. 11752

(B) Immediately following the election, the board of 11753  
elections shall file a certificate of the results thereof with the 11754  
secretary of state. 11755

(C) If a majority of the electors of the county vote to 11756  
discontinue the merger, that county's board of county 11757  
commissioners immediately shall appoint a county officer as 11758  
provided by sections 314.04 and 314.05 of the Revised Code. Any 11759  
other counties that participate in the merger shall continue to so 11760  
participate. 11761

(D) If the discontinuance of the merger by a county would 11762  
leave only one county participating in the merger, the merger 11763  
shall be dissolved, and each of the counties immediately shall 11764  
appoint a county officer as provided by sections 314.04 and 314.05 11765  
of the Revised Code. 11766

**Sec. 314.12.** A county that has appointed a county officer 11767  
under sections 314.02 to 314.05 of the Revised Code and that is 11768  
adjacent to a county participating in an existing merger that has 11769  
merged that same appointed county officer position may join the 11770  
existing merger in the manner provided by sections 314.07 to 11771  
314.10 of the Revised Code. 11772

**Sec. 314.13.** (A) The adoption or discontinuance of appointing 11773  
a county officer or of a merger under this chapter shall not 11774  
affect any act done, ratified, or affirmed, or any contract or 11775  
other right or obligation other than contracts for personal 11776  
services, accrued or established, or any cause of action, 11777  
prosecution, or proceeding, civil or criminal, pending at the time 11778  
such change takes effect; nor shall the adoption or discontinuance 11779

of appointing a county officer or of a merger affect such actions, 11780  
prosecutions, or proceedings existing at the time it takes effect; 11781  
but such rights shall attach to, and actions, prosecutions, or 11782  
proceedings may be prosecuted and continued, or instituted and 11783  
prosecuted against, by, or before the office having jurisdiction 11784  
or power of the subject matter to which such action, prosecution, 11785  
or proceeding pertains. All rules, regulations, and orders 11786  
lawfully promulgated before such adoption or discontinuance shall 11787  
continue in force and effect until amended or rescinded. 11788

(B) On the effective date of the adoption or discontinuance 11789  
of appointing a county officer or of a merger under this chapter 11790  
that causes a transfer of rights, duties, and powers from one 11791  
office to another, all books, records, papers, documents, 11792  
property, real and personal, funds, appropriations and balances of 11793  
appropriations, and pending business in any way pertaining to such 11794  
rights, powers, and duties shall be similarly transferred. 11795

**Sec. 315.01.** There (A) Except as provided in division (B) of 11796  
this section, there shall be elected quadrennially in each county 11797  
a county engineer who shall assume office on the first Monday in 11798  
January next after his election and shall hold such office for 11799  
four years. 11800

(B) The electors of any county may authorize the board of 11801  
county commissioners to appoint, instead of electing, the county 11802  
engineer, in the manner provided by Chapter 314. of the Revised 11803  
Code. The election of a county engineer shall be eliminated in any 11804  
county in which the appointment of the county engineer, or the 11805  
merger of the county engineer's position, has been approved by the 11806  
electors under that chapter. 11807

**Sec. 319.11.** The county auditor shall, ~~on or before ninety~~ 11808  
~~days after the close of the fiscal year,~~ prepare a financial 11809

report of the county for the preceding fiscal year in such form as 11810  
prescribed by the auditor of state and by such date as required 11811  
under section 117.38 of the Revised Code. Upon completing the 11812  
report, the county auditor shall publish notice that the report 11813  
has been completed and is available for public inspection at the 11814  
office of the county auditor. The notice shall be published once 11815  
in a newspaper of general circulation in the county. If there is 11816  
no newspaper of general circulation in the county, then 11817  
publication is required in the newspaper of general circulation in 11818  
an adjoining county that has the largest circulation in that 11819  
adjoining county. The report shall contain at least the 11820  
information required by section 117.38 of the Revised Code, and a 11821  
copy shall be filed with the auditor of state. 11822

No county auditor shall fail or neglect to prepare the report 11823  
or publish notice of completion of the report as required by this 11824  
section. 11825

**Sec. 319.54.** (A) On all moneys collected by the county 11826  
treasurer on any tax duplicate of the county, other than estate 11827  
tax duplicates, and on all moneys received as advance payments of 11828  
personal property and classified property taxes, the county 11829  
auditor, on settlement with the treasurer and tax commissioner, on 11830  
or before the date prescribed by law for such settlement or any 11831  
lawful extension of such date, shall be allowed as compensation 11832  
for the county auditor's services the following percentages: 11833

(1) On the first one hundred thousand dollars, two and 11834  
one-half per cent; 11835

(2) On the next two million dollars, eight thousand three 11836  
hundred eighteen ten-thousandths of one per cent; 11837

(3) On the next two million dollars, six thousand six hundred 11838  
fifty-five ten-thousandths of one per cent; 11839

(4) On all further sums, one thousand six hundred sixty-three 11840  
ten-thousandths of one per cent. 11841

If any settlement is not made on or before the date 11842  
prescribed by law for such settlement or any lawful extension of 11843  
such date, the aggregate compensation allowed to the auditor shall 11844  
be reduced one per cent for each day such settlement is delayed 11845  
after the prescribed date. No penalty shall apply if the auditor 11846  
and treasurer grant all requests for advances up to ninety per 11847  
cent of the settlement pursuant to section 321.34 of the Revised 11848  
Code. The compensation allowed in accordance with this section on 11849  
settlements made before the dates prescribed by law, or the 11850  
reduced compensation allowed in accordance with this section on 11851  
settlements made after the date prescribed by law or any lawful 11852  
extension of such date, shall be apportioned ratably by the 11853  
auditor and deducted from the shares or portions of the revenue 11854  
payable to the state as well as to the county, townships, 11855  
municipal corporations, and school districts. 11856

(B) For the purpose of reimbursing county auditors for the 11857  
expenses associated with the increased number of applications for 11858  
reductions in real property taxes under sections 323.152 and 11859  
4503.065 of the Revised Code that result from the amendment of 11860  
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 11861  
there shall be paid from the state's general revenue fund to the 11862  
county treasury, to the credit of the real estate assessment fund 11863  
created by section 325.31 of the Revised Code, an amount equal to 11864  
one per cent of the total annual amount of property tax relief 11865  
reimbursement paid to that county under sections 323.156 and 11866  
4503.068 of the Revised Code for the preceding tax year. Payments 11867  
made under this division shall be made at the same times and in 11868  
the same manner as payments made under section 323.156 of the 11869  
Revised Code. 11870

(C) From all moneys collected by the county treasurer on any 11871

tax duplicate of the county, other than estate tax duplicates, and 11872  
on all moneys received as advance payments of personal property 11873  
and classified property taxes, there shall be paid into the county 11874  
treasury to the credit of the real estate assessment fund created 11875  
by section 325.31 of the Revised Code, an amount to be determined 11876  
by the county auditor, which shall not exceed the percentages 11877  
prescribed in divisions (C)(1) and (2) of this section. 11878

(1) For payments made after June 30, 2007, and before 2011, 11879  
the following percentages: 11880

(a) On the first five hundred thousand dollars, four per 11881  
cent; 11882

(b) On the next five million dollars, two per cent; 11883

(c) On the next five million dollars, one per cent; 11884

(d) On all further sums not exceeding one hundred fifty 11885  
million dollars, three-quarters of one per cent; 11886

(e) On amounts exceeding one hundred fifty million dollars, 11887  
five hundred eighty-five thousandths of one per cent. 11888

(2) For payments made in or after 2011, the following 11889  
percentages: 11890

(a) On the first five hundred thousand dollars, four per 11891  
cent; 11892

(b) On the next ten million dollars, two per cent; 11893

(c) On amounts exceeding ten million five hundred thousand 11894  
dollars, three-fourths of one per cent. 11895

Such compensation shall be apportioned ratably by the auditor 11896  
and deducted from the shares or portions of the revenue payable to 11897  
the state as well as to the county, townships, municipal 11898  
corporations, and school districts. 11899

(D) Each county auditor shall receive four per cent of the 11900

amount of tax collected and paid into the county treasury, on 11901  
property omitted and placed by the county auditor on the tax 11902  
duplicate. 11903

(E) On all estate tax moneys collected by the county 11904  
treasurer, the county auditor, on settlement ~~semiannually~~ annually 11905  
with the tax commissioner, shall be allowed, as compensation for 11906  
the auditor's services under Chapter 5731. of the Revised Code, 11907  
the following percentages: 11908

(1) Four per cent on the first one hundred thousand dollars; 11909

(2) One-half of one per cent on all additional sums. 11910

Such percentages shall be computed upon the amount collected 11911  
and reported at each ~~semiannual~~ annual settlement, and shall be 11912  
for the use of the general fund of the county. 11913

(F) On all cigarette license moneys collected by the county 11914  
treasurer, the county auditor, on settlement semiannually with the 11915  
treasurer, shall be allowed as compensation for the auditor's 11916  
services in the issuing of such licenses one-half of one per cent 11917  
of such moneys, to be apportioned ratably and deducted from the 11918  
shares of the revenue payable to the county and subdivisions, for 11919  
the use of the general fund of the county. 11920

(G) The county auditor shall charge and receive fees as 11921  
follows: 11922

(1) For deeds of land sold for taxes to be paid by the 11923  
purchaser, five dollars; 11924

(2) For the transfer or entry of land, lot, or part of lot, 11925  
or the transfer or entry on or after January 1, 2000, of a used 11926  
manufactured home or mobile home as defined in section 5739.0210 11927  
of the Revised Code, fifty cents for each transfer or entry, to be 11928  
paid by the person requiring it; 11929

(3) For receiving statements of value and administering 11930

section 319.202 of the Revised Code, one dollar, or ten cents for 11931  
each one hundred dollars or fraction of one hundred dollars, 11932  
whichever is greater, of the value of the real property 11933  
transferred or, for sales occurring on or after January 1, 2000, 11934  
the value of the used manufactured home or used mobile home, as 11935  
defined in section 5739.0210 of the Revised Code, transferred, 11936  
except no fee shall be charged when the transfer is made: 11937

(a) To or from the United States, this state, or any 11938  
instrumentality, agency, or political subdivision of the United 11939  
States or this state; 11940

(b) Solely in order to provide or release security for a debt 11941  
or obligation; 11942

(c) To confirm or correct a deed previously executed and 11943  
recorded or when a current owner on any record made available to 11944  
the general public on the internet or a publicly accessible 11945  
database and the general tax list of real and public utility 11946  
property and the general duplicate of real and public utility 11947  
property is a peace officer, parole officer, prosecuting attorney, 11948  
assistant prosecuting attorney, correctional employee, youth 11949  
services employee, firefighter, EMT, or investigator of the bureau 11950  
of criminal identification and investigation and is changing the 11951  
current owner name listed on any record made available to the 11952  
general public on the internet or a publicly accessible database 11953  
and the general tax list of real and public utility property and 11954  
the general duplicate of real and public utility property to the 11955  
initials of the current owner as prescribed in division (B)(1) of 11956  
section 319.28 of the Revised Code; 11957

(d) To evidence a gift, in trust or otherwise and whether 11958  
revocable or irrevocable, between husband and wife, or parent and 11959  
child or the spouse of either; 11960

(e) On sale for delinquent taxes or assessments; 11961

(f) Pursuant to court order, to the extent that such transfer 11962  
is not the result of a sale effected or completed pursuant to such 11963  
order; 11964

(g) Pursuant to a reorganization of corporations or 11965  
unincorporated associations or pursuant to the dissolution of a 11966  
corporation, to the extent that the corporation conveys the 11967  
property to a stockholder as a distribution in kind of the 11968  
corporation's assets in exchange for the stockholder's shares in 11969  
the dissolved corporation; 11970

(h) By a subsidiary corporation to its parent corporation for 11971  
no consideration, nominal consideration, or in sole consideration 11972  
of the cancellation or surrender of the subsidiary's stock; 11973

(i) By lease, whether or not it extends to mineral or mineral 11974  
rights, unless the lease is for a term of years renewable forever; 11975

(j) When the value of the real property or the manufactured 11976  
or mobile home or the value of the interest that is conveyed does 11977  
not exceed one hundred dollars; 11978

(k) Of an occupied residential property, including a 11979  
manufactured or mobile home, being transferred to the builder of a 11980  
new residence or to the dealer of a new manufactured or mobile 11981  
home when the former residence is traded as part of the 11982  
consideration for the new residence or new manufactured or mobile 11983  
home; 11984

(l) To a grantee other than a dealer in real property or in 11985  
manufactured or mobile homes, solely for the purpose of, and as a 11986  
step in, the prompt sale of the real property or manufactured or 11987  
mobile home to others; 11988

(m) To or from a person when no money or other valuable and 11989  
tangible consideration readily convertible into money is paid or 11990  
to be paid for the real estate or manufactured or mobile home and 11991  
the transaction is not a gift; 11992

(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 11993  
11994  
11995  
11996  
11997  
11998  
11999  
12000

(o) To a trustee acting on behalf of minor children of the deceased; 12001  
12002

(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars; 12003  
12004

(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code; 12005  
12006

(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization; 12007  
12008  
12009  
12010  
12011

(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home; 12012  
12013  
12014  
12015

(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust; 12016  
12017

(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets; 12018  
12019  
12020  
12021

(v) To the beneficiaries of a trust if the fee was paid on 12022

the transfer from the grantor of the trust to the trustee or if 12023  
the transfer is made pursuant to trust provisions which became 12024  
irrevocable at the death of the grantor; 12025

(w) To a corporation for incorporation into a sports facility 12026  
constructed pursuant to section 307.696 of the Revised Code; 12027

(x) Between persons pursuant to section 5302.18 of the 12028  
Revised Code; 12029

(y) From a county land reutilization corporation organized 12030  
under Chapter 1724. of the Revised Code, or its wholly owned 12031  
subsidiary, to a third party. 12032

(4) For the cost of publishing the delinquent manufactured 12033  
home tax list, the delinquent tax list, and the delinquent vacant 12034  
land tax list, a flat fee, as determined by the county auditor, to 12035  
be charged to the owner of a home on the delinquent manufactured 12036  
home tax list or the property owner of land on the delinquent tax 12037  
list or the delinquent vacant land tax list. 12038

The auditor shall compute and collect the fee. The auditor 12039  
shall maintain a numbered receipt system, as prescribed by the tax 12040  
commissioner, and use such receipt system to provide a receipt to 12041  
each person paying a fee. The auditor shall deposit the receipts 12042  
of the fees on conveyances in the county treasury daily to the 12043  
credit of the general fund of the county, except that fees charged 12044  
and received under division (G)(3) of this section for a transfer 12045  
of real property to a county land reutilization corporation shall 12046  
be credited to the county land reutilization corporation fund 12047  
established under section 321.263 of the Revised Code. 12048

The real property transfer fee provided for in division 12049  
(G)(3) of this section shall be applicable to any conveyance of 12050  
real property presented to the auditor on or after January 1, 12051  
1968, regardless of its time of execution or delivery. 12052

The transfer fee for a used manufactured home or used mobile 12053

home shall be computed by and paid to the county auditor of the 12054  
county in which the home is located immediately prior to the 12055  
transfer. 12056

**Sec. 321.27.** (A) On settlement ~~semiannually~~ annually with the 12057  
county auditor, the county treasurer shall be allowed as fees on 12058  
all moneys collected by ~~him~~ the treasurer on ~~inheritance estate~~ 12059  
tax duplicates, the following percentages: three per cent on the 12060  
first one hundred thousand dollars; two per cent on the next one 12061  
hundred thousand dollars; five tenths per cent on all additional 12062  
sums. Such percentages shall be computed upon the amount collected 12063  
and reported at each ~~semiannual~~ annual settlement, and shall be 12064  
for the use of the general fund of the county. 12065

(B) On ~~such~~ settlement semiannually with the county auditor, 12066  
the county treasurer shall ~~also~~ be allowed as fees on all 12067  
cigarette license moneys collected by ~~him,~~ the treasurer one-half 12068  
per cent on the amount received, to be paid upon the warrant of 12069  
the auditor and ~~by him~~ apportioned ratably and deducted from the 12070  
shares of revenue payable to the county and subdivisions of the 12071  
county under section 5743.15 of the Revised Code, for the use of 12072  
the general fund of the county. 12073

**Sec. 323.01.** Except as otherwise provided, as used in Chapter 12074  
323. of the Revised Code: 12075

(A) "Subdivision" means any county, township, school 12076  
district, or municipal corporation. 12077

(B) "Municipal corporation" includes charter municipalities. 12078

(C) "Taxes" means the total amount of all charges against an 12079  
entry appearing on a tax list and the duplicate thereof that was 12080  
prepared and certified in accordance with section 319.28 of the 12081  
Revised Code, including taxes levied against real estate; taxes on 12082  
property whose value is certified pursuant to section 5727.23 of 12083

the Revised Code; recoupment charges applied pursuant to section 12084  
5713.35 of the Revised Code; all assessments; penalties and 12085  
interest charged pursuant to section 323.121 of the Revised Code; 12086  
charges added pursuant to section 319.35 of the Revised Code; and 12087  
all of such charges which remain unpaid from any previous tax 12088  
year. 12089

(D) "Current taxes" means all taxes charged against an entry 12090  
on the general tax list and duplicate of real and public utility 12091  
property that have not appeared on such list and duplicate for any 12092  
prior tax year and any penalty thereon charged by division (A) of 12093  
section 323.121 of the Revised Code. Current taxes, whether or not 12094  
they have been certified delinquent, become delinquent taxes if 12095  
they remain unpaid after the last day prescribed for payment of 12096  
the second installment of current taxes without penalty. 12097

(E) "Delinquent taxes" means: 12098

(1) Any taxes charged against an entry on the general tax 12099  
list and duplicate of real and public utility property that were 12100  
charged against an entry on such list and duplicate for a prior 12101  
tax year and any penalties and interest charged against such 12102  
taxes. 12103

(2) Any current taxes charged on the general tax list and 12104  
duplicate of real and public utility property that remain unpaid 12105  
after the last day prescribed for payment of the second 12106  
installment of such taxes without penalty, whether or not they 12107  
have been certified delinquent, and any penalties and interest 12108  
charged against such taxes. 12109

(F) "Current tax year" means, with respect to particular 12110  
taxes, the calendar year in which the first installment of taxes 12111  
is due prior to any extension granted under section 323.17 of the 12112  
Revised Code. 12113

(G) "Liquidated claim" means: 12114

(1) Any sum of money due and payable, upon a written contractual obligation executed between the subdivision and the taxpayer, but excluding any amount due on general and special assessment bonds and notes;

~~(2) Any sum of money due and payable, for disability financial assistance provided under Chapter 5115. of the Revised Code that is furnished to or in behalf of a subdivision, provided that such claim is recognized by a resolution or ordinance of the legislative body of such subdivision;~~

~~(3)~~ Any sum of money advanced and paid to or received and used by a subdivision, pursuant to a resolution or ordinance of such subdivision or its predecessor in interest, and the moral obligation to repay which sum, when in funds, shall be recognized by resolution or ordinance by the subdivision.

**Sec. 323.32.** As used in this section, "railroad note" means a note issued pursuant to a court order in the reorganization of a railroad company under section 77 of the Bankruptcy Act.

Notwithstanding any other provision of law to the contrary, with respect to all payments received in settlement of claims arising from delinquent property tax charges and ordered to be paid by a railroad company under a plan of reorganization as ordered by a federal district court in accordance with provisions of Chapter VIII of the "Federal Bankruptcy Act," 11 U.S.C.A. 201-208, the following provisions shall apply:

(A) Except as provided in division (H) of this section, all of such payments shall be made payable, and delivered, to the county in which the taxing district sharing in a claim for delinquent taxes is located. Any notes included in such payment shall be issued to such county treasurer, who shall be the custodian of all of said notes, and who shall be liable therefor upon ~~his~~ the treasurer's bond until such time as said notes

mature, are sold, or otherwise lawfully pass from ~~his~~ the 12146  
treasurer's custody. 12147

(B) Upon receipt of a payment by cash or check, the county 12148  
treasurer shall immediately cause such funds to be paid into the 12149  
county treasury and credited to a special fund established for 12150  
this purpose, which shall be known as the "undivided bankruptcy 12151  
claims fund." All of such moneys so received, including any earned 12152  
interest, shall be credited to said fund. 12153

(C) When the total claim for each county has been satisfied 12154  
by the receipt of cash or notes, or both, the county auditor shall 12155  
remit from the tax list and duplicate of real and public utility 12156  
property in each county, all charges appearing thereon in the name 12157  
of the railroad company for which such payment has been made, 12158  
which are delinquent and unpaid from any year previous to the tax 12159  
year 1977. 12160

(D) At any time that funds are present in the undivided 12161  
bankruptcy claims fund, either upon initial settlement or at any 12162  
later time, the county auditor shall, forthwith, distribute by 12163  
auditors' warrant, such funds to the various taxing districts of 12164  
the county, in which the property taxes, from which the claim in 12165  
bankruptcy has derived, were originally charged. The funds so 12166  
distributed shall be apportioned among the various taxing 12167  
authorities within each taxing district in the same proportions as 12168  
the said taxes were originally levied, taking into account the 12169  
various rates of taxation levied for different purposes for each 12170  
year in which such taxes were charged and remained unpaid, and any 12171  
unpaid special assessments, including compound interest thereon at 12172  
the rate of six per cent per annum to January 1, 1978. 12173

In making such distribution, the auditor shall, first, deduct 12174  
an amount equal to one per cent of the total amount to be 12175  
distributed, as fees for services of the county auditor and 12176  
treasurer in making collection and distribution of the claim in 12177

bankruptcy. Such deduction shall be in lieu of all fees provided 12178  
for in sections 319.54 and 321.26 of the Revised Code. The amount 12179  
so deducted shall be credited to the general fund of the county. 12180

If any funds received pursuant to this section represent 12181  
taxes which, if collected, would have resulted from any general or 12182  
emergency levy which has since expired, such funds may be credited 12183  
to the general operating fund and expended as though they are 12184  
proceeds from a current levy, and if any of such funds represent 12185  
taxes from any current general bond retirement levy or one which 12186  
has since expired, said funds may be credited to the current bond 12187  
retirement fund and used to service any current bond indebtedness, 12188  
or may be credited to the general operating fund of the district, 12189  
if so designated by a majority of the members of the taxing 12190  
authority of the taxing district. 12191

(E) Except as provided in division (H) of this section, when, 12192  
as a part of the settlement of a claim in bankruptcy of a 12193  
reorganized railroad company a county receives notes on behalf of 12194  
a taxing authority in partial payment of said claim, the county 12195  
treasurer shall, within a reasonable length of time, notify the 12196  
taxing authority of each taxing district sharing in the claim that 12197  
such notes are in ~~his~~ the treasurer's custody. Within sixty days 12198  
of receipt of such notice, each taxing authority shall decide by a 12199  
resolution approved by a majority of its members whether: 12200

(1) The notes shall remain in custody of the county 12201  
treasurer, as issued, and allowed to mature according to the terms 12202  
presented on their face with the proceeds to be distributed upon 12203  
maturity pursuant to division (D) of this section; or 12204

(2) The railroad notes shall be exchanged for several new 12205  
notes in denominations equal to the proportionate share, or 12206  
portion thereof, of the taxing district having a share in the 12207  
claim in bankruptcy as determined in division (D) of this section. 12208  
The new notes shall be distributed, upon receipt, to each taxing 12209

authority in full satisfaction of its claim or in full 12210  
satisfaction of the portion of its claim represented by the notes 12211  
so received. If notes cannot be issued in denominations equal to 12212  
the taxing district's proportionate share, the treasurer shall 12213  
certify to the taxing authority of the district the amount of 12214  
notes held by the treasurer on behalf of the district and for 12215  
which notes cannot be issued pursuant to the taxing authority's 12216  
decision under this subdivision. Upon receipt of such 12217  
certification, the taxing authority may borrow money and issue 12218  
notes against such certification in the same manner as is provided 12219  
by division (F) of this section. 12220

If a taxing authority elects the option provided under 12221  
division (E)(1) of this section, it may at any subsequent time 12222  
elect instead the option provided under division (E)(2) of this 12223  
section by resolution approved by a majority of its members. The 12224  
election of the option provided under division (E)(2) of this 12225  
section becomes final upon receipt by the taxing authority of the 12226  
new notes or certification distributed by the county treasurer 12227  
under such division. 12228

Each taxing authority shall certify a copy of any resolution 12229  
adopted under this division to the county treasurer who shall take 12230  
appropriate action as directed by each taxing authority. 12231

(F) A taxing authority having possession of any railroad note 12232  
or a treasurer's certification issued under division (E)(2) of 12233  
this section may, by approval of a majority of its members, borrow 12234  
money and issue its note in anticipation of the revenue payable on 12235  
maturity of the railroad note and pledge the railroad note or the 12236  
proceeds thereof. Such anticipation note shall mature no later 12237  
than the railroad note and shall be in an amount no greater than 12238  
seventy per cent of the face amount of said railroad note. By like 12239  
action a taxing authority may sell any railroad note in its 12240  
possession at public or private offering for not less than the 12241

prevailing market price. Such a sale or borrowing shall be exempt 12242  
from all other requirements and limitations of the Revised Code, 12243  
including the requirements of the Uniform Bond Law. 12244

(1) If a taxing authority desires to issue delinquent tax 12245  
bonds pursuant to section 131.23 of the Revised Code prior to 12246  
either receipt of any payment from a railroad in bankruptcy or 12247  
utilization of the authority granted in this section, the taxing 12248  
authority may determine whether or not the net amount of 12249  
delinquent taxes unpledged for purposes of division (B)~~(6)~~(5) of 12250  
section 131.23 of the Revised Code shall include all or part of 12251  
the delinquent taxes owed by a railroad, or, if notes have been 12252  
received pursuant to this section, the unpaid principal amount of 12253  
such notes. If the taxing authority determines that any such 12254  
railroad delinquencies or note amount shall be included under 12255  
section 131.23 of the Revised Code, the amount which may be 12256  
borrowed pursuant to this section may not exceed seventy per cent 12257  
of the total face amount of railroad notes remaining after 12258  
deducting the amount so included. 12259

(2) If a taxing authority desires to issue delinquent tax 12260  
bonds pursuant to section 131.23 of the Revised Code after 12261  
utilization of the authority granted in this section, the net 12262  
amount of delinquent taxes unpledged for purposes of division 12263  
(B)~~(6)~~(5) of section 131.23 of the Revised Code may not include 12264  
the principal amount of railroad notes which have been borrowed 12265  
against or sold pursuant to this section. 12266

(G) When a taxing authority receives a railroad note, the 12267  
face amount of such note shall not be considered as revenue for 12268  
any purpose in the year in which the note is received. Upon sale 12269  
or maturity of the note, any proceeds not pledged pursuant to 12270  
division (F) of this section shall be considered as unanticipated 12271  
revenue from a new source and all of the provisions of law 12272  
pertaining to such revenue, including section 5705.36 of the 12273

Revised Code, shall apply. 12274

(H) When there are present in a county nonrepresented taxing 12275  
districts as provided in amended substitute house bill 336~~7~~ of the 12276  
112th general assembly, all of the provisions of this section 12277  
shall apply to such districts, except as follows: 12278

(1) Payments by cash or check may be made payable, and 12279  
delivered, directly to the treasurer of the taxing district. Any 12280  
notes included in the settlement of the district's claim may be 12281  
issued, and delivered, directly to said treasurer. 12282

Upon receipt of any of such payments, the treasurer of the 12283  
taxing district shall certify, to the county treasurer of the 12284  
county in which the district is located, the fact of such receipt 12285  
and the amounts so received. 12286

(2) If the claim of a nonrepresented taxing district is not 12287  
paid directly to the treasurer of the district but is included 12288  
with payments for the remainder of the county, cash payments 12289  
included in the initial settlement shall be distributed as 12290  
provided in divisions (B) and (D) of this section. Any notes 12291  
received as payment shall be exchanged and distributed to 12292  
nonrepresented taxing districts upon receipt. 12293

**Sec. 329.03.** (A) As used in this section, "applicant" or 12294  
"recipient" means ~~any~~ either of the following: 12295

(1) An applicant for or participant in the Ohio works first 12296  
program established under Chapter 5107. of the Revised Code; 12297

~~(2) An applicant for or recipient of disability financial 12298  
assistance under Chapter 5115. of the Revised Code;~~ 12299

~~(3)~~ An applicant for or recipient of cash assistance provided 12300  
under the refugee assistance program established under section 12301  
5101.49 of the Revised Code. 12302

(B) Each county department of job and family services shall 12303

establish a direct deposit system under which cash assistance 12304  
payments to recipients who agree to direct deposit are made by 12305  
electronic transfer to an account in a financial institution 12306  
designated under this section. No financial institution shall 12307  
impose any charge for such an account that the institution does 12308  
not impose on its other customers for the same type of account. 12309  
Direct deposit does not affect the exemption of Ohio works first 12310  
~~and disability financial assistance~~ from attachment, garnishment, 12311  
or other like process afforded by ~~sections~~ section 5107.75 ~~and~~ 12312  
~~5115.06~~ of the Revised Code. 12313

(C) Each county department of job and family services shall 12314  
do all of the following: 12315

(1) Inform each applicant or recipient that the applicant or 12316  
recipient must choose whether to receive cash assistance payments 12317  
under the direct deposit system established under this section or 12318  
under the electronic benefit transfer system established under 12319  
section 5101.33 of the Revised Code; 12320

(2) Inform each applicant and recipient of the conditions 12321  
under which the applicant or recipient may change the system used 12322  
to receive the cash assistance payments; 12323

(3) Inform each applicant or recipient of the procedures 12324  
governing the direct deposit system; 12325

(4) If an applicant or recipient chooses to receive cash 12326  
assistance payments under the direct deposit system, obtain from 12327  
the applicant or recipient an authorization form to designate a 12328  
financial institution equipped for and authorized by law to accept 12329  
direct deposits by electronic transfer and the account into which 12330  
the applicant or recipient wishes the payments to be made; 12331

(5) If an applicant or recipient chooses to receive cash 12332  
assistance payments under the electronic benefit transfer system 12333  
established under section 5101.33 of the Revised Code, obtain from 12334

the applicant or recipient a signed form to that effect. 12335

The department may require a recipient to complete a new 12336  
authorization form whenever the department considers it necessary. 12337

A recipient's designation of a financial institution and 12338  
account shall remain in effect until withdrawn in writing or 12339  
dishonored by the financial institution, except that no change may 12340  
be made in the authorization form until the next eligibility 12341  
redetermination of the recipient unless the county department 12342  
determines that good cause exists for an earlier change or the 12343  
financial institution dishonors the recipient's account. 12344

(D) An applicant or recipient without an account who 12345  
completes an authorization form to receive cash assistance 12346  
payments by direct deposit shall have ten days after receiving the 12347  
authorization form to designate an account suitable for direct 12348  
deposit. If within the required time the applicant or recipient 12349  
does not make the designation, the recipient shall receive cash 12350  
assistance payments under the electronic benefit transfer system 12351  
established under section 5101.33 of the Revised Code. 12352

(E) The director of job and family services may adopt rules 12353  
governing direct deposit systems established under this section. 12354

**Sec. 329.04.** (A) The county department of job and family 12355  
services shall have, exercise, and perform the following powers 12356  
and duties: 12357

(1) Perform any duties assigned by the state department of 12358  
job and family services or department of medicaid regarding the 12359  
provision of public family services, including the provision of 12360  
the following services to prevent or reduce economic or personal 12361  
dependency and to strengthen family life: 12362

(a) Services authorized by a Title IV-A program, as defined 12363  
in section 5101.80 of the Revised Code; 12364

(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code; 12365  
12366  
12367

(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services. 12368  
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12370  
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12375

(d) Duties assigned under section 5162.031 of the Revised Code. 12376  
12377

(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code; 12378  
12379  
12380

(3) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law; 12381  
12382  
12383

(4) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities; 12384  
12385  
12386

(5) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services and department of medicaid at the close of each fiscal year; 12387  
12388  
12389  
12390

(6) Exercise any powers and duties relating to family services duties or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during 12391  
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war or peace; 12396

(7) Enter into a plan of cooperation with the board of county 12397  
commissioners under section 307.983, consult with the board in the 12398  
development of the transportation work plan developed under 12399  
section 307.985, establish with the board procedures under section 12400  
307.986 for providing services to children whose families relocate 12401  
frequently, and comply with the contracts the board enters into 12402  
under sections 307.981 and 307.982 of the Revised Code that affect 12403  
the county department; 12404

(8) For the purpose of complying with a grant agreement the 12405  
board of county commissioners enters into under sections 307.98 12406  
and 5101.21 of the Revised Code, exercise the powers and perform 12407  
the duties the grant agreement assigns to the county department+ 12408

~~(9) If the county department is designated as the workforce 12409  
development agency, provide the workforce development activities 12410  
specified in the contract required by section 330.05 of the 12411  
Revised Code. 12412~~

(B) The powers and duties of a county department of job and 12413  
family services are, and shall be exercised and performed, under 12414  
the control and direction of the board of county commissioners. 12415  
The board may assign to the county department any power or duty of 12416  
the board regarding family services duties and workforce 12417  
development activities. If the new power or duty necessitates the 12418  
state department of job and family services or department of 12419  
medicaid changing its federal cost allocation plan, the county 12420  
department may not implement the power or duty unless the United 12421  
States department of health and human services approves the 12422  
changes. 12423

**Sec. 329.051.** The county department of job and family 12424  
services shall make voter registration applications as prescribed 12425  
by the secretary of state under section 3503.10 of the Revised 12426

Code available to persons who are applying for, receiving	12427
assistance from, or participating in any of the following:	12428
(A) <del>The disability financial assistance program established</del>	12429
<del>under Chapter 5115. of the Revised Code;</del>	12430
<del>(B)</del> The medicaid program;	12431
<del>(C)</del> (B) The Ohio works first program established under Chapter	12432
5107. of the Revised Code;	12433
<del>(D)</del> (C) The prevention, retention, and contingency program	12434
established under Chapter 5108. of the Revised Code.	12435
<b>Sec. 329.06.</b> (A) Except as provided in division (C) of this	12436
section <del>and section 6301.08 of the Revised Code</del> , the board of	12437
county commissioners shall establish a county family services	12438
planning committee. The board shall appoint a member to represent	12439
the county department of job and family services; an employee in	12440
the classified civil service of the county department of job and	12441
family services, if there are any such employees; and a member to	12442
represent the public. The board shall appoint other individuals to	12443
the committee in such a manner that the committee's membership is	12444
broadly representative of the groups of individuals and the public	12445
and private entities that have an interest in the family services	12446
provided in the county. The board shall make appointments in a	12447
manner that reflects the ethnic and racial composition of the	12448
county. The following groups and entities may be represented on	12449
the committee:	12450
(1) Consumers of family services;	12451
(2) The public children services agency;	12452
(3) The child support enforcement agency;	12453
(4) The county family and children first council;	12454
(5) Public and private colleges and universities;	12455

(6) Public entities that provide family services, including boards of health, boards of education, the county board of developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;	12456 12457 12458 12459
(7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;	12460 12461 12462 12463
(8) Labor organizations;	12464
(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.	12465 12466 12467 12468
(B) The county family services planning committee shall do all of the following:	12469 12470
(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;	12471 12472 12473 12474 12475 12476
(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:	12477 12478 12479 12480 12481
(a) Return of assistance groups to participation in either program after ceasing to participate;	12482 12483
(b) Teen pregnancy rates among the programs' participants;	12484
(c) The other types of assistance the programs' participants	12485

receive, including medicaid, publicly funded child care under	12486
Chapter 5104. of the Revised Code, supplemental nutrition	12487
assistance program benefits under section 5101.54 of the Revised	12488
Code, and energy assistance under Chapter 5117. of the Revised	12489
Code;	12490
(d) Other issues the committee considers appropriate.	12491
The committee shall make recommendations to the board of	12492
county commissioners and county department of job and family	12493
services regarding the committee's findings.	12494
(3) Conduct public hearings on proposed county profiles for	12495
the provision of social services under section 5101.46 of the	12496
Revised Code;	12497
(4) At the request of the board, make recommendations and	12498
provide assistance regarding the family services provided in the	12499
county;	12500
(5) At any other time the committee considers appropriate,	12501
consult with the board and make recommendations regarding the	12502
family services provided in the county. The committee's	12503
recommendations may address the following:	12504
(a) Implementation and administration of family service	12505
programs;	12506
(b) Use of federal, state, and local funds available for	12507
family service programs;	12508
(c) Establishment of goals to be achieved by family service	12509
programs;	12510
(d) Evaluation of the outcomes of family service programs;	12511
(e) Any other matter the board considers relevant to the	12512
provision of family services.	12513
(C) If there is a committee in existence in a county on	12514
October 1, 1997, that the board of county commissioners determines	12515

is capable of fulfilling the responsibilities of a county family 12516  
services planning committee, the board may designate the committee 12517  
as the county's family services planning committee and the 12518  
committee shall serve in that capacity. 12519

**Sec. 340.03.** (A) Subject to rules issued by the director of 12520  
mental health and addiction services after consultation with 12521  
relevant constituencies as required by division (A)(10) of section 12522  
5119.21 of the Revised Code, the board of alcohol, drug addiction, 12523  
and mental health services shall: 12524

(1) Serve as the community addiction and mental health 12525  
services planning agency for the county or counties under its 12526  
jurisdiction, and in so doing it shall: 12527

(a) Evaluate the need for facilities and community addiction 12528  
and mental health services; 12529

(b) In cooperation with other local and regional planning and 12530  
funding bodies and with relevant ethnic organizations, assess the 12531  
community addiction and mental health needs, evaluate strengths 12532  
and challenges, and set priorities for community addiction and 12533  
mental health services, including treatment and prevention. When 12534  
the board sets priorities for the operation of addiction services, 12535  
the board shall consult with the county commissioners of the 12536  
counties in the board's service district regarding the services 12537  
described in section 340.15 of the Revised Code and shall give 12538  
priority to those services, except that those services shall not 12539  
have a priority over services provided to pregnant women under 12540  
programs developed in relation to the mandate established in 12541  
section 5119.17 of the Revised Code; 12542

(c) In accordance with guidelines issued by the director of 12543  
mental health and addiction services after consultation with board 12544  
representatives, annually develop and submit to the department of 12545  
mental health and addiction services a community addiction and 12546

mental health services plan listing community addiction and mental 12547  
health services needs, including the needs of all residents of the 12548  
district currently receiving inpatient services in state-operated 12549  
hospitals, the needs of other populations as required by state or 12550  
federal law or programs, and the needs of all children subject to 12551  
a determination made pursuant to section 121.38 of the Revised 12552  
Code, and priorities for facilities and community addiction and 12553  
mental health services during the period for which the plan will 12554  
be in effect. 12555

In alcohol, drug addiction, and mental health service 12556  
districts that have separate alcohol and drug addiction services 12557  
and community mental health boards, the alcohol and drug addiction 12558  
services board shall submit a community addiction services plan 12559  
and the community mental health board shall submit a community 12560  
mental health services plan. Each board shall consult with its 12561  
counterpart in developing its plan and address the interaction 12562  
between the local addiction services and mental health services 12563  
systems and populations with regard to needs and priorities in 12564  
developing its plan. 12565

The department shall approve or disapprove the plan, in whole 12566  
or in part, according to the criteria developed pursuant to 12567  
section 5119.22 of the Revised Code. Eligibility for state and 12568  
federal funding shall be contingent upon an approved plan or 12569  
relevant part of a plan. 12570

If a board determines that it is necessary to amend a plan 12571  
that has been approved under this division, the board shall submit 12572  
a proposed amendment to the director. The director may approve or 12573  
disapprove all or part of the amendment. The director shall inform 12574  
the board of the reasons for disapproval of all or part of an 12575  
amendment and of the criteria that must be met before the 12576  
amendment may be approved. The director shall provide the board an 12577  
opportunity to present its case on behalf of the amendment. The 12578

director shall give the board a reasonable time in which to meet 12579  
the criteria, and shall offer the board technical assistance to 12580  
help it meet the criteria. 12581

The board shall operate in accordance with the plan approved 12582  
by the department. 12583

(d) Promote, arrange, and implement working agreements with 12584  
social agencies, both public and private, and with judicial 12585  
agencies. 12586

(2) Investigate, or request another agency to investigate, 12587  
any complaint alleging abuse or neglect of any person receiving 12588  
services from a community addiction or mental health services 12589  
provider or alleging abuse or neglect of a resident receiving 12590  
addiction services or with mental illness or severe mental 12591  
disability residing in a residential facility licensed under 12592  
section 5119.34 of the Revised Code. If the investigation 12593  
substantiates the charge of abuse or neglect, the board shall take 12594  
whatever action it determines is necessary to correct the 12595  
situation, including notification of the appropriate authorities. 12596  
Upon request, the board shall provide information about such 12597  
investigations to the department. 12598

(3) For the purpose of section 5119.36 of the Revised Code, 12599  
cooperate with the director of mental health and addiction 12600  
services in visiting and evaluating whether the addiction or 12601  
mental health services of a community addiction or mental health 12602  
services provider satisfy the certification standards established 12603  
by rules adopted under that section; 12604

(4) In accordance with criteria established under division 12605  
(E) of section 5119.22 of the Revised Code, conduct program audits 12606  
that review and evaluate the quality, effectiveness, and 12607  
efficiency of addiction and mental health services provided 12608  
through its community addiction and mental health services 12609

providers and submit its findings and recommendations to the 12610  
department of mental health and addiction services; 12611

(5) In accordance with section 5119.34 of the Revised Code, 12612  
review an application for a residential facility license and 12613  
provide to the department of mental health and addiction services 12614  
any information about the applicant or facility that the board 12615  
would like the department to consider in reviewing the 12616  
application; 12617

(6) Audit, in accordance with rules adopted by the auditor of 12618  
state pursuant to section 117.20 of the Revised Code, at least 12619  
annually all programs and services provided under contract with 12620  
the board. In so doing, the board may contract for or employ the 12621  
services of private auditors. A copy of the fiscal audit report 12622  
shall be provided to the director of mental health and addiction 12623  
services, ~~the auditor of state~~, and the county auditor of each 12624  
county in the board's district. 12625

(7) Recruit and promote local financial support for addiction 12626  
and mental health services from private and public sources; 12627

(8)(a) Enter into contracts with public and private 12628  
facilities for the operation of facility services and enter into 12629  
contracts with public and private community addiction and mental 12630  
health services providers for the provision of addiction and 12631  
mental health services. The board may not contract with a 12632  
residential facility subject to section 5119.34 of the Revised 12633  
Code unless the facility is licensed by the director of mental 12634  
health and addiction services. The board may not contract with a 12635  
community addiction or mental health services provider to provide 12636  
addiction or mental health services unless the services are 12637  
certified by the director of mental health and addiction services 12638  
under section 5119.36 of the Revised Code. Section 307.86 of the 12639  
Revised Code does not apply to contracts entered into under this 12640  
division. In contracting with a community addiction or mental 12641

health services provider, a board shall consider the cost 12642  
effectiveness of addiction or mental health services provided by 12643  
that provider and the quality and continuity of care, and may 12644  
review cost elements, including salary costs, of the services to 12645  
be provided. A utilization review process may be established as 12646  
part of the contract for services entered into between a board and 12647  
a community addiction or mental health services provider. The 12648  
board may establish this process in a way that is most effective 12649  
and efficient in meeting local needs. 12650

~~If either the board or a facility or community addiction or 12651  
mental health services provider with which the board contracts 12652  
under this division proposes not to renew the contract or proposes 12653  
substantial changes in contract terms, the other party shall be 12654  
given written notice at least one hundred twenty days before the 12655  
expiration date of the contract. During the first sixty days of 12656  
this one hundred twenty day period, both parties shall attempt to 12657  
resolve any dispute through good faith collaboration and 12658  
negotiation in order to continue to provide services to persons in 12659  
need. If the dispute has not been resolved sixty days before the 12660  
expiration date of the contract, either party may notify the 12661  
department of mental health and addiction services of the 12662  
unresolved dispute. The director may require both parties to 12663  
submit the dispute to a third party with the cost to be shared by 12664  
the board and the facility or provider. The third party shall 12665  
issue to the board, the facility or provider, and the department 12666  
recommendations on how the dispute may be resolved twenty days 12667  
prior to the expiration date of the contract, unless both parties 12668  
agree to a time extension. The director shall adopt rules 12669  
establishing the procedures of this dispute resolution process. 12670~~

(b) With the prior approval of the director of mental health 12671  
and addiction services, a board may operate a facility or provide 12672  
an addiction or mental health service as follows, if there is no 12673

other qualified private or public facility or community addiction 12674  
or mental health services provider that is immediately available 12675  
and willing to operate such a facility or provide the service: 12676

(i) In an emergency situation, any board may operate a 12677  
facility or provide an addiction or mental health service in order 12678  
to provide essential services for the duration of the emergency. 12679

(ii) In a service district with a population of at least one 12680  
hundred thousand but less than five hundred thousand, a board may 12681  
operate a facility or provide an addiction or mental health 12682  
service for no longer than one year. 12683

(iii) In a service district with a population of less than 12684  
one hundred thousand, a board may operate a facility or provide an 12685  
addiction or mental health service for no longer than one year, 12686  
except that such a board may operate a facility or provide an 12687  
addiction or mental health service for more than one year with the 12688  
prior approval of the director and the prior approval of the board 12689  
of county commissioners, or of a majority of the boards of county 12690  
commissioners if the district is a joint-county district. 12691

The director shall not give a board approval to operate a 12692  
facility or provide an addiction or mental health service under 12693  
division (A)(8)(b)(ii) or (iii) of this section unless the 12694  
director determines that it is not feasible to have the department 12695  
operate the facility or provide the service. 12696

The director shall not give a board approval to operate a 12697  
facility or provide an addiction or mental health service under 12698  
division (A)(8)(b)(iii) of this section unless the director 12699  
determines that the board will provide greater administrative 12700  
efficiency and more or better services than would be available if 12701  
the board contracted with a private or public facility or 12702  
community addiction or mental health services provider. 12703

The director shall not give a board approval to operate a 12704

facility previously operated by a person or other government 12705  
entity unless the board has established to the director's 12706  
satisfaction that the person or other government entity cannot 12707  
effectively operate the facility or that the person or other 12708  
government entity has requested the board to take over operation 12709  
of the facility. The director shall not give a board approval to 12710  
provide an addiction or mental health service previously provided 12711  
by a community addiction or mental health services provider unless 12712  
the board has established to the director's satisfaction that the 12713  
provider cannot effectively provide the service or that the 12714  
provider has requested the board take over providing the service. 12715

The director shall review and evaluate a board's operation of 12716  
a facility and provision of addiction or mental health services 12717  
under division (A)(8)(b) of this section. 12718

Nothing in division (A)(8)(b) of this section authorizes a 12719  
board to administer or direct the daily operation of any facility 12720  
or community addiction or mental health services provider, but a 12721  
facility or provider may contract with a board to receive 12722  
administrative services or staff direction from the board under 12723  
the direction of the governing body of the facility or provider. 12724

(9) Approve fee schedules and related charges or adopt a unit 12725  
cost schedule or other methods of payment for contract services 12726  
provided by community addiction or mental health services 12727  
providers in accordance with guidelines issued by the department 12728  
as necessary to comply with state and federal laws pertaining to 12729  
financial assistance; 12730

(10) Submit to the director and the county commissioners of 12731  
the county or counties served by the board, and make available to 12732  
the public, an annual report of the services under the 12733  
jurisdiction of the board, including a fiscal accounting; 12734

(11) Establish, to the extent resources are available, a 12735

continuum of care that provides for prevention, treatment, 12736  
support, and rehabilitation services and opportunities. The 12737  
essential elements of the continuum of care shall include the 12738  
following components: 12739

(a) To locate persons in need of addiction or mental health 12740  
services to inform them of available services and benefits; 12741

(b) Assistance for persons receiving addiction or mental 12742  
health services to obtain services necessary to meet basic human 12743  
needs for food, clothing, shelter, medical care, personal safety, 12744  
and income; 12745

(c) Addiction and mental health services, including all of 12746  
the following: 12747

(i) Outpatient; 12748

(ii) Residential; 12749

(iii) Partial hospitalization; 12750

(iv) Where appropriate, inpatient care; 12751

(v) Sub-acute detoxification; 12752

(vi) Intensive and other supports; 12753

(vii) Recovery support; 12754

(viii) Prevention and wellness management; 12755

(ix) In accordance with section 340.033 of the Revised Code, 12756  
an array of treatment and support services for all levels of 12757  
opioid and co-occurring drug addiction. 12758

(d) Emergency services and crisis intervention; 12759

(e) Assistance for persons receiving services to obtain 12760  
vocational services and opportunities for jobs; 12761

(f) The provision of services designed to develop social, 12762  
community, and personal living skills; 12763

(g) Access to a wide range of housing and the provision of residential treatment and support;	12764 12765
(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;	12766 12767 12768
(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services;	12769 12770 12771 12772 12773
(j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services;	12774 12775
(k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured;	12776 12777 12778
(l) Any additional component the department, pursuant to section 5119.21 of the Revised Code, determines is necessary to establish the continuum of care.	12779 12780 12781
(12) Establish a method for evaluating referrals for court-ordered treatment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to court-ordered treatment and whether alternatives to hospitalization are available and appropriate;	12782 12783 12784 12785 12786 12787 12788
(13) Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the listed services	12789 12790 12791 12792 12793 12794

submitted and approved in accordance with division (B) of section 12795  
340.08 of the Revised Code are available to severely mentally 12796  
disabled persons residing within its service district. The board 12797  
shall establish the procedure for authorizing payment for 12798  
services, which may include prior authorization in appropriate 12799  
circumstances. In accordance with division (A)(8)(b) of this 12800  
section, the board may provide for services directly to a severely 12801  
mentally disabled person when life or safety is endangered and 12802  
when no community mental health services provider is available to 12803  
provide the service. 12804

(14) Ensure that housing built, subsidized, renovated, 12805  
rented, owned, or leased by the board or a community addiction or 12806  
mental health services provider has been approved as meeting 12807  
minimum fire safety standards and that persons residing in the 12808  
housing have access to appropriate and necessary services, 12809  
including culturally relevant services, from a community addiction 12810  
or mental health services provider. This division does not apply 12811  
to residential facilities licensed pursuant to section 5119.34 of 12812  
the Revised Code. 12813

(15) Establish a mechanism for obtaining advice and 12814  
involvement of persons receiving addiction or mental health 12815  
services on matters pertaining to addiction and mental health 12816  
services in the alcohol, drug addiction, and mental health service 12817  
district; 12818

(16) Perform the duties required by rules adopted under 12819  
section 5119.22 of the Revised Code regarding referrals by the 12820  
board or mental health services providers under contract with the 12821  
board of individuals with mental illness or severe mental 12822  
disability to residential facilities licensed under section 12823  
5119.34 of the Revised Code and effective arrangements for ongoing 12824  
mental health services for the individuals. The board is 12825  
accountable in the manner specified in the rules for ensuring that 12826

the ongoing mental health services are effectively arranged for 12827  
the individuals. 12828

(B) The board shall establish such rules, operating 12829  
procedures, standards, and bylaws, and perform such other duties 12830  
as may be necessary or proper to carry out the purposes of this 12831  
chapter. 12832

(C) A board of alcohol, drug addiction, and mental health 12833  
services may receive by gift, grant, devise, or bequest any 12834  
moneys, lands, or property for the benefit of the purposes for 12835  
which the board is established, and may hold and apply it 12836  
according to the terms of the gift, grant, or bequest. All money 12837  
received, including accrued interest, by gift, grant, or bequest 12838  
shall be deposited in the treasury of the county, the treasurer of 12839  
which is custodian of the alcohol, drug addiction, and mental 12840  
health services funds to the credit of the board and shall be 12841  
available for use by the board for purposes stated by the donor or 12842  
grantor. 12843

(D) No board member or employee of a board of alcohol, drug 12844  
addiction, and mental health services shall be liable for injury 12845  
or damages caused by any action or inaction taken within the scope 12846  
of the board member's official duties or the employee's 12847  
employment, whether or not such action or inaction is expressly 12848  
authorized by this section or any other section of the Revised 12849  
Code, unless such action or inaction constitutes willful or wanton 12850  
misconduct. Chapter 2744. of the Revised Code applies to any 12851  
action or inaction by a board member or employee of a board taken 12852  
within the scope of the board member's official duties or 12853  
employee's employment. For the purposes of this division, the 12854  
conduct of a board member or employee shall not be considered 12855  
willful or wanton misconduct if the board member or employee acted 12856  
in good faith and in a manner that the board member or employee 12857  
reasonably believed was in or was not opposed to the best 12858

interests of the board and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.

(E) The meetings held by any committee established by a board of alcohol, drug addiction, and mental health services shall be considered to be meetings of a public body subject to section 121.22 of the Revised Code.

**Sec. 340.032.** Subject to rules adopted by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall do all of the following:

(A) Establish, to the extent resources are available, a community-based continuum of care that includes, ~~except as otherwise authorized by a time limited waiver issued under division (A)(1) of section 5119.221 of the Revised Code,~~ all of the following as essential elements:

(1) Prevention and wellness management services;

(2) At least both of the following outreach and engagement activities:

(a) Locating persons in need of addiction services and persons in need of mental health services to inform them of available addiction services, mental health services, and recovery supports;

(b) Helping persons who receive addiction services and persons who receive mental health services obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income.

(3) Assessment services;

(4) Care coordination;	12889
(5) Residential services;	12890
(6) At least the following outpatient services:	12891
(a) Nonintensive;	12892
(b) Intensive, such as partial hospitalization and assertive community treatment;	12893 12894
(c) Withdrawal management;	12895
(d) Emergency and crisis.	12896
(7) Where appropriate, at least the following inpatient services:	12897 12898
(a) Psychiatric care;	12899
(b) Medically managed alcohol or drug treatment.	12900
(8) At least all of the following recovery supports:	12901
(a) Peer support;	12902
(b) A wide range of housing and support services, including recovery housing;	12903 12904
(c) Employment, vocational, and educational opportunities;	12905
(d) Assistance with social, personal, and living skills;	12906
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	12907 12908
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	12909 12910 12911
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	12912 12913 12914
(10) Any additional elements the department of mental health	12915

and addiction services, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.

(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;

(C) Ensure that persons receiving any elements of the community-based continuum of care are able to utilize grievance procedures applicable to the elements.

**Sec. 340.033.** The array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction required by section 340.032 of the Revised Code to be included in a community-based continuum of care established under that section shall include, ~~except as otherwise authorized by a waiver issued under division (A)(2) of section 5119.221 of the Revised Code,~~ at least ambulatory and sub-acute detoxification, non-intensive and intensive outpatient services, medication-assisted treatment, peer support, residential services, recovery housing pursuant to section 340.034 of the Revised Code, and multiple paths to recovery such as twelve-step approaches. The services and supports shall be made available in the service district of each board of alcohol, drug addiction, and mental health services, ~~except that~~ sub-acute as provided by either of the following:

(A) Sub-acute detoxification and residential services may be made available through a contract with one or more providers of sub-acute detoxification or residential services located in other service districts. ~~The~~

(B) To the extent authorized by a time-limited waiver issued under section 5119.221 of the Revised Code, ambulatory detoxification and medication-assisted treatment may be made available through a contract with one or more community addiction services providers located not more than thirty miles beyond the

borders of the board's service district. 12947

The services and supports shall be made available in a manner 12948  
that ensures that recipients are able to access the services and 12949  
supports they need for opioid and co-occurring drug addiction in 12950  
an integrated manner and in accordance with their assessed needs 12951  
when changing or obtaining additional addiction services or 12952  
recovery supports for such addiction. An individual seeking a 12953  
service or support for opioid and co-occurring drug addiction 12954  
included in a community-based continuum of care shall not be 12955  
denied the service or support on the basis of the individual's 12956  
prior experience with the service or support. 12957

**Sec. 340.08.** In accordance with rules or guidelines issued by 12958  
the director of mental health and addiction services, each board 12959  
of alcohol, drug addiction, and mental health services shall do 12960  
all of the following: 12961

(A) Submit to the department of mental health and addiction 12962  
services a proposed budget of receipts and expenditures for all 12963  
federal, state, and local moneys the board expects to receive. 12964

(1) The proposed budget shall identify funds the board has 12965  
available for included opioid and co-occurring drug addiction 12966  
services and recovery supports. 12967

(2) The proposed budget shall identify funds the board and 12968  
public children services agencies in the board's service district 12969  
have available to fund jointly the services described in section 12970  
340.15 of the Revised Code. 12971

(3) The board's proposed budget for expenditures of state and 12972  
federal funds distributed to the board by the department shall be 12973  
deemed an application for funds, and the department shall approve 12974  
or disapprove the budget for these expenditures in whole or in 12975  
part in accordance with division (G) of section 5119.22 of the 12976

Revised Code. 12977

If a board determines that it is necessary to amend an 12978  
approved budget, the board shall submit a proposed amendment to 12979  
the director. The director shall approve or disapprove all or part 12980  
of the amendment in accordance with division (H) of section 12981  
5119.22 of the Revised Code. 12982

(B) Submit to the department a proposed list of addiction 12983  
services, mental health services, and recovery supports the board 12984  
intends to make available. ~~Except as otherwise authorized by a~~ 12985  
~~time limited waiver issued under division (A)(1) of section~~ 12986  
~~5119.221 of the Revised Code, the~~ The board shall include the 12987  
services and supports required by section 340.032 of the Revised 12988  
Code to be included in the community-based continuum of care and 12989  
the services required by section 340.15 of the Revised Code. The 12990  
board shall explain the manner in which the board intends to make 12991  
such services and supports available. The list shall be compatible 12992  
with the budget submitted pursuant to division (A) of this 12993  
section. The department shall approve or disapprove the list in 12994  
whole or in part in accordance with division (G) of section 12995  
5119.22 of the Revised Code. 12996

If a board determines that it is necessary to amend an 12997  
approved list, the board shall submit a proposed amendment to the 12998  
director. The director shall approve or disapprove all or part of 12999  
the amendment in accordance with division (H) of section 5119.22 13000  
of the Revised Code. 13001

(C) Enter into a continuity of care agreement with the state 13002  
institution operated by the department of mental health and 13003  
addiction services and designated as the institution serving the 13004  
district encompassing the board's service district. The continuity 13005  
of care agreement shall outline the department's and the board's 13006  
responsibilities to plan for and coordinate with each other to 13007  
address the needs of board residents who are patients in the 13008

institution, with an emphasis on managing appropriate hospital bed 13009  
day use and discharge planning. The continuity of care agreement 13010  
shall not require the board to provide addiction services, mental 13011  
health services, or recovery supports other than those on the list 13012  
of services and supports submitted by the board pursuant to 13013  
division (B) of this section and approved by the department in 13014  
accordance with division (G) of section 5119.22 of the Revised 13015  
Code. 13016

(D) In conjunction with the department, operate a coordinated 13017  
system for tracking and monitoring persons found not guilty by 13018  
reason of insanity and committed pursuant to section 2945.40 of 13019  
the Revised Code who have been granted a conditional release and 13020  
persons found incompetent to stand trial and committed pursuant to 13021  
section 2945.39 of the Revised Code who have been granted a 13022  
conditional release. The system shall do all of the following: 13023

(1) Centralize responsibility for the tracking of those 13024  
persons; 13025

(2) Provide for uniformity in monitoring those persons; 13026

(3) Provide a mechanism to allow prompt rehospitalization, 13027  
reinstitutionalization, or detention when a violation of the 13028  
conditional release or decompensation occurs. 13029

(E) Submit to the department a report summarizing all of the 13030  
following: 13031

(1) Complaints and grievances received by the board 13032  
concerning the rights of persons seeking or receiving addiction 13033  
services, mental health services, or recovery supports; 13034

(2) Investigations of the complaints and grievances; 13035

(3) Outcomes of the investigations. 13036

(F) Provide to the department information to be submitted to 13037  
the community behavioral health information system or systems 13038

established by the department under Chapter 5119. of the Revised Code. 13039  
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(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable. 13041  
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(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight. 13047  
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**Sec. 503.56.** (A) As used in this section: 13051

(1) "Tourism development district" means a district designated by a township under this section. 13052  
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(2) "Territory of a tourism development district" means all of the area included within the territorial boundaries of a tourism development district. 13054  
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(3) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district. A business "operates within the proposed district" if the business would be subject to a tax levied in the proposed tourism development district pursuant to division ~~(A)(2)~~(C) of section 5739.101 of the Revised Code. 13057  
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(4) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with the 13065  
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authority to make decisions legally binding upon a business. The 13069  
signature of any owner of a business operates as the signature of 13070  
the business. 13071

(5) "Eligible township" means a township wholly or partly 13072  
located in a county having a population greater than three hundred 13073  
seventy-five thousand but less than four hundred thousand that 13074  
levies taxes under section 5739.021 or 5739.026 of the Revised 13075  
Code, the aggregate rate of which does not exceed one-half of one 13076  
per cent on the effective date of the enactment of this section. 13077

(B)(1) The board of trustees of an eligible township, by 13078  
resolution, may declare an unincorporated area of the township to 13079  
be a tourism development district for the purpose of fostering and 13080  
developing tourism in the district if all of the following 13081  
criteria are met: 13082

(a) The district's area does not exceed two hundred acres. 13083

(b) All territory in the district is contiguous. 13084

(c) Before adopting that resolution or ordinance, the board 13085  
holds at least two public hearings concerning the creation of the 13086  
tourism development district. 13087

(d) Before adopting the resolution or ordinance, the board 13088  
receives a petition signed by every record owner of a parcel of 13089  
real property located in the proposed district and the owner of 13090  
every business that operates in the proposed district. 13091

(e) The board adopts the resolution on or before December 31, 13092  
2018. 13093

(2) The petition described in division (B)(1)(d) of this 13094  
section shall include an explanation of the taxes and charges that 13095  
may be levied or imposed in the proposed district. 13096

(3) The board shall certify the resolution to the tax 13097  
commissioner within five days after its adoption, along with a 13098

description of the boundaries of the district authorized in the 13099  
resolution. That description shall include sufficient information 13100  
for the commissioner to determine if the address of a vendor is 13101  
within the boundaries of the district. 13102

(4) Subject to the limitations of division (B)(1)(a) and (b) 13103  
of this section, the board of trustees of an eligible township may 13104  
enlarge the territory of an existing tourism development district 13105  
in the manner prescribed for the creation of a district under 13106  
divisions (B)(1) to (3) of this section, except that the petition 13107  
described in division (B)(1)(d) of this section must be signed by 13108  
every record owner of a parcel of real property located in the 13109  
area proposed to be added to the district and the owner of every 13110  
business that operates in the area proposed to be added to the 13111  
district. 13112

(C) For the purpose of fostering and developing tourism in a 13113  
tourism development district, a lessor leasing real property in a 13114  
tourism development district may impose and collect a uniform fee 13115  
on each parcel of real property leased by the lessor, to be paid 13116  
by each of the person's lessees. A lessee is subject to such a fee 13117  
only if the lease separately states the amount of the fee. Before 13118  
a lessor may impose and collect such a fee, the lessor shall file 13119  
a copy of such lease with the fiscal officer of the township that 13120  
designated the tourism development district. A lessor that imposes 13121  
such a fee shall remit all collections of the fee to the fiscal 13122  
officer of the township in which the real property is located. 13123

The board shall establish all regulations necessary to 13124  
provide for the administration and remittance of such fees. The 13125  
regulations may prescribe the time for payment of the fee, and may 13126  
provide for the imposition of a penalty or interest, or both, for 13127  
late remittances, provided that the penalty does not exceed ten 13128  
per cent of the amount of fee due, and the rate at which interest 13129  
accrues does not exceed the rate per annum prescribed pursuant to 13130

section 5703.47 of the Revised Code. The regulations shall 13131  
provide, after deducting the real and actual costs of 13132  
administering the fee, that the revenue be used exclusively for 13133  
fostering and developing tourism within the tourism development 13134  
district. 13135

(D) The board of trustees of an eligible township that has 13136  
designated a tourism development district under this section may 13137  
levy one or both of the taxes authorized under section 503.57 or 13138  
5739.101 of the Revised Code. 13139

(E) On or before the first day of each January and ~~June~~ July, 13140  
beginning after the designation of the tourism development 13141  
district, the fiscal officer of the township shall certify a list 13142  
of vendors located within the tourism development district to the 13143  
tax commissioner, which shall include the name, address, and 13144  
vendor's license number for each vendor. 13145

**Sec. 705.22.** At the end of each year the legislative 13146  
authority of a municipal corporation shall have an annual report 13147  
printed, in pamphlet form, giving: 13148

(A) The classified statement of all receipts, expenditures, 13149  
assets, and liabilities of the municipal corporation; 13150

(B) A detailed comparison of such receipts and expenditures 13151  
with those of the preceding year; 13152

(C) A summary of the proceedings of the legislative authority 13153  
and a summary of the operations of the administrative departments 13154  
for the previous twelve months. 13155

A copy of this report shall be furnished to ~~the auditor of~~ 13156  
~~state,~~ the municipal library, and any citizen of the municipal 13157  
corporation who applies ~~therefor~~ for the report at the office of 13158  
the clerk. Similar reports may be printed quarterly. All meetings 13159  
of the legislative authority or committees thereof shall be 13160

public, and any citizen of the municipal corporation shall have 13161  
access to the minutes and records thereof at all reasonable times. 13162

**Sec. 709.023.** (A) A petition filed under section 709.021 of 13163  
the Revised Code that requests to follow this section is for the 13164  
special procedure of annexing land into a municipal corporation 13165  
when, subject to division (H) of this section, the land also is 13166  
not to be excluded from the township under section 503.07 of the 13167  
Revised Code. The owners who sign this petition by their signature 13168  
expressly waive their right to appeal in law or equity from the 13169  
board of county commissioners' entry of any resolution under this 13170  
section, waive any rights they may have to sue on any issue 13171  
relating to a municipal corporation requiring a buffer as provided 13172  
in this section, and waive any rights to seek a variance that 13173  
would relieve or exempt them from that buffer requirement. 13174

The petition circulated to collect signatures for the special 13175  
procedure in this section shall contain in boldface capital 13176  
letters immediately above the heading of the place for signatures 13177  
on each part of the petition the following: "WHOEVER SIGNS THIS 13178  
PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY 13179  
FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION 13180  
PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT 13181  
OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS 13182  
DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE." 13183

(B) Upon the filing of the petition in the office of the 13184  
clerk of the board of county commissioners, the clerk shall cause 13185  
the petition to be entered upon the board's journal at its next 13186  
regular session. This entry shall be the first official act of the 13187  
board on the petition. Within five days after the filing of the 13188  
petition, the agent for the petitioners shall notify in the manner 13189  
and form specified in this division the clerk of the legislative 13190  
authority of the municipal corporation to which annexation is 13191

proposed, the fiscal officer of each township any portion of which 13192  
is included within the territory proposed for annexation, the 13193  
clerk of the board of county commissioners of each county in which 13194  
the territory proposed for annexation is located other than the 13195  
county in which the petition is filed, and the owners of property 13196  
adjacent to the territory proposed for annexation or adjacent to a 13197  
road that is adjacent to that territory and located directly 13198  
across that road from that territory. The notice shall refer to 13199  
the time and date when the petition was filed and the county in 13200  
which it was filed and shall have attached or shall be accompanied 13201  
by a copy of the petition and any attachments or documents 13202  
accompanying the petition as filed. 13203

Notice to a property owner is sufficient if sent by regular 13204  
United States mail to the tax mailing address listed on the county 13205  
auditor's records. Notice to the appropriate government officer 13206  
shall be given by certified mail, return receipt requested, or by 13207  
causing the notice to be personally served on the officer, with 13208  
proof of service by affidavit of the person who delivered the 13209  
notice. Proof of service of the notice on each appropriate 13210  
government officer shall be filed with the board of county 13211  
commissioners with which the petition was filed. 13212

(C) Within twenty days after the date that the petition is 13213  
filed, the legislative authority of the municipal corporation to 13214  
which annexation is proposed shall adopt an ordinance or 13215  
resolution stating what services the municipal corporation will 13216  
provide, and an approximate date by which it will provide them, to 13217  
the territory proposed for annexation, upon annexation. The 13218  
municipal corporation is entitled in its sole discretion to 13219  
provide to the territory proposed for annexation, upon annexation, 13220  
services in addition to the services described in that ordinance 13221  
or resolution. 13222

If the territory proposed for annexation is subject to zoning 13223

regulations adopted under either Chapter 303. or 519. of the 13224  
Revised Code at the time the petition is filed, the legislative 13225  
authority of the municipal corporation also shall adopt an 13226  
ordinance or resolution stating that, if the territory is annexed 13227  
and becomes subject to zoning by the municipal corporation and 13228  
that municipal zoning permits uses in the annexed territory that 13229  
the municipal corporation determines are clearly incompatible with 13230  
the uses permitted under current county or township zoning 13231  
regulations in the adjacent land remaining within the township 13232  
from which the territory was annexed, the legislative authority of 13233  
the municipal corporation will require, in the zoning ordinance 13234  
permitting the incompatible uses, the owner of the annexed 13235  
territory to provide a buffer separating the use of the annexed 13236  
territory and the adjacent land remaining within the township. For 13237  
the purposes of this section, "buffer" includes open space, 13238  
landscaping, fences, walls, and other structured elements; streets 13239  
and street rights-of-way; and bicycle and pedestrian paths and 13240  
sidewalks. 13241

The clerk of the legislative authority of the municipal 13242  
corporation to which annexation is proposed shall file the 13243  
ordinances or resolutions adopted under this division with the 13244  
board of county commissioners within twenty days following the 13245  
date that the petition is filed. The board shall make these 13246  
ordinances or resolutions available for public inspection. 13247

(D) Within twenty-five days after the date that the petition 13248  
is filed, the legislative authority of the municipal corporation 13249  
to which annexation is proposed and each township any portion of 13250  
which is included within the territory proposed for annexation may 13251  
adopt and file with the board of county commissioners an ordinance 13252  
or resolution consenting or objecting to the proposed annexation. 13253  
An objection to the proposed annexation shall be based solely upon 13254  
the petition's failure to meet the conditions specified in 13255

division (E) of this section. 13256

If the municipal corporation and each of those townships 13257  
timely files an ordinance or resolution consenting to the proposed 13258  
annexation, the board at its next regular session shall enter upon 13259  
its journal a resolution granting the proposed annexation. If, 13260  
instead, the municipal corporation or any of those townships files 13261  
an ordinance or resolution that objects to the proposed 13262  
annexation, the board of county commissioners shall proceed as 13263  
provided in division (E) of this section. Failure of the municipal 13264  
corporation or any of those townships to timely file an ordinance 13265  
or resolution consenting or objecting to the proposed annexation 13266  
shall be deemed to constitute consent by that municipal 13267  
corporation or township to the proposed annexation. 13268

(E) Unless the petition is granted under division (D) of this 13269  
section, not less than thirty or more than forty-five days after 13270  
the date that the petition is filed, the board of county 13271  
commissioners shall review it to determine if each of the 13272  
following conditions has been met: 13273

(1) The petition meets all the requirements set forth in, and 13274  
was filed in the manner provided in, section 709.021 of the 13275  
Revised Code. 13276

(2) The persons who signed the petition are owners of the 13277  
real estate located in the territory proposed for annexation and 13278  
constitute all of the owners of real estate in that territory. 13279

(3) The territory proposed for annexation does not exceed 13280  
five hundred acres. 13281

(4) The territory proposed for annexation shares a contiguous 13282  
boundary with the municipal corporation to which annexation is 13283  
proposed for a continuous length of at least five per cent of the 13284  
perimeter of the territory proposed for annexation. 13285

(5) The annexation will not create an unincorporated area of 13286

the township that is completely surrounded by the territory 13287  
proposed for annexation. 13288

(6) The municipal corporation to which annexation is proposed 13289  
has agreed to provide to the territory proposed for annexation the 13290  
services specified in the relevant ordinance or resolution adopted 13291  
under division (C) of this section. 13292

(7) If a street or highway will be divided or segmented by 13293  
the boundary line between the township and the municipal 13294  
corporation as to create a road maintenance problem, the municipal 13295  
corporation to which annexation is proposed has agreed as a 13296  
condition of the annexation to assume the maintenance of that 13297  
street or highway or to otherwise correct the problem. As used in 13298  
this section, "street" or "highway" has the same meaning as in 13299  
section 4511.01 of the Revised Code. 13300

(F) Not less than thirty or more than forty-five days after 13301  
the date that the petition is filed, if the petition is not 13302  
granted under division (D) of this section, the board of county 13303  
commissioners, if it finds that each of the conditions specified 13304  
in division (E) of this section has been met, shall enter upon its 13305  
journal a resolution granting the annexation. If the board of 13306  
county commissioners finds that one or more of the conditions 13307  
specified in division (E) of this section have not been met, it 13308  
shall enter upon its journal a resolution that states which of 13309  
those conditions the board finds have not been met and that denies 13310  
the petition. 13311

(G) If a petition is granted under division (D) or (F) of 13312  
this section, the clerk of the board of county commissioners shall 13313  
proceed as provided in division (C)(1) of section 709.033 of the 13314  
Revised Code, except that no recording or hearing exhibits would 13315  
be involved. There is no appeal in law or equity from the board's 13316  
entry of any resolution under this section, but any party may seek 13317  
a writ of mandamus to compel the board of county commissioners to 13318

perform its duties under this section. 13319

(H) Notwithstanding anything to the contrary in section 13320  
503.07 of the Revised Code, unless otherwise provided in an 13321  
annexation agreement entered into pursuant to section 709.192 of 13322  
the Revised Code or in a cooperative economic development 13323  
agreement entered into pursuant to section 701.07 of the Revised 13324  
Code, territory annexed into a municipal corporation pursuant to 13325  
this section shall not at any time be excluded from the township 13326  
under section 503.07 of the Revised Code and, thus, remains 13327  
subject to the township's real property taxes. 13328

(I) Any owner of land that remains within a township and that 13329  
is adjacent to territory annexed pursuant to this section who is 13330  
directly affected by the failure of the annexing municipal 13331  
corporation to enforce compliance with any zoning ordinance it 13332  
adopts under division (C) of this section requiring the owner of 13333  
the annexed territory to provide a buffer zone, may commence in 13334  
the court of common pleas a civil action against that owner to 13335  
enforce compliance with that buffer requirement whenever the 13336  
required buffer is not in place before any development of the 13337  
annexed territory begins. 13338

(J) Division (C)~~(18)~~(15) of section 718.01 of the Revised 13339  
Code applies to the compensation paid to persons performing 13340  
personal services for a political subdivision on property owned by 13341  
the political subdivision after that property is annexed to a 13342  
municipal corporation under this section. 13343

**Sec. 715.014.** (A) As used in this section: 13344

(1) "Tourism development district" means a district 13345  
designated by a municipal corporation under this section. 13346

(2) "Territory of a tourism development district" means all 13347  
of the area included within the territorial boundaries of a 13348

tourism development district. 13349

(3) "Business" and "owner" have the same meanings as in 13350  
section 503.56 of the Revised Code. 13351

(4) "Eligible municipal corporation" means a municipal 13352  
corporation wholly or partly located in a county having a 13353  
population greater than three hundred seventy-five thousand but 13354  
less than four hundred thousand that levies taxes under section 13355  
5739.021 or 5739.026 of the Revised Code, the aggregate rate of 13356  
which does not exceed one-half of one per cent on ~~the effective~~ 13357  
~~date of the enactment of this section~~ September 29, 2015. 13358

(5) "Fiscal officer" means the city auditor, village clerk, 13359  
or other municipal officer having the duties and functions of a 13360  
city auditor or village clerk. 13361

(B)(1) The legislative authority of an eligible municipal 13362  
corporation, by resolution or ordinance, may declare an area of 13363  
the municipal corporation to be a tourism development district for 13364  
the purpose of fostering and developing tourism in the district if 13365  
all of the following criteria are met: 13366

(a) The district's area does not exceed two hundred acres. 13367

(b) All territory in the district is contiguous. 13368

(c) Before adopting the resolution or ordinance, the 13369  
legislative authority holds at least two public hearings 13370  
concerning the creation of the tourism development district. 13371

(d) Before adopting the resolution or ordinance, the 13372  
legislative authority receives a petition signed by every record 13373  
owner of a parcel of real property located in the proposed 13374  
district and the owner of every business that operates in the 13375  
proposed district. 13376

(e) The legislative authority adopts the resolution or 13377  
ordinance on or before December 31, 2018. 13378

(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that may be levied or imposed in the proposed district.

(3) The legislative authority shall certify the resolution or ordinance to the tax commissioner within five days after its adoption, along with a description of the boundaries of the district authorized in the resolution. That description shall include sufficient information for the commissioner to determine if the address of a vendor is within the boundaries of the district.

(4) Subject to the limitations of divisions (B)(1)(a) and (b) of this section, the legislative authority of an eligible municipal corporation may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) of this section must be signed by every record owner of a parcel of real property located in the area proposed to be added to the district and the owner of every business that operates in the area proposed to be added to the district.

(C) For the purpose of fostering and developing tourism in a tourism development district, a lessor leasing real property in a tourism development district may impose and collect a uniform fee on each parcel of real property leased by the lessor, to be paid by each of the person's lessees. A lessee is subject to such a fee only if the lease separately states the amount of the fee. Before a lessor may impose and collect such a fee, the lessor shall file a copy of such lease with the fiscal officer. A lessor that imposes such a fee shall remit all collections of the fee to the municipal corporation in which the real property is located.

The legislative authority of that municipal corporation shall establish all regulations necessary to provide for the

administration and remittance of such fees. The regulations may 13411  
prescribe the time for payment of the fee, and may provide for the 13412  
imposition of a penalty or interest, or both, for late 13413  
remittances, provided that the penalty does not exceed ten per 13414  
cent of the amount of fee due, and the rate at which interest 13415  
accrues does not exceed the rate per annum prescribed pursuant to 13416  
section 5703.47 of the Revised Code. The regulations shall 13417  
provide, after deducting the real and actual costs of 13418  
administering the fee, that the revenue be used exclusively for 13419  
fostering and developing tourism within the tourism development 13420  
district. 13421

(D) The legislative authority of an eligible municipal 13422  
corporation that has designated a tourism development district may 13423  
levy the tax authorized under section 5739.101 of the Revised 13424  
Code. Nothing in this section limits the power of the legislative 13425  
authority of a municipal corporation to levy a tax on the basis of 13426  
admissions in a tourism development district pursuant to its 13427  
powers of local self-government conferred by Section 3 of Article 13428  
XVIII, Ohio Constitution. 13429

(E) On or before the first day of each January and ~~June~~ July, 13430  
beginning after the designation of the tourism development 13431  
district, the fiscal officer shall certify a list of vendors 13432  
located within the tourism development district to the tax 13433  
commissioner, which shall include the name, address, and vendor's 13434  
license number for each vendor. 13435

**Sec. 715.691.** (A) As used in this section: 13436

(1) "Contracting party" means a municipal corporation that 13437  
has entered into a joint economic development zone contract or any 13438  
party succeeding to the municipal corporation, or a township that 13439  
entered into a joint economic development zone contract with a 13440  
municipal corporation. 13441

(2) "Zone" means a joint economic development zone designated under this section. 13442  
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(3) "Substantial amendment" means an amendment to a joint economic development zone contract that increases the rate of municipal income tax that may be imposed within the zone, changes the purposes for which municipal income tax revenue derived from the zone may be used, or changes the area or areas included in the zone. 13444  
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(B) This section provides procedures and requirements for creating and operating a joint economic development zone. This section applies only if one of the contracting parties to the zone does not levy a municipal income tax ~~under Chapter~~ in accordance with Chapters 718. and 5718. of the Revised Code. 13450  
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At any time before January 1, 2015, two or more municipal corporations or one or more townships and one or more municipal corporations may enter into a contract whereby they agree to share in the costs of improvements for an area or areas located in one or more of the contracting parties that they designate as a joint economic development zone for the purpose of facilitating new or expanded growth for commercial or economic development in the state. The contract and zone shall meet the requirements of divisions (B) to (J) of this section. 13455  
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(C) The contract shall set forth each contracting party's contribution to the joint economic development zone. The contributions may be in any form that the contracting parties agree to, and may include, but are not limited to, the provision of services, money, or equipment. The contract may be amended, renewed, or terminated with the consent of the contracting parties, subject to division (K) of this section. The contract shall continue in existence throughout the term it specifies and shall be binding on the contracting parties and on any entities succeeding to the contracting parties. If the contract is approved 13464  
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by the electors of any contracting party under division (F) of 13474  
this section or substantially amended after the effective date of 13475  
H.B. 289 of the 130th general assembly, June 5, 2014, the 13476  
contracting parties shall include within the contract or the 13477  
amendment to the contract an economic development plan for the 13478  
zone, a schedule for the implementation or provision of any new, 13479  
expanded, or additional services, facilities, or improvements 13480  
within the zone or in the area surrounding the zone, and any 13481  
provisions necessary for the contracting parties to create a joint 13482  
economic development review council in compliance with section 13483  
715.692 of the Revised Code. 13484

(D) Before the legislative authority of any of the 13485  
contracting parties enacts an ordinance or resolution approving a 13486  
contract to designate a joint economic development zone, the 13487  
legislative authority of each of the contracting parties shall 13488  
hold a public hearing concerning the contract and zone. Each 13489  
legislative authority shall provide at least thirty days' public 13490  
notice of the time and place of the public hearing in a newspaper 13491  
of general circulation in the municipal corporation or township. 13492  
During the thirty-day period prior to the public hearing, all of 13493  
the following documents shall be available for public inspection 13494  
in the office of the clerk of the legislative authority of a 13495  
municipal corporation that is a contracting party and in the 13496  
office of the fiscal officer of a township that is a contracting 13497  
party: 13498

(1) A copy of the contract designating the zone; 13499

(2) A description of the area or areas to be included in the 13500  
zone, including a map in sufficient detail to denote the specific 13501  
boundaries of the area or areas; 13502

(3) An economic development plan for the zone that includes a 13503  
schedule for the provision of any new, expanded, or additional 13504  
services, facilities, or improvements. 13505

A public hearing held under division (D) of this section shall allow for public comment and recommendations on the contract and zone. The contracting parties may include in the contract any of those recommendations prior to approval of the contract.

(E) After the public hearings required under division (D) of this section have been held and the economic development plan has been approved under division (D) of section 715.692 of the Revised Code, and before January 1, 2015, each contracting party may enact an ordinance or resolution approving the contract to designate a joint economic development zone. After each contracting party has enacted an ordinance or resolution, the clerk of the legislative authority of a municipal corporation that is a contracting party and the fiscal officer of a township that is a contracting party shall file with the board of elections of each county within which a contracting party is located a copy of the ordinance or resolution approving the contract and shall direct the board of elections to submit the ordinance or resolution to the electors of the contracting party on the day of the next general, primary, or special election occurring at least ninety days after the ordinance or resolution is filed with the board of elections. If any of the contracting parties is a township, however, then only the township or townships shall submit the resolution to the electors. The board of elections shall not submit an ordinance or resolution filed under this division to the electors at any election occurring on or after January 1, 2015.

(F)(1) If a vote is required to approve a municipal corporation as a contracting party to a joint economic development zone under this section, the ballot shall be in the following form:

"Shall the ordinance of the legislative authority of the (city or village) of (name of contracting party) approving the contract with (name of each other contracting party) for the

designation of a joint economic development zone be approved? 13538

13539

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

13540

"

13541

13542

(2) If a vote is required to approve a township as a 13543  
contracting party to a joint economic development zone under this 13544  
section, the ballot shall be in the following form: 13545

"Shall the resolution of the board of township trustees of 13546  
the township of (name of contracting party) approving the contract 13547  
with (name of each other contracting party) for the designation of 13548  
a joint economic development zone be approved? 13549

13550

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

13551

"

13552

13553

If a majority of the electors of each contracting party 13554  
voting on the issue vote for the ordinance or resolution and 13555  
contract, the ordinance or resolution shall become effective 13556  
immediately and the contract shall go into effect immediately or 13557  
in accordance with its terms. 13558

(G)(1) A board of directors shall govern each joint economic 13559  
development zone created under this section. The members of the 13560  
board shall be appointed as provided in the contract. Each of the 13561  
contracting parties shall appoint three members to the board. 13562  
Terms for each member shall be for two years, each term ending on 13563  
the same day of the month of the year as did the term that it 13564  
succeeds. A member may be reappointed to the board. 13565

(2) Membership on the board is not the holding of a public 13566  
office or employment within the meaning of any section of the 13567

Revised Code or any charter provision prohibiting the holding of 13568  
other public office or employment. Membership on the board is not 13569  
a direct or indirect interest in a contract or expenditure of 13570  
money by a municipal corporation, township, county, or other 13571  
political subdivision with which a member may be affiliated. 13572  
Notwithstanding any provision of law or a charter to the contrary, 13573  
no member of the board shall forfeit or be disqualified from 13574  
holding any public office or employment by reason of membership on 13575  
the board. 13576

(3) The board is a public body for the purposes of section 13577  
121.22 of the Revised Code. Chapter 2744. of the Revised Code 13578  
applies to the board and the zone. 13579

(H) The contract may grant to the board of directors 13580  
appointed under division (G) of this section the power to adopt a 13581  
resolution to levy an income tax within the zone. The income tax 13582  
shall be used for the purposes of the zone and for the purposes of 13583  
the contracting parties pursuant to the contract. Not less than 13584  
fifty per cent of the revenue from the tax shall be used solely to 13585  
provide the new, expanded, or additional services, facilities, or 13586  
improvements specified in the economic development plan until all 13587  
such services, facilities, or improvements have been completed as 13588  
specified in that plan. The income tax may be levied in the zone 13589  
based on income earned by persons working within the zone and on 13590  
the net profits of businesses located in the zone. The income tax 13591  
is subject to ~~Chapter~~ Chapters 718. and 5718. of the Revised Code, 13592  
except that a vote shall be required by the electors residing in 13593  
the zone to approve the rate of income tax unless a majority of 13594  
the electors residing within the zone, as determined by the total 13595  
number of votes cast in the zone for the office of governor at the 13596  
most recent general election for that office, submit a petition to 13597  
the board requesting that the election provided for in division 13598  
(H)(1) of this section not be held. If no electors reside within 13599

the zone, then division (H)(3) of this section applies. The rate 13600  
of the income tax shall be no higher than the highest rate being 13601  
levied by a municipal corporation that is a party to the contract. 13602

(1) The board of directors may levy an income tax at a rate 13603  
that is not higher than the highest rate being levied by a 13604  
municipal corporation that is a party to the contract, provided 13605  
that the rate of the income tax is first submitted to and approved 13606  
by the electors of the zone at the succeeding regular or primary 13607  
election, or a special election called by the board, occurring 13608  
subsequent to ninety days after a certified copy of the resolution 13609  
levying the income tax and calling for the election is filed with 13610  
the board of elections. If the voters approve the levy of the 13611  
income tax, the income tax shall be in force for the full period 13612  
of the contract establishing the zone. No election shall be held 13613  
under this section if a majority of the electors residing within 13614  
the zone, determined as specified in division (H) of this section, 13615  
submit a petition to that effect to the board of directors. Any 13616  
increase in the rate of an income tax by the board of directors 13617  
shall be approved by a vote of the electors of the zone and shall 13618  
be in force for the remaining period of the contract establishing 13619  
the zone. 13620

(2) Whenever a zone is located in the territory of more than 13621  
one contracting party, a majority vote of the electors in each of 13622  
the several portions of the territory of the contracting parties 13623  
constituting the zone approving the levy of the tax is required 13624  
before it may be imposed under division (H) of this section. 13625

(3) If no electors reside in the zone, no election for the 13626  
approval or rejection of an income tax shall be held under this 13627  
section, provided that where no electors reside in the zone, the 13628  
rate of the income tax shall be no higher than the highest rate 13629  
being levied by a municipal corporation that is a party to the 13630  
contract. 13631

(4) The board of directors of a zone levying an income tax 13632  
shall enter into an agreement with one of the municipal 13633  
corporations that is a party to the contract to administer, 13634  
collect, and enforce the income tax on behalf of the zone. 13635

(5) The board of directors of a zone shall publish or post 13636  
public notice within the zone of any resolution adopted levying an 13637  
income tax in the same manner required of municipal corporations 13638  
under sections 731.21 and 731.25 of the Revised Code. 13639

(I)(1) If for any reason a contracting party reverts to or 13640  
has its boundaries changed so that it is classified as a township 13641  
that is the entity succeeding to that contracting party, the 13642  
township is considered to be a municipal corporation for the 13643  
purposes of the contract for the full period of the contract 13644  
establishing the joint economic development zone, except that if 13645  
that contracting party is administering, collecting, and enforcing 13646  
the income tax on behalf of the district as provided in division 13647  
(H)(4) of this section, the contract shall be amended to allow one 13648  
of the other contracting parties to administer, collect, and 13649  
enforce that tax. 13650

(2) Notwithstanding any other section of the Revised Code, if 13651  
there is any change in the boundaries of a township so that a 13652  
municipal corporation once located within the township is no 13653  
longer so located, the township shall remain in existence even 13654  
though its remaining unincorporated area contains less than 13655  
twenty-two square miles, if the township has been or becomes a 13656  
party to a contract creating a joint economic development zone 13657  
under this section or the contract creating that joint economic 13658  
development zone under this section is terminated or repudiated 13659  
for any reason by any party or person. The township shall continue 13660  
its existing status in all respects, including having the same 13661  
form of government and the same elected board of trustees as its 13662  
governing body. The township shall continue to receive all of its 13663

tax levies and sources of income as a township in accordance with 13664  
any section of the Revised Code, whether the levies and sources of 13665  
income generate millage within the ten-mill limitation or in 13666  
excess of the ten-mill limitation. The name of the township may be 13667  
changed to the name of the contracting party appearing in the 13668  
contract creating a joint economic development zone under this 13669  
section, so long as the name does not conflict with any other name 13670  
in the state that has been certified by the secretary of state. 13671  
The township shall have all of the powers set out in sections 13672  
715.79, 715.80, and 715.81 of the Revised Code. 13673

(J) If, after creating and operating a joint economic 13674  
development zone under this section, a contracting party that did 13675  
not levy a municipal income tax ~~under Chapter~~ in accordance with 13676  
Chapters 718. and 5718. of the Revised Code levies such a tax, the 13677  
tax shall not apply to the zone for the full period of the 13678  
contract establishing the zone if the board of directors of the 13679  
zone has levied an income tax as provided in division (H) of this 13680  
section. 13681

(K) No substantial amendment may be made to any joint 13682  
economic development zone contract after December 31, 2014. 13683

**Sec. 715.70.** (A) This section and section 715.71 of the 13684  
Revised Code apply only to: 13685

(1) Municipal corporations and townships within a county that 13686  
has adopted a charter under Sections 3 and 4 of Article X, Ohio 13687  
Constitution; 13688

(2) Municipal corporations and townships that have created a 13689  
joint economic development district comprised entirely of real 13690  
property owned by a municipal corporation at the time the district 13691  
was created under this section. The real property owned by the 13692  
municipal corporation shall include an airport owned by the 13693  
municipal corporation and located entirely beyond the municipal 13694

corporation's corporate boundary. 13695

(3) Municipal corporations or townships that are part of or 13696  
contiguous to a transportation improvement district created under 13697  
Chapter 5540. of the Revised Code and that have created a joint 13698  
economic development district under this section or section 715.71 13699  
of the Revised Code prior to November 15, 1995; 13700

(4) Municipal corporations that have previously entered into 13701  
a contract creating a joint economic development district pursuant 13702  
to division (A)(2) of this section, even if the territory to be 13703  
included in the district does not meet the requirements of that 13704  
division. 13705

(B)(1) One or more municipal corporations and one or more 13706  
townships may enter into a contract approved by the legislative 13707  
authority of each contracting party pursuant to which they create 13708  
as a joint economic development district an area or areas for the 13709  
purpose of facilitating economic development to create or preserve 13710  
jobs and employment opportunities and to improve the economic 13711  
welfare of the people in the state and in the area of the 13712  
contracting parties. A municipal corporation described in division 13713  
(A)(4) of this section may enter into a contract with other 13714  
municipal corporations and townships to create a new joint 13715  
economic development district. In a district that includes a 13716  
municipal corporation described in division (A)(4) of this 13717  
section, the territory of each of the contracting parties shall be 13718  
contiguous to the territory of at least one other contracting 13719  
party, or contiguous to the territory of a township or municipal 13720  
corporation that is contiguous to another contracting party, even 13721  
if the intervening township or municipal corporation is not a 13722  
contracting party. The area or areas of land to be included in the 13723  
district shall not include any parcel of land owned in fee by a 13724  
municipal corporation or a township or parcel of land that is 13725  
leased to a municipal corporation or a township, unless the 13726

municipal corporation or township is a party to the contract or 13727  
unless the municipal corporation or township has given its consent 13728  
to have its parcel of land included in the district by the 13729  
adoption of a resolution. As used in this division, "parcel of 13730  
land" means any parcel of land owned by a municipal corporation or 13731  
a township for at least a six-month period within a five-year 13732  
period prior to the creation of a district, but "parcel of land" 13733  
does not include streets or public ways and sewer, water, and 13734  
other utility lines whether owned in fee or otherwise. 13735

The district created shall be located within the territory of 13736  
one or more of the participating parties and may consist of all or 13737  
a portion of such territory. The boundaries of the district shall 13738  
be described in the contract or in an addendum to the contract. 13739

(2) Prior to the public hearing to be held pursuant to 13740  
division (D)(2) of this section, the participating parties shall 13741  
give a copy of the proposed contract to each municipal corporation 13742  
located within one-quarter mile of the proposed joint economic 13743  
development district and not otherwise a party to the contract, 13744  
and afford the municipal corporation the reasonable opportunity, 13745  
for a period of thirty days following receipt of the proposed 13746  
contract, to make comments and suggestions to the participating 13747  
parties regarding elements contained in the proposed contract. 13748

(3) The district shall not exceed two thousand acres in area. 13749  
The territory of the district shall not completely surround 13750  
territory that is not included within the boundaries of the 13751  
district. 13752

(4) Sections 503.07 to 503.12 of the Revised Code do not 13753  
apply to territory included within a district created pursuant to 13754  
this section as long as the contract creating the district is in 13755  
effect, unless the legislative authority of each municipal 13756  
corporation and the board of township trustees of each township 13757  
included in the district consent, by ordinance or resolution, to 13758

the application of those sections of the Revised Code. 13759

(5) Upon the execution of the contract creating the district 13760  
by the parties to the contract, a participating municipal 13761  
corporation or township included within the district shall file a 13762  
copy of the fully executed contract with the county recorder of 13763  
each county within which a party to the contract is located, in 13764  
the miscellaneous records of the county. No annexation proceeding 13765  
pursuant to Chapter 709. of the Revised Code that proposes the 13766  
annexation to, merger, or consolidation with a municipal 13767  
corporation of any unincorporated territory within the district 13768  
shall be commenced for a period of three years after the contract 13769  
is filed with the county recorder of each county within which a 13770  
party to the contract is located unless each board of township 13771  
trustees whose territory is included, in whole or part, within the 13772  
district and the territory proposed to be annexed, merged, or 13773  
consolidated adopts a resolution consenting to the commencement of 13774  
the proceeding and a copy of the resolution is filed with the 13775  
legislative authority of each county within which a party to the 13776  
contract is located or unless the contract is terminated during 13777  
this period. 13778

The contract entered into between the municipal corporations 13779  
and townships pursuant to this section may provide for the 13780  
prohibition of any annexation by the participating municipal 13781  
corporations of any unincorporated territory within the district 13782  
beyond the three-year mandatory prohibition of any annexation 13783  
provided for in division (B)(5) of this section. 13784

(C)(1) After the legislative authority of a municipal 13785  
corporation and the board of township trustees have adopted an 13786  
ordinance and resolution approving a contract to create a joint 13787  
economic development district pursuant to this section, and after 13788  
a contract has been signed, the municipal corporations and 13789  
townships shall jointly file a petition with the legislative 13790

authority of each county within which a party to the contract is located. 13791  
13792

(a) The petition shall contain all of the following: 13793

(i) A statement that the area or areas of the district ~~is~~ are 13794  
not greater than two thousand acres and ~~is~~ are located within the 13795  
territory of one or more of the contracting parties; 13796

(ii) A brief summary of the services to be provided by each 13797  
party to the contract or a reference to the portion of the 13798  
contract describing those services; 13799

(iii) A description of the area or areas to be designated as 13800  
the district; 13801

(iv) The signature of a representative of each of the 13802  
contracting parties. 13803

(b) The following documents shall be filed with the petition: 13804

(i) A signed copy of the contract, together with copies of 13805  
district maps and plans related to or part of the contract; 13806

(ii) A certified copy of the ordinances and resolutions of 13807  
the contracting parties approving the contract; 13808

(iii) A certificate from each of the contracting parties 13809  
indicating that the public hearings required by division (D)(2) of 13810  
this section have been held, the date of the hearings, and 13811  
evidence of publication of the notice of the hearings; 13812

(iv) One or more signed statements of persons who are owners 13813  
of property located in whole or in part within the area to be 13814  
designated as the district, requesting that the property be 13815  
included within the district, provided that those statements shall 13816  
represent a majority of the persons owning property located in 13817  
whole or in part within the district and persons owning a majority 13818  
of the acreage located within the district. A signature may be 13819  
withdrawn by the signer up to but not after the time of the public 13820

hearing required by division (D)(2) of this section. 13821

(2) The legislative authority of each county within which a 13822  
party to the contract is located shall adopt a resolution 13823  
approving the petition for the creation of the district if the 13824  
petition and other documents have been filed in accordance with 13825  
the requirements of division (C)(1) of this section. If the 13826  
petition and other documents do not substantially meet the 13827  
requirements of that division, the legislative authority of any 13828  
county within which a party to the contract is located may adopt a 13829  
resolution disapproving the petition for the creation of the 13830  
district. The legislative authority of each county within which a 13831  
party to the contract is located shall adopt a resolution 13832  
approving or disapproving the petition within thirty days after 13833  
the petition was filed. If the legislative authority of each such 13834  
county does not adopt the resolution within the thirty-day period, 13835  
the petition shall be deemed approved and the contract shall go 13836  
into effect immediately after that approval or at such other time 13837  
as the contract specifies. 13838

(D)(1) The contract creating the district shall set forth or 13839  
provide for the amount or nature of the contribution of each 13840  
municipal corporation and township to the development and 13841  
operation of the district and may provide for the sharing of the 13842  
costs of the operation of and improvements for the district. The 13843  
contributions may be in any form to which the contracting 13844  
municipal corporations and townships agree and may include but are 13845  
not limited to the provision of services, money, real or personal 13846  
property, facilities, or equipment. The contract may provide for 13847  
the contracting parties to share revenue from taxes levied on 13848  
property by one or more of the contracting parties if those 13849  
revenues may lawfully be applied to that purpose under the 13850  
legislation by which those taxes are levied. The contract shall 13851  
provide for new, expanded, or additional services, facilities, or 13852

improvements, including expanded or additional capacity for or 13853  
other enhancement of existing services, facilities, or 13854  
improvements, provided that those services, facilities, or 13855  
improvements, or expanded or additional capacity for or 13856  
enhancement of existing services, facilities, or improvements, 13857  
required herein have been provided within the two-year period 13858  
prior to the execution of the contract. 13859

(2) Before the legislative authority of a municipal 13860  
corporation or a board of township trustees passes any ordinance 13861  
or resolution approving a contract to create a joint economic 13862  
development district pursuant to this section, the legislative 13863  
authority of the municipal corporation and the board of township 13864  
trustees shall each hold a public hearing concerning the joint 13865  
economic development district contract and shall provide thirty 13866  
days' public notice of the time and place of the public hearing in 13867  
a newspaper of general circulation in the municipal corporation 13868  
and the township. The board of township trustees may provide 13869  
additional notice to township residents in accordance with section 13870  
9.03 of the Revised Code, and any additional notice shall include 13871  
the public hearing announcement; a summary of the terms of the 13872  
contract; a statement that the entire text of the contract and 13873  
district maps and plans are on file for public examination in the 13874  
office of the township fiscal officer; and information pertaining 13875  
to any tax changes that will or may occur as a result of the 13876  
contract. 13877

During the thirty-day period prior to the public hearing, a 13878  
copy of the text of the contract together with copies of district 13879  
maps and plans related to or part of the contract shall be on 13880  
file, for public examination, in the offices of the clerk of the 13881  
legislative authority of the municipal corporation and of the 13882  
township fiscal officer. The public hearing provided for in 13883  
division (D)(2) of this section shall allow for public comment and 13884

recommendations from the public on the proposed contract. The 13885  
contracting parties may include in the contract any of those 13886  
recommendations prior to the approval of the contract. 13887

(3) Any resolution of the board of township trustees that 13888  
approves a contract that creates a joint economic development 13889  
district pursuant to this section shall be subject to a referendum 13890  
of the electors of the township. When a referendum petition, 13891  
signed by ten per cent of the number of electors in the township 13892  
who voted for the office of governor at the most recent general 13893  
election for the office of governor, is presented to the board of 13894  
township trustees within thirty days after the board of township 13895  
trustees adopted the resolution, ordering that the resolution be 13896  
submitted to the electors of the township for their approval or 13897  
rejection, the board of township trustees shall, after ten days 13898  
and not later than four p.m. of the ninetieth day before the 13899  
election, certify the text of the resolution to the board of 13900  
elections. The board of elections shall submit the resolution to 13901  
the electors of the township for their approval or rejection at 13902  
the next general, primary, or special election occurring 13903  
subsequent to ninety days after the certifying of the petition to 13904  
the board of elections. 13905

(4) Upon the creation of a district under this section or 13906  
section 715.71 of the Revised Code, one of the contracting parties 13907  
shall file a copy of the following with the director of 13908  
development: 13909

(a) The petition and other documents described in division 13910  
(C)(1) of this section, if the district is created under this 13911  
section; 13912

(b) The documents described in division (D) of section 715.71 13913  
of the Revised Code, if the district is created under this 13914  
section. 13915

(E) The district created by the contract shall be governed by 13916  
a board of directors that shall be established by or pursuant to 13917  
the contract. The board is a public body for the purposes of 13918  
section 121.22 of the Revised Code. The provisions of Chapter 13919  
2744. of the Revised Code apply to the board and the district. The 13920  
members of the board shall be appointed as provided in the 13921  
contract from among the elected members of the legislative 13922  
authorities and the elected chief executive officers of the 13923  
contracting parties, provided that there shall be at least two 13924  
members appointed from each of the contracting parties. 13925

(F) The contract shall enumerate the specific powers, duties, 13926  
and functions of the board of directors of a district, and the 13927  
contract shall provide for the determination of procedures that 13928  
are to govern the board of directors. The contract may grant to 13929  
the board the power to adopt a resolution to levy an income tax 13930  
within the district. The income tax shall be used for the purposes 13931  
of the district and for the purposes of the contracting municipal 13932  
corporations and townships pursuant to the contract. The income 13933  
tax may be levied in the district based on income earned by 13934  
persons working or residing within the district and based on the 13935  
net profits of businesses located in the district. The income tax 13936  
shall follow the provisions of ~~Chapter~~ Chapters 718. and 5718. of 13937  
the Revised Code, except that a vote shall be required by the 13938  
electors residing in the district to approve the rate of income 13939  
tax. If no electors reside within the district, then division 13940  
(F)(4) of this section applies. The rate of the income tax shall 13941  
be no higher than the highest rate being levied by a municipal 13942  
corporation that is a party to the contract. 13943

(1) Within one hundred eighty days after the first meeting of 13944  
the board of directors, the board may levy an income tax, provided 13945  
that the rate of the income tax is first submitted to and approved 13946  
by the electors of the district at the succeeding regular or 13947

primary election, or a special election called by the board, 13948  
occurring subsequent to ninety days after a certified copy of the 13949  
resolution levying the income tax and calling for the election is 13950  
filed with the board of elections. If the voters approve the levy 13951  
of the income tax, the income tax shall be in force for the full 13952  
period of the contract establishing the district. Any increase in 13953  
the rate of an income tax that was first levied within one hundred 13954  
eighty days after the first meeting of the board of directors 13955  
shall be approved by a vote of the electors of the district, shall 13956  
be in force for the remaining period of the contract establishing 13957  
the district, and shall not be subject to division (F)(2) of this 13958  
section. 13959

(2) Any resolution of the board of directors levying an 13960  
income tax that is adopted subsequent to one hundred eighty days 13961  
after the first meeting of the board of directors shall be subject 13962  
to a referendum as provided in division (F)(2) of this section. 13963  
Any resolution of the board of directors levying an income tax 13964  
that is adopted subsequent to one hundred eighty days after the 13965  
first meeting of the board of directors shall be subject to an 13966  
initiative proceeding to amend or repeal the resolution levying 13967  
the income tax as provided in division (F)(2) of this section. 13968  
When a referendum petition, signed by ten per cent of the number 13969  
of electors in the district who voted for the office of governor 13970  
at the most recent general election for the office of governor, is 13971  
filed with the county auditor of each county within which a party 13972  
to the contract is located within thirty days after the resolution 13973  
is adopted by the board or when an initiative petition, signed by 13974  
ten per cent of the number of electors in the district who voted 13975  
for the office of governor at the most recent general election for 13976  
the office of governor, is filed with the county auditor of each 13977  
such county ordering that a resolution to amend or repeal a prior 13978  
resolution levying an income tax be submitted to the electors 13979  
within the district for their approval or rejection, the county 13980

auditor of each such county, after ten days and not later than 13981  
four p.m. of the ninetieth day before the election, shall certify 13982  
the text of the resolution to the board of elections of that 13983  
county. The county auditor of each such county shall retain the 13984  
petition. The board of elections shall submit the resolution to 13985  
such electors, for their approval or rejection, at the next 13986  
general, primary, or special election occurring subsequent to 13987  
ninety days after the certifying of such petition to the board of 13988  
elections. 13989

(3) Whenever a district is located in the territory of more 13990  
than one contracting party, a majority vote of the electors, if 13991  
any, in each of the several portions of the territory of the 13992  
contracting parties constituting the district approving the levy 13993  
of the tax is required before it may be imposed pursuant to this 13994  
division. 13995

(4) If there are no electors residing in the district, no 13996  
election for the approval or rejection of an income tax shall be 13997  
held pursuant to this section, provided that where no electors 13998  
reside in the district, the maximum rate of the income tax that 13999  
may be levied shall not exceed one per cent. 14000

(5) The board of directors of a district levying an income 14001  
tax shall enter into an agreement with one of the municipal 14002  
corporations that is a party to the contract to administer, 14003  
collect, and enforce the income tax on behalf of the district. The 14004  
resolution levying the income tax shall provide the same credits, 14005  
if any, to residents of the district for income taxes paid to 14006  
other such districts or municipal corporations where the residents 14007  
work, as credits provided to residents of the municipal 14008  
corporation administering the income tax. 14009

(6)(a) The board shall publish or post public notice within 14010  
the district of any resolution adopted levying an income tax in 14011  
the same manner required of municipal corporations under sections 14012

731.21 and 731.25 of the Revised Code. 14013

(b) Except as otherwise specified by this division, any 14014  
referendum or initiative proceeding within a district shall be 14015  
conducted in the same manner as is required for such proceedings 14016  
within a municipal corporation pursuant to sections 731.28 to 14017  
731.40 of the Revised Code. 14018

(G) Membership on the board of directors does not constitute 14019  
the holding of a public office or employment within the meaning of 14020  
any section of the Revised Code or any charter provision 14021  
prohibiting the holding of other public office or employment, and 14022  
shall not constitute an interest, either direct or indirect, in a 14023  
contract or expenditure of money by any municipal corporation, 14024  
township, county, or other political subdivision with which the 14025  
member may be connected. No member of a board of directors shall 14026  
be disqualified from holding any public office or employment, nor 14027  
shall such member forfeit or be disqualified from holding any such 14028  
office or employment, by reason of the member's membership on the 14029  
board of directors, notwithstanding any law or charter provision 14030  
to the contrary. 14031

(H) The powers and authorizations granted pursuant to this 14032  
section or section 715.71 of the Revised Code are in addition to 14033  
and not in derogation of all other powers granted to municipal 14034  
corporations and townships pursuant to law. When exercising a 14035  
power or performing a function or duty under a contract authorized 14036  
pursuant to this section or section 715.71 of the Revised Code, a 14037  
municipal corporation may exercise all of the powers of a 14038  
municipal corporation, and may perform all the functions and 14039  
duties of a municipal corporation, within the district, pursuant 14040  
to and to the extent consistent with the contract. When exercising 14041  
a power or performing a function or duty under a contract 14042  
authorized pursuant to this section or section 715.71 of the 14043  
Revised Code, a township may exercise all of the powers of a 14044

township, and may perform all the functions and duties of a township, within the district, pursuant to and to the extent consistent with the contract. The district board of directors has no powers except those specifically set forth in the contract as agreed to by the participating parties. No political subdivision shall authorize or grant any tax exemption pursuant to Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the Revised Code on any property located within the district without the consent of the contracting parties. The prohibition for any tax exemption pursuant to this division shall not apply to any exemption filed, pending, or approved, or for which an agreement has been entered into, before the effective date of the contract entered into by the parties.

(I) Municipal corporations and townships may enter into binding agreements pursuant to a contract authorized under this section or section 715.71 of the Revised Code with respect to the substance and administration of zoning and other land use regulations, building codes, public permanent improvements, and other regulatory and proprietary matters that are determined, pursuant to the contract, to be for a public purpose and to be desirable with respect to the operation of the district or to facilitate new or expanded economic development in the state or the district, provided that no contract shall exempt the territory within the district from the procedures and processes of land use regulation applicable pursuant to municipal corporation, township, and county regulations, including but not limited to procedures and processes concerning zoning.

(J) A contract creating a joint economic development district under this section or section 715.71 of the Revised Code may designate property as a community entertainment district or may be amended to designate property as a community entertainment district as prescribed in division (D) of section 4301.80 of the

Revised Code. A joint economic development district contract or 14077  
amendment designating a community entertainment district shall 14078  
include all information and documentation described in divisions 14079  
(B)(1) through (6) of section 4301.80 of the Revised Code. The 14080  
public notice required under division (D)(2) of this section and 14081  
division (C) of section 715.71 of the Revised Code shall specify 14082  
that the contract designates a community entertainment district 14083  
and describe the location of that district. Except as provided in 14084  
division (F) of section 4301.80 of the Revised Code, an area 14085  
designated as a community entertainment district under a joint 14086  
economic development district contract shall not lose its 14087  
designation even if the contract is canceled or terminated. 14088

(K) A contract entered into pursuant to this section or 14089  
section 715.71 of the Revised Code may be amended and it may be 14090  
renewed, canceled, or terminated as provided in or pursuant to the 14091  
contract. The contract may be amended to add property owned by one 14092  
of the contracting parties to the district, or may be amended to 14093  
delete property from the district whether or not one of the 14094  
contracting parties owns the deleted property. The contract shall 14095  
continue in existence throughout its term and shall be binding on 14096  
the contracting parties and on any entities succeeding to such 14097  
parties, whether by annexation, merger, or otherwise. The income 14098  
tax levied by the board pursuant to this section or section 715.71 14099  
of the Revised Code shall apply in the entire district throughout 14100  
the term of the contract, notwithstanding that all or a portion of 14101  
the district becomes subject to annexation, merger, or 14102  
incorporation. No township or municipal corporation is divested of 14103  
its rights or obligations under the contract because of 14104  
annexation, merger, or succession of interests. 14105

(L) After the creation of a joint economic development 14106  
district described in division (A)(2) of this section, a municipal 14107  
corporation that is a contracting party may cease to own property 14108

included in the district, but such property shall continue to be 14109  
included in the district and subject to the terms of the contract. 14110

**Sec. 715.71.** (A) This section provides alternative procedures 14111  
and requirements to those set forth in section 715.70 of the 14112  
Revised Code for creating and operating a joint economic 14113  
development district. Divisions (B), (C), (D)(1) to (3), and (F) 14114  
of section 715.70 of the Revised Code do not apply to a joint 14115  
economic development district established under this section. 14116  
However, divisions (A), (D)(4), (E), (G), (H), (I), (J), (K), and 14117  
(L) of section 715.70 of the Revised Code do apply to a district 14118  
established under this section. 14119

(B) One or more municipal corporations and one or more 14120  
townships may enter into a contract approved by the legislative 14121  
authority of each contracting party pursuant to which they create 14122  
as a joint economic development district one or more areas for the 14123  
purpose of facilitating economic development to create or preserve 14124  
jobs and employment opportunities and to improve the economic 14125  
welfare of the people in this state and in the area of the 14126  
contracting parties. The district created shall be located within 14127  
the territory of one or more of the contracting parties and may 14128  
consist of all or a portion of that territory. The boundaries of 14129  
the district shall be described in the contract or in an addendum 14130  
to the contract. The area or areas of land to be included in the 14131  
district shall not include any parcel of land owned in fee by or 14132  
leased to a municipal corporation or township, unless the 14133  
municipal corporation or township is a party to the contract or 14134  
has given its consent to have its parcel of land included in the 14135  
district by the adoption of a resolution. As used in this 14136  
division, "parcel of land" has the same meaning as in division (B) 14137  
of section 715.70 of the Revised Code. 14138

(C) Before the legislative authority of a municipal 14139

corporation or a board of township trustees adopts an ordinance or 14140  
resolution approving a contract to create a joint economic 14141  
development district under this section, it shall hold a public 14142  
hearing concerning the joint economic development district 14143  
contract and shall provide thirty days' public notice of the time 14144  
and place of the public hearing in a newspaper of general 14145  
circulation in the municipal corporation and the township. Each 14146  
municipal corporation and township that is a party to the contract 14147  
shall hold a public hearing. During the thirty-day period prior to 14148  
a public hearing, a copy of the text of the contract together with 14149  
copies of district maps and plans related to or part of the 14150  
contract shall be on file, for public examination, in the offices 14151  
of the clerk of the legislative authority of the municipal 14152  
corporation and of the township fiscal officer. The public 14153  
hearings provided for in this division shall allow for public 14154  
comment and recommendations on the proposed contract. The 14155  
participating parties may include in the contract any of those 14156  
recommendations prior to approval of the contract. 14157

(D) After the legislative authority of a municipal 14158  
corporation and the board of township trustees have adopted an 14159  
ordinance and resolution approving a contract to create a joint 14160  
economic development district, the municipal corporation and the 14161  
township jointly shall file with the legislative authority of each 14162  
county within which a party to the contract is located all of the 14163  
following: 14164

(1) A signed copy of the contract, together with copies of 14165  
district maps and plans related to or part of the contract; 14166

(2) Certified copies of the ordinances and resolutions of the 14167  
contracting parties relating to the district and the contract; 14168

(3) A certificate of each of the contracting parties that the 14169  
public hearings provided for in division (C) of this section have 14170  
been held, the date of the hearings, and evidence of publication 14171

of the notice of the hearings. 14172

(E) Within thirty days after the filing under division (D) of 14173  
this section, the legislative authority of each county within 14174  
which a party to the contract is located shall adopt a resolution 14175  
acknowledging the receipt of the required documents, approving the 14176  
creation of the joint economic development district, and directing 14177  
that the resolution of the board of township trustees approving 14178  
the contract be submitted to the electors of the township for 14179  
approval at the next succeeding general, primary, or special 14180  
election. The legislative authority of the county shall file with 14181  
the board of elections at least ninety days before the day of the 14182  
election a copy of the resolution of the board of township 14183  
trustees approving the contract. The resolution of the legislative 14184  
authority of the county also shall specify the date the election 14185  
is to be held and shall direct the board of elections to conduct 14186  
the election in the township. If the resolution of the legislative 14187  
authority of the county is not adopted within the thirty-day 14188  
period after the filing under division (D) of this section, the 14189  
joint economic development district shall be deemed approved by 14190  
the county legislative authority, and the board of township 14191  
trustees shall file its resolution with the board of elections for 14192  
submission to the electors of the township for approval at the 14193  
next succeeding general, primary, or special election. The filing 14194  
shall occur at least ninety days before the specified date the 14195  
election is to be held and shall direct the board of elections to 14196  
conduct the election in the township. 14197

The ballot shall be in the following form: 14198

"Shall the resolution of the board of township trustees 14199  
approving the contract with ..... (here insert name of 14200  
each municipal corporation and other township that is a party to 14201  
the contract) for the creation of a joint economic development 14202  
district be approved? 14203

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

"

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If a majority of the electors of the township voting on the issue  
vote for the resolution and contract, the resolution shall become  
effective immediately and the contract shall go into effect  
immediately or in accordance with its terms.

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(F) The contract creating the district shall set forth or  
provide for the amount or nature of the contribution of each  
municipal corporation and township to the development and  
operation of the district and may provide for the sharing of the  
costs of the operation of and improvements for the district. The  
contributions may be in any form to which the contracting  
municipal corporations and townships agree and may include but are  
not limited to the provision of services, money, real or personal  
property, facilities, or equipment. The contract may provide for  
the contracting parties to share revenue from taxes levied on  
property by one or more of the contracting parties if those  
revenues may lawfully be applied to that purpose under the  
legislation by which those taxes are levied. The contract shall  
provide for new, expanded, or additional services, facilities, or  
improvements, including expanded or additional capacity for or  
other enhancement of existing services, facilities, or  
improvements, provided that the existing services, facilities, or  
improvements, or the expanded or additional capacity for or  
enhancement of the existing services, facilities, or improvements,  
have been provided within the two-year period prior to the  
execution of the contract.

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(G) The contract shall enumerate the specific powers, duties,  
and functions of the board of directors of the district and shall  
provide for the determination of procedures that are to govern the

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board of directors. The contract may grant to the board the power 14236  
to adopt a resolution to levy an income tax within the district. 14237  
The income tax shall be used for the purposes of the district and 14238  
for the purposes of the contracting municipal corporations and 14239  
townships pursuant to the contract. The income tax may be levied 14240  
in the district based on income earned by persons working or 14241  
residing within the district and based on the net profits of 14242  
businesses located in the district. The income tax of the district 14243  
shall follow the provisions of ~~Chapter~~ Chapters 718. and 5718. of 14244  
the Revised Code, except that no vote shall be required by the 14245  
electors residing in the district. The rate of the income tax 14246  
shall be no higher than the highest rate being levied by a 14247  
municipal corporation that is a party to the contract. 14248

The board of directors of a district levying an income tax 14249  
shall enter into an agreement with one of the municipal 14250  
corporations that is a party to the contract to administer, 14251  
collect, and enforce the income tax on behalf of the district. The 14252  
resolution levying the income tax shall provide the same credits, 14253  
if any, to residents of the district for income taxes paid to 14254  
other districts or municipal corporations where the residents 14255  
work, as credits provided to residents of the municipal 14256  
corporation administering the income tax. 14257

(H) No annexation proceeding pursuant to Chapter 709. of the 14258  
Revised Code that proposes the annexation to or merger or 14259  
consolidation with a municipal corporation, except a municipal 14260  
corporation that is a party to the contract, of any unincorporated 14261  
territory within the district shall be commenced for a period of 14262  
three years after the contract is filed with the legislative 14263  
authority of each county within which a party to the contract is 14264  
located in accordance with division (D) of this section unless 14265  
each board of township trustees whose territory is included, in 14266  
whole or part, within the district and the territory proposed to 14267

be annexed, merged, or consolidated adopts a resolution consenting 14268  
to the commencement of the proceeding and a copy of the resolution 14269  
is filed with the legislative authority of each such county or 14270  
unless the contract is terminated during this three-year period. 14271  
The contract entered into between the municipal corporations and 14272  
townships pursuant to this section may provide for the prohibition 14273  
of any annexation by the participating municipal corporations of 14274  
any unincorporated territory within the district. 14275

**Sec. 715.72.** (A) As used in this section: 14276

(1) "Contracting parties" means one or more municipal 14277  
corporations, one or more townships, and, under division (D) of 14278  
this section, one or more counties that have entered into a 14279  
contract under this section to create a joint economic development 14280  
district. 14281

(2) "District" means a joint economic development district 14282  
created under this section. 14283

(3) "Contract for utility services" means a contract under 14284  
which a municipal corporation agrees to provide to a township or 14285  
another municipal corporation water, sewer, electric, or other 14286  
utility services necessary to the public health, safety, and 14287  
welfare. 14288

(4) "Business" means a sole proprietorship, a corporation for 14289  
profit, a pass-through entity as defined in section 5733.04 of the 14290  
Revised Code, the federal government, the state, the state's 14291  
political subdivisions, a nonprofit organization, or a school 14292  
district. 14293

(5) "Owner" means a partner of a partnership, a member of a 14294  
limited liability company, a majority shareholder of an S 14295  
corporation, a person with a majority ownership interest in a 14296  
pass-through entity, or any officer, employee, or agent with 14297

authority to make decisions legally binding upon a business. 14298

(6) "Record owner" means the person or persons in whose name 14299  
a parcel is listed on the tax list or exempt list compiled by the 14300  
county auditor under section 319.28 or 5713.08 of the Revised 14301  
Code. 14302

(7) A business "operates within" a district if the net 14303  
profits of the business or the income of employees of the business 14304  
would be subject to an income tax levied within the district. 14305

(8) An employee is "employed within" a district if any 14306  
portion of the employee's income would be subject to an income tax 14307  
levied within the district. 14308

(9) "Mixed-use development" means a real estate project that 14309  
tends to mitigate traffic and sprawl by integrating some 14310  
combination of retail, office, residential, hotel, recreation, and 14311  
other functions in a pedestrian-oriented environment that 14312  
maximizes the use of available space by allowing members of the 14313  
community to live, work, and play in one architecturally 14314  
expressive area with multiple amenities. 14315

(B) This section provides alternative procedures and 14316  
requirements to those set forth in sections 715.70 and 715.71 of 14317  
the Revised Code for creating and operating a joint economic 14318  
development district. This section applies to municipal 14319  
corporations and townships that are located in the same county or 14320  
in adjacent counties. 14321

(C) One or more municipal corporations, one or more 14322  
townships, and, under division (D) of this section, one or more 14323  
counties may enter into a contract pursuant to which they 14324  
designate one or more areas as a joint economic development 14325  
district for the purpose of facilitating economic development and 14326  
redevelopment, to create or preserve jobs and employment 14327  
opportunities, and to improve the economic welfare of the people 14328

in this state and in the area of the contracting parties. 14329

(1) Except as otherwise provided in division (C)(2) of this 14330  
section, the territory of each of the contracting parties shall be 14331  
contiguous to the territory of at least one other contracting 14332  
party, or contiguous to the territory of a township, municipal 14333  
corporation, or county that is contiguous to another contracting 14334  
party, even if the intervening township or municipal corporation 14335  
is not a contracting party. 14336

(2) Contracting parties that have entered into a contract 14337  
under section 715.70 or 715.71 of the Revised Code creating a 14338  
joint economic development district prior to November 15, 1995, 14339  
may enter into a contract under this section even if the territory 14340  
of each of the contracting parties is not contiguous to the 14341  
territory of at least one other contracting party, or contiguous 14342  
to the territory of a township or municipal corporation that is 14343  
contiguous to another contracting party as otherwise required 14344  
under division (C)(1) of this section. The contract and district 14345  
shall meet the requirements of this section. 14346

(D) If, on or after December 30, 2008, but on or before June 14347  
30, 2009, one or more municipal corporations and one or more 14348  
townships enter into a contract or amend an existing contract 14349  
under this section, one or more counties in which all of those 14350  
municipal corporations or townships are located also may enter 14351  
into the contract as a contracting party or parties. 14352

(E)(1) The area or areas to be included in a joint economic 14353  
development district shall meet all of the following criteria: 14354

(a) The area or areas shall be located within the territory 14355  
of one or more of the contracting parties and may consist of all 14356  
of the territory of any or all of the contracting parties. 14357

(b) No electors, except those residing in a mixed-use 14358  
development, shall reside within the area or areas on the 14359

effective date of the contract creating the district. 14360

(c) The area or areas shall not include any parcel of land 14361  
owned in fee by or leased to a municipal corporation or township, 14362  
unless the municipal corporation or township is a contracting 14363  
party or has given its consent to have the parcel of land included 14364  
in the district by the adoption of an ordinance or resolution. 14365

(2) The contracting parties may designate excluded parcels 14366  
within the boundaries of the joint economic development district. 14367  
Excluded parcels are not part of the district and persons employed 14368  
or residing on such parcels shall not be subject to any income tax 14369  
imposed within the district under division (F)(5) of this section. 14370

(F)(1) The contract creating a joint economic development 14371  
district shall provide for the amount or nature of the 14372  
contribution of each contracting party to the development and 14373  
operation of the district and may provide for the sharing of the 14374  
costs of the operation of and improvements for the district. The 14375  
contributions may be in any form to which the contracting parties 14376  
agree and may include, but are not limited to, the provision of 14377  
services, money, real or personal property, facilities, or 14378  
equipment. 14379

(2) The contract may provide for the contracting parties to 14380  
share revenue from taxes levied by one or more of the contracting 14381  
parties if those revenues may lawfully be applied to that purpose 14382  
under the legislation by which those taxes are levied. 14383

(3) The contract shall include an economic development plan 14384  
for the district that consists of a schedule for the provision of 14385  
new, expanded, or additional services, facilities, or 14386  
improvements. The contract may provide for expanded or additional 14387  
capacity for or other enhancement of existing services, 14388  
facilities, or improvements. 14389

(4) The contract shall enumerate the specific powers, duties, 14390

and functions of the board of directors of the district described 14391  
under division (P) of this section and shall designate procedures 14392  
consistent with that division for appointing members to the board. 14393  
The contract shall enumerate rules to govern the board in carrying 14394  
out its business under this section. 14395

(5)(a) The contract may grant to the board the power to adopt 14396  
a resolution to levy an income tax within the entire district or 14397  
within portions of the district designated by the contract. The 14398  
income tax shall be used to carry out the economic development 14399  
plan for the district or the portion of the district in which the 14400  
tax is levied and for any other lawful purpose of the contracting 14401  
parties pursuant to the contract, including the provision of 14402  
utility services by one or more of the contracting parties. 14403

(b) An income tax levied under this section shall be based on 14404  
both the income earned by persons employed or residing within the 14405  
district and the net profit of businesses operating within the 14406  
district. 14407

Except as provided in this section, the income tax levied 14408  
within the district is subject to ~~Chapter~~ Chapters 718. and 5718. 14409  
of the Revised Code, except that no vote shall be required. The 14410  
rate of the income tax shall be no higher than the highest rate 14411  
being levied by a municipal corporation that is a contracting 14412  
party. 14413

(c) If the board adopts a resolution to levy an income tax, 14414  
it shall enter into an agreement with a municipal corporation that 14415  
is a contracting party to administer, collect, and enforce the 14416  
income tax on behalf of the district. 14417

(d) A resolution levying an income tax under this section 14418  
shall require the contracting parties to annually set aside a 14419  
percentage, to be stated in the resolution, of the amount of the 14420  
income tax collected for the long-term maintenance of the 14421

district. 14422

(e) An income tax levied under this section shall apply in 14423  
the district or the portion of the district in which the contract 14424  
authorizes an income tax throughout the term of the contract 14425  
creating the district. The tax shall not apply to any persons 14426  
employed or residing on a parcel excluded from the district under 14427  
division (E)(2) of this section. 14428

(6) If there is unincorporated territory in the district, the 14429  
contract shall specify that restrictions on annexation proceedings 14430  
under division (R) of this section apply to such unincorporated 14431  
territory. The contract may prohibit proceedings under Chapter 14432  
709. of the Revised Code proposing the annexation to, merger of, 14433  
or consolidation with a municipal corporation that is a 14434  
contracting party of any unincorporated territory within a 14435  
township that is a contracting party during the term of the 14436  
contract regardless of whether that territory is located within 14437  
the district. 14438

(7) The contract may designate property as a community 14439  
entertainment district, or may be amended to designate property as 14440  
a community entertainment district, as prescribed in division (D) 14441  
of section 4301.80 of the Revised Code. A contract or amendment 14442  
designating a community entertainment district shall include all 14443  
information and documentation described in divisions (B)(1) to (6) 14444  
of section 4301.80 of the Revised Code. The public notice required 14445  
under division (I) of this section shall specify that the contract 14446  
designates a community entertainment district and describe the 14447  
location of that district. Except as provided in division (F) of 14448  
section 4301.80 of the Revised Code, an area designated as a 14449  
community entertainment district under a joint economic 14450  
development district contract shall not lose its designation even 14451  
if the contract is canceled or terminated. 14452

(G) The contract creating a joint economic development 14453

district shall continue in existence throughout its term and shall 14454  
be binding on the contracting parties and on any parties 14455  
succeeding to the contracting parties, whether by annexation, 14456  
merger, or consolidation. Except as provided in division (H) of 14457  
this section, the contract may be amended, renewed, or terminated 14458  
with the approval of the contracting parties or any parties 14459  
succeeding to the contracting parties. If the contract is amended 14460  
to add or remove an area to or from an existing district, the 14461  
amendment shall be adopted in the manner prescribed under division 14462  
(L) of this section. 14463

(H) If two or more contracting parties previously have 14464  
entered into a separate contract for utility services, then 14465  
amendment, renewal, or termination of the separate contract for 14466  
utility services shall not constitute any part of the 14467  
consideration for the contract creating a joint economic 14468  
development district. A contract creating a joint economic 14469  
development district shall be rebuttably presumed to violate this 14470  
division if it is entered into within two years prior or five 14471  
years subsequent to the amendment, renewal, or termination of a 14472  
separate contract for utility services that two or more 14473  
contracting parties previously have entered into. The presumption 14474  
stated in this division may be rebutted by clear and convincing 14475  
evidence of both of the following: 14476

(1) That other substantial consideration existed to support 14477  
the contract creating a joint economic development district; 14478

(2) That the contracting parties entered into the contract 14479  
creating a joint economic development district freely and without 14480  
duress or coercion related to the amendment, renewal, or 14481  
termination of the separate contract for utility services. 14482

A contract creating a joint economic development district 14483  
that violates this division is void and unenforceable. 14484

(I)(1) Before the legislative authority of any of the 14485  
contracting parties adopts an ordinance or resolution approving a 14486  
contract to create a district, the legislative authority of each 14487  
of the contracting parties shall hold a public hearing concerning 14488  
the contract and district. Each legislative authority shall 14489  
provide at least thirty days' public notice of the time and place 14490  
of the public hearing in a newspaper of general circulation in the 14491  
municipal corporation, township, or county, as applicable. During 14492  
the thirty-day period prior to the public hearing and until the 14493  
date that an ordinance or resolution is adopted under division (K) 14494  
of this section to approve the joint economic development district 14495  
contract, all of the following documents shall be available for 14496  
public inspection in the office of the clerk of the legislative 14497  
authority of a municipal corporation and county that is a 14498  
contracting party and in the office of the fiscal officer of a 14499  
township that is a contracting party: 14500

(a) A copy of the contract creating the district, including 14501  
the economic development plan for the district and the schedule 14502  
for the provision of new, expanded, or additional services, 14503  
facilities, or improvements described in division (F)(3) of this 14504  
section; 14505

(b) A description of the area or areas to be included in the 14506  
district, including a map in sufficient detail to denote the 14507  
specific boundaries of the area or areas and to indicate any 14508  
zoning restrictions applicable to the area or areas, and the 14509  
parcel number, provided for under section 319.28 of the Revised 14510  
Code, of any parcel located within the boundaries of the joint 14511  
economic development district and excluded from the district under 14512  
division (E)(2) of this section; 14513

(c) If the contract authorizes the board of directors of the 14514  
district to adopt a resolution to levy an income tax within the 14515  
district or within portions of the district, a schedule for the 14516

collection of the tax. 14517

(2) A public hearing held under this division shall allow for 14518  
public comment and recommendations on the contract and district. 14519  
The contracting parties may include in the contract any of those 14520  
recommendations prior to approval of the contract. 14521

(J) Before any of the contracting parties approves a contract 14522  
under division (K) of this section, the contracting parties shall 14523  
circulate one or more petitions to record owners of real property 14524  
located within the proposed joint economic development district 14525  
and owners of businesses operating within the proposed district. 14526  
The petitions shall state that all of the documents described in 14527  
divisions (I)(1)(a) to (c) of this section are available for 14528  
public inspection in the office of the clerk of the legislative 14529  
authority of each municipal corporation and county that is a 14530  
contracting party or the office of the fiscal officer of each 14531  
township that is a contracting party. The petitions shall clearly 14532  
indicate that, by signing the petition, the record owner or owner 14533  
consents to the proposed joint economic development district. 14534

A contracting party may send written notice of the petitions 14535  
by certified mail with return receipt requested to the last known 14536  
mailing addresses of any or all of the record owners of real 14537  
property located within the proposed district or the owners of 14538  
businesses operating within the proposed district. The contracting 14539  
parties shall equally share the costs of complying with this 14540  
division. 14541

(K)(1) After the public hearings required under division (I) 14542  
of this section have been held and the petitions described in 14543  
division (J) of this section have been signed by the majority of 14544  
the record owners of real property located within the proposed 14545  
joint economic development district and by a majority of the 14546  
owners of businesses, if any, operating within the proposed 14547  
district, each contracting party may adopt an ordinance or 14548

resolution approving the contract to create a joint economic 14549  
development district. Not later than ten days after all of the 14550  
contracting parties have adopted ordinances or resolutions 14551  
approving the district contract, each contracting party shall give 14552  
notice of the proposed district to all of the following: 14553

(a) Each record owner of real property to be included in the 14554  
district and in the territory of that contracting party who did 14555  
not sign the petitions described in division (J) of this section; 14556

(b) An owner of each business operating within the district 14557  
and in the territory of that contracting party no owner of which 14558  
signed the petitions described in division (J) of this section. 14559

(2) Such notices shall be given by certified mail and shall 14560  
specify that the property or business is located within an area to 14561  
be included in the district and that all of the documents 14562  
described in divisions (I)(1)(a) to (c) of this section are 14563  
available for public inspection in the office of the clerk of the 14564  
legislative authority of each municipal corporation and county 14565  
that is a contracting party or the office of the fiscal officer of 14566  
each township that is a contracting party. The contracting parties 14567  
shall equally share the costs of complying with division (K) of 14568  
this section. 14569

(L)(1) The contracting parties may amend the joint economic 14570  
development district contract to add any area that was not 14571  
originally included in the district if the area satisfies the 14572  
criteria prescribed under division (E) of this section. The 14573  
contracting parties may also amend the district contract to remove 14574  
any area originally included in the district or exclude one or 14575  
more parcels located within the district pursuant to division 14576  
(E)(2) of this section. 14577

(2) An amendment adding an area to a district, removing an 14578  
area from the district, or excluding one or more parcels from the 14579

district may be approved only by a resolution or ordinance adopted 14580  
by each of the contracting parties. The contracting parties shall 14581  
conduct public hearings on the amendment and provide notice in the 14582  
manner required under division (I) of this section for original 14583  
contracts. The contracting parties shall make available for public 14584  
inspection a copy of the amendment, a description of the area to 14585  
be added, removed, or excluded to or from the district, and a map 14586  
of that area in sufficient detail to denote the specific 14587  
boundaries of the area and to indicate any zoning restrictions 14588  
applicable to the area. 14589

(3) Before adopting a resolution or ordinance approving the 14590  
addition of an area to the district, the contracting parties shall 14591  
circulate petitions to the record owners of real property located 14592  
within the proposed addition to the district and owners of 14593  
businesses operating within the proposed addition to the district 14594  
in the same manner required under division (J) of this section for 14595  
original contracts. The contracting parties may notify such record 14596  
owners of real property and owners of businesses that the 14597  
petitions are available for signing in the same manner provided by 14598  
that division. The contracting parties shall equally share the 14599  
costs of complying with this division. 14600

(4) The contracting parties to a joint economic development 14601  
district may vote to approve an amendment to the district contract 14602  
under this division after the public hearings required under 14603  
division (L)(2) of this section are completed and, if the 14604  
amendment adds an area or areas to the district, the petitions 14605  
required under division (L)(3) of this section have been signed by 14606  
the majority of record owners of real property located within the 14607  
area or areas added to the district and by a majority of the 14608  
owners of businesses, if any, operating within the proposed 14609  
addition to the district. 14610

(5) Not later than ten days after all of the contracting 14611

parties have adopted ordinances or resolutions approving an 14612  
amendment adding one or more areas to the district, each 14613  
contracting party shall give notice of the addition to all of the 14614  
following: 14615

(a) Each record owner of real property to be included in the 14616  
addition to the district and in the territory of that contracting 14617  
party who did not sign the petitions described in division (L)(3) 14618  
of this section; 14619

(b) An owner of each business operating within the addition 14620  
to the district and in the territory of that contracting party no 14621  
owner of which signed the petitions described in division (L)(3) 14622  
of this section. 14623

The contracting parties shall equally share the costs of 14624  
complying with division (L)(5) of this section. 14625

(M)(1) A board of township trustees that is a party to a 14626  
contract creating a joint economic development district may choose 14627  
not to submit its resolution approving the contract to the 14628  
electors of the township if all of the following conditions are 14629  
satisfied: 14630

(a) The resolution has been approved by a unanimous vote of 14631  
the members of the board of township trustees or, if a county is 14632  
one of the contracting parties under division (D) of this section, 14633  
the resolution has been approved by a majority vote of the members 14634  
of the board of township trustees; 14635

(b) The contracting parties have circulated petitions as 14636  
required under division (J) of this section and obtained the 14637  
signatures required under division (L) of this section; 14638

(c) The territory to be included in the proposed district is 14639  
zoned in a manner appropriate to the function of the district. 14640

(2) If the board of township trustees has not invoked its 14641

authority under division (M)(1) of this section, the board, at 14642  
least ninety days before the date of the election, shall file its 14643  
resolution approving the district contract with the board of 14644  
elections for submission to the electors of the township for 14645  
approval at the next succeeding general, primary, or special 14646  
election. 14647

(3) Any contract creating a district in which a board of 14648  
township trustees is a party shall provide that the contract is 14649  
not effective before the thirty-first day after its approval, 14650  
including approval by the electors of the township if required by 14651  
this section. 14652

(4) If the board of township trustees invokes its authority 14653  
under division (M)(1) of this section and does not submit the 14654  
district contract to the electors for approval, the resolution of 14655  
the board of township trustees approving the contract is subject 14656  
to a referendum of the electors of the township when requested 14657  
through a petition. When signed by ten per cent of the number of 14658  
electors in the township who voted for the office of governor at 14659  
the most recent general election, a referendum petition asking 14660  
that the resolution be submitted to the electors of the township 14661  
may be presented to the board of township trustees. Such a 14662  
petition shall be presented within thirty days after the board of 14663  
township trustees adopts the resolution approving the district 14664  
contract. The board of township trustees shall, not later than 14665  
four p.m. of the tenth day after receipt of the petition, certify 14666  
the text of the resolution to the board of elections. The board of 14667  
elections shall submit the resolution to the electors of the 14668  
township for their approval or rejection at the next general, 14669  
primary, or special election occurring at least ninety days after 14670  
certification of the resolution. 14671

(N) The ballot respecting a resolution to create a district 14672  
or a referendum of such a resolution shall be in the following 14673

form: 14674

"Shall the resolution of the board of township trustees 14675  
approving the contract with ..... (here insert name of 14676  
every other contracting party) for the creation of a joint 14677  
economic development district be approved? 14678

FOR THE RESOLUTION AND CONTRACT 14679

AGAINST THE RESOLUTION AND CONTRACT" 14680

If a majority of the electors of the township voting on the 14681  
issue vote for the resolution and contract, the resolution shall 14682  
become effective immediately and the contract shall go into effect 14683  
on the thirty-first day after the election or thereafter in 14684  
accordance with terms of the contract. 14685

(O) Upon the creation of a district under this section, one 14686  
of the contracting parties shall file a copy of each of the 14687  
following documents with the director of development services: 14688

(1) All of the documents described in divisions (I)(1)(a) to 14689  
(c) of this section; 14690

(2) Certified copies of the ordinances and resolutions of the 14691  
contracting parties relating to the contract and district; 14692

(3) Documentation from each contracting party that the public 14693  
hearings required by division (I) of this section have been held, 14694  
the date of the hearings, and evidence that notice of the hearings 14695  
was published as required by that division; 14696

(4) A copy of the signed petitions required under divisions 14697  
(J) and (K) of this section. 14698

(P) A board of directors shall govern each district created 14699  
under this section. 14700

(1) If there are businesses operating and persons employed 14701  
within the district, the board shall be composed of the following 14702  
members: 14703

(a) One member representing the municipal corporations that are contracting parties;	14704 14705
(b) One member representing the townships that are contracting parties;	14706 14707
(c) One member representing the owners of businesses operating within the district;	14708 14709
(d) One member representing the persons employed within the district;	14710 14711
(e) One member representing the counties that are contracting parties, or, if no contracting party is a county, one member selected by the members described in divisions (P)(1)(a) to (d) of this section.	14712 14713 14714 14715
The members of the board shall be appointed as provided in the district contract. Of the members initially appointed to the board, the member described in division (P)(1)(a) of this section shall serve a term of one year; the member described in division (P)(1)(b) of this section shall serve a term of two years; the member described in division (P)(1)(c) of this section shall serve a term of three years; and the members described in divisions (P)(1)(d) and (e) of this section shall serve terms of four years. Thereafter, terms for each member shall be for four years, each term ending on the same day of the same month of the year as did the term that it succeeds. A member may be reappointed to the board, but no member shall serve more than two consecutive terms on the board.	14716 14717 14718 14719 14720 14721 14722 14723 14724 14725 14726 14727 14728
The member described in division (P)(1)(e) of this section shall serve as chairperson of the board described under division (P)(1) of this section.	14729 14730 14731
(2) If there are no businesses operating or persons employed within the district, the board shall be composed of the following members:	14732 14733 14734

(a) One member representing the municipal corporations that 14735  
are contracting parties; 14736

(b) One member representing the townships that are 14737  
contracting parties; 14738

(c) One member representing the counties that are contracting 14739  
parties, or if no contracting party is a county, one member 14740  
selected by the members described in divisions (P)(2)(a) and (b) 14741  
of this section. 14742

The members of the board shall be appointed as provided in 14743  
the district contract. Of the members initially appointed to the 14744  
board, the member described in division (P)(2)(a) of this section 14745  
shall serve a term of one year; the member described in division 14746  
(P)(2)(b) of this section shall serve a term of two years; and the 14747  
member described in division (P)(2)(c) of this section shall serve 14748  
a term of three years. Thereafter, terms for each member shall be 14749  
for four years, each term ending on the same day of the same month 14750  
of the year as did the term that it succeeds. A member may be 14751  
reappointed to the board, but no member shall serve more than two 14752  
consecutive terms on the board. 14753

The member described in division (P)(2)(c) of this section 14754  
shall serve as chairperson of a board described under division 14755  
(P)(2) of this section. 14756

(3) A board described under division (P)(1) or (2) of this 14757  
section has no powers except as described in this section and in 14758  
the contract creating the district. 14759

(4) Membership on the board of directors of a joint economic 14760  
development district created under this section is not the holding 14761  
of a public office or employment within the meaning of any section 14762  
of the Revised Code prohibiting the holding of other public office 14763  
or employment. Membership on such a board is not a direct or 14764  
indirect interest in a contract or expenditure of money by a 14765

municipal corporation, township, county, or other political 14766  
subdivision with which a member may be affiliated. Notwithstanding 14767  
any provision of law to the contrary, no member of a board of 14768  
directors of a joint economic development district shall forfeit 14769  
or be disqualified from holding any public office or employment by 14770  
reason of membership on the board. 14771

(5) The board of directors of a joint economic development 14772  
district is a public body for the purposes of section 121.22 of 14773  
the Revised Code. Chapter 2744. of the Revised Code applies to 14774  
such a board and the district. 14775

(Q)(1) On or before the date occurring six months after the 14776  
effective date of the district contract, an owner of a business 14777  
operating within the district may, on behalf of the business and 14778  
its employees, file a complaint with the court of common pleas of 14779  
the county in which the majority of the territory of the district 14780  
is located requesting exemption from any income tax imposed by the 14781  
board of directors of the district under division (F)(5) of this 14782  
section if all of the following apply: 14783

(a) The business operated within an unincorporated area of 14784  
the district before the effective date of the district contract; 14785

(b) No owner of the business signed a petition described in 14786  
division (J) of this section; 14787

(c) Neither the business nor its employees has derived or 14788  
will derive any material benefit from the new, expanded, or 14789  
additional services, facilities, or improvements described in the 14790  
economic development plan for the district, or the material 14791  
benefit that has, or will be, derived is negligible in comparison 14792  
to the income tax revenue generated from the net profits of the 14793  
business and the income of employees of the business. 14794

The legislative authority of each contracting party shall be 14795  
made a party to the proceedings and the business owner filing the 14796

complaint shall serve notice of the complaint by certified mail to 14797  
each such contracting party. The court shall not accept any 14798  
complaint filed more than six months after the effective date of 14799  
the district contract. 14800

(2) Any or all of the contracting parties may submit a 14801  
written answer to the complaint submitted under division (Q)(1) of 14802  
this section to the court within thirty days after notice of the 14803  
complaint was served upon them. Such a contracting party shall 14804  
submit to the court, along with the answer, documentation 14805  
sufficient to prove that the contracting party sent copies of the 14806  
answer to the owner of the business who filed the complaint. 14807

(3) The court shall review each complaint submitted by a 14808  
business owner under division (Q)(1) of this section and each 14809  
answer submitted by a contracting party under division (Q)(2) of 14810  
this section. The court may make a determination on the record and 14811  
the evidence thus submitted, or it may conduct a hearing and 14812  
request the presence of the business owner and the contracting 14813  
parties to present evidence relevant to the complaint. The court 14814  
shall make a determination on the complaint not sooner than thirty 14815  
days but not later than sixty days after the complaint is filed by 14816  
the business owner. The court may make a determination more than 14817  
sixty days after the complaint is filed if the business owner and 14818  
all contracting parties to the district consent. 14819

(4) The court shall grant the exemption requested in the 14820  
complaint if all of the criteria described in divisions (Q)(1)(a) 14821  
to (c) of this section are met. 14822

(5) If all the criteria described in divisions (Q)(1)(a) to 14823  
(c) of this section are not met, the court shall deny the 14824  
complaint and the exemption. 14825

(6) The court shall send notice of the determination with 14826  
respect to the complaint to the owner of the business and each 14827

contracting party. If the court grants the exemption, the net 14828  
profits of the business from operations within the district and 14829  
the income of its employees from employment within the district 14830  
are exempt from any income tax imposed by the board of directors 14831  
of the district. If the court denies the exemption, the net 14832  
profits of the business and the income of its employees shall be 14833  
taxed according to the terms of the district contract and any 14834  
taxes, penalties, and interest accrued before the date of the 14835  
court's determination shall be paid in full. In addition, no owner 14836  
of the business may submit another complaint under division (Q)(1) 14837  
of this section for the same district contract. The court's 14838  
determination on a complaint filed under division (Q) of this 14839  
section is final. 14840

(7) Chapter 2506. of the Revised Code does not apply to the 14841  
proceedings described in division (Q) of this section. 14842

(R)(1) No proceeding pursuant to Chapter 709. of the Revised 14843  
Code that proposes the annexation to, merger of, or consolidation 14844  
with a municipal corporation of any unincorporated territory 14845  
within a joint economic development district may be commenced at 14846  
any time between the effective date of the contract creating the 14847  
district and the date the contract expires, terminates, or is 14848  
otherwise rendered unenforceable. This division does not apply if 14849  
each board of township trustees whose territory is included within 14850  
the district and whose territory is proposed to be annexed, 14851  
merged, or consolidated adopts a resolution consenting to the 14852  
commencement of the proceeding. Each such board of township 14853  
trustees shall file a copy of the resolution with the clerk of the 14854  
legislative authority of each county within which a contracting 14855  
party is located. 14856

(2) The contract creating a joint economic development 14857  
district may prohibit any annexation proceeding by a contracting 14858  
municipal corporation of any unincorporated territory within the 14859

district or zone beyond the period described in division (R)(1) of 14860  
this section. 14861

(3) No contracting party is divested or relieved of its 14862  
rights or obligations under the contract creating a joint economic 14863  
development district because of annexation, merger, or 14864  
consolidation. 14865

(S) Contracting parties may enter into agreements pursuant to 14866  
the contract creating a joint economic development district with 14867  
respect to the substance and administration of zoning and other 14868  
land use regulations, building codes, permanent public 14869  
improvements, and other regulatory and proprietary matters 14870  
determined to be for a public purpose. No contract, however, shall 14871  
exempt the territory within the district from the procedures of 14872  
land use regulation applicable pursuant to municipal corporation, 14873  
township, and county regulations, including, but not limited to, 14874  
zoning procedures. 14875

(T) The powers granted under this section are in addition to 14876  
and not in the derogation of all other powers possessed by or 14877  
granted to municipal corporations, townships, and counties 14878  
pursuant to law. 14879

(1) When exercising a power or performing a function or duty 14880  
under a contract entered into under this section, a municipal 14881  
corporation may exercise all the powers of a municipal 14882  
corporation, and may perform all the functions and duties of a 14883  
municipal corporation, within the district, pursuant to and to the 14884  
extent consistent with the contract. 14885

(2) When exercising a power or performing a function or duty 14886  
under a contract entered into under division (D) of this section, 14887  
a county may exercise all of the powers of a county, and may 14888  
perform all the functions and duties of a county, within the 14889  
district pursuant to and to the extent consistent with the 14890

contract. 14891

(3) When exercising a power or performing a function or duty 14892  
under a contract entered into under this section, a township may 14893  
exercise all the powers of a township, and may perform all the 14894  
functions and duties of a township, within the district, pursuant 14895  
to and to the extent consistent with the contract. 14896

(U) No political subdivision shall grant any tax exemption 14897  
under Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 14898  
5709.632 of the Revised Code on any property located within the 14899  
district without the consent of all the contracting parties. The 14900  
prohibition against granting a tax exemption under this section 14901  
does not apply to any exemption filed, pending, or approved before 14902  
the effective date of the contract entered into under this 14903  
section. 14904

**Sec. 718.01.** Any term used in this chapter that is not 14905  
otherwise defined in this chapter has the same meaning as when 14906  
used in a comparable context in laws of the United States relating 14907  
to federal income taxation or in Title LVII of the Revised Code, 14908  
unless a different meaning is clearly required. If a term used in 14909  
this chapter that is not otherwise defined in this chapter is used 14910  
in a comparable context in both the laws of the United States 14911  
relating to federal income tax and in Title LVII of the Revised 14912  
Code and the use is not consistent, then the use of the term in 14913  
the laws of the United States relating to federal income tax shall 14914  
control over the use of the term in Title LVII of the Revised 14915  
Code. 14916

As used in this chapter: 14917

(A)(1) "Municipal taxable income" means the following: 14918

(a) ~~For a person other than an individual, income reduced by 14919  
exempt income to the extent otherwise included in income and then, 14920~~

~~as applicable, apportioned or sitused to the municipal corporation 14921  
under section 718.02 of the Revised Code, and further reduced by 14922  
any pre-2017 net operating loss carryforward available to the 14923  
person for the municipal corporation. 14924~~

~~(b)(i) For an individual who is a resident of a municipal 14925  
corporation other than a qualified municipal corporation, income 14926  
reduced by exempt income to the extent otherwise included in 14927  
income, then reduced as provided in division (A)(2) of this 14928  
section, and further reduced by any pre-2017 net operating loss 14929  
carryforward available to the individual for the municipal 14930  
corporation. 14931~~

~~(ii) For an individual who is a resident of a qualified 14932  
municipal corporation, Ohio adjusted gross income reduced by 14933  
income exempted, and increased by deductions excluded, by the 14934  
qualified municipal corporation from the qualified municipal 14935  
corporation's tax. If a qualified municipal corporation, on or 14936  
before December 31, 2013, exempts income earned by individuals who 14937  
are not residents of the qualified municipal corporation and net 14938  
profit of persons that are not wholly located within the qualified 14939  
municipal corporation, such individual or person shall have no 14940  
municipal taxable income for the purposes of the tax levied by the 14941  
qualified municipal corporation and may be exempted by the 14942  
qualified municipal corporation from the requirements of section 14943  
718.03 of the Revised Code. 14944~~

~~(e)(b) For an individual who is a nonresident of a municipal 14945  
corporation, income reduced by exempt income to the extent 14946  
otherwise included in income and then, as applicable, apportioned 14947  
or sitused to the municipal corporation under section 718.02 of 14948  
the Revised Code, then reduced as provided in division (A)(2) of 14949  
this section, and further reduced by any pre-2017 net operating 14950  
loss carryforward available to the individual for the municipal 14951  
corporation. 14952~~

(2) ~~In computing the municipal taxable income of a taxpayer~~ 14953  
~~who is an individual, the~~ A taxpayer may subtract, as provided in 14954  
division (A)(1)~~(b)~~(a)(i) or ~~(c)~~(b) of this section, the amount of 14955  
the individual's employee business expenses reported on the 14956  
individual's form 2106 that the individual deducted for federal 14957  
income tax purposes for the taxable year, subject to the 14958  
limitation imposed by section 67 of the Internal Revenue Code. For 14959  
the municipal corporation in which the taxpayer is a resident, the 14960  
taxpayer may deduct all such expenses allowed for federal income 14961  
tax purposes. For a municipal corporation in which the taxpayer is 14962  
not a resident, the taxpayer may deduct such expenses only to the 14963  
extent the expenses are related to the taxpayer's performance of 14964  
personal services in that nonresident municipal corporation. 14965

(B) "Income" means the following: 14966

(1)(a) For residents, all income, salaries, qualifying wages, 14967  
commissions, and other compensation from whatever source earned or 14968  
received by the resident, including the resident's distributive 14969  
share of the net profit of pass-through entities owned directly or 14970  
indirectly by the resident and any net profit of the resident, 14971  
except as provided in division (D)(4) of this section. 14972

(b) For the purposes of division (B)(1)(a) of this section: 14973

(i) Any net operating loss of the resident incurred in the 14974  
taxable year and the resident's distributive share of any net 14975  
operating loss generated in the same taxable year and attributable 14976  
to the resident's ownership interest in a pass-through entity 14977  
shall be allowed as a deduction, for that taxable year and the 14978  
following five taxable years, against any other net profit of the 14979  
resident or the resident's distributive share of any net profit 14980  
attributable to the resident's ownership interest in a 14981  
pass-through entity until fully utilized, subject to division 14982  
(B)(1)(d) of this section; 14983

(ii) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year. 14984  
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(c) Division (B)(1)(b) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' distributive shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division (C)~~(14)~~(11)(b) or (c) of this section. 14990  
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(d) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer. 14996  
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(2) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident. 15003  
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~~(3) For taxpayers that are not individuals, net profit of the taxpayer;~~ 15011  
15012

~~(4)~~ Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the 15013  
15014

taxpayer is a professional gambler for federal income tax 15015  
purposes, the taxpayer may deduct related wagering losses and 15016  
expenses to the extent authorized under the Internal Revenue Code 15017  
and claimed against such winnings. 15018

(C) "Exempt income" means all of the following: 15019

(1) The military pay or allowances of members of the armed 15020  
forces of the United States or members of their reserve 15021  
components, including the national guard of any state; 15022

(2)(a) Except as provided in division (C)(2)(b) of this 15023  
section, intangible income; 15024

(b) A municipal corporation that taxed any type of intangible 15025  
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 15026  
116th general assembly, may continue to tax that type of income if 15027  
a majority of the electors of the municipal corporation voting on 15028  
the question of whether to permit the taxation of that type of 15029  
intangible income after 1988 voted in favor thereof at an election 15030  
held on November 8, 1988. 15031

(3) Social security benefits, railroad retirement benefits, 15032  
unemployment compensation, pensions, retirement benefit payments, 15033  
payments from annuities, and similar payments made to an employee 15034  
or to the beneficiary of an employee under a retirement program or 15035  
plan, disability payments received from private industry or local, 15036  
state, or federal governments or from charitable, religious or 15037  
educational organizations, and the proceeds of sickness, accident, 15038  
or liability insurance policies. As used in division (C)(3) of 15039  
this section, "unemployment compensation" does not include 15040  
supplemental unemployment compensation described in section 15041  
3402(o)(2) of the Internal Revenue Code. 15042

~~(4) The income of religious, fraternal, charitable, 15043  
scientific, literary, or educational institutions to the extent 15044  
such income is derived from tax exempt real estate, tax exempt 15045~~

<del>tangible or intangible property, or tax exempt activities.</del>	15046
<del>(5) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.</del>	15047 15048 15049 15050 15051 15052 15053 15054
<del>(6) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;</del>	15055 15056 15057
<del>(7)(5) Alimony and child support received;</del>	15058
<del>(8)(6) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages;</del>	15059 15060 15061 15062
<del>(9) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code. Division (C)(9) of this section does not apply for purposes of Chapter 5745. of the Revised Code.</del>	15063 15064 15065 15066
<del>(10)(7) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;</del>	15067 15068 15069 15070 15071 15072
<del>(11)(8) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;</del>	15073 15074
<del>(12)(9) Employee compensation that is not qualifying wages as</del>	15075

defined in division (R) of this section; 15076

~~(13)~~(10) Compensation paid to a person employed within the 15077  
boundaries of a United States air force base under the 15078  
jurisdiction of the United States air force that is used for the 15079  
housing of members of the United States air force and is a center 15080  
for air force operations, unless the person is subject to taxation 15081  
because of residence or domicile. If the compensation is subject 15082  
to taxation because of residence or domicile, tax on such income 15083  
shall be payable only to the municipal corporation of residence or 15084  
domicile. 15085

~~(14)~~(11)(a) Except as provided in division (C)~~(14)~~(11)(b) or 15086  
(c) of this section, an S corporation shareholder's distributive 15087  
share of net profits of the S corporation, other than any part of 15088  
the distributive share of net profits that represents wages as 15089  
defined in section 3121(a) of the Internal Revenue Code or net 15090  
earnings from self-employment as defined in section 1402(a) of the 15091  
Internal Revenue Code. 15092

(b) If, pursuant to division (H) of former section 718.01 of 15093  
the Revised Code as it existed before March 11, 2004, a majority 15094  
of the electors of a municipal corporation voted in favor of the 15095  
question at an election held on November 4, 2003, the municipal 15096  
corporation may continue after 2002 to tax an S corporation 15097  
shareholder's distributive share of net profits of an S 15098  
corporation. 15099

(c) If, on December 6, 2002, a municipal corporation was 15100  
imposing, assessing, and collecting a tax on an S corporation 15101  
shareholder's distributive share of net profits of the S 15102  
corporation to the extent the distributive share would be 15103  
allocated or apportioned to this state under divisions (B)(1) and 15104  
(2) of section 5733.05 of the Revised Code if the S corporation 15105  
were a corporation subject to taxes imposed under Chapter 5733. of 15106  
the Revised Code, the municipal corporation may continue to impose 15107

the tax on such distributive shares to the extent such shares 15108  
would be so allocated or apportioned to this state only until 15109  
December 31, 2004, unless a majority of the electors of the 15110  
municipal corporation voting on the question of continuing to tax 15111  
such shares after that date voted in favor of that question at an 15112  
election held November 2, 2004. If a majority of those electors 15113  
voted in favor of the question, the municipal corporation may 15114  
continue after December 31, 2004, to impose the tax on such 15115  
distributive shares only to the extent such shares would be so 15116  
allocated or apportioned to this state. 15117

(d) A municipal corporation shall be deemed to have elected 15118  
to tax S corporation shareholders' distributive shares of net 15119  
profits of the S corporation in the hands of the shareholders if a 15120  
majority of the electors of a municipal corporation voted in favor 15121  
of a question at an election held under division (C)~~(14)~~(11)(b) or 15122  
(c) of this section. The municipal corporation shall specify by 15123  
resolution or ordinance that the tax applies to the distributive 15124  
share of a shareholder of an S corporation in the hands of the 15125  
shareholder of the S corporation. 15126

~~(15)~~(12) To the extent authorized under a resolution or 15127  
ordinance adopted by a municipal corporation before January 1, 15128  
2016, all or a portion of the income of individuals or a class of 15129  
individuals under eighteen years of age. 15130

~~(16)~~(13)(a) Except as provided in divisions (C)~~(16)~~(13)(b), 15131  
(c), and (d) of this section, qualifying wages described in 15132  
division (B)(1) or (E) of section 718.011 of the Revised Code to 15133  
the extent the qualifying wages are not subject to withholding for 15134  
the municipal corporation under either of those divisions. 15135

(b) The exemption provided in division (C)~~(16)~~(13)(a) of this 15136  
section does not apply with respect to the municipal corporation 15137  
in which the employee resided at the time the employee earned the 15138  
qualifying wages. 15139

(c) The exemption provided in division (C)~~(16)~~(13)(a) of this 15140  
section does not apply to qualifying wages that an employer elects 15141  
to withhold under division (D)(2) of section 718.011 of the 15142  
Revised Code. 15143

(d) The exemption provided in division (C)~~(16)~~(13)(a) of this 15144  
section does not apply to qualifying wages if both of the 15145  
following conditions apply: 15146

(i) For qualifying wages described in division (B)(1) of 15147  
section 718.011 of the Revised Code, the employee's employer 15148  
withholds and remits tax on the qualifying wages to the municipal 15149  
corporation in which the employee's principal place of work is 15150  
situated, or, for qualifying wages described in division (E) of 15151  
section 718.011 of the Revised Code, the employee's employer 15152  
withholds and remits tax on the qualifying wages to the municipal 15153  
corporation in which the employer's fixed location is located; 15154

(ii) The employee receives a refund of the tax described in 15155  
division (C)~~(16)~~(13)(d)(i) of this section on the basis of the 15156  
employee not performing services in that municipal corporation. 15157

~~(17)~~(14)(a) Except as provided in division (C)~~(17)~~(14)(b) or 15158  
(c) of this section, compensation that is not qualifying wages 15159  
paid to a nonresident individual for personal services performed 15160  
in the municipal corporation on not more than twenty days in a 15161  
taxable year. 15162

(b) The exemption provided in division (C)~~(17)~~(14)(a) of this 15163  
section does not apply under either of the following 15164  
circumstances: 15165

(i) The individual's base of operation is located in the 15166  
municipal corporation. 15167

(ii) The individual is a professional athlete, professional 15168  
entertainer, or public figure, and the compensation is paid for 15169  
the performance of services in the individual's capacity as a 15170

professional athlete, professional entertainer, or public figure. 15171  
For purposes of division (C)~~(17)~~(14)(b)(ii) of this section, 15172  
"professional athlete," "professional entertainer," and "public 15173  
figure" have the same meanings as in section 718.011 of the 15174  
Revised Code. 15175

(c) Compensation to which division (C)~~(17)~~(14) of this 15176  
section applies shall be treated as earned or received at the 15177  
individual's base of operation. If the individual does not have a 15178  
base of operation, the compensation shall be treated as earned or 15179  
received where the individual is domiciled. 15180

(d) For purposes of division (C)~~(17)~~(14) of this section, 15181  
"base of operation" means the location where an individual owns or 15182  
rents an office, storefront, or similar facility to which the 15183  
individual regularly reports and at which the individual regularly 15184  
performs personal services for compensation. 15185

~~(18)~~(15) Compensation paid to a person for personal services 15186  
performed for a political subdivision on property owned by the 15187  
political subdivision, regardless of whether the compensation is 15188  
received by an employee of the subdivision or another person 15189  
performing services for the subdivision under a contract with the 15190  
subdivision, if the property on which services are performed is 15191  
annexed to a municipal corporation pursuant to section 709.023 of 15192  
the Revised Code on or after March 27, 2013, unless the person is 15193  
subject to such taxation because of residence. If the compensation 15194  
is subject to taxation because of residence, municipal income tax 15195  
shall be payable only to the municipal corporation of residence. 15196

~~(19)~~(16) In the case of a tax administered, collected, and 15197  
enforced by a municipal corporation pursuant to an agreement with 15198  
the board of directors of a joint economic development district 15199  
under section 715.72 of the Revised Code, the net profits of a 15200  
business, and the income of the employees of that business, 15201  
exempted from the tax under division (Q) of that section. 15202

~~(20)(17)~~ Income the taxation of which is prohibited by the constitution or laws of the United States. 15203  
15204

Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income. 15205  
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~~(D)(1) "Net profit" for a person other than an individual means adjusted federal taxable income.~~ 15210  
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~~(2) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division (D)(2) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (E)(8)(D)(2) of this section.~~ 15212  
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(2) For the purposes of division (D)(1) of this section, net operating loss carried forward shall be calculated and deducted as follows: 15219  
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15221

(a) Except as limited by divisions (D)(2)(b), (c), and (d) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017, to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of such net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized. 15222  
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(b) No person shall use the deduction allowed by division (D)(2) of this section to offset qualifying wages. 15231  
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(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 15233

or 2022, a person may not deduct, for purposes of an income tax 15234  
levied by a municipal corporation that levies an income tax before 15235  
January 1, 2016, more than fifty per cent of the amount of the 15236  
deduction otherwise allowed by division (D)(2)(a) of this section. 15237

(ii) For taxable years beginning in 2023 or thereafter, a 15238  
person may deduct, for purposes of an income tax levied by a 15239  
municipal corporation that levies an income tax before January 1, 15240  
2016, the full amount allowed by division (D)(2)(a) of this 15241  
section. 15242

(d) Any pre-2017 net operating loss carryforward deduction 15243  
that is available must be utilized before a taxpayer may deduct 15244  
any amount pursuant to division (D)(2) of this section. 15245

(e) Nothing in division (D)(2)(c)(i) of this section 15246  
precludes a person from carrying forward, for use with respect to 15247  
any return filed for a taxable year beginning after 2018, any 15248  
amount of net operating loss that was not fully utilized by 15249  
operation of division (D)(2)(c)(i) of this section. To the extent 15250  
that an amount of net operating loss that was not fully utilized 15251  
in one or more taxable years by operation of division (D)(2)(c)(i) 15252  
of this section is carried forward for use with respect to a 15253  
return filed for a taxable year beginning in 2019, 2020, 2021, or 15254  
2022, the limitation described in division (D)(2)(c)(i) of this 15255  
section shall apply to the amount carried forward. 15256

(3) For the purposes of this chapter, and notwithstanding 15257  
division (D)(1) of this section, net profit of a disregarded 15258  
entity shall not be taxable as against that disregarded entity, 15259  
but shall instead be included in the net profit of the individual 15260  
owner of the disregarded entity. 15261

(4) For the purposes of this chapter, and notwithstanding any 15262  
other provision of this chapter, the net profit of a publicly 15263  
traded partnership that makes the election described in division 15264

~~(D)(4) of this section shall be taxed as if the partnership were a C corporation, and shall not be treated as the net profit or income of any owner of the partnership if the publicly traded partnership elects to be taxed as a C corporation pursuant to division (D)(4) of section 5718.01 of the Revised Code.~~ 15265  
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~~A publicly traded partnership that is treated as a partnership for federal income tax purposes and that is subject to tax on its net profits in one or more municipal corporations in this state may elect to be treated as a C corporation for municipal income tax purposes. The publicly traded partnership shall make the election in every municipal corporation in which the partnership is subject to taxation on its net profits. The election shall be made on the annual tax return filed in each such municipal corporation. The publicly traded partnership shall not be required to file the election with any municipal corporation in which the partnership is not subject to taxation on its net profits, but division (D)(4) of this section applies to all municipal corporations in which an individual owner of the partnership resides.~~ 15270  
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~~(E) "Adjusted federal taxable income," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under division (D)(4) of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:~~ 15284  
15285  
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15289

~~(1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.~~ 15290  
15291  
15292  
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~~(2) Add an amount equal to five per cent of intangible income deducted under division (E)(1) of this section, but excluding that portion of intangible income directly related to the sale,~~ 15294  
15295  
15296

<del>exchange, or other disposition of property described in section</del>	15297
<del>1221 of the Internal Revenue Code;</del>	15298
<del>(3) Add any losses allowed as a deduction in the computation</del>	15299
<del>of federal taxable income if the losses directly relate to the</del>	15300
<del>sale, exchange, or other disposition of an asset described in</del>	15301
<del>section 1221 or 1231 of the Internal Revenue Code;</del>	15302
<del>(4)(a) Except as provided in division (E)(4)(b) of this</del>	15303
<del>section, deduct income and gain included in federal taxable income</del>	15304
<del>to the extent the income and gain directly relate to the sale,</del>	15305
<del>exchange, or other disposition of an asset described in section</del>	15306
<del>1221 or 1231 of the Internal Revenue Code;</del>	15307
<del>(b) Division (E)(4)(a) of this section does not apply to the</del>	15308
<del>extent the income or gain is income or gain described in section</del>	15309
<del>1245 or 1250 of the Internal Revenue Code.</del>	15310
<del>(5) Add taxes on or measured by net income allowed as a</del>	15311
<del>deduction in the computation of federal taxable income;</del>	15312
<del>(6) In the case of a real estate investment trust or</del>	15313
<del>regulated investment company, add all amounts with respect to</del>	15314
<del>dividends to, distributions to, or amounts set aside for or</del>	15315
<del>credited to the benefit of investors and allowed as a deduction in</del>	15316
<del>the computation of federal taxable income;</del>	15317
<del>(7) Deduct, to the extent not otherwise deducted or excluded</del>	15318
<del>in computing federal taxable income, any income derived from a</del>	15319
<del>transfer agreement or from the enterprise transferred under that</del>	15320
<del>agreement under section 4313.02 of the Revised Code;</del>	15321
<del>(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d)</del>	15322
<del>of this section, deduct any net operating loss incurred by the</del>	15323
<del>person in a taxable year beginning on or after January 1, 2017.</del>	15324
<del>The amount of such net operating loss shall be deducted from</del>	15325
<del>net profit that is reduced by exempt income to the extent</del>	15326

~~necessary to reduce municipal taxable income to zero, with any 15327  
remaining unused portion of the net operating loss carried forward 15328  
to not more than five consecutive taxable years following the 15329  
taxable year in which the loss was incurred, but in no case for 15330  
more years than necessary for the deduction to be fully utilized. 15331~~

~~(b) No person shall use the deduction allowed by division 15332  
(E)(8) of this section to offset qualifying wages. 15333~~

~~(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 15334  
or 2022, a person may not deduct, for purposes of an income tax 15335  
levied by a municipal corporation that levies an income tax before 15336  
January 1, 2016, more than fifty per cent of the amount of the 15337  
deduction otherwise allowed by division (E)(8)(a) of this section. 15338~~

~~(ii) For taxable years beginning in 2023 or thereafter, a 15339  
person may deduct, for purposes of an income tax levied by a 15340  
municipal corporation that levies an income tax before January 1, 15341  
2016, the full amount allowed by division (E)(8)(a) of this 15342  
section. 15343~~

~~(d) Any pre 2017 net operating loss carryforward deduction 15344  
that is available must be utilized before a taxpayer may deduct 15345  
any amount pursuant to division (E)(8) of this section. 15346~~

~~(e) Nothing in division (E)(8)(c)(i) of this section 15347  
precludes a person from carrying forward, for use with respect to 15348  
any return filed for a taxable year beginning after 2018, any 15349  
amount of net operating loss that was not fully utilized by 15350  
operation of division (E)(8)(c)(i) of this section. To the extent 15351  
that an amount of net operating loss that was not fully utilized 15352  
in one or more taxable years by operation of division (E)(8)(c)(i) 15353  
of this section is carried forward for use with respect to a 15354  
return filed for a taxable year beginning in 2019, 2020, 2021, or 15355  
2022, the limitation described in division (E)(8)(c)(i) of this 15356  
section shall apply to the amount carried forward. 15357~~

~~(9) Deduct any net profit of a pass through entity owned 15358  
directly or indirectly by the taxpayer and included in the 15359  
taxpayer's federal taxable income unless an affiliated group of 15360  
corporations includes that net profit in the group's federal 15361  
taxable income in accordance with division (E)(3)(b) of section 15362  
718.06 of the Revised Code. 15363~~

~~(10) Add any loss incurred by a pass through entity owned 15364  
directly or indirectly by the taxpayer and included in the 15365  
taxpayer's federal taxable income unless an affiliated group of 15366  
corporations includes that loss in the group's federal taxable 15367  
income in accordance with division (E)(3)(b) of section 718.06 of 15368  
the Revised Code. 15369~~

~~If the taxpayer is not a C corporation, is not a disregarded 15370  
entity that has made the election described in division (L)(2) of 15371  
this section, is not a publicly traded partnership that has made 15372  
the election described in division (D)(4) of this section, and is 15373  
not an individual, the taxpayer shall compute adjusted federal 15374  
taxable income under this section as if the taxpayer were a C 15375  
corporation, except guaranteed payments and other similar amounts 15376  
paid or accrued to a partner, former partner, shareholder, former 15377  
shareholder, member, or former member shall not be allowed as a 15378  
deductible expense unless such payments are in consideration for 15379  
the use of capital and treated as payment of interest under 15380  
section 469 of the Internal Revenue Code or United States treasury 15381  
regulations. Amounts paid or accrued to a qualified self-employed 15382  
retirement plan with respect to a partner, former partner, 15383  
shareholder, former shareholder, member, or former member of the 15384  
taxpayer, amounts paid or accrued to or for health insurance for a 15385  
partner, former partner, shareholder, former shareholder, member, 15386  
or former member, and amounts paid or accrued to or for life 15387  
insurance for a partner, former partner, shareholder, former 15388  
shareholder, member, or former member shall not be allowed as a 15389~~

<del>deduction.</del>	15390
<del>Nothing in division (E) of this section shall be construed as</del>	15391
<del>allowing the taxpayer to add or deduct any amount more than once</del>	15392
<del>or shall be construed as allowing any taxpayer to deduct any</del>	15393
<del>amount paid to or accrued for purposes of federal self-employment</del>	15394
<del>tax.</del>	15395
<u>(E) "Individual" means any natural person.</u>	15396
(F) "Schedule C" means internal revenue service schedule C	15397
(form 1040) filed by a taxpayer pursuant to the Internal Revenue	15398
Code.	15399
(G) "Schedule E" means internal revenue service schedule E	15400
(form 1040) filed by a taxpayer pursuant to the Internal Revenue	15401
Code.	15402
(H) "Schedule F" means internal revenue service schedule F	15403
(form 1040) filed by a taxpayer pursuant to the Internal Revenue	15404
Code.	15405
(I) "Internal Revenue Code" has the same meaning as in	15406
section 5747.01 of the Revised Code.	15407
(J) "Resident" means an individual who is domiciled in the	15408
municipal corporation as determined under section 718.012 of the	15409
Revised Code.	15410
(K) "Nonresident" means an individual that is not a resident.	15411
(L) <del>(1)</del> "Taxpayer" means <del>a person</del> <u>an individual</u> subject to a	15412
tax levied on income by a municipal corporation in accordance with	15413
this chapter. <del>"Taxpayer" does not include a grantor trust or,</del>	15414
<del>except as provided in division (L)(2)(a) of this section, a</del>	15415
<del>disregarded entity.</del>	15416
<del>(2)(a) A single member limited liability company that is a</del>	15417
<del>disregarded entity for federal tax purposes may be a separate</del>	15418
<del>taxpayer from its single member in all Ohio municipal corporations</del>	15419

~~in which it either filed as a separate taxpayer or did not file 15420  
for its taxable year ending in 2003, if all of the following 15421  
conditions are met: 15422~~

~~(i) The limited liability company's single member is also a 15423  
limited liability company. 15424~~

~~(ii) The limited liability company and its single member were 15425  
formed and doing business in one or more Ohio municipal 15426  
corporations for at least five years before January 1, 2004. 15427~~

~~(iii) Not later than December 31, 2004, the limited liability 15428  
company and its single member each made an election to be treated 15429  
as a separate taxpayer under division (L) of this section as this 15430  
section existed on December 31, 2004. 15431~~

~~(iv) The limited liability company was not formed for the 15432  
purpose of evading or reducing Ohio municipal corporation income 15433  
tax liability of the limited liability company or its single 15434  
member. 15435~~

~~(v) The Ohio municipal corporation that was the primary place 15436  
of business of the sole member of the limited liability company 15437  
consented to the election. 15438~~

~~(b) For purposes of division (L)(2)(a)(v) of this section, a 15439  
municipal corporation was the primary place of business of a 15440  
limited liability company if, for the limited liability company's 15441  
taxable year ending in 2003, its income tax liability was greater 15442  
in that municipal corporation than in any other municipal 15443  
corporation in Ohio, and that tax liability to that municipal 15444  
corporation for its taxable year ending in 2003 was at least four 15445  
hundred thousand dollars. 15446~~

~~(M) "Person" includes individuals, firms, companies, joint 15447  
stock companies, business trusts, estates, trusts, partnerships, 15448  
limited liability partnerships, limited liability companies, 15449  
associations, C corporations, S corporations, governmental 15450~~

entities, and any other entity. 15451

(N) "Pass-through entity" means a partnership not treated as 15452  
an association taxable as a C corporation for federal income tax 15453  
purposes, a limited liability company not treated as an 15454  
association taxable as a C corporation for federal income tax 15455  
purposes, an S corporation, or any other class of entity from 15456  
which the income or profits of the entity are given pass-through 15457  
treatment for federal income tax purposes. "Pass-through entity" 15458  
does not include a trust, estate, grantor of a grantor trust, or 15459  
disregarded entity. 15460

(O) "S corporation" means a person that has made an election 15461  
under subchapter S of Chapter 1 of Subtitle A of the Internal 15462  
Revenue Code for its taxable year. 15463

(P) "Single member limited liability company" means a limited 15464  
liability company that has one direct member. 15465

(Q) "Limited liability company" means a limited liability 15466  
company formed under Chapter 1705. of the Revised Code or under 15467  
the laws of another state. 15468

(R) "Qualifying wages" means wages, as defined in section 15469  
3121(a) of the Internal Revenue Code, without regard to any wage 15470  
limitations, adjusted as follows: 15471

(1) Deduct the following amounts: 15472

(a) Any amount included in wages if the amount constitutes 15473  
compensation attributable to a plan or program described in 15474  
section 125 of the Internal Revenue Code. 15475

(b) Any amount included in wages if the amount constitutes 15476  
payment on account of a disability related to sickness or an 15477  
accident paid by a party unrelated to the employer, agent of an 15478  
employer, or other payer. 15479

(c) Any amount attributable to a nonqualified deferred 15480

compensation plan or program described in section 3121(v)(2)(C) of 15481  
the Internal Revenue Code if the compensation is included in wages 15482  
and the municipal corporation has, by resolution or ordinance 15483  
adopted before January 1, 2016, exempted the amount from 15484  
withholding and tax. 15485

(d) Any amount included in wages if the amount arises from 15486  
the sale, exchange, or other disposition of a stock option, the 15487  
exercise of a stock option, or the sale, exchange, or other 15488  
disposition of stock purchased under a stock option and the 15489  
municipal corporation has, by resolution or ordinance adopted 15490  
before January 1, 2016, exempted the amount from withholding and 15491  
tax. 15492

(e) Any amount included in wages that is exempt income. 15493

(2) Add the following amounts: 15494

(a) Any amount not included in wages solely because the 15495  
employee was employed by the employer before April 1, 1986. 15496

(b) Any amount not included in wages because the amount 15497  
arises from the sale, exchange, or other disposition of a stock 15498  
option, the exercise of a stock option, or the sale, exchange, or 15499  
other disposition of stock purchased under a stock option and the 15500  
municipal corporation has not, by resolution or ordinance, 15501  
exempted the amount from withholding and tax adopted before 15502  
January 1, 2016. Division (R)(2)(b) of this section applies only 15503  
to those amounts constituting ordinary income. 15504

(c) Any amount not included in wages if the amount is an 15505  
amount described in section 401(k), 403(b), or 457 of the Internal 15506  
Revenue Code. Division (R)(2)(c) of this section applies only to 15507  
employee contributions and employee deferrals. 15508

(d) Any amount that is supplemental unemployment compensation 15509  
benefits described in section 3402(o)(2) of the Internal Revenue 15510  
Code and not included in wages. 15511

(e) Any amount received that is treated as self-employment	15512
income for federal tax purposes in accordance with section	15513
1402(a)(8) of the Internal Revenue Code.	15514
(f) Any amount not included in wages if all of the following	15515
apply:	15516
(i) For the taxable year the amount is employee compensation	15517
that is earned outside of the United States and that either is	15518
included in the taxpayer's gross income for federal income tax	15519
purposes or would have been included in the taxpayer's gross	15520
income for such purposes if the taxpayer did not elect to exclude	15521
the income under section 911 of the Internal Revenue Code;	15522
(ii) For no preceding taxable year did the amount constitute	15523
wages as defined in section 3121(a) of the Internal Revenue Code;	15524
(iii) For no succeeding taxable year will the amount	15525
constitute wages; and	15526
(iv) For any taxable year the amount has not otherwise been	15527
added to wages pursuant to either division (R)(2) of this section	15528
or section 718.03 of the Revised Code, as that section existed	15529
before the effective date of H.B. 5 of the 130th general assembly,	15530
March 23, 2015.	15531
(S) "Intangible income" means income of any of the following	15532
types: income yield, interest, capital gains, dividends, or other	15533
income arising from the ownership, sale, exchange, or other	15534
disposition of intangible property including, but not limited to,	15535
investments, deposits, money, or credits as those terms are	15536
defined in Chapter 5701. of the Revised Code, and patents,	15537
copyrights, trademarks, tradenames, investments in real estate	15538
investment trusts, investments in regulated investment companies,	15539
and appreciation on deferred compensation. "Intangible income"	15540
does not include prizes, awards, or other income associated with	15541
any lottery winnings, gambling winnings, or other similar games of	15542

chance.	15543
(T) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.	15544 15545 15546
(U) "Tax administrator" means the individual charged with direct responsibility for administration of an income tax levied by a municipal corporation in accordance with this chapter, and also includes the following:	15547 15548 15549 15550
(1) A municipal corporation acting as the agent of another municipal corporation;	15551 15552
(2) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;	15553 15554 15555 15556
(3) The central collection agency or the regional income tax agency or their successors in interest, or another entity organized to perform functions similar to those performed by the central collection agency and the regional income tax agency.	15557 15558 15559 15560
(V) "Employer" means a person that is an employer for federal income tax purposes.	15561 15562
(W) "Employee" means an individual who is an employee for federal income tax purposes.	15563 15564
(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.	15565 15566 15567 15568 15569
(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	15570 15571
(Z) "Form 2106" means internal revenue service form 2106	15572

filed by a taxpayer pursuant to the Internal Revenue Code. 15573

(AA) "Municipal corporation" includes a joint economic 15574  
development district or joint economic development zone that 15575  
levies an income tax under section 715.691, 715.70, 715.71, or 15576  
715.72 of the Revised Code. 15577

(BB) "Disregarded entity" means a single member limited 15578  
liability company, a qualifying subchapter S subsidiary, or 15579  
another entity if the company, subsidiary, or entity is a 15580  
disregarded entity for federal income tax purposes. 15581

(CC) "Generic form" means an electronic or paper form that is 15582  
not prescribed by a particular municipal corporation and that is 15583  
designed for reporting taxes withheld by an employer, agent of an 15584  
employer, or other payer, for reporting a taxpayer's estimated 15585  
municipal income taxes, or annual municipal income tax liability, 15586  
or for filing a refund claim. 15587

(DD) "Tax return preparer" means any individual described in 15588  
section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 15589  
301.7701-15. 15590

(EE) "Ohio business gateway" means the online computer 15591  
network system, created under section 125.30 of the Revised Code, 15592  
that allows persons to electronically file business reply forms 15593  
with state agencies and includes any successor electronic filing 15594  
and payment system. 15595

(FF) "Local board of tax review" and "board of tax review" 15596  
mean the entity created under section 718.11 of the Revised Code. 15597

(GG) "Net operating loss" means a loss incurred by a person 15598  
in the operation of a trade or business. "Net operating loss" does 15599  
not include unutilized losses resulting from basis limitations, 15600  
at-risk limitations, or passive activity loss limitations. 15601

(HH) "Casino operator" and "casino facility" have the same 15602

meanings as in section 3772.01 of the Revised Code. 15603

(II) "Video lottery terminal" has the same meaning as in 15604  
section 3770.21 of the Revised Code. 15605

(JJ) "Video lottery terminal sales agent" means a lottery 15606  
sales agent licensed under Chapter 3770. of the Revised Code to 15607  
conduct video lottery terminals on behalf of the state pursuant to 15608  
section 3770.21 of the Revised Code. 15609

(KK) "Postal service" means the United States postal service. 15610

(LL) "Certified mail," "express mail," "United States mail," 15611  
"postal service," and similar terms include any delivery service 15612  
authorized pursuant to section 5703.056 of the Revised Code. 15613

(MM) "Postmark date," "date of postmark," and similar terms 15614  
include the date recorded and marked in the manner described in 15615  
division (B)(3) of section 5703.056 of the Revised Code. 15616

(NN) "Related member" means a person that, with respect to 15617  
the taxpayer during all or any portion of the taxable year, is 15618  
either a related entity, a component member as defined in section 15619  
1563(b) of the Internal Revenue Code, or a person to or from whom 15620  
there is attribution of stock ownership in accordance with section 15621  
1563(e) of the Internal Revenue Code except, for purposes of 15622  
determining whether a person is a related member under this 15623  
division, "twenty per cent" shall be substituted for "5 percent" 15624  
wherever "5 percent" appears in section 1563(e) of the Internal 15625  
Revenue Code. 15626

(OO) "Related entity" means any of the following: 15627

(1) An individual stockholder, or a member of the 15628  
stockholder's family enumerated in section 318 of the Internal 15629  
Revenue Code, if the stockholder and the members of the 15630  
stockholder's family own directly, indirectly, beneficially, or 15631  
constructively, in the aggregate, at least fifty per cent of the 15632

value of the taxpayer's outstanding stock; 15633

(2) A stockholder, or a stockholder's partnership, estate, 15634  
trust, or corporation, if the stockholder and the stockholder's 15635  
partnerships, estates, trusts, or corporations own directly, 15636  
indirectly, beneficially, or constructively, in the aggregate, at 15637  
least fifty per cent of the value of the taxpayer's outstanding 15638  
stock; 15639

(3) A corporation, or a party related to the corporation in a 15640  
manner that would require an attribution of stock from the 15641  
corporation to the party or from the party to the corporation 15642  
under division (00)(4) of this section, provided the taxpayer owns 15643  
directly, indirectly, beneficially, or constructively, at least 15644  
fifty per cent of the value of the corporation's outstanding 15645  
stock; 15646

(4) The attribution rules described in section 318 of the 15647  
Internal Revenue Code apply for the purpose of determining whether 15648  
the ownership requirements in divisions (00)(1) to (3) of this 15649  
section have been met. 15650

(PP)(1) "Assessment" means a written finding by the tax 15651  
administrator that a person has underpaid municipal income tax, or 15652  
owes penalty and interest, or any combination of tax, penalty, or 15653  
interest, to the municipal corporation that commences the person's 15654  
time limitation for making an appeal to the local board of tax 15655  
review pursuant to section 718.11 of the Revised Code, and has 15656  
"ASSESSMENT" written in all capital letters at the top of such 15657  
finding. 15658

(2) "Assessment" does not include an informal notice denying 15659  
a request for refund issued under division (B)(3) of section 15660  
718.19 of the Revised Code, a billing statement notifying a 15661  
taxpayer of current or past-due balances owed to the municipal 15662  
corporation, a tax administrator's request for additional 15663

information, a notification to the taxpayer of mathematical 15664  
errors, or a tax administrator's other written correspondence to a 15665  
person or taxpayer that does meet the criteria prescribed by 15666  
division (PP)(1) of this section. 15667

(QQ) "Taxpayers' rights and responsibilities" means the 15668  
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 15669  
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 15670  
Revised Code and the responsibilities of taxpayers to file, 15671  
report, withhold, remit, and pay municipal income tax and 15672  
otherwise comply with Chapter 718. of the Revised Code and 15673  
resolutions, ordinances, and rules adopted by a municipal 15674  
corporation for the imposition and administration of a municipal 15675  
income tax. 15676

(RR) "Qualified municipal corporation" means a municipal 15677  
corporation that, by resolution or ordinance adopted on or before 15678  
December 31, 2011, adopted Ohio adjusted gross income, as defined 15679  
by section 5747.01 of the Revised Code, as the income subject to 15680  
tax for the purposes of imposing a municipal income tax. 15681

(SS)(1) "Pre-2017 net operating loss carryforward" means any 15682  
net operating loss incurred in a taxable year beginning before 15683  
January 1, 2017, to the extent such loss was permitted, by a 15684  
resolution or ordinance of the municipal corporation that was 15685  
adopted by the municipal corporation before January 1, 2016, to be 15686  
carried forward and utilized to offset income or net profit 15687  
generated in such municipal corporation in future taxable years. 15688

(2) For the purpose of calculating municipal taxable income, 15689  
any pre-2017 net operating loss carryforward may be carried 15690  
forward to any taxable year, including taxable years beginning in 15691  
2017 or thereafter, for the number of taxable years provided in 15692  
the resolution or ordinance or until fully utilized, whichever is 15693  
earlier. 15694

(TT) "Small employer" means any employer that had total revenue of less than five hundred thousand dollars during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(UU) "Audit" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person for the purpose of determining liability for a municipal income tax.

(VV) "Publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

**Sec. 718.02.** This section applies to any taxpayer engaged in a business or profession in a municipal corporation that imposes an income tax in accordance with this chapter, unless the taxpayer ~~is an individual who resides in the municipal corporation or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under~~

<del>Chapter 5745. of the Revised Code.</del>	15726
(A) Except as otherwise provided in division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of a municipal corporation shall be considered as having a taxable situs in the municipal corporation for purposes of municipal income taxation in the same proportion as the average ratio of the following:	15727 15728 15729 15730 15731 15732
(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the municipal corporation during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.	15733 15734 15735 15736 15737 15738
As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;	15739 15740 15741 15742
(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the municipal corporation to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under section 718.011 of the Revised Code;	15743 15744 15745 15746 15747 15748 15749 15750
(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the municipal corporation to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.	15751 15752 15753 15754 15755
(B)(1) If the apportionment factors described in division (A)	15756

of this section do not fairly represent the extent of a taxpayer's 15757  
business activity in a municipal corporation, the taxpayer may 15758  
request, or the tax administrator of the municipal corporation may 15759  
require, that the taxpayer use, with respect to all or any portion 15760  
of the income of the taxpayer, an alternative apportionment method 15761  
involving one or more of the following: 15762

(a) Separate accounting; 15763

(b) The exclusion of one or more of the factors; 15764

(c) The inclusion of one or more additional factors that 15765  
would provide for a more fair apportionment of the income of the 15766  
taxpayer to the municipal corporation; 15767

(d) A modification of one or more of the factors. 15768

(2) A taxpayer request to use an alternative apportionment 15769  
method shall be in writing and shall accompany a tax return, 15770  
timely filed appeal of an assessment, or timely filed amended tax 15771  
return. The taxpayer may use the requested alternative method 15772  
unless the tax administrator denies the request in an assessment 15773  
issued within the period prescribed by division (A) of section 15774  
718.12 of the Revised Code. 15775

(3) A tax administrator may require a taxpayer to use an 15776  
alternative apportionment method as described in division (B)(1) 15777  
of this section only by issuing an assessment to the taxpayer 15778  
within the period prescribed by division (A) of section 718.12 of 15779  
the Revised Code. 15780

(4) Nothing in division (B) of this section nullifies or 15781  
otherwise affects any alternative apportionment arrangement 15782  
approved by a tax administrator or otherwise agreed upon by both 15783  
the tax administrator and taxpayer before January 1, 2016. 15784

(C) As used in division (A)(2) of this section, "wages, 15785  
salaries, and other compensation" includes only wages, salaries, 15786

or other compensation paid to an employee for services performed	15787
at any of the following locations:	15788
(1) A location that is owned, controlled, or used by, rented	15789
to, or under the possession of one of the following:	15790
(a) The employer;	15791
(b) A vendor, customer, client, or patient of the employer,	15792
or a related member of such a vendor, customer, client, or	15793
patient;	15794
(c) A vendor, customer, client, or patient of a person	15795
described in division (C)(1)(b) of this section, or a related	15796
member of such a vendor, customer, client, or patient.	15797
(2) Any location at which a trial, appeal, hearing,	15798
investigation, inquiry, review, court-martial, or similar	15799
administrative, judicial, or legislative matter or proceeding is	15800
being conducted, provided that the compensation is paid for	15801
services performed for, or on behalf of, the employer or that the	15802
employee's presence at the location directly or indirectly	15803
benefits the employer;	15804
(3) Any other location, if the tax administrator determines	15805
that the employer directed the employee to perform the services at	15806
the other location in lieu of a location described in division	15807
(C)(1) or (2) of this section solely in order to avoid or reduce	15808
the employer's municipal income tax liability. If a tax	15809
administrator makes such a determination, the employer may dispute	15810
the determination by establishing, by a preponderance of the	15811
evidence, that the tax administrator's determination was	15812
unreasonable.	15813
(D) For the purposes of division (A)(3) of this section,	15814
receipts from sales and rentals made and services performed shall	15815
be situated to a municipal corporation as follows:	15816

(1) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in a municipal corporation if, regardless of where title passes, the property meets any of the following criteria:

(a) The property is shipped to or delivered within the municipal corporation from a stock of goods located within the municipal corporation.

(b) The property is delivered within the municipal corporation from a location outside the municipal corporation, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within such municipal corporation and the sales result from such solicitation or promotion.

(c) The property is shipped from a place within the municipal corporation to purchasers outside the municipal corporation, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(2) Gross receipts from the sale of services shall be situated to the municipal corporation to the extent that such services are performed in the municipal corporation.

(3) To the extent included in income, gross receipts from the sale of real property located in the municipal corporation shall be situated to the municipal corporation.

(4) To the extent included in income, gross receipts from rents and royalties from real property located in the municipal corporation shall be situated to the municipal corporation.

(5) Gross receipts from rents and royalties from tangible personal property shall be situated to the municipal corporation

based upon the extent to which the tangible personal property is 15848  
used in the municipal corporation. 15849

(E) The net profit received by an individual taxpayer from 15850  
the rental of real estate owned directly by the individual or by a 15851  
disregarded entity owned by the individual shall be subject to tax 15852  
only by the municipal corporation in which the property generating 15853  
the net profit is located and the municipal corporation in which 15854  
the individual taxpayer that receives the net profit resides. 15855

A municipal corporation shall allow such taxpayers to elect 15856  
to use separate accounting for the purpose of calculating net 15857  
profit situated under this division to the municipal corporation in 15858  
which the property is located. 15859

(F)(1) Except as provided in division (F)(2) of this section, 15860  
commissions received by a real estate agent or broker relating to 15861  
the sale, purchase, or lease of real estate shall be situated to 15862  
the municipal corporation in which the real estate is located. Net 15863  
profit reported by the real estate agent or broker shall be 15864  
allocated to a municipal corporation based upon the ratio of the 15865  
commissions the agent or broker received from the sale, purchase, 15866  
or lease of real estate located in the municipal corporation to 15867  
the commissions received from the sale, purchase, or lease of real 15868  
estate everywhere in the taxable year. 15869

(2) An individual who is a resident of a municipal 15870  
corporation that imposes a municipal income tax shall report the 15871  
individual's net profit from all real estate activity on the 15872  
individual's annual tax return for that municipal corporation. The 15873  
individual may claim a credit for taxes the individual paid on 15874  
such net profit to another municipal corporation to the extent 15875  
that such a credit is allowed under the municipal income tax 15876  
ordinance, or rules of the municipal corporation of residence. 15877

~~(G) If, in computing a taxpayer's adjusted federal taxable 15878~~

~~income, the taxpayer deducted any amount with respect to a stock 15879  
option granted to an employee, and if the employee is not required 15880  
to include in the employee's income any such amount or a portion 15881  
thereof because it is exempted from taxation under divisions 15882  
(C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a 15883  
municipal corporation to which the taxpayer has apportioned a 15884  
portion of its net profit, the taxpayer shall add the amount that 15885  
is exempt from taxation to the taxpayer's net profit that was 15886  
apportioned to that municipal corporation. In no case shall a 15887  
taxpayer be required to add to its net profit that was apportioned 15888  
to that municipal corporation any amount other than the amount 15889  
upon which the employee would be required to pay tax were the 15890  
amount related to the stock option not exempted from taxation. 15891~~

~~This division applies solely for the purpose of making an 15892  
adjustment to the amount of a taxpayer's net profit that was 15893  
apportioned to a municipal corporation under this section. 15894~~

~~(H) When calculating the ratios described in division (A) of 15895  
this section for the purposes of that division or division (B) of 15896  
this section, the owner of a disregarded entity shall include in 15897  
the owner's ratios the property, payroll, and gross receipts of 15898  
such disregarded entity. 15899~~

**Sec. 718.04.** (A) Notwithstanding division (A) of section 15900  
715.013 of the Revised Code, a municipal corporation may levy a 15901  
tax on income and a withholding tax if such taxes are levied in 15902  
accordance with the provisions and limitations specified in this 15903  
chapter. On or after January 1, 2016, the ordinance or resolution 15904  
levying such taxes, as adopted or amended by the legislative 15905  
authority of the municipal corporation, shall include all of the 15906  
following: 15907

(1) A statement that the tax is an annual tax levied on the 15908  
income of every person residing in or earning or receiving income 15909

in the municipal corporation and that the tax shall be measured by 15910  
municipal taxable income; 15911

(2) A statement that the municipal corporation is levying the 15912  
tax in accordance with the limitations specified in this chapter 15913  
and that the resolution or ordinance thereby incorporates the 15914  
provisions of this chapter; 15915

(3) The rate of the tax; 15916

(4) Whether, and the extent to which, a credit, as described 15917  
in division (D) of this section, will be allowed against the tax; 15918

(5) The purpose or purposes of the tax; 15919

(6) Any other provision necessary for the administration of 15920  
the tax, provided that the provision does not conflict with any 15921  
provision of this chapter. 15922

(B) Any municipal corporation that, on or before March 23, 15923  
2015, levies an income tax at a rate in excess of one per cent may 15924  
continue to levy the tax at the rate specified in the original 15925  
ordinance or resolution, provided that such rate continues in 15926  
effect as specified in the original ordinance or resolution. 15927

(C)(1) No municipal corporation shall tax income at other 15928  
than a uniform rate. 15929

(2) Except as provided in division (B) of this section, no 15930  
municipal corporation shall levy a tax on income at a rate in 15931  
excess of one per cent without having obtained the approval of the 15932  
excess by a majority of the electors of the municipality voting on 15933  
the question at a general, primary, or special election. The 15934  
legislative authority of the municipal corporation shall file with 15935  
the board of elections at least ninety days before the day of the 15936  
election a copy of the ordinance together with a resolution 15937  
specifying the date the election is to be held and directing the 15938  
board of elections to conduct the election. The ballot shall be in 15939

the following form: "Shall the Ordinance providing for a... per 15940  
cent levy on income for (Brief description of the purpose of the 15941  
proposed levy) be passed? 15942

	FOR THE INCOME TAX	
	AGAINST THE INCOME TAX	"

15943  
15944  
15945  
15946

In the event of an affirmative vote, the proceeds of the levy may 15947  
be used only for the specified purpose. 15948

(D) A municipal corporation may, by ordinance or resolution, 15949  
grant a credit to residents of the municipal corporation for all 15950  
or a portion of the taxes paid to any municipal corporation, in 15951  
this state or elsewhere, by the resident or by a pass-through 15952  
entity owned, directly or indirectly, by a resident, on the 15953  
resident's distributive or proportionate share of the income of 15954  
the pass-through entity. A municipal corporation is not required 15955  
to refund taxes not paid to the municipal corporation. 15956

(E) Except as otherwise provided in this chapter, a municipal 15957  
corporation that levies an income tax in effect for taxable years 15958  
beginning before January 1, 2016, may continue to administer and 15959  
enforce the provisions of such tax for all taxable years beginning 15960  
before January 1, 2016, provided that the provisions of such tax 15961  
are consistent with this chapter as it existed prior to March 23, 15962  
2015. 15963

(F)(1) Nothing in this chapter authorizes a municipal 15964  
corporation to levy a tax on income, or to administer or collect 15965  
such a tax or penalties or interest related to such a tax, 15966  
contrary to the provisions and limitations specified in this 15967  
chapter. No municipal corporation shall enforce an ordinance or 15968  
resolution that conflicts with the provisions of this chapter. 15969

(2) No municipal corporation may administer a tax on the 15970

income of a person other than an individual for a taxable year 15971  
beginning on or after January 1, 2018. 15972

(G)(1) Division (G) of this section applies to a municipal 15973  
corporation that, at the time of entering into a written agreement 15974  
under division (G)(2) of this section, shares the same territory 15975  
as a city, local, or exempted village school district, to the 15976  
extent that not more than thirty per cent of the territory of the 15977  
municipal corporation is located outside the school district and a 15978  
portion of the territory of the school district that is not 15979  
located within the municipal corporation is located within another 15980  
municipal corporation having a population of four hundred thousand 15981  
or more according to the federal decennial census most recently 15982  
completed before the agreement is entered into under division 15983  
(G)(2) of this section. 15984

(2) The legislative authority of a municipal corporation to 15985  
which division (G) of this section applies may propose to the 15986  
electors an income tax, one of the purposes of which shall be to 15987  
provide financial assistance to the school district described in 15988  
division (G)(1) of this section. Prior to proposing the tax, the 15989  
legislative authority shall negotiate and enter into a written 15990  
agreement with the board of education of that school district 15991  
specifying the tax rate; the percentage or amount of tax revenue 15992  
to be paid to the school district or the method of establishing or 15993  
determining that percentage or amount, which may be subject to 15994  
change periodically; the purpose for which the school district 15995  
will use the money; the first year the tax will be levied; the 15996  
date of the election on the question of the tax; and the method 15997  
and schedule by which, and the conditions under which, the 15998  
municipal corporation will make payments to the school district. 15999  
The tax shall otherwise comply with the provisions and limitations 16000  
specified in this chapter. 16001

**Sec. 718.05.** (A) An annual return with respect to the income 16002  
tax levied by a municipal corporation shall be completed and filed 16003  
by every taxpayer for any taxable year for which the taxpayer is 16004  
liable for the tax. If the total credit allowed against the tax as 16005  
described in division (D) of section 718.04 of the Revised Code 16006  
for the year is equal to or exceeds the tax imposed by the 16007  
municipal corporation, no return shall be required unless the 16008  
municipal ordinance or resolution levying the tax requires the 16009  
filing of a return in such circumstances. 16010

(B) If an individual is deceased, any return or notice 16011  
required of that individual shall be completed and filed by that 16012  
decedent's executor, administrator, or other person charged with 16013  
the property of that decedent. 16014

(C) If an individual is unable to complete and file a return 16015  
or notice required by a municipal corporation in accordance with 16016  
this chapter, the return or notice required of that individual 16017  
shall be completed and filed by the individual's duly authorized 16018  
agent, guardian, conservator, fiduciary, or other person charged 16019  
with the care of the person or property of that individual. 16020

~~(D) Returns or notices required of an estate or a trust shall 16021  
be completed and filed by the fiduciary of the estate or trust. 16022~~

~~(E)~~ No municipal corporation shall deny spouses the ability 16023  
to file a joint return. 16024

~~(F)~~(E)(1) Each return required to be filed under this section 16025  
shall contain the signature of the taxpayer or the taxpayer's duly 16026  
authorized agent and of the person who prepared the return for the 16027  
taxpayer, and shall include the taxpayer's social security number 16028  
or taxpayer identification number. Each return shall be verified 16029  
by a declaration under penalty of perjury. 16030

(2) A tax administrator may require a taxpayer ~~who is an~~ 16031

~~individual~~ to include, with each annual return, amended return, or request for refund required under this section, copies of only the following documents: all of the taxpayer's Internal Revenue Service form W-2, "Wage and Tax Statements," including all information reported on the taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the taxpayer's Internal Revenue Service form 1040 or, in the case of a return or request required by a qualified municipal corporation, Ohio form IT-1040; and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return. An individual taxpayer who files the annual return required by this section electronically is not required to provide paper copies of any of the foregoing to the tax administrator unless the tax administrator requests such copies after the return has been filed.

~~(3) A tax administrator may require a taxpayer that is not an individual to include, with each annual net profit return, amended net profit return, or request for refund required under this section, copies of only the following documents: the taxpayer's Internal Revenue Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return.~~

~~A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio business gateway or in some other manner shall either mail the documents required under this division to the tax administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio business gateway. The department of taxation shall publish a method of electronically submitting~~

~~the documents required under this division through the Ohio  
business gateway on or before January 1, 2016. The department  
shall transmit all documents submitted electronically under this  
division to the appropriate tax administrator.~~

~~(4)~~ After a taxpayer files a tax return, the tax  
administrator may request, and the taxpayer shall provide, any  
information, statements, or documents required by the municipal  
corporation to determine and verify the taxpayer's municipal  
income tax liability. The requirements imposed under division  
~~(F)~~(E) of this section apply regardless of whether the taxpayer  
files on a generic form or on a form prescribed by the tax  
administrator.

~~(G)~~(F)~~(1)(a)~~ Except as otherwise provided in this chapter,  
each individual income tax return required to be filed under this  
section shall be completed and filed as required by the tax  
administrator on or before the date prescribed for the filing of  
state individual income tax returns under division (G) of section  
5747.08 of the Revised Code. The taxpayer shall complete and file  
the return or notice on forms prescribed by the tax administrator  
or on generic forms, together with remittance made payable to the  
municipal corporation or tax administrator. No remittance is  
required if the amount shown to be due is ten dollars or less.

~~(b)~~ Except as otherwise provided in this chapter, each annual  
net profit return required to be filed under this section by a  
taxpayer that is not an individual shall be completed and filed as  
required by the tax administrator on or before the fifteenth day  
of the fourth month following the end of the taxpayer's taxable  
year. The taxpayer shall complete and file the return or notice on  
forms prescribed by the tax administrator or on generic forms,  
together with remittance made payable to the municipal corporation  
or tax administrator. No remittance is required if the amount  
shown to be due is ten dollars or less.

(2)(a) Any taxpayer that has duly requested an automatic 16096  
six-month extension for filing the taxpayer's federal income tax 16097  
return shall automatically receive an extension for the filing of 16098  
a municipal income tax return. The extended due date of the 16099  
municipal income tax return shall be the fifteenth day of the 16100  
tenth month after the last day of the taxable year to which the 16101  
return relates. 16102

(b) A taxpayer that has not requested or received a six-month 16103  
extension for filing the taxpayer's federal income tax return may 16104  
request that the tax administrator grant the taxpayer a six-month 16105  
extension of the date for filing the taxpayer's municipal income 16106  
tax return. If the request is received by the tax administrator on 16107  
or before the date the municipal income tax return is due, the tax 16108  
administrator shall grant the taxpayer's requested extension. 16109

(c) An extension of time to file under division ~~(G)~~(F)(2) of 16110  
this section is not an extension of the time to pay any tax due 16111  
unless the tax administrator grants an extension of that date. 16112

(3) If the tax commissioner extends for all taxpayers the 16113  
date for filing state income tax returns under division (G) of 16114  
section 5747.08 of the Revised Code, a taxpayer shall 16115  
automatically receive an extension for the filing of a municipal 16116  
income tax return. The extended due date of the municipal income 16117  
tax return shall be the same as the extended due date of the state 16118  
income tax return. 16119

(4) If the tax administrator considers it necessary in order 16120  
to ensure the payment of the tax imposed by the municipal 16121  
corporation in accordance with this chapter, the tax administrator 16122  
may require taxpayers to file returns and make payments otherwise 16123  
than as provided in this section, including taxpayers not 16124  
otherwise required to file annual returns. 16125

(5) To the extent that any provision in this division 16126

conflicts with any provision in section 718.052 of the Revised Code, the provision in that section prevails. 16127  
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~~(H)(1) For taxable years beginning after 2015, a municipal corporation shall not require a taxpayer to remit tax with respect to net profits if the amount due is less than ten dollars.~~ 16129  
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~~(2) Any taxpayer not required to remit tax to a municipal corporation for a taxable year pursuant to division (H)(1) of this section shall file with the municipal corporation an annual net profit return under division (F)(3) of this section.~~ 16132  
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~~(I)(G)~~(1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that date by United States mail to the tax administrator or other municipal official with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment. "The date of postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service. 16136  
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(2) If a payment under this chapter is made by electronic funds transfer, the payment shall be considered to be made on the date of the timestamp assigned by the first electronic system receiving that payment. 16149  
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~~(J)(H)~~ The amounts withheld by an employer, the agent of an employer, or an other payer as described in section 718.03 of the Revised Code shall be allowed to the recipient of the compensation as credits against payment of the tax imposed on the recipient by the municipal corporation, unless the amounts withheld were not 16153  
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remitted to the municipal corporation and the recipient colluded 16158  
with the employer, agent, or other payer in connection with the 16159  
failure to remit the amounts withheld. 16160

~~(K)~~(I) Each return required by a municipal corporation to be 16161  
filed in accordance with this section shall include a box that the 16162  
taxpayer may check to authorize another person, including a tax 16163  
return preparer who prepared the return, to communicate with the 16164  
tax administrator about matters pertaining to the return. The 16165  
return or instructions accompanying the return shall indicate that 16166  
by checking the box the taxpayer authorizes the tax administrator 16167  
to contact the preparer or other person concerning questions that 16168  
arise during the examination or other review of the return and 16169  
authorizes the preparer or other person only to provide the tax 16170  
administrator with information that is missing from the return, to 16171  
contact the tax administrator for information about the 16172  
examination or other review of the return or the status of the 16173  
taxpayer's refund or payments, and to respond to notices about 16174  
mathematical errors, offsets, or return preparation that the 16175  
taxpayer has received from the tax administrator and has shown to 16176  
the preparer or other person. 16177

~~(L)~~(J) The tax administrator of a municipal corporation shall 16178  
accept for filing a generic form of any income tax return, report, 16179  
or document required by the municipal corporation in accordance 16180  
with this chapter, provided that the generic form, once completed 16181  
and filed, contains all of the information required by ordinance, 16182  
resolution, or rules adopted by the municipal corporation or tax 16183  
administrator, and provided that the taxpayer or tax return 16184  
preparer filing the generic form otherwise complies with the 16185  
provisions of this chapter and of the municipal corporation 16186  
ordinance or resolution governing the filing of returns, reports, 16187  
or documents. 16188

~~(M)~~(K) When income tax returns, reports, or other documents 16189

require the signature of a tax return preparer, the tax 16190  
administrator shall accept a facsimile of such a signature in lieu 16191  
of a manual signature. 16192

~~(N)~~(L)(1) As used in this division, "worksite location" has 16193  
the same meaning as in section 718.011 of the Revised Code. 16194

(2) A person may notify a tax administrator that the person 16195  
does not expect to be a taxpayer with respect to the municipal 16196  
corporation for a taxable year if both of the following conditions 16197  
apply: 16198

(a) The person was required to file a tax return with the 16199  
municipal corporation for the immediately preceding taxable year 16200  
because the person performed services at a worksite location 16201  
within that municipal corporation. 16202

(b) The person no longer provides services in the municipal 16203  
corporation and does not expect to be subject to the municipal 16204  
corporation's income tax for the taxable year. 16205

The person shall provide the notice in a signed affidavit 16206  
that briefly explains the person's circumstances, including the 16207  
location of the previous worksite location and the last date on 16208  
which the person performed services or made any sales within the 16209  
municipal corporation. The affidavit also shall include the 16210  
following statement: "The affiant has no plans to perform any 16211  
services within the municipal corporation, make any sales in the 16212  
municipal corporation, or otherwise become subject to the tax 16213  
levied by the municipal corporation during the taxable year. If 16214  
the affiant does become subject to the tax levied by the municipal 16215  
corporation for the taxable year, the affiant agrees to be 16216  
considered a taxpayer and to properly register as a taxpayer with 16217  
the municipal corporation if such a registration is required by 16218  
the municipal corporation's resolutions, ordinances, or rules." 16219  
The person shall sign the affidavit under penalty of perjury. 16220

(c) If a person submits an affidavit described in division 16221  
~~(N)(L)~~(2) of this section, the tax administrator shall not require 16222  
the person to file any tax return for the taxable year unless the 16223  
tax administrator possesses information that conflicts with the 16224  
affidavit or if the circumstances described in the affidavit 16225  
change. Nothing in division ~~(N)(L)~~ of this section prohibits the 16226  
tax administrator from performing an audit of the person. 16227

**Sec. 718.051.** (A) Any ~~taxpayer subject to municipal income~~ 16228  
~~taxation with respect to the taxpayer's net profit from a business~~ 16229  
~~or profession may file any municipal income tax return, estimated~~ 16230  
~~municipal income tax return, or extension for filing a municipal~~ 16231  
~~income tax return, and may make payment of amounts shown to be due~~ 16232  
~~on such returns, by using the Ohio business gateway.~~ 16233

~~(B)~~ Any employer, agent of an employer, or other payer may 16234  
report the amount of municipal income tax withheld from qualifying 16235  
wages, and may make remittance of such amounts, by using the Ohio 16236  
business gateway. 16237

~~(C)~~(B) Nothing in this section affects the due dates for 16238  
filing employer withholding tax returns. 16239

~~(D)~~(C) No municipal corporation shall be required to pay any 16240  
fee or charge for the operation or maintenance of the Ohio 16241  
business gateway. 16242

~~(E)~~(D) The use of the Ohio business gateway by municipal 16243  
corporations, taxpayers, or other persons pursuant to this section 16244  
does not affect the legal rights of municipalities or taxpayers as 16245  
otherwise permitted by law. This state shall not be a party to the 16246  
administration of municipal income taxes or to an appeal of a 16247  
municipal income tax matter, except as otherwise specifically 16248  
provided by law. 16249

~~(F)~~(E)(1) The ~~tax commissioner~~ chairperson of the Ohio 16250

business gateway steering committee shall adopt rules 16251  
establishing: 16252

(a) The format of documents to be used by taxpayers to file 16253  
returns and make payments through the Ohio business gateway; and 16254

(b) The information taxpayers must submit when filing 16255  
municipal income tax returns through the Ohio business gateway. 16256

The ~~commissioner~~ chairperson shall not adopt rules under this 16257  
division that conflict with the requirements of section 718.05 of 16258  
the Revised Code. 16259

(2) The ~~commissioner~~ chairperson shall consult with the Ohio 16260  
business gateway steering committee before adopting the rules 16261  
described in division ~~(F)~~(E)(1) of this section. 16262

~~(G)~~(F) Nothing in this section shall be construed as limiting 16263  
or removing the authority of any municipal corporation to 16264  
administer, audit, and enforce the provisions of its municipal 16265  
income tax. 16266

**Sec. 718.08.** (A) As used in this section: 16267

(1) "Estimated taxes" means the amount that the taxpayer 16268  
reasonably estimates to be the taxpayer's tax liability for a 16269  
municipal corporation's income tax for the current taxable year. 16270

(2) "Tax liability" means the total taxes due to a municipal 16271  
corporation for the taxable year, after allowing any credit to 16272  
which the taxpayer is entitled, and after applying any estimated 16273  
tax payment, withholding payment, or credit from another taxable 16274  
year. 16275

(B)(1) Except as provided in division (F) of this section, 16276  
every taxpayer shall make a declaration of estimated taxes for the 16277  
current taxable year, on the form prescribed by the tax 16278  
administrator, if the amount payable as estimated taxes is at 16279  
least two hundred dollars. For the purposes of this section: 16280

(a) Taxes withheld from qualifying wages shall be considered 16281  
as paid to the municipal corporation for which the taxes were 16282  
withheld in equal amounts on each payment date unless the taxpayer 16283  
establishes the dates on which all amounts were actually withheld, 16284  
in which case the amounts withheld shall be considered as paid on 16285  
the dates on which the amounts were actually withheld. 16286

(b) An overpayment of tax applied as a credit to a subsequent 16287  
taxable year is deemed to be paid on the date of the postmark 16288  
stamped on the cover in which the payment is mailed or, if the 16289  
payment is made by electronic funds transfer, the date the payment 16290  
is submitted. As used in this division, "date of the postmark" 16291  
means, in the event there is more than one date on the cover, the 16292  
earliest date imprinted on the cover by the postal service. 16293

(c) Taxes withheld by a casino operator or by a lottery sales 16294  
agent under section 718.031 of the Revised Code are deemed to be 16295  
paid to the municipal corporation for which the taxes were 16296  
withheld on the date the taxes are withheld from the taxpayer's 16297  
winnings. 16298

(2) Except as provided in division (F) of this section, 16299  
taxpayers filing joint returns shall file joint declarations of 16300  
estimated taxes. A taxpayer may amend a declaration under rules 16301  
prescribed by the tax administrator. Except as provided in 16302  
division (F) of this section, a taxpayer having a taxable year of 16303  
less than twelve months shall make a declaration under rules 16304  
prescribed by the tax administrator. 16305

(3) The declaration of estimated taxes shall be filed on or 16306  
before the date prescribed for the filing of municipal income tax 16307  
returns under division ~~(G)~~(F) of section 718.05 of the Revised 16308  
Code or on or before the fifteenth day of the fourth month after 16309  
the taxpayer becomes subject to tax for the first time. 16310

(4) Taxpayers reporting on a fiscal year basis shall file a 16311

declaration on or before the fifteenth day of the fourth month 16312  
after the beginning of each fiscal year or period. 16313

(5) The original declaration or any subsequent amendment may 16314  
be increased or decreased on or before any subsequent quarterly 16315  
payment day as provided in this section. 16316

(C)(1) The required portion of the tax liability for the 16317  
taxable year that shall be paid through estimated taxes made 16318  
payable to the municipal corporation or tax administrator, 16319  
including the application of tax refunds to estimated taxes and 16320  
withholding on or before the applicable payment date, shall be as 16321  
follows: 16322

(a) On or before the fifteenth day of the fourth month after 16323  
the beginning of the taxable year, twenty-two and one-half per 16324  
cent of the tax liability for the taxable year; 16325

(b) On or before the fifteenth day of the sixth month after 16326  
the beginning of the taxable year, forty-five per cent of the tax 16327  
liability for the taxable year; 16328

(c) On or before the fifteenth day of the ninth month after 16329  
the beginning of the taxable year, sixty-seven and one-half per 16330  
cent of the tax liability for the taxable year; 16331

(d) On or before the fifteenth day of the twelfth month of 16332  
the taxable year, ninety per cent of the tax liability for the 16333  
taxable year. 16334

(2) When an amended declaration has been filed, the unpaid 16335  
balance shown due on the amended declaration shall be paid in 16336  
equal installments on or before the remaining payment dates. 16337

(3) On or before the fifteenth day of the fourth month of the 16338  
year following that for which the declaration or amended 16339  
declaration was filed, an annual return shall be filed and any 16340  
balance which may be due shall be paid with the return in 16341

accordance with section 718.05 of the Revised Code. 16342

(D)(1) In the case of any underpayment of any portion of a 16343  
tax liability, penalty and interest may be imposed pursuant to 16344  
section 718.27 of the Revised Code upon the amount of underpayment 16345  
for the period of underpayment, unless the underpayment is due to 16346  
reasonable cause as described in division (E) of this section. The 16347  
amount of the underpayment shall be determined as follows: 16348

(a) For the first payment of estimated taxes each year, 16349  
twenty-two and one-half per cent of the tax liability, less the 16350  
amount of taxes paid by the date prescribed for that payment; 16351

(b) For the second payment of estimated taxes each year, 16352  
forty-five per cent of the tax liability, less the amount of taxes 16353  
paid by the date prescribed for that payment; 16354

(c) For the third payment of estimated taxes each year, 16355  
sixty-seven and one-half per cent of the tax liability, less the 16356  
amount of taxes paid by the date prescribed for that payment; 16357

(d) For the fourth payment of estimated taxes each year, 16358  
ninety per cent of the tax liability, less the amount of taxes 16359  
paid by the date prescribed for that payment. 16360

(2) The period of the underpayment shall run from the day the 16361  
estimated payment was required to be made to the date on which the 16362  
payment is made. For purposes of this section, a payment of 16363  
estimated taxes on or before any payment date shall be considered 16364  
a payment of any previous underpayment only to the extent the 16365  
payment of estimated taxes exceeds the amount of the payment 16366  
presently required to be paid to avoid any penalty. 16367

(E) An underpayment of any portion of tax liability 16368  
determined under division (D) of this section shall be due to 16369  
reasonable cause and the penalty imposed by this section shall not 16370  
be added to the taxes for the taxable year if any of the following 16371  
apply: 16372

(1) The amount of estimated taxes that were paid equals at least ninety per cent of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return with the municipal corporation under section 718.05 of the Revised Code for that year.

(3) The taxpayer is an individual who resides in the municipal corporation but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.

(F)(1) A tax administrator may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.

(2) A municipal corporation may, by ordinance or rule, waive the requirement for filing a declaration of estimated taxes for all taxpayers.

**Sec. 718.27.** (A) As used in this section:

(1) "Applicable law" means this chapter, the resolutions, ordinances, codes, directives, instructions, and rules adopted by a municipal corporation provided such resolutions, ordinances, codes, directives, instructions, and rules impose or directly or indirectly address the levy, payment, remittance, or filing requirements of a municipal income tax.

(2) "Income tax," "estimated income tax," and "withholding tax" means any income tax, estimated income tax, and withholding tax imposed by a municipal corporation pursuant to applicable law, including at any time before January 1, 2016.

(3) A "return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with a tax administrator or municipal corporation by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.

(4) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under section 1274 of the Internal Revenue Code, for July of the current year.

(5) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number per cent, plus five per cent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(4) of this section.

(6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.

(7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.

(8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in

part from an employee's qualifying wages, but that, under 16434  
applicable law, the employer, agent, or other payer is required to 16435  
withhold from an employee's qualifying wages. 16436

(B)(1) This section applies to the following: 16437

(a) Any return required to be filed under ~~applicable law~~ this 16438  
chapter for taxable years beginning on or after January 1, 2016; 16439

(b) Income tax, estimated income tax, and withholding tax 16440  
required to be paid or remitted to the municipal corporation under 16441  
this chapter on or after January 1, 2016. 16442

(2) This section does not apply to returns required to be 16443  
filed or payments required to be made before January 1, 2016, 16444  
regardless of the filing or payment date. Returns required to be 16445  
filed or payments required to be made before January 1, 2016, but 16446  
filed or paid after that date shall be subject to the ordinances 16447  
or rules, as adopted before January 1, 2016, of the municipal 16448  
corporation to which the return is to be filed or the payment is 16449  
to be made. 16450

(C) Each municipal corporation levying a tax on income under 16451  
this chapter may impose on a taxpayer, employer, any agent of the 16452  
employer, and any other payer, and must attempt to collect, the 16453  
interest amounts and penalties prescribed under division (C) of 16454  
this section when the taxpayer, employer, any agent of the 16455  
employer, or any other payer for any reason fails, in whole or in 16456  
part, to make to the municipal corporation timely and full payment 16457  
or remittance of income tax, estimated income tax, or withholding 16458  
tax or to file timely with the municipal corporation any return 16459  
required to be filed. 16460

(1) Interest shall be imposed at the rate described in 16461  
division (A) of this section, per annum, on all unpaid income tax, 16462  
unpaid estimated income tax, and unpaid withholding tax. 16463

(2)(a) With respect to unpaid income tax and unpaid estimated 16464

income tax, a municipal corporation may impose a penalty equal to 16465  
fifteen per cent of the amount not timely paid. 16466

(b) With respect to any unpaid withholding tax, a municipal 16467  
corporation may impose a penalty equal to fifty per cent of the 16468  
amount not timely paid. 16469

(3) With respect to returns other than estimated income tax 16470  
returns, a municipal corporation may impose a penalty of 16471  
twenty-five dollars for each failure to timely file each return, 16472  
regardless of the liability shown thereon for each month, or any 16473  
fraction thereof, during which the return remains unfiled 16474  
regardless of the liability shown thereon. The penalty shall not 16475  
exceed one hundred fifty dollars for each failure. 16476

(D)(1) With respect to the income taxes, estimated income 16477  
taxes, withholding taxes, and returns required under this chapter, 16478  
no municipal corporation shall impose, seek to collect, or collect 16479  
any penalty, amount of interest, charges, or additional fees not 16480  
described in this section. 16481

(2) With respect to the income taxes, estimated income taxes, 16482  
withholding taxes, and returns not described in division (A) of 16483  
this section, nothing in this section requires a municipal 16484  
corporation to refund or credit any penalty, amount of interest, 16485  
charges, or additional fees that the municipal corporation has 16486  
properly imposed or collected under this chapter before January 1, 16487  
2016. 16488

(E) Nothing in this section limits the authority of a 16489  
municipal corporation to abate or partially abate penalties or 16490  
interest imposed under this section when the tax administrator 16491  
determines, in the tax administrator's sole discretion, that such 16492  
abatement is appropriate. 16493

(F) By the thirty-first day of October of each year the 16494  
municipal corporation shall publish the rate described in division 16495

(A) of this section applicable to the next succeeding calendar year. 16496  
16497

(G) The municipal corporation may impose on the taxpayer, employer, any agent of the employer, or any other payer the municipal corporation's post-judgment collection costs and fees, including attorney's fees. 16498  
16499  
16500  
16501

**Sec. 718.41.** (A) A taxpayer shall file an amended return with the tax administrator in such form as the tax administrator requires if any of the facts, figures, computations, or attachments required in the taxpayer's annual return to determine the tax due levied by the municipal corporation in accordance with this chapter must be altered as the result of an adjustment to the taxpayer's federal income tax return, whether initiated by the taxpayer or the internal revenue service, and such alteration affects the taxpayer's tax liability under this chapter. ~~If a taxpayer intends to file an amended consolidated municipal income tax return, or to amend its type of return from a separate return to a consolidated return, based on the taxpayer's consolidated federal income tax return, the taxpayer shall notify the tax administrator before filing the amended return.~~ 16502  
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(B)(1) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due together with any penalty and interest thereon. If the combined tax shown to be due is ten dollars or less, such amount need not accompany the amended return. Except as provided under division (B)(2) of this section, the amended return shall not reopen those facts, figures, computations, or attachments from a previously filed return that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return unless the applicable statute of limitations for civil actions or prosecutions under section 718.12 of the Revised Code 16516  
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has not expired for a previously filed return. 16527

(2) The additional tax to be paid shall not exceed the amount 16528  
of tax that would be due if all facts, figures, computations, and 16529  
attachments were reopened. 16530

(C)(1) In the case of an overpayment, a request for refund 16531  
may be filed under this division within the period prescribed by 16532  
division (E) of section 718.12 of the Revised Code for filing the 16533  
amended return even if it is filed beyond the period prescribed in 16534  
that division if it otherwise conforms to the requirements of that 16535  
division. If the amount of the refund is ten dollars or less, no 16536  
refund need be paid by the municipal corporation to the taxpayer. 16537  
Except as set forth in division (C)(2) of this section, a request 16538  
filed under this division shall claim refund of overpayments 16539  
resulting from alterations to only those facts, figures, 16540  
computations, or attachments required in the taxpayer's annual 16541  
return that are affected, either directly or indirectly, by the 16542  
adjustment to the taxpayer's federal or state income tax return 16543  
unless it is also filed within the time prescribed in section 16544  
718.19 of the Revised Code. Except as set forth in division (C)(2) 16545  
of this section, the request shall not reopen those facts, 16546  
figures, computations, or attachments that are not affected, 16547  
either directly or indirectly, by the adjustment to the taxpayer's 16548  
federal or state income tax return. 16549

(2) The amount to be refunded shall not exceed the amount of 16550  
refund that would be due if all facts, figures, computations, and 16551  
attachments were reopened. 16552

**Sec. 763.01.** As used in this chapter: 16553

(A) "Private entity" means an entity other than a government 16554  
entity. 16555

(B) "Workforce development activity" has the same meaning as 16556

in section 6301.01 of the Revised Code. 16557

~~(C) "Workforce Investment Act" means the "Workforce  
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as  
amended.~~ 16558  
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**Sec. 763.07.** To enhance the administration, delivery, and 16561  
effectiveness of family services duties and workforce development 16562  
activities, the chief elected official of a municipal corporation 16563  
that ~~is a local area~~ for the purpose of Chapter 6301. of the 16564  
Revised Code, ~~is the type of local area defined in division (A)(1)  
of section 6301.01 of the Revised Code~~ may enter into a regional 16565  
plan of cooperation with one or more boards of county 16566  
commissioners pursuant to section 307.984 of the Revised Code. A 16567  
regional plan of cooperation must specify how the private and 16568  
government entities subject to the plan will coordinate and 16569  
enhance the administration, delivery, and effectiveness of family 16570  
services duties and workforce development activities. 16571  
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**Sec. 901.04.** (A) The department of agriculture may solicit or 16573  
accept from any public or private source and shall deposit in the 16574  
state treasury to the credit of the agro Ohio fund any grant, 16575  
gift, devise, or bequest of money made to or for the use of the 16576  
department in fulfilling its statutory duties or for promoting any 16577  
part of the public welfare that is under the supervision and 16578  
control of the department. The department may also accept and hold 16579  
on behalf of this state any grant, gift, devise, or bequest of 16580  
other property made to or for the use of the department or for 16581  
promoting any part of the public welfare that is under the 16582  
supervision and control of the department. The department may 16583  
contract for and carry out the terms and conditions of any devise, 16584  
grant, gift, or donation that may be so made. 16585

(B) There is hereby created in the state treasury the agro 16586

Ohio fund, to which shall be credited all sums received under 16587  
division (A) of this section, divisions (A)(2) and (C) of section 16588  
2105.09 of the Revised Code, and ~~section~~ sections 4503.503 and 16589  
4503.504 of the Revised Code. ~~All money received under divisions~~ 16590  
~~(A)(2) and (C) of section 2105.09 of the Revised Code shall be~~ 16591  
~~used for the benefit of agriculture. All~~ 16592

(C) All money received under section 4503.504 of the Revised 16593  
Code shall be used for the benefit of sustainable agriculture 16594  
markets in the state as determined by the director of agriculture. 16595

~~(C) The director may use all or any portion of the moneys in~~ 16596  
~~the agro Ohio fund to award grants for the purpose of promoting~~ 16597  
~~agriculture in this state. With respect to such grants that~~ 16598  
~~consist of moneys other than federal moneys, the director shall~~ 16599  
~~adopt rules in accordance with Chapter 119. of the Revised Code~~ 16600  
~~establishing all of the following:~~ 16601

~~(1) Specific purposes for which grants may be awarded;~~ 16602

~~(2) Procedures for soliciting grant applications, applying~~ 16603  
~~for grants, awarding grants, and otherwise administering grants;~~ 16604

~~(3) Eligibility criteria for receiving grants that must be~~ 16605  
~~satisfied by applicants for the grants;~~ 16606

~~(4) Any other procedures and requirements that are necessary~~ 16607  
~~to administer a grant program.~~ 16608

~~(D) Federal moneys deposited into~~ Federal money credited to 16609  
the ~~agro Ohio~~ fund shall be used in accordance with any terms that 16610  
federal law prescribes for their use. All other money credited to 16611  
the fund shall be used for the purpose of promoting agriculture in 16612  
the state as determined by the director. 16613

**Sec. 901.43.** (A) The director of agriculture may authorize 16614  
any department of agriculture laboratory to perform a laboratory 16615  
service for any person, organization, political subdivision, state 16616

agency, federal agency, or other entity, whether public or 16617  
private. The director shall adopt and enforce rules to provide for 16618  
the rendering of a laboratory service. 16619

(B) The director may charge a reasonable fee for the 16620  
performance of a laboratory service, except when the service is 16621  
performed on an official sample taken by the director acting 16622  
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 16623  
Revised Code; by a board of health acting as the licensor of 16624  
retail food establishments or food service operations under 16625  
Chapter 3717. of the Revised Code; or by the director of health 16626  
acting as the licensor of food service operations under Chapter 16627  
3717. of the Revised Code. The director of agriculture shall adopt 16628  
rules specifying what constitutes an official sample. 16629

The director shall publish a list of laboratory services 16630  
offered, together with the fee for each service. 16631

(C) The director may enter into a contract with any person, 16632  
organization, political subdivision, state agency, federal agency, 16633  
or other entity for the provision of a laboratory service. 16634

(D)(1) The director may adopt rules establishing standards 16635  
for accreditation of laboratories and laboratory services and in 16636  
doing so may adopt by reference existing or recognized standards 16637  
or practices. 16638

(2) The director may inspect and accredit laboratories and 16639  
laboratory services, and may charge a reasonable fee for the 16640  
inspections and accreditation. 16641

(E)(1) There is hereby created in the state treasury the 16642  
animal and consumer protection laboratory fund. Moneys from the 16643  
following sources shall be deposited into the state treasury to 16644  
the credit of the fund: all moneys collected by the director under 16645  
this section that are from fees generated by a laboratory service 16646  
performed by the department and related to the diseases of 16647

animals, all moneys so collected that are from fees generated for 16648  
the inspection and accreditation of laboratories and laboratory 16649  
services related to the diseases of animals, all moneys collected 16650  
by the director under this section that are from fees generated by 16651  
a laboratory service performed by the consumer protection 16652  
laboratory, all moneys so collected that are from fees generated 16653  
for the inspection and accreditation of laboratories and 16654  
laboratory services not related to weights and measures, money 16655  
received by the director under sections 947.01 to 947.06 of the 16656  
Revised Code, and all moneys collected under Chapters 942., 943., 16657  
and 953. of the Revised Code. The director may use the moneys held 16658  
in the fund to pay the expenses necessary to operate the animal 16659  
industry laboratory and the consumer protection laboratory, 16660  
including the purchase of supplies and equipment. 16661

(2) All moneys collected by the director under this section 16662  
that are from fees generated by a laboratory service performed by 16663  
the weights and measures laboratory, and all moneys so collected 16664  
that are from fees generated for the inspection and accreditation 16665  
of laboratories and laboratory services related to weights and 16666  
measures, shall be deposited in the state treasury to the credit 16667  
of the weights and measures laboratory fund, which is hereby 16668  
created in the state treasury. The moneys held in the fund may be 16669  
used to pay the expenses necessary to operate the division of 16670  
weights and measures, including the purchase of supplies and 16671  
equipment. 16672

**Sec. 909.10.** (A) No person shall ship or move bee colonies or 16673  
any used beekeeping equipment into this state from any other state 16674  
or country without an inspection certificate issued by an 16675  
authorized inspector from the state or country wherein shipment or 16676  
movement originated. The certificate shall identify all pathogens 16677  
and parasites diagnosed and any controls that were implemented. 16678

In the absence of inspection facilities in another state or 16679  
country, the director of agriculture may issue a permit 16680  
authorizing the shipment or movement of the bee colonies or used 16681  
beekeeping equipment into this state, provided that upon entry the 16682  
bees or equipment is inspected by the department of agriculture. 16683  
The cost of the inspection shall be paid upon completion in an 16684  
amount determined by rule of the director. The inspection fees 16685  
shall be paid to the director and deposited by ~~him~~ the director 16686  
with the treasurer of state to the credit of the ~~general revenue~~ 16687  
plant pest program fund created in section 927.54 of the Revised 16688  
Code. 16689

If any serious bee diseases are diagnosed, appropriate 16690  
controls and eradication measures immediately shall be implemented 16691  
by the person shipping or owning the bee colonies or used 16692  
beekeeping equipment. If the person shipping or owning the bee 16693  
colonies or equipment does not implement any controls or 16694  
eradication measures within forty-eight hours from the inspection, 16695  
the bee colonies or equipment shall be removed from this state at 16696  
the cost of the person shipping or owning them. 16697

(B) Any person selling, shipping, or moving into this state 16698  
any queen bees or packaged bees shall submit to the director an 16699  
inspection report issued by an authorized inspector from the state 16700  
or country wherein shipment or movement originated. One such 16701  
report shall be submitted annually thirty days prior to the 16702  
initial sale, shipment, or movement of queen bees or packaged bees 16703  
of that year. The report shall identify any pathogens and 16704  
parasites diagnosed and any controls that were implemented. If any 16705  
serious bee diseases have not been controlled or if inspection 16706  
reports are not provided as required under this section, such 16707  
shipments shall be prohibited from entering this state. 16708

(C) The director may deny entry of the bee colonies or used 16709  
equipment if ~~he~~ the director determines they are a threat to the 16710

bee population of this state. 16711

(D) No person shall ship or move into this state any 16712

Africanized honey bees. 16713

**Sec. 911.11.** The director of agriculture may require any 16714  
person intending to work or working in a bakery to submit to a 16715  
thorough examination for the purpose of ascertaining whether the 16716  
person is afflicted with any contagious, infectious, or other 16717  
disease or physical ailment, which may render employment 16718  
detrimental to the public health. All such examinations shall be 16719  
made by a qualified physician ~~certified~~ licensed under section 16720  
4731.14 of the Revised Code, by a physician assistant, by a 16721  
clinical nurse specialist, by a certified nurse practitioner, or 16722  
by a certified nurse-midwife. Any written documentation of the 16723  
examination shall be completed by the individual who did the 16724  
examination. 16725

**Sec. 927.55.** The fees required by section 927.53 of the 16726  
Revised Code do not apply to: 16727

(A) A person who produces for sale either within this state 16728  
or within any state in which such plants and parts do not require 16729  
a certificate of inspection as a condition of entry, only nonhardy 16730  
plants and plant parts, vegetable plants, herbs, or forced floral 16731  
plants, of whatever nature, while in bloom; 16732

(B) A person who conducts the sale of nursery stock as a fund 16733  
raiser for a nonprofit organization or nonprofit purpose for no 16734  
more than two days per year, who is not a nurseryman, dealer, or 16735  
collector, and who makes no more than two ~~hundred~~ thousand dollars 16736  
in ~~sales~~ revenue from the sale of nursery stock during a calendar 16737  
year; 16738

(C) Any public or private arboretum operated not for profit, 16739  
which exchanges inspected nursery stock in limited quantities for 16740

experimental or permanent arboretum plantings. 16741

**Sec. 939.02.** The director of agriculture shall do all of the 16742  
following: 16743

(A) Provide administrative leadership to soil and water 16744  
conservation districts in planning, budgeting, staffing, and 16745  
administering district programs and the training of district 16746  
supervisors and personnel in their duties, responsibilities, and 16747  
authorities as prescribed in this chapter and Chapter 940. of the 16748  
Revised Code; 16749

(B) Administer this chapter and Chapter 940. of the Revised 16750  
Code pertaining to state responsibilities and provide staff 16751  
assistance to the Ohio soil and water conservation commission in 16752  
exercising its statutory responsibilities; 16753

(C) Assist in expediting state responsibilities for watershed 16754  
development and other natural resource conservation works of 16755  
improvement; 16756

(D) Coordinate the development and implementation of 16757  
cooperative programs and working agreements between soil and water 16758  
conservation districts and the department of agriculture or other 16759  
agencies of local, state, and federal government; 16760

(E) Subject to the approval of the Ohio soil and water 16761  
conservation commission, adopt rules in accordance with Chapter 16762  
119. of the Revised Code that do or comply with all of the 16763  
following: 16764

(1) Establish technically feasible and economically 16765  
reasonable standards to achieve a level of management and 16766  
conservation practices in farming operations that will abate wind 16767  
or water erosion of the soil or abate the degradation of the 16768  
waters of the state by residual farm products, manure, or soil 16769  
sediment, including attached substances, and establish criteria 16770

for determination of the acceptability of such management and conservation practices; 16771  
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(2) Establish procedures for administration of rules for agricultural pollution abatement and for enforcement of those rules; 16773  
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(3) Specify the pollution abatement practices eligible for state cost sharing and determine the conditions for eligibility, the construction standards and specifications, the useful life, the maintenance requirements, and the limits of cost sharing for those practices. Eligible practices shall be limited to practices that address agricultural operations and that require expenditures that are likely to exceed the economic returns to the owner or operator and that abate soil erosion or degradation of the waters of the state by residual farm products, manure, or soil sediment, including attached pollutants. 16776  
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(4) Establish procedures for administering grants to owners or operators of agricultural land or animal feeding operations for the implementation of operation and management plans; 16786  
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(5) Do both of the following with regard to composting conducted in conjunction with agricultural operations: 16789  
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(a) Establish methods, techniques, or practices for composting dead animals, or particular types of dead animals, that are to be used at such operations, as the director considers to be necessary or appropriate; 16791  
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(b) Establish requirements and procedures governing the review and approval or disapproval of composting plans by the supervisors of soil and water conservation districts under division (R) of section 940.06 of the Revised Code. 16795  
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(6) Establish best management practices for inclusion in operation and management plans; 16799  
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(7) Establish the amount of civil penalties assessed by the director under division ~~(B)~~(A) of section 939.07 of the Revised Code for violation of rules adopted under division (E) of this section;

(8) Not conflict with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. Compliance with rules adopted under this section does not affect liability for noncompliance with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. The application of a level of management and conservation practices recommended under this section to control windblown soil from farming operations creates a presumption of compliance with section 3704.03 of the Revised Code as that section applies to windblown soil.

(F) Cost share with landowners on practices established pursuant to division (E)(3) of this section as moneys are appropriated and available for that purpose. Any practice for which cost share is provided shall be maintained for its useful life. Failure to maintain a cost share practice for its useful life shall subject the landowner to full repayment to the department.

(G) Employ field assistants and other employees that are necessary for the performance of the work prescribed by Chapter 940. of the Revised Code, for performance of work of the department under this chapter, and as agreed to under working agreements or contractual arrangements with soil and water conservation districts, prescribe their duties, and fix their compensation in accordance with schedules that are provided by law for the compensation of state employees. All such employees of the department, unless specifically exempted by law, shall be employed subject to the classified civil service laws in force at the time of employment.

(H) In connection with new or relocated projects involving	16833
highways, underground cables, pipelines, railroads, and other	16834
improvements affecting soil and water resources, including surface	16835
and subsurface drainage:	16836
(1) Provide engineering service that is mutually agreeable to	16837
the Ohio soil and water conservation commission and the director	16838
to aid in the design and installation of soil and water	16839
conservation practices as a necessary component of such projects;	16840
(2) Maintain close liaison between the owners of lands on	16841
which the projects are executed, soil and water conservation	16842
districts, and authorities responsible for such projects;	16843
(3) Review plans for such projects to ensure their compliance	16844
with standards developed under division (E) of this section in	16845
cooperation with the department of transportation or with any	16846
other interested agency that is engaged in soil or water	16847
conservation projects in the state in order to minimize adverse	16848
impacts on soil and water resources adjacent to or otherwise	16849
affected by these projects;	16850
(4) Recommend measures to retard erosion and protect soil and	16851
water resources through the installation of water impoundment or	16852
other soil and water conservation practices;	16853
(5) Cooperate with other agencies and subdivisions of the	16854
state to protect the agricultural status of rural lands adjacent	16855
to such projects and control adverse impacts on soil and water	16856
resources.	16857
(I) Collect, analyze, inventory, and interpret all available	16858
information pertaining to the origin, distribution, extent, use,	16859
and conservation of the soil resources of the state;	16860
(J) Prepare and maintain up-to-date reports, maps, and other	16861
materials pertaining to the soil resources of the state and their	16862
use and make that information available to governmental agencies,	16863

public officials, conservation entities, and the public; 16864

(K) Provide soil and water conservation districts with 16865  
technical assistance including on-site soil investigations and 16866  
soil interpretation reports on the suitability or limitations of 16867  
soil to support a particular use or to plan soil conservation 16868  
measures. The assistance shall be on terms that are mutually 16869  
agreeable to the districts and the department of agriculture. 16870

(L) Assist local government officials in utilizing land use 16871  
planning and zoning, current agricultural use value assessment, 16872  
development reviews, and land management activities; 16873

(M) When necessary for the purposes of this chapter or 16874  
Chapter 940. of the Revised Code, develop or approve operation and 16875  
management plans. The director may designate an employee of the 16876  
department to develop or approve operation and management plans in 16877  
lieu of the director. 16878

This section does not restrict the manure of domestic or farm 16879  
animals defecated on land outside an animal feeding operation or 16880  
runoff from that land into the waters of the state. 16881

**Sec. 941.12.** ~~(A) Except as provided in rules adopted under 16882  
section 941.41 of the Revised Code, no animal shall be ordered 16883  
destroyed by the director of agriculture, in accordance with this 16884  
chapter, until that animal has been appraised in accordance with 16885  
divisions (B) and (C) of this section. This section does not apply 16886  
to any animal that is adulterated with residues and ordered 16887  
destroyed by the director. 16888~~

~~(B) The director of agriculture shall appraise, based on 16889  
current market value, any animal destroyed by his order under this 16890  
chapter, and If an animal is ordered destroyed by the director of 16891  
agriculture under this chapter, the director shall take an 16892  
inventory of each animal that is destroyed and record sufficient 16893~~

information in order for an appraisal to be conducted, if 16894  
necessary. 16895

(B)(1) Within thirty days after receiving a destruction order 16896  
issued under this chapter, the owner of the animal subject to the 16897  
order that seeks indemnification for the animal shall do both of 16898  
the following: 16899

(a) Request the information recorded under division (A) of 16900  
this section and have an appraisal of the animal conducted at the 16901  
owner's expense; 16902

(b) Request that the department of agriculture conduct an 16903  
appraisal of the animal. If an appraisal is requested, the 16904  
director shall order the appraisal to be conducted. 16905

(2) If the owner and the department do not agree on the value 16906  
of the animal ordered destroyed, the two shall select a third 16907  
disinterested person, at the owner's expense, to appraise the 16908  
animal. The appraisal conducted by that person is the value of the 16909  
animal for purposes of indemnification. 16910

(3) If an appraisal is not conducted under division (B)(1)(a) 16911  
of this section or requested under division (B)(1)(b) of this 16912  
section within thirty days of receiving the destruction order 16913  
issued under this chapter, the owner waives the right to 16914  
indemnification of the animal. 16915

(C) Once the value of the animal ordered destroyed is 16916  
determined, the director may indemnify the owner of the animal if, 16917  
upon the request of the director, the director of budget and 16918  
management provides written notification to the director of 16919  
agriculture that there is an unencumbered balance in the 16920  
appropriation for the current biennium sufficient to pay the 16921  
indemnity. The amount of indemnity ~~shall be~~ is the appraised value 16922  
of the animal, less any salvage value and indemnity received from 16923  
another agency. In no case shall the state indemnity payment 16924

exceed fifty dollars per head for a grade animal or one hundred 16925  
dollars per head for a registered purebred animal. 16926

~~(C) For the purpose of indemnification, the value of any 16927  
animal ordered destroyed shall be determined by an appraisal made 16928  
by a representative chosen by the owner and a representative 16929  
chosen by the department of agriculture. In the event of a 16930  
disagreement as to the amount of the appraisal, a third 16931  
disinterested person shall be selected, at the owner's expense, by 16932  
the two, to act with them in the appraisal of the animal. 16933~~

(D) The director of agriculture may refuse to pay an 16934  
indemnity for any animal ordered destroyed if the owner has been 16935  
convicted of or pleads guilty to a violation of any of the 16936  
provisions of this chapter or the rules promulgated thereunder. 16937

**Sec. 941.55.** (A) Notwithstanding ~~sections~~ section 941.11 and 16938  
~~941.12~~ of the Revised Code, every bovine animal that is ordered 16939  
destroyed because of tuberculosis following a tuberculosis test 16940  
made in accordance with section 941.54 of the Revised Code shall 16941  
be slaughtered in an establishment approved by the department of 16942  
agriculture no later than fifteen days after it is ordered 16943  
destroyed, unless an extension of time is granted by the 16944  
department. 16945

(B) A post mortem examination shall be made by a veterinarian 16946  
authorized by the department, and a report of the examination 16947  
shall be filed within five days after the examination on forms 16948  
provided by the department. 16949

**Sec. 943.23.** (A) A captive whitetail deer licensee shall 16950  
comply with the requirements established in sections 943.20 to 16951  
943.26 of the Revised Code and in rules. The director of 16952  
agriculture may suspend or revoke a license issued under section 16953  
943.03 or 943.031 of the Revised Code regarding monitored captive 16954

deer, captive deer with status, or captive deer with certified 16955  
chronic wasting disease status if the licensee fails to comply 16956  
with those requirements. 16957

(B)(1) The director, after providing an opportunity for an 16958  
adjudication hearing under Chapter 119. of the Revised Code, may 16959  
assess a civil penalty against a person who has violated or is in 16960  
violation of section 943.20 of the Revised Code. If the director 16961  
assesses a civil penalty, the director shall do so as follows: 16962

(a) If, within five years of the violation, the director has 16963  
not previously assessed a civil penalty against the person under 16964  
this section, in an amount not exceeding five hundred dollars; 16965

(b) If, within five years of the violation, the director has 16966  
previously assessed one civil penalty against the person under 16967  
this section, in an amount not exceeding two thousand five hundred 16968  
dollars; 16969

(c) If, within five years of the violation, the director has 16970  
previously assessed two or more civil penalties against the person 16971  
under this section, in an amount not exceeding ten thousand 16972  
dollars. 16973

(2) Money collected under division (B)(1) of this section 16974  
shall be deposited in the state treasury to the credit of the 16975  
captive deer fund created in section 943.26 of the Revised Code. 16976

**Sec. 947.06.** (A) The director of agriculture shall adopt 16977  
rules, subject to Chapter 119. of the Revised Code, to implement, 16978  
administer, and enforce this chapter. No person shall violate such 16979  
a rule of the director. 16980

(B) In cooperation with law enforcement officers in this and 16981  
other states, the director shall develop a uniform procedure for 16982  
notifying livestock marketing and slaughtering establishments of 16983  
reported livestock thefts and of any brands or other identifying 16984

marks on such livestock. 16985

(C) Moneys received by the director under sections 947.01 to 16986  
947.06 of the Revised Code shall be deposited in the ~~brand~~ 16987  
~~registration state treasury to the credit of the animal and~~ 16988  
~~consumer protection laboratory fund, which is hereby created in~~ 16989  
~~the state treasury. The director shall spend moneys from the fund~~ 16990  
~~to pay the costs and expenses of administering sections 947.01 to~~ 16991  
~~947.06~~ section 901.43 of the Revised Code. 16992

**Sec. 1121.10.** (A) As often as the superintendent of financial 16993  
institutions considers necessary, but at least once each 16994  
twenty-four-month cycle, the superintendent, or any deputy or 16995  
examiner appointed by the superintendent for that purpose, shall 16996  
thoroughly examine the records and affairs of each bank. The 16997  
examination shall include a review of both of the following: 16998

(1) Compliance with law; 16999

(2) Other matters the superintendent determines. 17000

(B) The superintendent may examine the records and affairs of 17001  
any of the following as the superintendent considers necessary: 17002

(1) Any party to a proposed reorganization for which the 17003  
superintendent's approval is required by section 1115.11 or 17004  
1115.14 of the Revised Code; 17005

(2) Any bank, savings and loan association, or savings bank 17006  
proposing to convert to a bank doing business under authority 17007  
granted by the superintendent for which the superintendent's 17008  
approval is required by section 1115.01 of the Revised Code; 17009

(3) Any person proposing to acquire control of a bank for 17010  
which the superintendent's approval is required by section 1115.06 17011  
of the Revised Code, or who acquired control of a bank without the 17012  
approval of the superintendent when that approval was required by 17013  
section 1115.06 of the Revised Code, was the bank of which control 17014

is to be, or was, acquired; 17015

(4) Any bank proposing to establish or acquire a branch for 17016  
which the superintendent's approval is required by section 1117.02 17017  
of the Revised Code; 17018

(5) Any foreign bank that maintains, or proposes to 17019  
establish, one or more offices in this state; 17020

(6) Any trust company. 17021

(C) The board of directors or holders of a majority of the 17022  
shares of a bank or trust company may request the superintendent 17023  
conduct a special examination of the records and affairs of the 17024  
bank or trust company. The superintendent has sole discretion over 17025  
the scope and timing of a special examination, and may impose 17026  
restrictions and limitations on the use of the results of a 17027  
special examination in addition to the restrictions and 17028  
limitations otherwise imposed by law. The fee for a special 17029  
examination shall be paid by the bank or trust company examined in 17030  
accordance with section 1121.29 of the Revised Code. 17031

(D) The superintendent may conduct all aspects of an 17032  
examination concurrently or may divide the examination into 17033  
constituent parts and conduct them at various times. 17034

(E) The superintendent shall preserve the report of each 17035  
examination, including related correspondence received and copies 17036  
of related correspondence sent, for ~~twenty~~ ten years after the 17037  
examination date. 17038

**Sec. 1121.24.** (A) If, under Chapters 1101. to 1127. of the 17039  
Revised Code, a proposed action or transaction is subject to the 17040  
approval of the superintendent of financial institutions or an 17041  
opportunity for the superintendent to disapprove, and if the 17042  
person proposing the action or transaction is required to submit 17043  
an application or notice to the superintendent, then the 17044

application or notice is not complete and the superintendent shall 17045  
not accept it for processing until the person pays the fee 17046  
established pursuant to division (C) of section 1121.29 of the 17047  
Revised Code. 17048

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, 17049  
a proposed action or transaction is subject to the approval of the 17050  
superintendent or an opportunity for the superintendent to 17051  
disapprove and the superintendent must make that determination 17052  
within a certain time, and if the person proposing the action or 17053  
transaction is required to submit an application or notice to the 17054  
superintendent, then the time in which the superintendent must 17055  
make the determination does not begin to run until the 17056  
superintendent has determined the application or notice is 17057  
complete and has accepted it for processing. 17058

(2) Division ~~(A)~~(B)(1) of this section does not prohibit 17059  
either of the following: 17060

(a) The superintendent from denying, or issuing a disapproval 17061  
of, an application or notice, prior to the superintendent's 17062  
acceptance of the application or notice for processing, on the 17063  
basis that the person who submitted the application or notice 17064  
failed to include all of the items and address all of the issues 17065  
required for the application or notice, if both of the following 17066  
apply: 17067

(i) The superintendent advised the person that the 17068  
application or notice was incomplete. 17069

(ii) After being advised by the superintendent that the 17070  
application or notice was incomplete, the person did not, within a 17071  
reasonable period of time, complete the application or notice. 17072

(b) The superintendent from denying, or issuing a disapproval 17073  
of, an application or notice on the basis that the person who 17074  
submitted the application or notice failed to provide the 17075

information necessary for the superintendent to adequately 17076  
consider the application or notice after the superintendent's 17077  
acceptance of the application or notice for processing, if both of 17078  
the following apply: 17079

(i) After having begun processing the application or notice, 17080  
the superintendent determined and advised the person that 17081  
additional information was necessary to adequately consider the 17082  
application or notice. 17083

(ii) After being advised by the superintendent that 17084  
additional information was necessary to adequately consider the 17085  
application or notice, the person did not, within a reasonable 17086  
period of time, provide that information. 17087

~~(B)~~(C) A determination by the superintendent that an 17088  
application or notice is complete and is accepted for processing 17089  
means only that the application or notice, on its face, appears to 17090  
include all of the items and to address all of the matters that 17091  
are required. A determination by the superintendent that an 17092  
application or notice is complete and is accepted for processing 17093  
is not an assessment of the substance of the application or 17094  
notice, or of the sufficiency of the information provided. 17095

Sec. 1121.29. (A)(1) Each bank, savings and loan association, 17096  
and savings bank subject to inspection and examination by the 17097  
superintendent of financial institutions and transacting business 17098  
on the thirty-first day of December, or their successors in 17099  
interest, shall pay to the treasurer of state assessments as 17100  
provided in this section. The superintendent shall make each 17101  
assessment based on the total assets as shown on the books of the 17102  
bank, savings and loan association, or savings bank as of the 17103  
thirty-first day of December of the previous year. The 17104  
superintendent shall collect the assessment on an annual or 17105  
periodic basis, as provided by the superintendent. All assessments 17106

shall be paid within fourteen days after receiving an invoice for 17107  
payment of the assessment. 17108

(2) After determining the budget of the division of financial 17109  
institutions for examination and regulation of banks, savings and 17110  
loan associations, and savings banks, but prior to establishing 17111  
the schedule of assessments under this division necessary to fund 17112  
that budget, the superintendent shall consider any necessary cash 17113  
reserves and any amounts collected but not yet expended or 17114  
encumbered by the superintendent in the previous fiscal year's 17115  
budget and remaining in the banks fund pursuant to division (C) of 17116  
section 1121.30 of the Revised Code. 17117

(3) The superintendent shall establish the actual schedule of 17118  
assessments on an annual basis, present the schedule to the 17119  
banking commission for confirmation, and forward copies of the 17120  
current year's schedule to banks, savings and loan associations, 17121  
and savings banks doing business under authority granted by the 17122  
superintendent, or their successors in interest. 17123

If during the period between the banking commission's 17124  
confirmation of the schedule of assessments and the completion of 17125  
the fiscal year in which those assessments will be collected, the 17126  
banking commission determines additional money is required to 17127  
adequately fund the operations of the division of financial 17128  
institutions for that fiscal year, the banking commission may, by 17129  
the affirmative vote of two-thirds of its members, increase the 17130  
schedule of assessments for that fiscal year. The superintendent 17131  
shall promptly notify each bank, savings and loan association, and 17132  
savings bank of the increased assessment, and each bank, savings 17133  
and loan association, and savings bank shall pay the increased 17134  
assessment as made and invoiced by the superintendent. 17135

(4) A bank, savings and loan association, or savings bank 17136  
authorized by the superintendent to commence business in the 17137

period between assessments shall pay the actual reasonable costs 17138  
of the division's examinations and visitations. The bank, savings 17139  
and loan association, or savings bank shall pay the costs within 17140  
fourteen days after receiving an invoice for payment. 17141

(B)(1) Whenever in the judgment of the superintendent the 17142  
condition or conduct of a bank renders it necessary to make 17143  
additional examinations and follow-up visitations within the 17144  
examination cycle beyond the minimum required by division (A) of 17145  
section 1121.10 of the Revised Code, the superintendent shall 17146  
charge the bank for the additional examinations and follow-up 17147  
visitations as provided in division (C) of this section. The bank 17148  
shall pay the fee charged within fourteen days after receiving an 17149  
invoice for payment. 17150

(2) The superintendent shall charge a bank for any 17151  
examination of the bank's operations as a trust company and data 17152  
processing facility in accordance with division (C) of this 17153  
section whether that examination is the only examination of the 17154  
bank in the examination cycle or in addition to other examinations 17155  
of the bank's operations. 17156

(C) The superintendent shall periodically establish a 17157  
schedule of fees to be paid for examinations, applications, 17158  
certifications, and notices considered necessary by the 17159  
superintendent. 17160

(D)(1) The superintendent may waive any fees provided for in 17161  
division (C) of this section to protect the interests of 17162  
depositors and for other fair and reasonable purposes as 17163  
determined by the superintendent. 17164

(2) The fees established by the superintendent pursuant to 17165  
division (C) of this section for processing applications and 17166  
notices and conducting and processing examinations shall be 17167  
reasonable considering the direct and indirect costs to the 17168

division, as determined by the superintendent, of processing the 17169  
applications and for conducting and processing the examinations. 17170

(E) The superintendent may determine and charge reasonable 17171  
fees for furnishing and certifying copies of documents filed with 17172  
the division and for any expenses incurred by the division in the 17173  
publication or serving of required notices. 17174

(F) Assessments and examination and application fees charged 17175  
and collected pursuant to this section are not refundable. Any fee 17176  
charged pursuant to this section shall be paid within fourteen 17177  
days after receiving an invoice for payment of the fee. 17178

(G) The superintendent shall pay all assessments and fees 17179  
charged pursuant to this section and all forfeitures required to 17180  
be paid to the superintendent into the state treasury to the 17181  
credit of the banks fund. 17182

**Sec. 1121.30.** (A) All assessments, fees, charges, and 17183  
forfeitures provided for in Chapters 1101. to ~~1127.~~ 1165. and 17184  
sections 1315.01 to 1315.18 of the Revised Code, except civil 17185  
penalties assessed pursuant to section 1121.35 or 1315.152 of the 17186  
Revised Code, shall be paid to the superintendent of financial 17187  
institutions, and the superintendent shall deposit them into the 17188  
state treasury to the credit of the banks fund, which is hereby 17189  
created. 17190

(B) The superintendent may expend or obligate the banks fund 17191  
to defray the costs of the division of financial institutions in 17192  
administering Chapters 1101. to ~~1127.~~ 1165. and sections 1315.01 17193  
to 1315.18 of the Revised Code. The superintendent shall pay from 17194  
the fund all actual and necessary expenses incurred by the 17195  
superintendent, including for any services rendered by the 17196  
department of commerce for the division's administration of 17197  
Chapters 1101. to ~~1127.~~ 1165. and sections 1315.01 to 1315.18 of 17198  
the Revised Code. The fund shall be assessed a proportionate share 17199

of the administrative costs of the department and the division of 17200  
financial institutions. The proportionate share of the 17201  
administration costs of the division of financial institutions 17202  
shall be determined in accordance with procedures prescribed by 17203  
the superintendent and approved by the director of budget and 17204  
management. The amount assessed for the fund's proportional share 17205  
of the department's administrative costs and the division's 17206  
administrative costs shall be paid from the banks fund to the 17207  
division of administration fund and the division of financial 17208  
institutions fund respectively. 17209

(C) Any money deposited into the state treasury to the credit 17210  
of the banks fund, but not expended or encumbered by the 17211  
superintendent to defray the costs of administering Chapters 1101. 17212  
to ~~1127.~~ 1165. and sections 1315.01 to 1315.18 of the Revised 17213  
Code, shall remain in the banks fund for expenditures by the 17214  
superintendent in subsequent years. 17215

**Sec. 1123.01.** (A) There is hereby created in the division of 17216  
financial institutions a banking commission which shall consist of 17217  
~~seven~~ nine members. The deputy superintendent for banks shall be a 17218  
member of the commission and its chairperson. The governor, with 17219  
the advice and consent of the senate, shall appoint the remaining 17220  
~~six~~ eight members. 17221

(B) After the second Monday in January of each year, the 17222  
governor shall appoint two members. Terms of office shall be for 17223  
~~three~~ four years commencing on the first day of February and 17224  
ending on the thirty-first day of January. Each member shall hold 17225  
office from the date appointed until the end of the term for which 17226  
appointed. In the case of a vacancy in the office of any member, 17227  
the governor shall appoint a successor who shall hold office for 17228  
the remainder of the term for which the successor's predecessor 17229  
was appointed. Any member shall continue in office subsequent to 17230

the expiration date of the member's term until the member's 17231  
successor is appointed, or until sixty days have elapsed, 17232  
whichever occurs first. 17233

(C) No person appointed as a member of the commission may 17234  
serve more than two consecutive full terms. However, a member may 17235  
serve two consecutive full terms following the remainder of a term 17236  
for which the member was appointed to fill a vacancy. 17237

(D)(1) At least ~~three~~ six of the ~~six~~ eight members appointed 17238  
to the commission shall be, at the time of appointment, executive 17239  
officers of banks, savings and loan associations, or savings banks 17240  
transacting business under authority granted by the superintendent 17241  
of financial institutions, and ~~four~~ all of the ~~six~~ members 17242  
appointed to the commission shall have banking experience as a 17243  
director or officer of a bank, savings bank, or savings 17244  
association insured by the federal deposit insurance corporation, 17245  
a bank holding company, or a savings and loan holding company. The 17246  
membership of the commission shall be representative of the 17247  
banking industry as a whole, including representatives of banks of 17248  
various asset sizes and ownership structures, as determined by the 17249  
governor after consultation with the superintendent of financial 17250  
institutions ~~from time to time.~~ 17251

(2) No person who has been convicted of, or has pleaded 17252  
guilty to, a felony involving an act of fraud, dishonesty or, 17253  
breach of trust, theft, or money laundering shall take or hold 17254  
office as a member of the banking commission. 17255

(E) The members of the commission shall receive no salary, 17256  
but their expenses incurred in the performance of their duties 17257  
shall be paid from funds appropriated for that purpose. 17258

(F) The governor may remove any of the ~~six~~ eight members 17259  
appointed to the commission whenever in the governor's judgment 17260  
the public interest requires removal. Upon removing a member of 17261

the commission, the governor shall file with the superintendent a 17262  
statement of the cause for the removal. 17263

**Sec. 1123.02.** (A) The banking commission shall hold regular 17264  
meetings at the times and places it fixes, and shall meet at any 17265  
time on call of the deputy superintendent for banks upon two days' 17266  
notice unless the commission by resolution provides for a shorter 17267  
notice. 17268

(B)(1) A majority of the full commission constitutes a 17269  
quorum, and action taken by a majority of those present at a 17270  
meeting at which there is a quorum constitutes the action of the 17271  
commission. 17272

(2) Notwithstanding division (B)(1) of this section, a 17273  
meeting of the commission may be held by teleconference if 17274  
provisions are made for public attendance at a specific location 17275  
connected with the teleconference. 17276

(C) No member shall participate before the commission in a 17277  
proceeding involving any bank, savings and loan association, or 17278  
savings bank of which the member is, or was at any time in the 17279  
preceding twelve months, a member of the board of directors, an 17280  
officer, an employee, or a shareholder. A member may refrain from 17281  
participating in a proceeding before the commission for any other 17282  
cause the member considers sufficient. 17283

(D) The commission may, by a majority vote of those present 17284  
at a meeting at which there is a quorum, adopt and amend bylaws 17285  
and rules the commission, in its judgment, considers necessary and 17286  
proper. The commission shall select one of its members as 17287  
secretary, who shall keep a record of all its proceedings. 17288

**Sec. 1123.03.** The banking commission shall do all of the 17289  
following: 17290

(A) Make recommendations to the deputy superintendent for 17291

banks and the superintendent of financial institutions on the 17292  
business of banking; 17293

(B) Consider and make recommendations on any matter the 17294  
superintendent or deputy superintendent submits to the commission 17295  
for that purpose; 17296

(C) Pass upon and determine any matter the superintendent or 17297  
deputy superintendent submits to the commission for determination; 17298

(D) Consider and determine whether to confirm the annual 17299  
schedule of assessments proposed by the superintendent in 17300  
accordance with section 1121.29 of the Revised Code; 17301

(E) Determine whether to increase the schedule of assessments 17302  
as provided in division (A)(3) of section 1121.29 of the Revised 17303  
Code; 17304

(F) Determine, as provided in division (D) of section 1121.12 17305  
of the Revised Code, both of the following: 17306

(1) Whether there is reasonable cause to believe that there 17307  
is a significant risk of imminent material harm to the bank; 17308

(2) Whether the examination of the bank holding company is 17309  
necessary to fully determine the risk to the bank, or to determine 17310  
how best to address the risk to the bank. 17311

**Sec. 1155.07.** Every savings and loan association organized 17312  
under the laws of this state shall make, as of the thirty-first 17313  
day of December and the thirtieth day of June of each year, a 17314  
report of the affairs and business of the association for the 17315  
preceding half year, showing its financial condition at the end 17316  
thereof. The statement as of the thirty-first day of December 17317  
shall be the annual statement of the association. The 17318  
superintendent of financial institutions may also require monthly 17319  
reports. 17320

The superintendent may, by written order mailed to the 17321

managing officer of such an association, require any association 17322  
to submit to the superintendent within a reasonable time specified 17323  
in the written order a report concerning its real estate and other 17324  
assets, other than the appraisals required by section 1151.54 of 17325  
the Revised Code. 17326

Any such association refusing or neglecting to file any 17327  
report required by this section within the time specified shall 17328  
forfeit one hundred dollars for every day that such default 17329  
continues unless such penalty, in whole or in part, is waived by 17330  
the superintendent. The superintendent may maintain an action in 17331  
the name of the state to recover such forfeiture which, upon its 17332  
collection, shall be paid into the state treasury to the credit of 17333  
the ~~savings institutions~~ banks fund established under section 17334  
~~1181.18~~ 1121.30 of the Revised Code. 17335

Every such association shall maintain adequate, complete, and 17336  
correct accounts and shall observe such generally accepted 17337  
accounting principles and practices or generally accepted auditing 17338  
standards, as the superintendent prescribes. The superintendent 17339  
shall demand once a year, and at the expense of the association, 17340  
that its accounts be audited by an independent auditor. A copy of 17341  
the audit report shall be submitted to the board of directors of 17342  
the association and filed, together with management's ~~reponse~~ 17343  
response, with the superintendent within thirty days after 17344  
presentation of the completed report to the board or not later 17345  
than the thirty-first day of March of the year next succeeding the 17346  
year for which the audit was conducted, whichever occurs first, 17347  
unless the time is extended by the superintendent. 17348

At the conclusion of the audit of an association, an 17349  
independent auditor shall attend a meeting at which there are 17350  
present only the outside directors of the association or a 17351  
committee comprised of and appointed by such outside directors and 17352  
fully disclose at that time to those directors all audit 17353

exceptions that developed during the audit and all relevant data 17354  
and information concerning the financial condition, investment 17355  
practices, and other financial policies and procedures of the 17356  
association. The meeting shall be held at a time and place that is 17357  
agreed upon by the independent auditor and the outside directors 17358  
or their committee. A complete record of the proceedings of the 17359  
meeting shall be kept in a minute book that is maintained solely 17360  
for the purpose of keeping such records. Nothing in this paragraph 17361  
shall be construed to prevent the independent auditor from meeting 17362  
at other times with inside directors, officers, or employees of 17363  
the association. 17364

The superintendent may prescribe a schedule for the 17365  
preservation and destruction of books, records, certificates, 17366  
documents, reports, correspondence, and other instruments, papers, 17367  
and writings of such an association, even if such association has 17368  
been liquidated pursuant to law. An association may dispose of any 17369  
books, records, certificates, documents, reports, correspondence, 17370  
and other instruments, papers, and writings which have been 17371  
retained or preserved for the period prescribed by the 17372  
superintendent pursuant to this paragraph. The requirements of 17373  
this paragraph may be complied with by the preservation of records 17374  
in the manner prescribed in section 2317.41 of the Revised Code. 17375

**Sec. 1155.10.** Whenever the superintendent of financial 17376  
institutions considers it necessary, the superintendent may make a 17377  
special examination of any savings and loan association, and the 17378  
expense of the examination shall be paid by the association. Such 17379  
expenses shall be collected by the superintendent and paid into 17380  
the state treasury to the credit of the ~~savings institutions~~ banks 17381  
fund established under section ~~1181.18~~ 1121.30 of the Revised 17382  
Code. Any examination made by the superintendent otherwise than in 17383  
the ordinary routine of the superintendent's duties and because, 17384  
in the superintendent's opinion, the condition of the association 17385

requires such examination, is a special examination within the 17386  
meaning of this section. 17387

**Sec. 1163.09.** (A) Every savings bank organized under the laws 17388  
of this state, as of the thirty-first day of December and the 17389  
thirtieth day of June of each year, shall make a report of the 17390  
affairs and business of the savings bank for the preceding half 17391  
year, showing its financial condition at the end thereof. The 17392  
statement as of the thirty-first day of December shall be the 17393  
annual statement of the savings bank. The superintendent of 17394  
financial institutions may also require monthly reports. 17395

(B) The superintendent, by written order mailed to the 17396  
managing officer of a savings bank, may require any savings bank 17397  
to submit to the superintendent within a reasonable time specified 17398  
in the written order a report concerning its real estate and other 17399  
assets, other than the appraisals required by section 1161.81 of 17400  
the Revised Code. 17401

(C) Any savings bank refusing or neglecting to file any 17402  
report required by this section within the time specified shall 17403  
forfeit one hundred dollars for every day that the default 17404  
continues unless the penalty, in whole or in part, is waived by 17405  
the superintendent. The superintendent may maintain an action in 17406  
the name of the state to recover the forfeiture which, upon its 17407  
collection, shall be paid into the state treasury to the credit of 17408  
the ~~savings institutions~~ banks fund established under section 17409  
~~1181.18~~ 1121.30 of the Revised Code. 17410

(D) Every savings bank shall maintain adequate, complete, and 17411  
correct accounts and shall observe such generally accepted 17412  
accounting principles and practices or generally accepted auditing 17413  
standards, as the superintendent prescribes. The superintendent 17414  
shall demand once a year, and at the expense of the savings bank, 17415  
that its accounts be audited by an independent auditor. A copy of 17416

the audit report shall be submitted to the board of directors of 17417  
the savings bank and filed, together with management's ~~reponse~~ 17418  
response, with the superintendent within thirty days after 17419  
presentation of the completed report to the board or not later 17420  
than the thirty-first day of March of the year next succeeding the 17421  
year for which the audit was conducted, whichever occurs first, 17422  
unless the time is extended by the superintendent. 17423

(E) At the conclusion of the audit of a savings bank, an 17424  
independent auditor shall attend a meeting at which there are 17425  
present only the outside directors of the savings bank or a 17426  
committee composed of and appointed by the outside directors and 17427  
fully disclose at that time to those directors all audit 17428  
exceptions that developed during the audit and all relevant data 17429  
and information concerning the financial condition, investment 17430  
practices, and other financial policies and procedures of the 17431  
savings bank. The meeting shall be held at a time and place that 17432  
is agreed upon by the independent auditor and the outside 17433  
directors or their committee. A complete record of the proceedings 17434  
of the meeting shall be kept in a minute book that is maintained 17435  
solely for the purpose of keeping these records. Nothing in this 17436  
division shall be construed to prevent the independent auditor 17437  
from meeting at other times with inside directors, officers, or 17438  
employees of the savings bank. 17439

(F) The superintendent may prescribe a schedule for the 17440  
preservation and destruction of books, records, certificates, 17441  
documents, reports, correspondence, and other instruments, papers, 17442  
and writings of a savings bank, even if the savings bank has been 17443  
liquidated pursuant to law. A savings bank may dispose of any 17444  
books, records, certificates, documents, reports, correspondence, 17445  
and other instruments, papers, and writings that have been 17446  
retained or preserved for the period prescribed by the 17447  
superintendent pursuant to this division. The requirements of this 17448

division may be complied with by the preservation of records in 17449  
the manner prescribed in section 2317.41 of the Revised Code. 17450

**Sec. 1163.13.** Whenever the superintendent of financial 17451  
institutions considers it necessary, the superintendent may make a 17452  
special examination of any savings bank, and the expense of the 17453  
examination shall be paid by the savings bank. These moneys shall 17454  
be collected by the superintendent and paid into the state 17455  
treasury to the credit of the ~~savings institutions~~ banks fund 17456  
established under section ~~1181.18~~ 1121.30 of the Revised Code. Any 17457  
examination made by the superintendent otherwise than in the 17458  
ordinary routine of the superintendent's duties and because, in 17459  
the superintendent's opinion, the condition of the savings bank 17460  
requires the examination, is a special examination within the 17461  
meaning of this section. 17462

**Sec. 1181.06.** There is hereby created in the state treasury 17463  
the financial institutions fund. The fund shall receive 17464  
assessments on the banks fund established under section 1121.30 of 17465  
the Revised Code, ~~the savings institutions fund established under~~ 17466  
~~section 1181.18 of the Revised Code,~~ the credit unions fund 17467  
established under section 1733.321 of the Revised Code, and the 17468  
consumer finance fund established under section 1321.21 of the 17469  
Revised Code in accordance with procedures prescribed by the 17470  
superintendent of financial institutions and approved by the 17471  
director of budget and management. Such assessments shall be in 17472  
addition to any assessments on these funds required under division 17473  
(G) of section 121.08 of the Revised Code. All operating expenses 17474  
of the division of financial institutions shall be paid from the 17475  
financial institutions fund. 17476

**Sec. 1501.08.** (A) There is hereby created in the state 17477  
treasury the state park maintenance fund. 17478

(1) Notwithstanding section 1546.21 of the Revised Code, on or after the first day of July of each fiscal year, the director of natural resources may request the director of budget and management to transfer money from the state park fund to the state park maintenance fund in an amount not exceeding five per cent of the annual average revenue deposited in the state park fund. 17479  
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(2) The department of natural resources shall use money in the state park maintenance fund only for maintenance, repair, and renovation projects at state parks that are approved by the director. The department shall not use money in the fund to construct new facilities. 17485  
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(B) The chief of the division of parks and watercraft shall submit to the director a list of projects in order to request disbursements from the state park maintenance fund. The chief shall include with each list a description of necessary maintenance, repair, and renovation at state park facilities. The director shall determine which projects are eligible for disbursement from the fund. The chief shall not begin any project for which disbursement is requested before obtaining the director's approval as required by this section. 17490  
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**Sec. 1503.05.** (A) The chief of the division of forestry may sell timber and other forest products from the state forest and state forest nurseries whenever the chief considers such a sale desirable and, with the approval of the attorney general and the director of natural resources, may sell portions of the state forest lands when such a sale is advantageous to the state. 17499  
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(B) Except as otherwise provided in this section, a timber sale agreement shall not be executed unless the person or governmental entity bidding on the sale executes and files a surety bond conditioned on completion of the timber sale in accordance with the terms of the agreement in an amount determined 17505  
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by the chief. All bonds shall be given in a form prescribed by the 17510  
chief and shall run to the state as obligee. 17511

The chief shall not approve any bond until it is personally 17512  
signed and acknowledged by both principal and surety, or as to 17513  
either by the attorney in fact thereof, with a certified copy of 17514  
the power of attorney attached. The chief shall not approve the 17515  
bond unless there is attached a certificate of the superintendent 17516  
of insurance that the company is authorized to transact a fidelity 17517  
and surety business in this state. 17518

In lieu of a bond, the bidder may deposit any of the 17519  
following: 17520

(1) Cash in an amount equal to the amount of the bond; 17521

(2) United States government securities having a par value 17522  
equal to or greater than the amount of the bond; 17523

(3) Negotiable certificates of deposit or irrevocable letters 17524  
of credit issued by any bank organized or transacting business in 17525  
this state having a par value equal to or greater than the amount 17526  
of the bond. 17527

The cash or securities shall be deposited on the same terms 17528  
as bonds. If one or more certificates of deposit are deposited in 17529  
lieu of a bond, the chief shall require the bank that issued any 17530  
of the certificates to pledge securities of the aggregate market 17531  
value equal to the amount of the certificate or certificates that 17532  
is in excess of the amount insured by the federal deposit 17533  
insurance corporation. The securities to be pledged shall be those 17534  
designated as eligible under section 135.18 of the Revised Code. 17535  
The securities shall be security for the repayment of the 17536  
certificate or certificates of deposit. 17537

Immediately upon a deposit of cash, securities, certificates 17538  
of deposit, or letters of credit, the chief shall deliver them to 17539  
the treasurer of state, who shall hold them in trust for the 17540

purposes for which they have been deposited. The treasurer of 17541  
state is responsible for the safekeeping of the deposits. A bidder 17542  
making a deposit of cash, securities, certificates of deposit, or 17543  
letters of credit may withdraw and receive from the treasurer of 17544  
state, on the written order of the chief, all or any portion of 17545  
the cash, securities, certificates of deposit, or letters of 17546  
credit upon depositing with the treasurer of state cash, other 17547  
United States government securities, or other negotiable 17548  
certificates of deposit or irrevocable letters of credit issued by 17549  
any bank organized or transacting business in this state, equal in 17550  
par value to the par value of the cash, securities, certificates 17551  
of deposit, or letters of credit withdrawn. 17552

A bidder may demand and receive from the treasurer of state 17553  
all interest or other income from any such securities or 17554  
certificates as it becomes due. If securities so deposited with 17555  
and in the possession of the treasurer of state mature or are 17556  
called for payment by their issuer, the treasurer of state, at the 17557  
request of the bidder who deposited them, shall convert the 17558  
proceeds of the redemption or payment of the securities into other 17559  
United States government securities, negotiable certificates of 17560  
deposit, or cash as the bidder designates. 17561

When the chief finds that a person or governmental agency has 17562  
failed to comply with the conditions of the person's or 17563  
governmental agency's bond, the chief shall make a finding of that 17564  
fact and declare the bond, cash, securities, certificates, or 17565  
letters of credit forfeited. The chief thereupon shall certify the 17566  
total forfeiture to the attorney general, who shall proceed to 17567  
collect the amount of the bond, cash, securities, certificates, or 17568  
letters of credit. 17569

In lieu of total forfeiture, the surety, at its option, may 17570  
cause the timber sale to be completed or pay to the treasurer of 17571  
state the cost thereof. 17572

All moneys collected as a result of forfeitures of bonds, 17573  
cash, securities, certificates, and letters of credit under this 17574  
section shall be credited to the state forest fund created in this 17575  
section. 17576

(C) The chief may grant easements and leases on portions of 17577  
the state forest lands and state forest nurseries under terms that 17578  
are advantageous to the state, and the chief may grant mineral 17579  
rights on a royalty basis on those lands and nurseries, with the 17580  
approval of the attorney general and the director. 17581

(D) All moneys received from the sale of state forest lands, 17582  
or in payment for easements or leases on or as rents from those 17583  
lands or from state forest nurseries, shall be paid into the state 17584  
treasury to the credit of the state forest fund, which is hereby 17585  
created. In addition, all moneys received from federal grants, 17586  
payments, and reimbursements, from the sale of reforestation tree 17587  
stock, from the sale of forest products, other than standing 17588  
timber, and from the sale of minerals taken from the state forest 17589  
lands and state forest nurseries, together with royalties from 17590  
mineral rights, shall be paid into the state treasury to the 17591  
credit of the state forest fund. Any other revenues derived from 17592  
the operation of the state forests and related facilities or 17593  
equipment also shall be paid into the state treasury to the credit 17594  
of the state forest fund, as shall contributions received for the 17595  
issuance of Smokey Bear license plates under section 4503.574 of 17596  
the Revised Code and any other moneys required by law to be 17597  
deposited in the fund. 17598

The state forest fund shall not be expended for any purpose 17599  
other than the administration, operation, maintenance, 17600  
development, or utilization of the state forests, forest 17601  
nurseries, and forest programs, for facilities or equipment 17602  
incident to them, ~~or~~ for the further purchase of lands for state 17603  
forest or forest nursery purposes, or for wildfire suppression 17604

payments and, in the case of contributions received pursuant to 17605  
section 4503.574 of the Revised Code, for fire prevention 17606  
purposes. 17607

All moneys received from the sale of standing timber taken 17608  
from state forest lands and state forest nurseries shall be 17609  
deposited into the state treasury to the credit of the forestry 17610  
holding account redistribution fund, which is hereby created. The 17611  
moneys shall remain in the fund until they are redistributed in 17612  
accordance with this division. 17613

The redistribution shall occur at least once each year. To 17614  
begin the redistribution, the chief first shall determine the 17615  
amount of all standing timber sold from state forest lands and 17616  
state forest nurseries, together with the amount of the total sale 17617  
proceeds, in each county, in each township within the county, and 17618  
in each school district within the county. The chief next shall 17619  
determine the amount of the direct costs that the division of 17620  
forestry incurred in association with the sale of that standing 17621  
timber. The amount of the direct costs shall be subtracted from 17622  
the amount of the total sale proceeds and shall be transferred 17623  
from the forestry holding account redistribution fund to the state 17624  
forest fund. 17625

The remaining amount of the total sale proceeds equals the 17626  
net value of the standing timber that was sold. The chief shall 17627  
determine the net value of standing timber sold from state forest 17628  
lands and state forest nurseries in each county, in each township 17629  
within the county, and in each school district within the county 17630  
and shall send to each county treasurer a copy of the 17631  
determination at the time that moneys are paid to the county 17632  
treasurer under this division. 17633

Thirty-five per cent of the net value of standing timber sold 17634  
from state forest lands and state forest nurseries located in a 17635  
county shall be transferred from the forestry holding account 17636

redistribution fund to the state forest fund. The remaining 17637  
sixty-five per cent of the net value shall be transferred from the 17638  
forestry holding account redistribution fund and paid to the 17639  
county treasurer for the use of the general fund of that county. 17640

The county auditor shall do all of the following: 17641

(1) Retain for the use of the general fund of the county 17642  
one-fourth of the amount received by the county under division (D) 17643  
of this section; 17644

(2) Pay into the general fund of any township located within 17645  
the county and containing such lands and nurseries one-fourth of 17646  
the amount received by the county from standing timber sold from 17647  
lands and nurseries located in the township; 17648

(3) Request the board of education of any school district 17649  
located within the county and containing such lands and nurseries 17650  
to identify which fund or funds of the district should receive the 17651  
moneys available to the school district under division (D)(3) of 17652  
this section. After receiving notice from the board, the county 17653  
auditor shall pay into the fund or funds so identified one-half of 17654  
the amount received by the county from standing timber sold from 17655  
lands and nurseries located in the school district, distributed 17656  
proportionately as identified by the board. 17657

The division of forestry shall not supply logs, lumber, or 17658  
other forest products or minerals, taken from the state forest 17659  
lands or state forest nurseries, to any other agency or 17660  
subdivision of the state unless payment is made therefor in the 17661  
amount of the actual prevailing value thereof. This section is 17662  
applicable to the moneys so received. 17663

(E) The chief may enter into a personal service contract for 17664  
consulting services to assist the chief with the sale of timber or 17665  
other forest products and related inventory. Compensation for 17666  
consulting services shall be paid from the proceeds of the sale of 17667

timber or other forest products and related inventory that are the 17668  
subject of the personal service contract. 17669

**Sec. 1503.141.** ~~There is hereby created in the state treasury~~ 17670  
~~the wildfire suppression fund. The fund shall consist of any~~ 17671  
~~federal moneys received for the purposes of this section and~~ 17672  
~~donations, gifts, bequests, and other moneys received for those~~ 17673  
~~purposes. In addition, the chief of the division of forestry~~ 17674  
~~annually may request that the director of budget and management~~ 17675  
~~transfer, and, if so requested, the director shall transfer, Each~~ 17676  
~~fiscal year, the director of natural resources or the director's~~ 17677  
~~designee shall designate not more than ~~one~~ two hundred thousand~~ 17678  
~~dollars to the wildfire suppression fund from in the state forest~~ 17679  
~~fund created in section 1503.05 of the Revised Code for wildfire~~ 17680  
~~suppression payments. The amount ~~transferred~~ designated shall~~ 17681  
~~consist only of money ~~deposited into the state forest~~ credited to~~ 17682  
~~the fund from the sale of standing timber taken from state forest~~ 17683  
~~lands as set forth in that section.~~ 17684

The ~~chief director or the director's designee~~ may use ~~moneys~~ 17685  
~~in the money designated for wildfire suppression fund payments to~~ 17686  
reimburse firefighting agencies and private fire companies for 17687  
their costs incurred in the suppression of wildfires in counties 17688  
within fire protection areas established under section 1503.08 of 17689  
the Revised Code where there is a state forest or national forest, 17690  
or portion thereof. The ~~chief, with the approval of the director~~ 17691  
~~of natural resources, or the director's designee~~ may provide such 17692  
reimbursement in additional counties. The ~~chief director or the~~ 17693  
~~director's designee~~ shall provide such reimbursement pursuant to 17694  
agreements and contracts entered into under section 1503.14 of the 17695  
Revised Code and in accordance with the following schedule: 17696

(A) For wildfire suppression on private land, an initial 17697  
seventy-dollar payment to the firefighting agency or private fire 17698

company; 17699

(B) For wildfire suppression on land under the administration 17700  
or care of the department of natural resources or on land that is 17701  
part of any national forest administered by the United States 17702  
department of agriculture forest service, an initial 17703  
one-hundred-dollar payment to the firefighting agency or private 17704  
fire company; 17705

(C) For any wildfire suppression on land specified in 17706  
division (A) or (B) of this section lasting more than two hours, 17707  
an additional payment of thirty-five dollars per hour. 17708

~~If at any time moneys in the fund exceed two hundred thousand 17709  
dollars, the chief shall transfer the moneys that exceed that 17710  
amount to the state forest fund. 17711~~

As used in this section, "firefighting agency" and "private 17712  
fire company" have the same meanings as in section 9.60 of the 17713  
Revised Code. 17714

**Sec. 1505.09.** (A) There is hereby created in the state 17715  
treasury the geological mapping fund, to be administered by the 17716  
chief of the division of geological survey. The Except as provided 17717  
in division (B) of this section, the fund shall be used for the 17718  
purposes of performing the necessary field, laboratory, and 17719  
administrative tasks to map and make public reports on the 17720  
geology, geologic hazards, and energy and mineral resources of the 17721  
state. The source of ~~moneys~~ money for the fund shall include, but 17722  
not be limited to, the mineral severance tax as specified in 17723  
section 5749.02 of the Revised Code transfers made to the fund in 17724  
accordance with section 6111.046 of the Revised Code, and the fees 17725  
collected under rules adopted under section 1505.05 of the Revised 17726  
Code. The chief may seek federal or other ~~moneys~~ money in addition 17727  
to the mineral severance tax and fees to carry out the purposes of 17728  
this section. If the chief receives federal ~~moneys~~ money for the 17729

purposes of this section, the chief shall deposit ~~those moneys~~ 17730  
that money into the state treasury to the credit of a fund created 17731  
by the controlling board to carry out those purposes. Other ~~moneys~~ 17732  
money received by the chief for the purposes of this section in 17733  
addition to the mineral severance tax, fees, and federal ~~moneys~~ 17734  
money shall be credited to the geological mapping fund. 17735

(B) Any money transferred to the geological mapping fund in 17736  
accordance with section 6111.046 of the Revised Code shall be used 17737  
by the chiefs of the divisions of mineral resources management, 17738  
oil and gas resources management, geological survey, and water 17739  
resources in the department of natural resources for the purpose 17740  
of executing their duties under sections 6111.043 to 6111.047 of 17741  
the Revised Code. 17742

**Sec. 1506.23.** (A) There is hereby created in the state 17743  
treasury the Lake Erie protection fund, which shall consist of 17744  
~~moneys~~ money deposited into the fund from the issuance of Lake 17745  
Erie license plates under section 4503.52 of the Revised Code, 17746  
money awarded to the state from the great lakes protection fund, 17747  
and donations, gifts, bequests, and other moneys received for the 17748  
purposes of this section. Not later than the first day of June 17749  
each year, the Ohio Lake Erie commission created in section 17750  
1506.21 of the Revised Code shall designate one of its members to 17751  
administer the fund and, with the approval of the commission, to 17752  
expend moneys from the fund for any of the following purposes: 17753

(1) Accelerating the pace of research into the economic, 17754  
environmental, and human health effects of contamination of Lake 17755  
Erie and its tributaries; 17756

(2) Funding cooperative research and data collection 17757  
regarding Lake Erie water quality and toxic contamination; 17758

(3) Developing improved methods of measuring water quality 17759  
and establishing a firm scientific base for implementing a 17760

basinwide system of water quality management for Lake Erie and its tributaries; 17761  
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(4) Supporting research to improve the scientific knowledge on which protection policies are based and devising new and innovative clean-up techniques for toxic contaminants; 17763  
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(5) Supplementing, in a stable and predictable manner, state commitments to policies and programs pertaining to Lake Erie water quality and resource protection; 17766  
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(6) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, institutions of higher education, environmental organizations, and conservation groups within the Lake Erie basin; 17769  
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(7) Awarding of grants to any agency of the United States, any state agency, as "agency" is defined in division (A)(2) of section 111.15 of the Revised Code, any political subdivision, any educational institution, or any nonprofit organization for the development and implementation of projects and programs that are designed to protect Lake Erie by reducing toxic contamination of or improving water quality in Lake Erie; 17773  
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(8) Expenses authorized by the Ohio Lake Erie commission necessary to implement this chapter. 17780  
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(B) Moneys in the Lake Erie protection fund are not intended to replace other moneys expended by any agency of the United States, any state agency, as "agency" is so defined, any political subdivision, any educational institution, or any nonprofit organization for projects and programs that are designed to protect Lake Erie by reducing toxic contamination of or improving water quality in Lake Erie. 17782  
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(C) Each March, the Ohio Lake Erie commission shall publish a Lake Erie protection agenda that describes proposed uses of the Lake Erie protection fund for the following state fiscal year. The 17789  
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agenda shall be the subject of at least one public meeting of the 17792  
commission held in the Lake Erie basin. The commission shall 17793  
submit the agenda to the governor, the president of the senate, 17794  
and the speaker of the house of representatives. 17795

(D) Not later than September 1, 1991, and annually 17796  
thereafter, the Lake Erie commission shall prepare a report of the 17797  
activities that were undertaken by the commission under this 17798  
section during the immediately preceding fiscal year, including, 17799  
without limitation, revenues and expenses for the preceding fiscal 17800  
year. The commission shall submit the report to the governor, the 17801  
president of the senate, and the speaker of the house of 17802  
representatives. 17803

**Sec. 1509.01.** As used in this chapter: 17804

(A) "Well" means any borehole, whether drilled or bored, 17805  
within the state for production, extraction, or injection of any 17806  
gas or liquid mineral, excluding potable water to be used as such, 17807  
but including natural or artificial brines and oil field waters. 17808

(B) "Oil" means crude petroleum oil and all other 17809  
hydrocarbons, regardless of gravity, that are produced in liquid 17810  
form by ordinary production methods, but does not include 17811  
hydrocarbons that were originally in a gaseous phase in the 17812  
reservoir. 17813

(C) "Gas" means all natural gas and all other fluid 17814  
hydrocarbons that are not oil, including condensate. 17815

(D) "Condensate" means liquid hydrocarbons separated at or 17816  
near the well pad or along the gas production or gathering system 17817  
~~prior to~~ or during gas processing. 17818

(E) "Pool" means an underground reservoir containing a common 17819  
accumulation of oil or gas, or both, but does not include a gas 17820  
storage reservoir. Each zone of a geological structure that is 17821

completely separated from any other zone in the same structure may 17822  
contain a separate pool. 17823

(F) "Field" means the general area underlaid by one or more 17824  
pools. 17825

(G) "Drilling unit" means the minimum acreage on which one 17826  
well may be drilled, but does not apply to a well for injecting 17827  
gas into or removing gas from a gas storage reservoir. 17828

(H) "Waste" includes all of the following: 17829

(1) Physical waste, as that term generally is understood in 17830  
the oil and gas industry; 17831

(2) Inefficient, excessive, or improper use, or the 17832  
unnecessary dissipation, of reservoir energy; 17833

(3) Inefficient storing of oil or gas; 17834

(4) Locating, drilling, equipping, operating, or producing an 17835  
oil or gas well in a manner that reduces or tends to reduce the 17836  
quantity of oil or gas ultimately recoverable under prudent and 17837  
proper operations from the pool into which it is drilled or that 17838  
causes or tends to cause unnecessary or excessive surface loss or 17839  
destruction of oil or gas; 17840

(5) Other underground or surface waste in the production or 17841  
storage of oil, gas, or condensate, however caused. 17842

(I) "Correlative rights" means the reasonable opportunity to 17843  
every person entitled thereto to recover and receive the oil and 17844  
gas in and under the person's tract or tracts, or the equivalent 17845  
thereof, without having to drill unnecessary wells or incur other 17846  
unnecessary expense. 17847

(J) "Tract" means a single, individual parcel of land or a 17848  
portion of a single, individual parcel of land. 17849

(K) "Owner," unless referring to a mine, means the person who 17850  
has the right to drill on a tract or drilling unit, to drill into 17851

and produce from a pool, and to appropriate the oil or gas 17852  
produced therefrom either for the person or for others, except 17853  
that a person ceases to be an owner with respect to a well when 17854  
the well has been plugged in accordance with applicable rules 17855  
adopted and orders issued under this chapter. "Owner" does not 17856  
include a person who obtains a lease of the mineral rights for oil 17857  
and gas on a parcel of land if the person does not attempt to 17858  
produce or produce oil or gas from a well or obtain a permit under 17859  
this chapter for a well or if the entire interest of a well is 17860  
transferred to the person in accordance with division (B) of 17861  
section 1509.31 of the Revised Code. 17862

(L) "Royalty interest" means the fee holder's share in the 17863  
production from a well. 17864

(M) "Discovery well" means the first well capable of 17865  
producing oil or gas in commercial quantities from a pool. 17866

(N) "Prepared clay" means a clay that is plastic and is 17867  
thoroughly saturated with fresh water to a weight and consistency 17868  
great enough to settle through saltwater in the well in which it 17869  
is to be used, except as otherwise approved by the chief of the 17870  
division of oil and gas resources management. 17871

(O) "Rock sediment" means the combined cutting and residue 17872  
from drilling sedimentary rocks and formation. 17873

(P) "Excavations and workings," "mine," and "pillar" have the 17874  
same meanings as in section 1561.01 of the Revised Code. 17875

(Q) "Coal bearing township" means a township designated as 17876  
such by the chief of the division of mineral resources management 17877  
under section 1561.06 of the Revised Code. 17878

(R) "Gas storage reservoir" means a continuous area of a 17879  
subterranean porous sand or rock stratum or strata into which gas 17880  
is or may be injected for the purpose of storing it therein and 17881  
removing it therefrom and includes a gas storage reservoir as 17882

defined in section 1571.01 of the Revised Code. 17883

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 17884  
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 17885  
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 17886  
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 17887  
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 17888  
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 17889  
regulations adopted under those acts. 17890

(T) "Person" includes any political subdivision, department, 17891  
agency, or instrumentality of this state; the United States and 17892  
any department, agency, or instrumentality thereof; any legal 17893  
entity defined as a person under section 1.59 of the Revised Code; 17894  
and any other form of business organization or entity recognized 17895  
by the laws of this state. 17896

(U) "Brine" means all saline geological formation water 17897  
resulting from, obtained from, or produced in connection with 17898  
exploration, drilling, well stimulation, production of oil or gas, 17899  
or plugging of a well. 17900

(V) "Waters of the state" means all streams, lakes, ponds, 17901  
marshes, watercourses, waterways, springs, irrigation systems, 17902  
drainage systems, and other bodies of water, surface or 17903  
underground, natural or artificial, that are situated wholly or 17904  
partially within this state or within its jurisdiction, except 17905  
those private waters that do not combine or effect a junction with 17906  
natural surface or underground waters. 17907

(W) "Exempt Mississippian well" means a well that meets all 17908  
of the following criteria: 17909

(1) Was drilled and completed before January 1, 1980; 17910

(2) Is located in an unglaciated part of the state; 17911

(3) Was completed in a reservoir no deeper than the 17912

Mississippian Big Injun sandstone in areas underlain by 17913  
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 17914  
sandstone in areas directly underlain by Permian stratigraphy; 17915

(4) Is used primarily to provide oil or gas for domestic use. 17916

(X) "Exempt domestic well" means a well that meets all of the 17917  
following criteria: 17918

(1) Is owned by the owner of the surface estate of the tract 17919  
on which the well is located; 17920

(2) Is used primarily to provide gas for the owner's domestic 17921  
use; 17922

(3) Is located more than two hundred feet horizontal distance 17923  
from any inhabited private dwelling house other than an inhabited 17924  
private dwelling house located on the tract on which the well is 17925  
located; 17926

(4) Is located more than two hundred feet horizontal distance 17927  
from any public building that may be used as a place of resort, 17928  
assembly, education, entertainment, lodging, trade, manufacture, 17929  
repair, storage, traffic, or occupancy by the public. 17930

(Y) "Urbanized area" means an area where a well or production 17931  
facilities of a well are located within a municipal corporation or 17932  
within a township that has an unincorporated population of more 17933  
than five thousand in the most recent federal decennial census 17934  
prior to the issuance of the permit for the well or production 17935  
facilities. 17936

(Z) "Well stimulation" or "stimulation of a well" means the 17937  
process of enhancing well productivity, including hydraulic 17938  
fracturing operations. 17939

(AA) "Production operation" means all operations and 17940  
activities and all related equipment, facilities, and other 17941  
structures that may be used in or associated with the exploration 17942

and production of oil, gas, or other mineral resources that are 17943  
regulated under this chapter, including operations and activities 17944  
associated with site preparation, site construction, access road 17945  
construction, well drilling, well completion, well stimulation, 17946  
well site activities, reclamation, and plugging. "Production 17947  
operation" also includes all of the following: 17948

(1) The piping, equipment, and facilities used for the 17949  
production and preparation of hydrocarbon gas or liquids for 17950  
transportation or delivery; 17951

(2) The processes of extraction and recovery, lifting, 17952  
stabilization, treatment, separation, production processing, 17953  
storage, waste disposal, and measurement of hydrocarbon gas and 17954  
liquids, including related equipment and facilities; 17955

(3) The processes and related equipment and facilities 17956  
associated with production compression, gas lift, gas injection, 17957  
fuel gas supply, well drilling, well stimulation, and well 17958  
completion activities, including dikes, pits, and earthen and 17959  
other impoundments used for the temporary storage of fluids and 17960  
waste substances associated with well drilling, well stimulation, 17961  
and well completion activities; 17962

(4) Equipment and facilities at a wellpad or other location 17963  
that are used for the transportation, handling, recycling, 17964  
temporary storage, management, processing, or treatment of any 17965  
equipment, material, and by-products or other substances from an 17966  
operation at a wellpad that may be used or reused at the same or 17967  
another operation at a wellpad or that will be disposed of in 17968  
accordance with applicable laws and rules adopted under them. 17969

(BB) "Annular overpressurization" means the accumulation of 17970  
fluids within an annulus with sufficient pressure to allow 17971  
migration of annular fluids into underground sources of drinking 17972  
water. 17973

(CC) "Idle and orphaned well" means a well for which a bond	17974
has been forfeited or an abandoned well for which no money is	17975
available to plug the well in accordance with this chapter and	17976
rules adopted under it.	17977
(DD) "Temporarily inactive well" means a well that has been	17978
granted temporary inactive status under section 1509.062 of the	17979
Revised Code.	17980
(EE) "Material and substantial violation" means any of the	17981
following:	17982
(1) Failure to obtain a permit to drill, reopen, convert,	17983
plugback, or plug a well under this chapter;	17984
(2) Failure to obtain, maintain, update, or submit proof of	17985
insurance coverage that is required under this chapter;	17986
(3) Failure to obtain, maintain, update, or submit proof of a	17987
surety bond that is required under this chapter;	17988
(4) Failure to plug an abandoned well or idle and orphaned	17989
well unless the well has been granted temporary inactive status	17990
under section 1509.062 of the Revised Code or the chief of the	17991
division of oil and gas resources management has approved another	17992
option concerning the abandoned well or idle and orphaned well;	17993
(5) Failure to restore a disturbed land surface as required	17994
by section 1509.072 of the Revised Code;	17995
(6) Failure to reimburse the oil and gas well fund pursuant	17996
to a final order issued under section 1509.071 of the Revised	17997
Code;	17998
(7) Failure to comply with a final nonappealable order of the	17999
chief issued under section 1509.04 of the Revised Code;	18000
(8) Failure to submit a report, test result, fee, or document	18001
that is required in this chapter or rules adopted under it.	18002
(FF) "Severer" has the same meaning as in section 5749.01 of	18003

the Revised Code. 18004

(GG) "Horizontal well" means a well that is drilled for the 18005  
production of oil or gas in which the wellbore reaches a 18006  
horizontal or near horizontal position in the Point Pleasant, 18007  
Utica, or Marcellus formation and the well is stimulated. 18008

(HH) "Well pad" means the area that is cleared or prepared 18009  
for the drilling of one or more horizontal wells. 18010

**Sec. 1509.02.** There is hereby created in the department of 18011  
natural resources the division of oil and gas resources 18012  
management, which shall be administered by the chief of the 18013  
division of oil and gas resources management. The division has 18014  
sole and exclusive authority to regulate the permitting, location, 18015  
and spacing of oil and gas wells and production operations within 18016  
the state, excepting only those activities regulated under federal 18017  
laws for which oversight has been delegated to the environmental 18018  
protection agency and activities regulated under sections 6111.02 18019  
to 6111.028 of the Revised Code. The regulation of oil and gas 18020  
activities is a matter of general statewide interest that requires 18021  
uniform statewide regulation, and this chapter and rules adopted 18022  
under it constitute a comprehensive plan with respect to all 18023  
aspects of the locating, drilling, well stimulation, completing, 18024  
and operating of oil and gas wells within this state, including 18025  
site construction and restoration, permitting related to those 18026  
activities, and the disposal of wastes from those wells. In order 18027  
to assist the division in the furtherance of its sole and 18028  
exclusive authority as established in this section, the chief may 18029  
enter into cooperative agreements with other state agencies for 18030  
advice and consultation, including visitations at the surface 18031  
location of a well on behalf of the division. Such cooperative 18032  
agreements do not confer on other state agencies any authority to 18033  
administer or enforce this chapter and rules adopted under it. In 18034

addition, such cooperative agreements shall not be construed to 18035  
dilute or diminish the division's sole and exclusive authority as 18036  
established in this section. Nothing in this section affects the 18037  
authority granted to the director of transportation and local 18038  
authorities in section 723.01 or 4513.34 of the Revised Code, 18039  
provided that the authority granted under those sections shall not 18040  
be exercised in a manner that discriminates against, unfairly 18041  
impedes, or obstructs oil and gas activities and operations 18042  
regulated under this chapter. 18043

The chief shall not hold any other public office, nor shall 18044  
the chief be engaged in any occupation or business that might 18045  
interfere with or be inconsistent with the duties as chief. 18046

All moneys collected by the chief pursuant to sections 18047  
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 18048  
1509.28, and 1509.34, ~~and 1509.50~~ of the Revised Code, ~~ninety per~~ 18049  
~~cent of moneys received by the treasurer of state from the tax~~ 18050  
~~levied in divisions (A)(5) and (6) of section 5749.02 of the~~ 18051  
~~Revised Code~~, all civil penalties paid under section 1509.33 of 18052  
the Revised Code, and, notwithstanding any section of the Revised 18053  
Code relating to the distribution or crediting of fines for 18054  
violations of the Revised Code, all fines imposed under divisions 18055  
(A) and (B) of section 1509.99 of the Revised Code and fines 18056  
imposed under divisions (C) and (D) of section 1509.99 of the 18057  
Revised Code for all violations prosecuted by the attorney general 18058  
and for violations prosecuted by prosecuting attorneys that do not 18059  
involve the transportation of brine by vehicle shall be deposited 18060  
into the state treasury to the credit of the oil and gas well 18061  
fund, which is hereby created. Fines imposed under divisions (C) 18062  
and (D) of section 1509.99 of the Revised Code for violations 18063  
prosecuted by prosecuting attorneys that involve the 18064  
transportation of brine by vehicle and penalties associated with a 18065  
compliance agreement entered into pursuant to this chapter shall 18066

be paid to the county treasury of the county where the violation 18067  
occurred. 18068

The fund shall be used solely and exclusively for the 18069  
purposes enumerated in division (B) of section 1509.071 of the 18070  
Revised Code, for the expenses of the division associated with the 18071  
administration of this chapter and Chapter 1571. of the Revised 18072  
Code and rules adopted under them, and for expenses that are 18073  
critical and necessary for the protection of human health and 18074  
safety and the environment related to oil and gas production in 18075  
this state. The expenses of the division in excess of the moneys 18076  
available in the fund shall be paid from general revenue fund 18077  
appropriations to the department. 18078

**Sec. 1509.071.** (A) When the chief of the division of oil and 18079  
gas resources management finds that an owner has failed to comply 18080  
with a final nonappealable order issued or compliance agreement 18081  
entered into under section 1509.04, the restoration requirements 18082  
of section 1509.072, plugging requirements of section 1509.12, or 18083  
permit provisions of section 1509.13 of the Revised Code, or rules 18084  
and orders relating thereto, the chief shall make a finding of 18085  
that fact and declare any surety bond filed to ensure compliance 18086  
with those sections and rules forfeited in the amount set by rule 18087  
of the chief. The chief thereupon shall certify the total 18088  
forfeiture to the attorney general, who shall proceed to collect 18089  
the amount of the forfeiture. In addition, the chief may require 18090  
an owner, operator, producer, or other person who forfeited a 18091  
surety bond to post a new surety bond in the amount of fifteen 18092  
thousand dollars for a single well, thirty thousand dollars for 18093  
two wells, or fifty thousand dollars for three or more wells. 18094

In lieu of total forfeiture, the surety or owner, at the 18095  
surety's or owner's option, may cause the well to be properly 18096  
plugged and abandoned and the area properly restored or pay to the 18097

treasurer of state the cost of plugging and abandonment. 18098

(B) All moneys collected because of forfeitures of bonds as 18099  
provided in this section shall be deposited in the state treasury 18100  
to the credit of the oil and gas well fund created in section 18101  
1509.02 of the Revised Code. 18102

~~The chief annually shall spend not less than fourteen per 18103  
cent of the revenue credited to~~ may expend money in the fund 18104  
~~during the previous fiscal year~~ for the following purposes: 18105

(1) In accordance with division (D) of this section, to plug 18106  
idle and orphaned wells or to restore the land surface properly as 18107  
required in section 1509.072 of the Revised Code; 18108

(2) In accordance with division (E) of this section, to 18109  
correct conditions that the chief reasonably has determined are 18110  
causing imminent health or safety risks at an idle and orphaned 18111  
well or a well for which the owner cannot be contacted in order to 18112  
initiate a corrective action within a reasonable period of time as 18113  
determined by the chief. 18114

Expenditures from the fund shall be made only for lawful 18115  
purposes. In addition, expenditures from the fund shall not be 18116  
made to purchase real property or to remove a dwelling in order to 18117  
access a well. 18118

(C)(1) Upon determining that the owner of a well has failed 18119  
to properly plug and abandon it or to properly restore the land 18120  
surface at the well site in compliance with the applicable 18121  
requirements of this chapter and applicable rules adopted and 18122  
orders issued under it or that a well is an abandoned well for 18123  
which no funds are available to plug the well in accordance with 18124  
this chapter, the chief shall do all of the following: 18125

(a) Determine from the records in the office of the county 18126  
recorder of the county in which the well is located the identity 18127  
of the owner of the land on which the well is located, the 18128

identity of the owner of the oil or gas lease under which the well 18129  
was drilled or the identity of each person owning an interest in 18130  
the lease, and the identities of the persons having legal title 18131  
to, or a lien upon, any of the equipment appurtenant to the well; 18132

(b) Mail notice to the owner of the land on which the well is 18133  
located informing the landowner that the well is to be plugged. If 18134  
the owner of the oil or gas lease under which the well was drilled 18135  
is different from the owner of the well or if any persons other 18136  
than the owner of the well own interests in the lease, the chief 18137  
also shall mail notice that the well is to be plugged to the owner 18138  
of the lease or to each person owning an interest in the lease, as 18139  
appropriate. 18140

(c) Mail notice to each person having legal title to, or a 18141  
lien upon, any equipment appurtenant to the well, informing the 18142  
person that the well is to be plugged and offering the person the 18143  
opportunity to plug the well and restore the land surface at the 18144  
well site at the person's own expense in order to avoid forfeiture 18145  
of the equipment to this state. 18146

(2) If none of the persons described in division (C)(1)(c) of 18147  
this section plugs the well within sixty days after the mailing of 18148  
the notice required by that division, all equipment appurtenant to 18149  
the well is hereby declared to be forfeited to this state without 18150  
compensation and without the necessity for any action by the state 18151  
for use to defray the cost of plugging and abandoning the well and 18152  
restoring the land surface at the well site. 18153

(D) Expenditures from the fund for the purpose of division 18154  
(B)(1) of this section shall be made in accordance with either of 18155  
the following: 18156

(1) The expenditures may be made pursuant to contracts 18157  
entered into by the chief with persons who agree to furnish all of 18158  
the materials, equipment, work, and labor as specified and 18159

provided in such a contract for activities associated with the 18160  
restoration or plugging of a well as determined by the chief. The 18161  
activities may include excavation to uncover a well, geophysical 18162  
methods to locate a buried well when clear evidence of leakage 18163  
from the well exists, cleanout of wellbores to remove material 18164  
from a failed plugging of a well, plugging operations, 18165  
installation of vault and vent systems, including associated 18166  
engineering certifications and permits, restoration of property, 18167  
and repair of damage to property that is caused by such 18168  
activities. Expenditures shall not be used for salaries, 18169  
maintenance, equipment, or other administrative purposes, except 18170  
for costs directly attributed to the plugging of an idle and 18171  
orphaned well. Agents or employees of persons contracting with the 18172  
chief for a restoration or plugging project may enter upon any 18173  
land, public or private, on which the well is located for the 18174  
purpose of performing the work. Prior to such entry, the chief 18175  
shall give to the following persons written notice of the 18176  
existence of a contract for a project to restore or plug a well, 18177  
the names of the persons with whom the contract is made, and the 18178  
date that the project will commence: the owner of the well, the 18179  
owner of the land upon which the well is located, the owner or 18180  
agents of adjoining land, and, if the well is located in the same 18181  
township as or in a township adjacent to the excavations and 18182  
workings of a mine and the owner or lessee of that mine has 18183  
provided written notice identifying those townships to the chief 18184  
at any time during the immediately preceding three years, the 18185  
owner or lessee of the mine. 18186

(2)(a) The owner of the land on which a well is located who 18187  
has received notice under division (C)(1)(b) of this section may 18188  
plug the well and be reimbursed by the division of oil and gas 18189  
resources management for the reasonable cost of plugging the well. 18190  
In order to plug the well, the landowner shall submit an 18191  
application to the chief on a form prescribed by the chief and 18192

approved by the technical advisory council on oil and gas created 18193  
in section 1509.38 of the Revised Code. The application, at a 18194  
minimum, shall require the landowner to provide the same 18195  
information as is required to be included in the application for a 18196  
permit to plug and abandon under section 1509.13 of the Revised 18197  
Code. The application shall be accompanied by a copy of a proposed 18198  
contract to plug the well prepared by a contractor regularly 18199  
engaged in the business of plugging oil and gas wells. The 18200  
proposed contract shall require the contractor to furnish all of 18201  
the materials, equipment, work, and labor necessary to plug the 18202  
well properly and shall specify the price for doing the work, 18203  
including a credit for the equipment appurtenant to the well that 18204  
was forfeited to the state through the operation of division 18205  
(C)(2) of this section. Expenditures under division (D)(2)(a) of 18206  
this section shall be consistent with the expenditures for 18207  
activities described in division (D)(1) of this section. The 18208  
application also shall be accompanied by the permit fee required 18209  
by section 1509.13 of the Revised Code unless the chief, in the 18210  
chief's discretion, waives payment of the permit fee. The 18211  
application constitutes an application for a permit to plug and 18212  
abandon the well for the purposes of section 1509.13 of the 18213  
Revised Code. 18214

(b) Within thirty days after receiving an application and 18215  
accompanying proposed contract under division (D)(2)(a) of this 18216  
section, the chief shall determine whether the plugging would 18217  
comply with the applicable requirements of this chapter and 18218  
applicable rules adopted and orders issued under it and whether 18219  
the cost of the plugging under the proposed contract is 18220  
reasonable. If the chief determines that the proposed plugging 18221  
would comply with those requirements and that the proposed cost of 18222  
the plugging is reasonable, the chief shall notify the landowner 18223  
of that determination and issue to the landowner a permit to plug 18224  
and abandon the well under section 1509.13 of the Revised Code. 18225

Upon approval of the application and proposed contract, the chief 18226  
shall transfer ownership of the equipment appurtenant to the well 18227  
to the landowner. The chief may disapprove an application 18228  
submitted under division (D)(2)(a) of this section if the chief 18229  
determines that the proposed plugging would not comply with the 18230  
applicable requirements of this chapter and applicable rules 18231  
adopted and orders issued under it, that the cost of the plugging 18232  
under the proposed contract is unreasonable, or that the proposed 18233  
contract is not a bona fide, arm's length contract. 18234

(c) After receiving the chief's notice of the approval of the 18235  
application and permit to plug and abandon a well under division 18236  
(D)(2)(b) of this section, the landowner shall enter into the 18237  
proposed contract to plug the well. 18238

(d) Upon determining that the plugging has been completed in 18239  
compliance with the applicable requirements of this chapter and 18240  
applicable rules adopted and orders issued under it, the chief 18241  
shall reimburse the landowner for the cost of the plugging as set 18242  
forth in the proposed contract approved by the chief. The 18243  
reimbursement shall be paid from the oil and gas well fund. If the 18244  
chief determines that the plugging was not completed in accordance 18245  
with the applicable requirements, the chief shall not reimburse 18246  
the landowner for the cost of the plugging, and the landowner or 18247  
the contractor, as applicable, promptly shall transfer back to 18248  
this state title to and possession of the equipment appurtenant to 18249  
the well that previously was transferred to the landowner under 18250  
division (D)(2)(b) of this section. If any such equipment was 18251  
removed from the well during the plugging and sold, the landowner 18252  
shall pay to the chief the proceeds from the sale of the 18253  
equipment, and the chief promptly shall pay the moneys so received 18254  
to the treasurer of state for deposit into the oil and gas well 18255  
fund. 18256

The chief may establish an annual limit on the number of 18257

wells that may be plugged under division (D)(2) of this section or 18258  
an annual limit on the expenditures to be made under that 18259  
division. 18260

As used in division (D)(2) of this section, "plug" and 18261  
"plugging" include the plugging of the well and the restoration of 18262  
the land surface disturbed by the plugging. 18263

(E) Expenditures from the oil and gas well fund for the 18264  
purpose of division (B)(2) of this section may be made pursuant to 18265  
contracts entered into by the chief with persons who agree to 18266  
furnish all of the materials, equipment, work, and labor as 18267  
specified and provided in such a contract. The competitive bidding 18268  
requirements of Chapter 153. of the Revised Code do not apply if 18269  
the chief reasonably determines that an emergency situation exists 18270  
requiring immediate action for the correction of the applicable 18271  
health or safety risk. A contract or purchase of materials for 18272  
purposes of addressing the emergency situation is not subject to 18273  
division (B) of section 127.16 of the Revised Code. The chief, 18274  
designated representatives of the chief, and agents or employees 18275  
of persons contracting with the chief under this division may 18276  
enter upon any land, public or private, for the purpose of 18277  
performing the work. 18278

(F) Contracts entered into by the chief under this section 18279  
are not subject to any of the following: 18280

(1) Chapter 4115. of the Revised Code; 18281

(2) Section 153.54 of the Revised Code, except that the 18282  
contractor shall obtain and provide to the chief as a bid guaranty 18283  
a surety bond or letter of credit in an amount equal to ten per 18284  
cent of the amount of the contract; 18285

(3) Section 4733.17 of the Revised Code. 18286

(G) The owner of land on which a well is located who has 18287  
received notice under division (C)(1)(b) of this section, in lieu 18288

of plugging the well in accordance with division (D)(2) of this 18289  
section, may cause ownership of the well to be transferred to an 18290  
owner who is lawfully doing business in this state and who has met 18291  
the financial responsibility requirements established under 18292  
section 1509.07 of the Revised Code, subject to the approval of 18293  
the chief. The transfer of ownership also shall be subject to the 18294  
landowner's filing the appropriate forms required under section 18295  
1509.31 of the Revised Code and providing to the chief sufficient 18296  
information to demonstrate the landowner's or owner's right to 18297  
produce a formation or formations. That information may include a 18298  
deed, a lease, or other documentation of ownership or property 18299  
rights. 18300

The chief shall approve or disapprove the transfer of 18301  
ownership of the well. If the chief approves the transfer, the 18302  
owner is responsible for operating the well in accordance with 18303  
this chapter and rules adopted under it, including, without 18304  
limitation, all of the following: 18305

(1) Filing an application with the chief under section 18306  
1509.06 of the Revised Code if the owner intends to drill deeper 18307  
or produce a formation that is not listed in the records of the 18308  
division for that well; 18309

(2) Taking title to and possession of the equipment 18310  
appurtenant to the well that has been identified by the chief as 18311  
having been abandoned by the former owner; 18312

(3) Complying with all applicable requirements that are 18313  
necessary to drill deeper, plug the well, or plug back the well. 18314

(H) The chief shall issue an order that requires the owner of 18315  
a well to pay the actual documented costs of a corrective action 18316  
that is described in division (B)(2) of this section concerning 18317  
the well. The chief shall transmit the money so recovered to the 18318  
treasurer of state who shall deposit the money in the state 18319

treasury to the credit of the oil and gas well fund. 18320

(I) The chief may engage in cooperative projects under this 18321  
section with any agency of this state, another state, or the 18322  
United States; any other governmental agencies; or any state 18323  
university or college as defined in section 3345.27 of the Revised 18324  
Code. A contract entered into for purposes of a cooperative 18325  
project is not subject to division (B) of section 127.16 of the 18326  
Revised Code. 18327

**Sec. 1509.11.** (A)(1)(a) The owner of any well, except a 18328  
horizontal well, that is producing or capable of producing oil or 18329  
gas shall file with the chief of the division of oil and gas 18330  
resources management, on or before the thirty-first day of March, 18331  
a statement of production of oil, gas, and brine for the last 18332  
preceding calendar year in such form as the chief may prescribe. 18333  
An owner that has more than one hundred such wells in this state 18334  
shall submit electronically the statement of production in a 18335  
format that is approved by the chief. 18336

(b) The owner of an exempt domestic well designated as an 18337  
exempt domestic well on or after June 30, 2010, shall remit a fee 18338  
of sixty dollars for each such well to the director of the 18339  
department of natural resources or the director's designee on or 18340  
before the thirty-first day of March of each year, together with 18341  
the annual statement filed in accordance with division (A)(1)(a) 18342  
of this section or with another form prescribed by the director 18343  
for that purpose. Fees collected under this division shall be 18344  
credited to the oil and gas well fund. 18345

(2) The owner of any horizontal well that is producing or 18346  
capable of producing oil or gas shall file with the chief, on the 18347  
forty-fifth day following the close of each calendar quarter, a 18348  
statement of production of oil, gas, and brine for the preceding 18349  
calendar quarter in a form that the chief prescribes. An owner 18350

that has more than one hundred horizontal wells in this state 18351  
shall submit electronically the statement of production in a 18352  
format that is approved by the chief. 18353

(B) The chief shall not disclose information received from 18354  
the department of taxation under division (C)(12) of section 18355  
5703.21 of the Revised Code until the related statement of 18356  
production required by division (A) of this section is filed with 18357  
the chief. 18358

**Sec. 1509.34.** (A)(1) If an owner fails to pay the fees 18359  
imposed by this chapter, or if the chief of the division of oil 18360  
and gas resources management incurs costs under division (E) of 18361  
section 1509.071 of the Revised Code to correct conditions 18362  
associated with the owner's well that the chief reasonably has 18363  
determined are causing imminent health or safety risks, the 18364  
division of oil and gas resources management shall have a priority 18365  
lien against that owner's interest in the applicable well in front 18366  
of all other creditors for the amount of any such unpaid fees and 18367  
costs incurred. The chief shall file a statement in the office of 18368  
the county recorder of the county in which the applicable well is 18369  
located of the amount of the unpaid fees and costs incurred as 18370  
described in this division. The statement shall constitute a lien 18371  
on the owner's interest in the well as of the date of the filing. 18372  
The lien shall remain in force so long as any portion of the lien 18373  
remains unpaid or until the chief issues a certificate of release 18374  
of the lien. If the chief issues a certificate of release of the 18375  
lien, the chief shall file the certificate of release in the 18376  
office of the applicable county recorder. 18377

(2) A lien imposed under division (A)(1) of this section 18378  
shall be in addition to any lien imposed by the attorney general 18379  
for failure to pay the assessment imposed by former section 18380  
1509.50 of the Revised Code or the tax levied under division 18381

(A)(5) ~~or (6)~~ to (8) of section 5749.02 of the Revised Code, as 18382  
applicable. 18383

(3) If the attorney general cannot collect from a severer or 18384  
an owner for an outstanding balance of amounts due under former 18385  
section 1509.50 of the Revised Code or of unpaid taxes levied 18386  
under ~~division~~ divisions (A)(5) ~~or (6)~~ to (8) of section 5749.02 18387  
of the Revised Code, as applicable, the tax commissioner may 18388  
request the chief to impose a priority lien against the owner's 18389  
interest in the applicable well. Such a lien has priority in front 18390  
of all other creditors. 18391

(B) The chief promptly shall issue a certificate of release 18392  
of a lien under either of the following circumstances: 18393

(1) Upon the repayment in full of the amount of unpaid fees 18394  
imposed by this chapter or costs incurred by the chief under 18395  
division (E) of section 1509.071 of the Revised Code to correct 18396  
conditions associated with the owner's well that the chief 18397  
reasonably has determined are causing imminent health or safety 18398  
risks; 18399

(2) Any other circumstance that the chief determines to be in 18400  
the best interests of the state. 18401

(C) The chief may modify the amount of a lien under this 18402  
section. If the chief modifies a lien, the chief shall file a 18403  
statement in the office of the county recorder of the applicable 18404  
county of the new amount of the lien. 18405

(D) An owner regarding which the division has recorded a lien 18406  
against the owner's interest in a well in accordance with this 18407  
section shall not transfer a well, lease, or mineral rights to 18408  
another owner or person until the chief issues a certificate of 18409  
release for each lien against the owner's interest in the well. 18410

(E) All money from the collection of liens under this section 18411  
shall be deposited in the state treasury to the credit of the oil 18412

and gas well fund created in section 1509.02 of the Revised Code. 18413

(F) As used in this section, "former section 1509.50 of the 18414  
Revised Code" means section 1509.50 of the Revised Code as it 18415  
existed before its repeal by ...B... of the 132nd general 18416  
assembly. 18417

**Sec. 1513.08.** (A) After a coal mining and reclamation permit 18418  
application has been approved, the applicant shall file with the 18419  
chief of the division of mineral resources management, on a form 18420  
prescribed and furnished by the chief, the performance security 18421  
required under this section that shall be payable to the state and 18422  
conditioned on the faithful performance of all the requirements of 18423  
this chapter and rules adopted under it and the terms and 18424  
conditions of the permit. 18425

(B) Using the information contained in the permit 18426  
application; the requirements contained in the approved permit and 18427  
reclamation plan; and, after considering the topography, geology, 18428  
hydrology, and revegetation potential of the area of the approved 18429  
permit, the probable difficulty of reclamation; the chief shall 18430  
determine the estimated cost of reclamation under the initial term 18431  
of the permit if the reclamation has to be performed by the 18432  
division of mineral resources management in the event of 18433  
forfeiture of the performance security by the applicant. The chief 18434  
shall send written notice of the amount of the estimated cost of 18435  
reclamation by certified mail to the applicant. The applicant 18436  
shall send written notice to the chief indicating the method by 18437  
which the applicant will provide the performance security pursuant 18438  
to division (C) of this section. 18439

(C) The applicant shall provide the performance security in 18440  
an amount using one of the following: 18441

(1) If the applicant elects to provide performance security 18442  
without reliance on the reclamation forfeiture fund created in 18443

section 1513.18 of the Revised Code, the amount of the estimated 18444  
cost of reclamation as determined by the chief under division (B) 18445  
of this section for the increments of land on which the operator 18446  
will conduct a coal mining and reclamation operation under the 18447  
initial term of the permit as indicated in the application; 18448

(2) If the applicant elects to provide performance security 18449  
together with reliance on the reclamation forfeiture fund through 18450  
payment of the additional tax on the severance of coal that is 18451  
levied under division (A)~~(8)~~(10) of section 5749.02 of the Revised 18452  
Code, an amount of twenty-five hundred dollars per acre of land on 18453  
which the operator will conduct coal mining and reclamation under 18454  
the initial term of the permit as indicated in the application. 18455  
However, in order for an applicant to be eligible to provide 18456  
performance security in accordance with division (C)(2) of this 18457  
section, the applicant, an owner and controller of the applicant, 18458  
or an affiliate of the applicant shall have held a permit issued 18459  
under this chapter for any coal mining and reclamation operation 18460  
for a period of not less than five years. In the event of 18461  
forfeiture of performance security that was provided in accordance 18462  
with division (C)(2) of this section, the difference between the 18463  
amount of that performance security and the estimated cost of 18464  
reclamation as determined by the chief under division (B) of this 18465  
section shall be obtained from money in the reclamation forfeiture 18466  
fund as needed to complete the reclamation. 18467

The performance security provided under division (C) of this 18468  
section for the entire area to be mined under one permit issued 18469  
under this chapter shall not be less than ten thousand dollars. 18470

The performance security shall cover areas of land affected 18471  
by mining within or immediately adjacent to the permitted area, so 18472  
long as the total number of acres does not exceed the number of 18473  
acres for which the performance security is provided. However, the 18474  
authority for the performance security to cover areas of land 18475

immediately adjacent to the permitted area does not authorize a 18476  
permittee to mine areas outside an approved permit area. As 18477  
succeeding increments of coal mining and reclamation operations 18478  
are to be initiated and conducted within the permit area, the 18479  
permittee shall file with the chief additional performance 18480  
security to cover the increments in accordance with this section. 18481  
If a permittee intends to mine areas outside the approved permit 18482  
area, the permittee shall provide additional performance security 18483  
in accordance with this section to cover the areas to be mined. 18484

If an applicant or permittee has not held a permit issued 18485  
under this chapter for any coal mining and reclamation operation 18486  
for a period of five years or more, the applicant or permittee 18487  
shall provide performance security in accordance with division 18488  
(C)(1) of this section in the full amount of the estimated cost of 18489  
reclamation as determined by the chief for a permitted coal 18490  
preparation plant or coal refuse disposal area that is not located 18491  
within a permitted area of a mine. If an applicant for a permit 18492  
for a coal preparation plant or coal refuse disposal area or a 18493  
permittee of a permitted coal preparation plant or coal refuse 18494  
disposal area that is not located within a permitted area of a 18495  
mine has held a permit issued under this chapter for any coal 18496  
mining and reclamation operation for a period of five years or 18497  
more, the applicant or permittee may provide performance security 18498  
for the coal preparation plant or coal refuse disposal area either 18499  
in accordance with division (C)(1) of this section in the full 18500  
amount of the estimated cost of reclamation as determined by the 18501  
chief or in accordance with division (C)(2) of this section in an 18502  
amount of twenty-five hundred dollars per acre of land with 18503  
reliance on the reclamation forfeiture fund. If a permittee has 18504  
previously provided performance security under division (C)(1) of 18505  
this section for a coal preparation plant or coal refuse disposal 18506  
area that is not located within a permitted area of a mine and 18507  
elects to provide performance security in accordance with division 18508

(C)(2) of this section, the permittee shall submit written notice 18509  
to the chief indicating that the permittee elects to provide 18510  
performance security in accordance with division (C)(2) of this 18511  
section. Upon receipt of such a written notice, the chief shall 18512  
release to the permittee the amount of the performance security 18513  
previously provided under division (C)(1) of this section that 18514  
exceeds the amount of performance security that is required to be 18515  
provided under division (C)(2) of this section. 18516

(D) A permittee's liability under the performance security 18517  
shall be limited to the obligations established under the permit, 18518  
which include completion of the reclamation plan in order to make 18519  
the land capable of supporting the postmining land use that was 18520  
approved in the permit. The period of liability under the 18521  
performance security shall be for the duration of the coal mining 18522  
and reclamation operation and for a period coincident with the 18523  
operator's responsibility for revegetation requirements under 18524  
section 1513.16 of the Revised Code. 18525

(E) The amount of the estimated cost of reclamation 18526  
determined under division (B) of this section and the amount of a 18527  
permittee's performance security provided in accordance with 18528  
division (C)(1) of this section shall be adjusted by the chief as 18529  
the land that is affected by mining increases or decreases or if 18530  
the cost of reclamation increases or decreases. If the performance 18531  
security was provided in accordance with division (C)(2) of this 18532  
section and the chief has issued a cessation order under division 18533  
(D)(2) of section 1513.02 of the Revised Code for failure to abate 18534  
a violation of the contemporaneous reclamation requirement under 18535  
division (A)(15) of section 1513.16 of the Revised Code, the chief 18536  
may require the permittee to increase the amount of performance 18537  
security from twenty-five hundred dollars per acre of land to five 18538  
thousand dollars per acre of land. 18539

The chief shall notify the permittee, each surety, and any 18540

person who has a property interest in the performance security and 18541  
who has requested to be notified of any proposed adjustment to the 18542  
performance security. The permittee may request an informal 18543  
conference with the chief concerning the proposed adjustment, and 18544  
the chief shall provide such an informal conference. 18545

If the chief increases the amount of performance security 18546  
under this division, the permittee shall provide additional 18547  
performance security in an amount determined by the chief. If the 18548  
chief decreases the amount of performance security under this 18549  
division, the chief shall determine the amount of the reduction of 18550  
the performance security and send written notice of the amount of 18551  
reduction to the permittee. The permittee may reduce the amount of 18552  
the performance security in the amount determined by the chief. 18553

(F) A permittee may request a reduction in the amount of the 18554  
performance security by submitting to the chief documentation 18555  
proving that the amount of the performance security provided by 18556  
the permittee exceeds the estimated cost of reclamation if the 18557  
reclamation would have to be performed by the division in the 18558  
event of forfeiture of the performance security. The chief shall 18559  
examine the documentation and determine whether the permittee's 18560  
performance security exceeds the estimated cost of reclamation. If 18561  
the chief determines that the performance security exceeds that 18562  
estimated cost, the chief shall determine the amount of the 18563  
reduction of the performance security and send written notice of 18564  
the amount to the permittee. The permittee may reduce the amount 18565  
of the performance security in the amount determined by the chief. 18566  
Adjustments in the amount of performance security under this 18567  
division shall not be considered release of performance security 18568  
and are not subject to section 1513.16 of the Revised Code. 18569

(G) If the performance security is a bond, it shall be 18570  
executed by the operator and a corporate surety licensed to do 18571  
business in this state. If the performance security is a cash 18572

deposit or negotiable certificates of deposit of a bank or savings 18573  
and loan association, the bank or savings and loan association 18574  
shall be licensed and operating in this state. The cash deposit or 18575  
market value of the securities shall be equal to or greater than 18576  
the amount of the performance security required under this 18577  
section. The chief shall review any documents pertaining to the 18578  
performance security and approve or disapprove the documents. The 18579  
chief shall notify the applicant of the chief's determination. 18580

(H) If the performance security is a bond, the chief may 18581  
accept the bond of the applicant itself without separate surety 18582  
when the applicant demonstrates to the satisfaction of the chief 18583  
the existence of a suitable agent to receive service of process 18584  
and a history of financial solvency and continuous operation 18585  
sufficient for authorization to self-insure or bond the amount. 18586

(I) Performance security provided under this section may be 18587  
held in trust, provided that the state is the primary beneficiary 18588  
of the trust and the custodian of the performance security held in 18589  
trust is a bank, trust company, or other financial institution 18590  
that is licensed and operating in this state. The chief shall 18591  
review the trust document and approve or disapprove the document. 18592  
The chief shall notify the applicant of the chief's determination. 18593

(J) If a surety, bank, savings and loan association, trust 18594  
company, or other financial institution that holds the performance 18595  
security required under this section becomes insolvent, the 18596  
permittee shall notify the chief of the insolvency, and the chief 18597  
shall order the permittee to submit a plan for replacement 18598  
performance security within thirty days after receipt of notice 18599  
from the chief. If the permittee provided performance security in 18600  
accordance with division (C)(1) of this section, the permittee 18601  
shall provide the replacement performance security within ninety 18602  
days after receipt of notice from the chief. If the permittee 18603  
provided performance security in accordance with division (C)(2) 18604

of this section, the permittee shall provide the replacement 18605  
performance security within one year after receipt of notice from 18606  
the chief, and, for a period of one year after the permittee's 18607  
receipt of notice from the chief or until the permittee provides 18608  
the replacement performance security, whichever occurs first, 18609  
money in the reclamation forfeiture fund shall be the permittee's 18610  
replacement performance security in an amount not to exceed the 18611  
estimated cost of reclamation as determined by the chief. 18612

(K) If a permittee provided performance security in 18613  
accordance with division (C)(1) of this section, the permittee's 18614  
responsibility for repairing material damage and replacement of 18615  
water supply resulting from subsidence shall be satisfied by 18616  
either of the following: 18617

(1) The purchase prior to mining of a noncancelable 18618  
premium-prepaid liability insurance policy in lieu of the 18619  
permittee's performance security for subsidence damage. The 18620  
insurance policy shall contain terms and conditions that 18621  
specifically provide coverage for repairing material damage and 18622  
replacement of water supply resulting from subsidence. 18623

(2) The provision of additional performance security in the 18624  
amount of the estimated cost to the division of mineral resources 18625  
management to repair material damage and replace water supplies 18626  
resulting from subsidence until the repair or replacement is 18627  
completed. However, if such repair or replacement is completed, or 18628  
compensation for structures that have been damaged by subsidence 18629  
is provided, by the permittee within ninety days of the occurrence 18630  
of the subsidence, additional performance security is not 18631  
required. In addition, the chief may extend the ninety-day period 18632  
for a period not to exceed one year if the chief determines that 18633  
the permittee has demonstrated in writing that subsidence is not 18634  
complete and that probable subsidence-related damage likely will 18635  
occur and, as a result, the completion of repairs of 18636

subsidence-related material damage to lands or protected 18637  
structures or the replacement of water supply within ninety days 18638  
of the occurrence of the subsidence would be unreasonable. 18639

(L) If the performance security provided in accordance with 18640  
this section exceeds the estimated cost of reclamation, the chief 18641  
may authorize the amount of the performance security that exceeds 18642  
the estimated cost of reclamation together with any interest or 18643  
other earnings on the performance security to be paid to the 18644  
permittee. 18645

(M) A permittee that held a valid coal mining and reclamation 18646  
permit immediately prior to April 6, 2007, shall provide, not 18647  
later than a date established by the chief, performance security 18648  
in accordance with division (C)(1) or (2) of this section, rather 18649  
than in accordance with the law as it existed prior to that date, 18650  
by filing it with the chief on a form that the chief prescribes 18651  
and furnishes. Accordingly, for purposes of this section, 18652  
"applicant" is deemed to include such a permittee. 18653

(N) As used in this section: 18654

(1) "Affiliate of the applicant" means an entity that has a 18655  
parent entity in common with the applicant. 18656

(2) "Owner and controller of the applicant" means a person 18657  
that has any relationship with the applicant that gives the person 18658  
authority to determine directly or indirectly the manner in which 18659  
the applicant conducts coal mining operations. 18660

**Sec. 1513.18.** (A) All money that becomes the property of the 18661  
state under division (G) of section 1513.16 of the Revised Code 18662  
shall be deposited in the reclamation forfeiture fund, which is 18663  
hereby created in the state treasury. Disbursements from the fund 18664  
shall be made by the chief of the division of mineral resources 18665  
management for the purpose of reclaiming areas of land affected by 18666

coal mining under a coal mining and reclamation permit issued on 18667  
or after September 1, 1981, on which an operator has defaulted. 18668

(B) The fund also shall consist of all money from the 18669  
collection of liens under section 1513.081 of the Revised Code, 18670  
~~any moneys transferred to it under section 1513.181 of the Revised~~ 18671  
~~Code from the coal mining and reclamation reserve fund created in~~ 18672  
~~that section,~~ all money credited to the fund from the fee levied 18673  
by division (F)(8)(c) of section 1513.16 of the Revised Code, 18674  
fines collected under division (E) of section 1513.02 and section 18675  
1513.99 of the Revised Code, fines collected for a violation of 18676  
section 2921.31 of the Revised Code that, prior to July 1, 1996, 18677  
would have been a violation of division (G) of section 1513.17 of 18678  
the Revised Code as it existed prior to that date, and ~~moneys~~ 18679  
money collected and credited to it pursuant to section 5749.02 of 18680  
the Revised Code. Disbursements from the fund shall be made by the 18681  
chief in accordance with division (D) of this section for the 18682  
purpose of reclaiming areas that an operator has affected by 18683  
mining and failed to reclaim under a coal mining and reclamation 18684  
permit issued under this chapter. 18685

The chief may expend ~~moneys~~ money from the fund to pay 18686  
necessary administrative costs, including engineering and design 18687  
services, incurred by the division of mineral resources management 18688  
in reclaiming these areas. The chief also may expend ~~moneys~~ money 18689  
from the fund to pay necessary administrative costs of the 18690  
reclamation forfeiture fund advisory board created in section 18691  
1513.182 of the Revised Code as authorized by the board under that 18692  
section. Expenditures from the fund to pay such administrative 18693  
costs need not be made under contract. 18694

(C) Except when paying necessary administrative costs 18695  
authorized by division (B) of this section, expenditures from the 18696  
fund shall be made under contracts entered into by the chief, with 18697  
the approval of the director of natural resources, in accordance 18698

with procedures established by the chief, by rules adopted in 18699  
accordance with section 1513.02 of the Revised Code. The chief may 18700  
reclaim the land in the same manner as set forth in sections 18701  
1513.21 to 1513.24 of the Revised Code. Each contract awarded by 18702  
the chief shall be awarded to the lowest responsive and 18703  
responsible bidder, in accordance with section 9.312 of the 18704  
Revised Code, after sealed bids are received, opened, and 18705  
published at the time and place fixed by the chief. The chief 18706  
shall publish notice of the time and place at which bids will be 18707  
received, opened, and published, at least once and at least ten 18708  
days before the date of the opening of the bids, in a newspaper of 18709  
general circulation in the county in which the area of land to be 18710  
reclaimed under the contract is located. If, after advertising, no 18711  
bids are received at the time and place fixed for receiving them, 18712  
the chief may advertise again for bids, or, if the chief considers 18713  
the public interest will best be served, the chief may enter into 18714  
a contract for the reclamation of the area of land without further 18715  
advertisement for bids. The chief may reject any or all bids 18716  
received and again publish notice of the time and place at which 18717  
bids for contracts will be received, opened, and published. The 18718  
chief, with the approval of the director, may enter into a 18719  
contract with the landowner, a coal mine operator or surface mine 18720  
operator mining under a current, valid permit issued under this 18721  
chapter or Chapter 1514. of the Revised Code, or a contractor 18722  
hired by the surety or trustee, if the performance security is 18723  
held in trust, to complete reclamation on land affected by coal 18724  
mining on which an operator has defaulted, or with a contractor 18725  
hired by the trust administrator of an alternative financial 18726  
security that is provided in accordance with division (F)(8) of 18727  
section 1513.16 of the Revised Code to provide long-term water 18728  
treatment or a long-term alternative water supply on areas 18729  
affected by coal mining on which a permittee has defaulted or not 18730  
fully funded an alternative financial security, without 18731

advertising for bids. 18732

(D)(1) The chief shall expend money credited to the 18733  
reclamation forfeiture fund from the forfeiture of the performance 18734  
security applicable to an area of land to pay for the cost of 18735  
completing reclamation to the standards established by this 18736  
chapter and rules adopted under it. 18737

(2) If the performance security for the area of land was 18738  
provided under division (C)(1) of section 1513.08 of the Revised 18739  
Code, the chief shall use the money from the forfeited performance 18740  
security and any alternative financial security provided under 18741  
division (F)(8) of section 1513.16 of the Revised Code to complete 18742  
the reclamation that the operator failed to do under the 18743  
operator's applicable coal mining and reclamation permit issued 18744  
under this chapter. 18745

(3) If the performance security for the area of land was 18746  
provided under division (C)(2) of section 1513.08 of the Revised 18747  
Code, the chief shall use the money from the forfeited performance 18748  
security and any alternative financial security provided under 18749  
division (F)(8) of section 1513.16 of the Revised Code to complete 18750  
the reclamation that the operator failed to do under the 18751  
operator's applicable coal mining and reclamation permit issued 18752  
under this chapter. If the money credited to the reclamation 18753  
forfeiture fund from the forfeiture of the performance security 18754  
provided under division (C)(2) of section 1513.08 of the Revised 18755  
Code and any alternative financial security provided under 18756  
division (F)(8) of section 1513.16 of the Revised Code is not 18757  
sufficient to complete the reclamation to the standards 18758  
established by this chapter and rules adopted under it, the chief 18759  
shall notify the reclamation forfeiture fund advisory board of the 18760  
amount of the insufficiency. The chief may expend money credited 18761  
to the reclamation forfeiture fund under section 5749.02 of the 18762  
Revised Code, or credited to the reclamation forfeiture fund from 18763

the fee levied by division (F)(8)(c) of section 1513.16 of the Revised Code, ~~or transferred to the fund under section 1513.181 of the Revised Code~~ to complete the reclamation to the standards established by this chapter and rules adopted under it. Except as provided in division (D)(5) of this section, the chief shall not expend money from the fund in an amount that exceeds the difference between the amount of the performance security provided under division (C)(2) of section 1513.08 of the Revised Code and the estimated cost of reclamation as determined by the chief under divisions (B) and (E) of that section.

(4) Except as provided in division (D)(5) of this section, money from the reclamation forfeiture fund shall not be used for reclamation of land or water resources affected by mine drainage that requires extended water treatment after reclamation is completed under the terms of the permit. In addition, money from the reclamation forfeiture fund shall not be used to supplement the performance security of an applicant or permittee that has provided performance security in accordance with division (C)(1) of section 1513.08 of the Revised Code.

(5) If a permittee relies in part on the reclamation forfeiture fund for alternative financial security under division (F)(8)(c) of section 1513.16 of the Revised Code, money from the reclamation forfeiture fund may be used for reclamation of the land or water resources affected by mine drainage that requires water treatment after reclamation is completed under the terms of the permit or an alternative water supply after reclamation is completed under the terms of the permit in an amount not to exceed the balance of the alternative financial security provided by the reclamation forfeiture fund under that division.

(E) The chief shall keep a detailed accounting of the expenditures from the reclamation forfeiture fund to complete reclamation of the land or water resources, as applicable, and,

upon completion of the reclamation, shall certify the expenditures 18796  
to the attorney general. Upon the chief's certification of the 18797  
expenditures from the reclamation forfeiture fund, the attorney 18798  
general shall bring an action for that amount of money. The 18799  
operator is liable for that expense in addition to any other 18800  
liabilities imposed by law. ~~Moneys~~ Money so recovered shall be 18801  
credited to the reclamation forfeiture fund. The chief shall not 18802  
postpone the reclamation because of any action brought by the 18803  
attorney general under this division. Prior to completing 18804  
reclamation, the chief may collect through the attorney general 18805  
any additional amount that the chief believes will be necessary 18806  
for reclamation in excess of the forfeited performance security 18807  
and any alternative financial security amount applicable to the 18808  
land or water resources that the operator should have, but failed 18809  
to, reclaim. 18810

(F) Except as otherwise provided in division (H) of this 18811  
section, if any part of the ~~moneys~~ money in the reclamation 18812  
forfeiture fund remains in the fund after the chief has caused the 18813  
area of land to be reclaimed and has paid all the reclamation 18814  
costs and expenses, the chief may expend those ~~moneys~~ money to 18815  
complete other reclamation work performed under this section on 18816  
forfeiture areas affected under a coal mining and reclamation 18817  
permit issued on or after September 1, 1981. 18818

(G) The chief shall require every contractor performing 18819  
reclamation work pursuant to this section to pay workers at the 18820  
greater of their regular rate of pay, as established by contract, 18821  
agreement, or prior custom or practice, or the average wage rate 18822  
paid in this state for the same or similar work as determined by 18823  
the chief under section 1513.02 of the Revised Code. 18824

(H) All investment earnings of the fund shall be credited to 18825  
the fund and shall be used only for the reclamation of land for 18826  
which performance security was provided under division (C)(2) of 18827

section 1513.08 of the Revised Code. 18828

**Sec. 1513.182.** (A) There is hereby created the reclamation 18829  
forfeiture fund advisory board consisting of the director of 18830  
natural resources, the director of insurance, and seven members 18831  
appointed by the governor with the advice and consent of the 18832  
senate. Of the governor's appointments, one shall be a certified 18833  
public accountant, one shall be a registered professional engineer 18834  
with experience in reclamation of mined land, two shall represent 18835  
agriculture, agronomy, or forestry, one shall be a representative 18836  
of operators of coal mining operations that have valid permits 18837  
issued under this chapter and that have provided performance 18838  
security under division (C)(1) of section 1513.08 of the Revised 18839  
Code, one shall be a representative of operators of coal mining 18840  
operations that have valid permits issued under this chapter and 18841  
that have provided performance security under division (C)(2) of 18842  
section 1513.08 of the Revised Code, and one shall be a 18843  
representative of the public. 18844

Of the original members appointed by the governor, two shall 18845  
serve an initial term of two years, three an initial term of three 18846  
years, and two an initial term of four years. Thereafter, terms of 18847  
appointed members shall be for four years, with each term ending 18848  
on the same date as the original date of appointment. An appointed 18849  
member shall hold office from the date of appointment until the 18850  
end of the term for which the member was appointed. Vacancies 18851  
shall be filled in the same manner as original appointments. A 18852  
member appointed to fill a vacancy occurring prior to the 18853  
expiration of the term for which the member's predecessor was 18854  
appointed shall hold office for the remainder of that term. A 18855  
member shall continue in office subsequent to the expiration date 18856  
of the member's term until the member's successor takes office or 18857  
until a period of sixty days has elapsed, whichever occurs first. 18858  
The governor may remove an appointed member of the board for 18859

misfeasance, nonfeasance, or malfeasance. 18860

The directors of natural resources and insurance shall not 18861  
receive compensation for serving on the board, but shall be 18862  
reimbursed for the actual and necessary expenses incurred in the 18863  
performance of their duties as members of the board. The members 18864  
appointed by the governor shall receive per diem compensation 18865  
fixed pursuant to division (J) of section 124.15 of the Revised 18866  
Code and reimbursement for the actual and necessary expenses 18867  
incurred in the performance of their duties. 18868

(B) The board annually shall elect from among its members a 18869  
chairperson, a vice-chairperson, and a secretary to record the 18870  
board's meetings. 18871

(C) The board shall hold meetings as often as necessary as 18872  
the chairperson or a majority of the members determines. 18873

(D) The board shall establish procedures for conducting 18874  
meetings and for the election of its chairperson, 18875  
vice-chairperson, and secretary. 18876

(E) The board shall do all of the following: 18877

(1) Review the deposits into and expenditures from the 18878  
reclamation forfeiture fund created in section 1513.18 of the 18879  
Revised Code; 18880

(2) Retain periodically a qualified actuary to perform an 18881  
actuarial study of the reclamation forfeiture fund; 18882

(3) Based on an actuarial study and as determined necessary 18883  
by the board, adopt rules in accordance with Chapter 119. of the 18884  
Revised Code to adjust the rate of the tax levied under division 18885  
(A)~~(8)~~(10) of section 5749.02 of the Revised Code and the balance 18886  
of the reclamation forfeiture fund that pertains to that rate; 18887

(4) Evaluate any rules, procedures, and methods for 18888  
estimating the cost of reclamation for purposes of determining the 18889

amount of performance security that is required under section 18890  
1513.08 of the Revised Code; the collection of forfeited 18891  
performance security; payments to the reclamation forfeiture fund; 18892  
reclamation of sites for which operators have forfeited the 18893  
performance security; and the compliance of operators with their 18894  
reclamation plans; 18895

(5) Provide a forum for discussion of issues related to the 18896  
reclamation forfeiture fund and the performance security that is 18897  
required under section 1513.08 of the Revised Code; 18898

(6) Submit a report biennially to the governor that describes 18899  
the financial status of the reclamation forfeiture fund and the 18900  
adequacy of the amount of money in the fund to accomplish the 18901  
purposes of the fund and that may discuss any matter related to 18902  
the performance security that is required under section 1513.08 of 18903  
the Revised Code; 18904

(7) Make recommendations to the governor, if necessary, of 18905  
alternative methods of providing money for or using money in the 18906  
reclamation forfeiture fund and issues related to the reclamation 18907  
of land or water resources that have been adversely affected by 18908  
past coal mining for which the performance security was forfeited; 18909

(8) Adopt rules in accordance with Chapter 119. of the 18910  
Revised Code that are necessary to administer this section. 18911

**Sec. 1513.20.** The chief of the division of mineral resources 18912  
management, with the approval of the director of natural 18913  
resources, may purchase or acquire by gift, donation, or 18914  
contribution any eroded land, including land affected by strip 18915  
mining, for which no cash is held in the reclamation forfeiture 18916  
fund created by section 1513.18 of the Revised Code. For this 18917  
purpose the chief may expend ~~moneys~~ money deposited in the 18918  
~~unreclaimed lands~~ mining regulation and safety fund created by 18919  
section 1513.30 of the Revised Code. All lands purchased or 18920

acquired shall be deeded to the state, but no deed shall be 18921  
accepted or the purchase price paid until the title has been 18922  
approved by the attorney general. 18923

**Sec. 1513.25.** After completion of the reclamation of a tract 18924  
of land acquired pursuant to section 1513.20 of the Revised Code, 18925  
the chief of the division of mineral resources management may, if 18926  
the land is suitable to the uses of any other department, 18927  
division, office, or institution of the state, transfer the land 18928  
or tract to that department, division, office, or institution, 18929  
subject to the approval of the director of natural resources. 18930

With the approval of the attorney general and the director, 18931  
the chief may sell any such land or tract, after completion of the 18932  
plan of reclamation, when the sale is advantageous to the state. 18933

With the approval of the attorney general and the director, 18934  
the chief may grant easements and leases on the land or tract 18935  
under terms advantageous to the state, and may grant mineral 18936  
rights on a royalty basis. 18937

All ~~moneys~~ money received from the sale of reclaimed lands, 18938  
or in payment for easements, leases, or royalties, shall be paid 18939  
to the ~~unreclaimed lands~~ mining regulation and safety fund created 18940  
in section 1513.30 of the Revised Code. 18941

**Sec. 1513.27.** As used in this section and sections 1513.28, 18942  
1513.30, 1513.31, and 1513.32 of the Revised Code, "damage to 18943  
adjacent property" means physical injury or harm to nearby 18944  
property caused by the unreclaimed condition of lands mined prior 18945  
to April 10, 1972, or pursuant to a license issued prior to April 18946  
10, 1972, including, without limitation, injury or harm to 18947  
vegetation on adjacent property, pollution of surface or 18948  
underground waters on adjacent property, loss or interruption of 18949  
water supply on adjacent property, flow of acid water onto or 18950

across adjacent property, flooding of adjacent property, 18951  
landslides onto or across adjacent property, erosion of adjacent 18952  
property, or deposition of sediment upon adjacent property. Damage 18953  
to adjacent property does not include any diminution of the market 18954  
value of adjacent property caused exclusively by the visual or 18955  
aesthetic appearance of such unreclaimed lands. 18956

The chief of the division of mineral resources management, 18957  
with the approval of the director of natural resources, may enter 18958  
into a written agreement, which may be in the form of a contract, 18959  
with the owner of any unreclaimed land affected by mining before 18960  
April 10, 1972, or pursuant to a license issued before April 10, 18961  
1972, that causes or may cause pollution of the waters of the 18962  
state or damage to adjacent property, is not likely to be mined in 18963  
the foreseeable future, and lies within the boundaries of a 18964  
project area approved by the chief under section 1513.30 of the 18965  
Revised Code, under which the state or its agents may enter the 18966  
land to reclaim it at state expense with ~~moneys~~ money from the 18967  
~~unreclaimed lands~~ mining regulation and safety fund by 18968  
establishing vegetative cover and substantially reducing or 18969  
eliminating erosion, sedimentation, landslides, pollution, 18970  
accumulation or discharge of acid water, flooding, and damage to 18971  
adjacent property. The agreement may include provisions pertaining 18972  
to liability for damages and any other provisions necessary or 18973  
desirable to achieve the purposes of this section. 18974

If the chief makes a finding of fact that land or water 18975  
resources have been adversely affected by past coal mining 18976  
practices; if the adverse effects are at a stage where, in the 18977  
public interest, action to restore, reclaim, abate, control, or 18978  
prevent the adverse effects should be taken; and if the owners of 18979  
the affected land or water resources either are not known or 18980  
readily available or will not give permission for the state, 18981  
political subdivisions, or their agents, employees, or contractors 18982

to enter on the property to restore, reclaim, abate, control, or 18983  
prevent the adverse effects, the chief or the chief's agents, 18984  
employees, or contractors may enter on the affected property in 18985  
order to do all things necessary or expedient to restore, reclaim, 18986  
abate, control, or prevent the adverse effects. Prior to entering 18987  
on the property, the chief or the chief's agents, employees, or 18988  
contractors shall give notice by mail to the owners, if known, or, 18989  
if not known, by posting notice on the premises and advertising 18990  
once in a newspaper of general circulation in the county or 18991  
municipal corporation in which the land lies. Such an entry shall 18992  
be construed as an exercise of the police power for the protection 18993  
of public health, safety, and welfare and shall not be construed 18994  
as an act of condemnation of property or of trespass. The ~~moneys~~ 18995  
money expended for the work and the benefits accruing to any 18996  
premises so entered upon shall be chargeable against land and 18997  
shall mitigate or offset any claim in or any action brought by any 18998  
owner of any interest in the premises for any alleged damages by 18999  
virtue of the entry. This provision is not intended to create new 19000  
rights of action or eliminate existing immunities. 19001

Each agreement entered into pursuant to this section shall 19002  
contain provisions for the reimbursement of a portion of the costs 19003  
of the reclamation that is commensurate with the increase in the 19004  
fair market value of the property attributable to the reclamation 19005  
work thereon, as determined by appraisals made before and after 19006  
reclamation in the manner stated in the agreement, unless the 19007  
determination discloses an increase in value that is 19008  
insubstantial. For reimbursement of the portion, the agreement may 19009  
include provisions for any of the following: 19010

(A) Public use for soil, water, forest, or wildlife 19011  
conservation or public recreation purposes; 19012

(B) Payment to the state of the share of the income from the 19013  
crops or timber produced on the land that is stated in the 19014

agreement; 19015

(C) Imposition of a lien in the amount of the increase in 19016  
fair market value payable upon transfer or conveyance of the 19017  
property to a new owner. All such reimbursements and payments 19018  
shall be credited to the ~~unreclaimed lands~~ mining regulation and 19019  
safety fund. 19020

(D) Payment to the state in cash of the amount of the 19021  
increase in fair market value, payable upon completion of the 19022  
reclamation. 19023

For the purpose of selecting lands to be reclaimed within the 19024  
boundaries of approved project areas, the chief shall consult the 19025  
owners of unreclaimed lands, may consult with local officials, 19026  
civic and professional organizations, and interested individuals, 19027  
and shall consider the feasibility, cost, and public benefits of 19028  
reclaiming particular lands, their potential for being mined, and 19029  
the availability of federal or other assistance for reclamation. 19030  
Before entering into the agreement, the chief shall prepare or 19031  
approve a detailed plan with topographic maps indicating the 19032  
reclamation improvements to be made. The plan may include 19033  
improvements recommended by the owner, but may not include 19034  
improvements that the chief finds are not necessary to establish 19035  
vegetative cover or substantially reduce or eliminate erosion, 19036  
sedimentation, landslides, pollution, accumulation or discharge of 19037  
acid water, flooding, or damage to adjacent property. 19038

With the approval of the director and upon entering into the 19039  
agreement with the owner, the chief may carry out the plan of 19040  
reclamation or any part thereof with the employees and equipment 19041  
of any division of the department of natural resources, or the 19042  
chief may carry out the plan or any part thereof by contracting 19043  
therefor. 19044

The chief, with the approval of the director and written 19045

consent of the owner, may enter into a contract with an operator 19046  
mining adjacent land under a current, valid permit to carry out 19047  
the plan of reclamation on the unreclaimed land or any part of the 19048  
plan without advertising for bids. Contracts entered into with 19049  
operators mining adjacent land are not subject to division (B) of 19050  
section 127.16 of the Revised Code. 19051

The chief shall require every operator mining adjacent land 19052  
who performs reclamation work pursuant to this section to pay 19053  
workers at the greater of their regular rate of pay, as 19054  
established by contract, agreement, or prior custom or practice, 19055  
or the average wage rate paid in this state for the same or 19056  
similar work performed in the same or similar locality by private 19057  
companies doing their own reclamation work. Each contract awarded 19058  
by the chief to other than an operator mining adjacent land shall 19059  
be awarded to the lowest responsible bidder after sealed bids are 19060  
received, opened, and published at the time and place fixed by the 19061  
chief. The chief shall publish notice of the time and place at 19062  
which bids will be received, opened, and published, at least once 19063  
at least ten days before the date of the opening of the bids, in a 19064  
newspaper of general circulation in the county in which the area 19065  
of land to be reclaimed under the contract is located. If, after 19066  
so advertising for bids, no bids are received by the chief at the 19067  
time and place fixed for receiving them, the chief may advertise 19068  
again for bids, or, if the chief considers the public interest 19069  
will be best served, the chief may enter into a contract for the 19070  
reclamation of the area of land without further advertisement for 19071  
bids. The chief may reject all bids received and again publish 19072  
notice of the time and place at which bids for contracts will be 19073  
received, opened, and published. The chief, with the approval of 19074  
the director and written consent of the owner, may enter into a 19075  
contract with a licensed mine operator mining adjacent land under 19076  
a valid permit to carry out the plan of reclamation on the 19077  
unreclaimed land or any part of the plan without advertising for 19078

bids. 19079

**Sec. 1513.28.** The chief of the division of mineral resources 19080  
management, with the approval of the director of natural 19081  
resources, may make grants of ~~moneys~~ money from the ~~unreclaimed~~ 19082  
~~lands~~ mining regulation and safety fund created by section 1513.30 19083  
of the Revised Code for the payment by the state of up to 19084  
seventy-five per cent of the reasonable and necessary reclamation 19085  
expenses incurred by the owner of any unreclaimed land affected by 19086  
mining before April 10, 1972, or pursuant to a license issued 19087  
before April 10, 1972, that causes or may cause pollution of the 19088  
waters of the state or damage to adjacent property, is not likely 19089  
to be mined in the foreseeable future, and lies within the 19090  
boundaries of a project area approved by the chief under section 19091  
1513.30 of the Revised Code. 19092

The owner shall submit application for a grant on forms 19093  
furnished by the division, together with detailed plans and 19094  
topographic maps indicating the reclamation improvements to be 19095  
made, an itemized estimate of the project's cost, a description of 19096  
the project's benefits, and such other information as the chief 19097  
prescribes. The plan of reclamation may be prepared in 19098  
consultation with a local soil and water conservation district. 19099

The chief may award the applicant a grant only after finding 19100  
that the proposed reclamation work will establish vegetative cover 19101  
and substantially reduce or eliminate erosion, sedimentation, 19102  
landslides, pollution, accumulation or discharge of acid water, 19103  
flooding, and damage to adjacent property. 19104

For the purpose of establishing priorities for awarding 19105  
grants under this section and section 1513.31 of the Revised Code, 19106  
the chief shall consider each project's feasibility, cost, and 19107  
public benefits of reclaiming the particular land, its potential 19108  
for being mined, and the availability of federal or other 19109

financial assistance for reclamation. 19110

The chief shall determine the amount of a grant under this 19111  
section based upon the chief's determination of what constitutes 19112  
reasonable and necessary expenses actually incurred for 19113  
establishing vegetative cover, substantially reducing or 19114  
eliminating erosion, sedimentation, landslides, pollution, 19115  
accumulation or discharge of acid water, flooding, or damage to 19116  
adjacent property, and preparing the plan of reclamation. The 19117  
owner may elect to have other improvements made concurrently, but 19118  
in no event shall any part of the grant be made for such other 19119  
improvements, and in no event shall the amount of the grant exceed 19120  
seventy-five per cent of the total amount, determined by the 19121  
chief, of what constitutes reasonable and necessary expenses 19122  
actually incurred for the reclamation measures listed in this 19123  
section. 19124

The chief shall enter into a contract for funding with each 19125  
applicant awarded a grant to ensure that the ~~moneys~~ money granted 19126  
are used for the purposes of this section and that the reclamation 19127  
work is properly done. The final payment may not be made until the 19128  
chief inspects and approves the completed reclamation work. 19129

Each such contract shall contain provisions for the 19130  
reimbursement of a portion of the costs of the reclamation that is 19131  
commensurate with the increase in the fair market value of the 19132  
property attributable to the reclamation work thereon, as 19133  
determined by appraisals made before and after reclamation in the 19134  
manner stated in the agreement, unless such determination 19135  
discloses an increase in value that is insubstantial in comparison 19136  
to the benefits to the public from the abatement of pollution or 19137  
prevention of damage to adjacent property, considering the 19138  
applicant's share of the reclamation cost. For reimbursement of 19139  
such portion, the contract may include provisions for: 19140

(A) Public use for soil, water, forest, or wildlife 19141

conservation or public recreation purposes; 19142

(B) Payment to the state of the share of the income from the 19143  
crops or timber produced on the land that is stated in the 19144  
agreement; 19145

(C) Imposition of a lien in the amount of the increase in 19146  
fair market value payable upon transfer or conveyance of the 19147  
property to a new owner; 19148

(D) Payment to the state in cash in the amount of the 19149  
increase in fair market value, payable upon completion of the 19150  
reclamation. 19151

All such reimbursements and payments shall be credited to the 19152  
~~unreclaimed lands~~ mining regulation and safety fund. 19153

Not more than forty per cent of the money credited to the 19154  
fund during the preceding calendar year may be expended during a 19155  
calendar year for grants under this section. 19156

The chief shall require every landowner performing 19157  
reclamation work pursuant to this section to pay workers at the 19158  
greater of their regular rate of pay, as established by contract, 19159  
agreement, or prior custom or practice, or the average wage rate 19160  
in this state for the same or similar work performed in the same 19161  
or similar locality by private companies doing their own 19162  
reclamation work. 19163

**Sec. 1513.30.** (A) There is hereby created in the state 19164  
treasury the ~~unreclaimed lands~~ mining regulation and safety fund, 19165  
to be administered by the chief of the division of mineral 19166  
resources management ~~and~~. The fund shall be used for the purpose 19167  
~~of reclaiming~~ following purposes: 19168

(1) Reclaiming land, public or private, affected by mining, 19169  
or controlling mine drainage, for which no cash is held in the 19170  
reclamation forfeiture fund created in section 1513.18 of the 19171

Revised Code ~~or the surface mining fund created in section;~~ 19172

(2) Specified purposes in sections 1514.06, 1514.11, and 19173  
1561.48 of the Revised Code; 19174

(3) Administration and enforcement of Chapter 1513. of the 19175  
Revised Code. 19176

All investment earnings of the fund shall be deposited into 19177  
the fund. 19178

(B) In order to direct expenditures from the unreclaimed 19179  
~~lands~~ mining regulation and safety fund toward reclamation 19180  
projects that fulfill priority needs and provide the greatest 19181  
public benefits, the chief periodically shall consider projects to 19182  
be financed from the ~~unreclaimed lands~~ mining regulation and 19183  
safety fund. For the purpose of selecting project areas and 19184  
determining the boundaries of project areas, the chief shall 19185  
consider the feasibility, cost, and public benefits of reclaiming 19186  
the areas, their potential for being mined, the availability of 19187  
federal or other financial assistance for reclamation, and the 19188  
geographic distribution of project areas to ensure fair 19189  
distribution among affected areas. 19190

(C) The chief shall give priority to areas where there is 19191  
little or no likelihood of mining within the foreseeable future, 19192  
reclamation is feasible at reasonable cost with available funds, 19193  
and either of the following applies: 19194

~~(A)~~(1) The pollution of the waters of the state and damage to 19195  
adjacent property are most severe and widespread. 19196

~~(B)~~(2) Reclamation will make possible public uses for soil, 19197  
water, forest, or wildlife conservation or public recreation 19198  
purposes, will facilitate orderly commercial or industrial site 19199  
development, or will facilitate the use or improve the enjoyment 19200  
of nearby public conservation or recreation lands. 19201

(D) Expenditures from the ~~unreclaimed lands~~ mining regulation and safety fund for reclamation projects may be made only for projects that are within the boundaries of project areas approved by the chief. Expenditures from the ~~unreclaimed lands~~ mining regulation and safety fund shall be made by the chief, with the approval of the director of natural resources.

~~The chief may expend an amount not to exceed twenty per cent of the moneys credited annually by the treasurer of state to the unreclaimed lands fund for the purpose of administering the fund.~~

(E) The chief may engage in cooperative projects under this section with any agency of the United States, appropriate state agencies, or state universities or colleges as defined in section 3345.27 of the Revised Code and may transfer money from the fund to other appropriate state agencies or to state universities or colleges in order to carry out the reclamation activities authorized by this section.

~~If the director of natural resources determines it to be necessary, the director may request the controlling board to transfer an amount of money from the fund to the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code.~~

**Sec. 1513.31.** For the purpose of promoting local or regional economic or community development, the chief of the division of mineral resources management, with the approval of the director of natural resources, may make grants of money from the ~~unreclaimed lands~~ mining regulation and safety fund created by section 1513.30 of the Revised Code for the payment by the state of up to seventy-five per cent of the reasonable and necessary expenses incurred by a political subdivision, community improvement corporation incorporated under Chapter 1724. of the Revised Code, or other nonprofit corporation incorporated under Chapter 1702. of

the Revised Code for the reclamation of any unreclaimed land 19233  
affected by mining before April 10, 1972, or pursuant to a license 19234  
issued before April 10, 1972, that is owned by the political 19235  
subdivision or corporation, is to be reclaimed for the purpose of 19236  
commercial or industrial site development by the political 19237  
subdivision or corporation or the development of recreational 19238  
facilities by the political subdivision, and lies within the 19239  
boundaries of a project area approved by the chief. 19240

The owner shall submit an application for a grant on forms 19241  
furnished by the division of mineral resources management together 19242  
with detailed plans and topographic maps indicating the 19243  
reclamation improvements to be made, an itemized estimate of the 19244  
project's cost, a description of the project's benefits, and such 19245  
other information as the chief prescribes. The chief may award the 19246  
applicant a grant only after finding that the proposed reclamation 19247  
work will render the unreclaimed land suitable for commercial, 19248  
industrial, or, if the land is owned by a political subdivision, 19249  
recreational site development and will substantially reduce or 19250  
eliminate the damage, if any, to adjacent property that is or may 19251  
be caused by the condition of the unreclaimed land. 19252

The chief shall determine the amount of the grant based upon 19253  
the chief's determination of what constitutes reasonable and 19254  
necessary expenses actually incurred for preparing the plan of 19255  
reclamation; preparing the unreclaimed land for commercial, 19256  
industrial, or, in the case of land owned by a political 19257  
subdivision, recreational site development, including backfilling, 19258  
grading, resoiling, planting, or other work to restore the land to 19259  
a condition suitable for such development; and, if the condition 19260  
of the unreclaimed land so requires, establishing vegetative cover 19261  
or substantially reducing or eliminating erosion, sedimentation, 19262  
landslides, pollution, accumulation or discharge of acid water, 19263  
flooding, or damage to adjacent property. The owner may have other 19264

improvements made concurrently with the reclamation work, but 19265  
shall not spend any part of the grant for such other improvements. 19266  
No grant shall exceed seventy-five per cent of the total amount, 19267  
as determined by the chief, of what constitutes reasonable and 19268  
necessary expenses actually incurred for the reclamation measures 19269  
listed in this section. 19270

The chief shall enter into a contract for funding with each 19271  
applicant awarded a grant in order to ensure that the ~~moneys~~ money 19272  
granted are used for the purposes of this section and that the 19273  
reclamation work is properly done. The final payment under a grant 19274  
may not be made until the chief inspects and approves the 19275  
completed reclamation work. 19276

**Sec. 1513.32.** For the purpose of promoting local or regional 19277  
economic or community development, the chief of the division of 19278  
mineral resources management, with the approval of the director of 19279  
natural resources, may enter into a written agreement, which may 19280  
be in the form of a contract, with a political subdivision, 19281  
community improvement corporation incorporated under Chapter 1724. 19282  
of the Revised Code, or other nonprofit corporation incorporated 19283  
under Chapter 1702. of the Revised Code that owns any unreclaimed 19284  
land affected by mining before April 10, 1972, or pursuant to a 19285  
license issued before April 10, 1972, under which the state or its 19286  
agents may enter upon the land to reclaim it at state expense with 19287  
~~moneys~~ money from the ~~unreclaimed lands~~ mining regulation and 19288  
safety fund created by section 1513.30 of the Revised Code for the 19289  
purpose of commercial or industrial site development if the land 19290  
is owned by a political subdivision or corporation or the 19291  
development of recreational facilities if the land is owned by a 19292  
political subdivision. The agreement may include provisions 19293  
pertaining to liability for damages and any other provisions 19294  
necessary or desirable to achieve the purposes of this section. 19295

For the purpose of selecting lands to be reclaimed for 19296  
commercial, industrial, or, if the lands are owned by a political 19297  
subdivision, recreational site development, the chief shall 19298  
consult with the owners of unreclaimed lands and with local 19299  
officials, civic and professional organizations, and interested 19300  
individuals and shall consider the feasibility, cost, and public 19301  
benefits of reclaiming particular lands and the availability of 19302  
federal or other assistance for the reclamation. The chief shall 19303  
select for reclamation under this section only lands that lie 19304  
within the boundaries of a project area approved by the chief. 19305

Before entering into the agreement, the chief shall prepare 19306  
or approve a detailed plan with topographic maps indicating the 19307  
reclamation improvements to be made, an itemized estimate of the 19308  
project's cost, a description of the project's benefits, and such 19309  
other information as the chief considers appropriate. The plan 19310  
shall include only reclamation work that is necessary to render 19311  
the unreclaimed land suitable for commercial, industrial, or, if 19312  
the land is owned by a political subdivision, recreational site 19313  
development and will substantially reduce or eliminate the damage, 19314  
if any, to adjacent property that is or may be caused by the 19315  
condition of the unreclaimed land. The plan may include 19316  
improvements recommended by the owner, but may not include any 19317  
improvements that the chief finds are not necessary to prepare the 19318  
unreclaimed land for commercial, industrial, or, if the land is 19319  
owned by a political subdivision, recreational site development, 19320  
or if the condition of the unreclaimed land so requires, are not 19321  
necessary to establish vegetative cover or substantially reduce or 19322  
eliminate erosion, sedimentation, landslides, pollution, 19323  
accumulation or discharge of acid water, flooding, or damage to 19324  
adjacent property. 19325

With the approval of the director and upon entering into an 19326  
agreement with the owner, the chief may carry out the plan of 19327

reclamation or any part thereof with the employees or equipment of 19328  
the department, or the chief may carry out the plan or any part 19329  
thereof by contracting therefor in accordance with the procedures 19330  
prescribed in section 1513.27 of the Revised Code. The chief shall 19331  
keep an itemized record of the state's expense in carrying out the 19332  
plan. 19333

Expenditure of not more than twenty per cent of the ~~moneys~~ 19334  
money credited to the ~~unreclaimed lands~~ mining regulation and 19335  
safety fund during the preceding fiscal year may be approved by 19336  
the chief during a fiscal year for conducting reclamation projects 19337  
under this section and for making grants under section 1513.31 of 19338  
the Revised Code, provided that such expenditures are primarily 19339  
for the pollution abatement purposes of section 1513.30 of the 19340  
Revised Code. 19341

**Sec. 1513.33.** The amount of any grant to a community 19342  
improvement corporation or nonprofit corporation made under 19343  
section 1513.31 of the Revised Code or the state's expenses 19344  
incurred in reclaiming unreclaimed land owned by a community 19345  
improvement corporation or nonprofit corporation under section 19346  
1513.32 of the Revised Code shall constitute a loan by the state 19347  
to the corporation. Entry into a grant contract under section 19348  
1513.31 of the Revised Code or into a reclamation agreement under 19349  
section 1513.32 of the Revised Code by the chief of the division 19350  
of mineral resources management constitutes the designation of the 19351  
community improvement corporation or nonprofit corporation as the 19352  
state's agent for the commercial or industrial development of the 19353  
land named in the contract or agreement. 19354

Each grant contract under section 1513.31 of the Revised Code 19355  
or reclamation agreement under section 1513.32 of the Revised Code 19356  
shall include terms for repayment of the grant or reimbursement of 19357  
the state for its reclamation expenses, which shall require 19358

repayment of the loan in full upon the first sale, lease, or 19359  
rental of the land reclaimed under the contract or agreement if 19360  
the entire parcel of reclaimed land is sold, leased, or rented. If 19361  
the corporation establishes a business enterprise on the entire 19362  
parcel of reclaimed land, the contract shall require repayment of 19363  
the loan in full upon the commencement of operation of the 19364  
business enterprise. If the reclaimed land is sold, leased, or 19365  
rented in portions or the corporation establishes a business 19366  
enterprise on any portion of the reclaimed land, the contract or 19367  
agreement shall require repayment of that portion of the loan that 19368  
corresponds to the portion of the reclaimed land sold, leased, or 19369  
rented upon the first sale, lease, or rental of that portion, or 19370  
upon commencement of operation of the business enterprise on that 19371  
portion, by the corporation in the proportion that the acreage of 19372  
the reclaimed land sold, leased, rented, or used in business by 19373  
the corporation bears to the total acreage of land reclaimed under 19374  
the contract or agreement. 19375

To secure repayment of the ~~moneys~~ money granted under section 19376  
1513.31 of the Revised Code or of the state's reclamation expenses 19377  
under section 1513.32 of the Revised Code to or on behalf of a 19378  
community improvement corporation or nonprofit corporation, the 19379  
state shall have a lien on the land owned by the corporation that 19380  
is land reclaimed under section 1513.31 or 1513.32 of the Revised 19381  
Code equal to the amount of the grant made under section 1513.31 19382  
of the Revised Code or to the state's expenses incurred in 19383  
reclaiming the land under section 1513.32 of the Revised Code. 19384  
Within thirty days after the final grant payment is made under 19385  
section 1513.31 of the Revised Code or after the completion of the 19386  
reclamation work under section 1513.32 of the Revised Code, the 19387  
chief shall cause to be recorded in the office of the county 19388  
recorder of the county in which the reclaimed land is located a 19389  
statement that shall contain an itemized accounting of the grant 19390  
paid under section 1513.31 of the Revised Code or an itemized 19391

record of the state's expenses incurred in reclaiming the land 19392  
under section 1513.32 of the Revised Code. The statement shall 19393  
constitute a notice of lien and operate as of the date of delivery 19394  
as a lien on the land reclaimed in the amount of the grant ~~moneys~~ 19395  
money paid out or the reclamation expenses incurred by the state 19396  
and shall have priority as a lien second only to the lien of real 19397  
property taxes imposed upon the land. The notice of lien and the 19398  
lien shall not be valid as against any mortgagee, pledgee, 19399  
purchaser, or judgment creditor whose rights have attached prior 19400  
to the date of filing of the statement by the chief or to any 19401  
prior or subsequent lien for real property taxes imposed pursuant 19402  
to section 5719.04 of the Revised Code. 19403

The county recorder shall record and index the chief's 19404  
statement, under the name of the state and the corporation, in the 19405  
official records maintained by the county recorder's office. The 19406  
county recorder shall impose no charge for the recording or 19407  
indexing of the statement. If the land is registered, the county 19408  
recorder shall make a notation and enter a memorial of the lien 19409  
upon the page of the register in which the last certificate of 19410  
title to the land is registered, stating the name of the claimant, 19411  
amount claimed, volume and page of the record where recorded, and 19412  
exact time the memorial was entered. 19413

The lien shall continue in force so long as any portion of 19414  
the amount granted under section 1513.31 of the Revised Code or 19415  
the state's reclamation expenses incurred under section 1513.32 of 19416  
the Revised Code remains unpaid. Upon repayment in full of those 19417  
~~moneys~~ money or expenses, the chief promptly shall issue a 19418  
certificate of release of the lien. Upon presentation of the 19419  
certificate of release, the county recorder of the county where 19420  
the lien is recorded shall record the lien as having been 19421  
discharged. 19422

A lien imposed under this section shall be foreclosed upon 19423

the substantial failure of a corporation to repay any portion of 19424  
the amount granted under section 1513.31 of the Revised Code or 19425  
the state's reclamation expenses incurred under section 1513.32 of 19426  
the Revised Code in accordance with the terms of the grant 19427  
contract or reclamation agreement. Before foreclosing any lien 19428  
under this section, the chief shall make a written demand upon the 19429  
corporation to comply with the repayment terms of the contract or 19430  
agreement. If the corporation does not pay the amount due within 19431  
sixty days, the chief shall refer the matter to the attorney 19432  
general, who shall institute a civil action to foreclose the lien 19433  
of the state. 19434

All ~~moneys~~ money collected from loan repayments and lien 19435  
foreclosures under this section shall be credited to the 19436  
~~unreclaimed lands~~ mining regulation and safety fund created by 19437  
section 1513.30 of the Revised Code. 19438

**Sec. 1513.37.** (A) There is hereby created in the state 19439  
treasury the abandoned mine reclamation fund, which shall be 19440  
administered by the chief of the division of mineral resources 19441  
management. The fund shall consist of grants from the secretary of 19442  
the interior from the federal abandoned mine reclamation fund 19443  
established by Title IV of the "Surface Mining Control and 19444  
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, 19445  
regulations adopted under it, and amendments to the act and 19446  
regulations. Expenditures from the abandoned mine reclamation fund 19447  
shall be made by the chief for the following purposes: 19448

(1) Reclamation and restoration of land and water resources 19449  
adversely affected by past coal mining, including, but not limited 19450  
to, reclamation and restoration of abandoned strip mine areas, 19451  
abandoned coal processing areas, and abandoned coal refuse 19452  
disposal areas; sealing and filling of abandoned deep mine entries 19453  
and voids; planting of land adversely affected by past coal 19454

mining; prevention of erosion and sedimentation; prevention,	19455
abatement, treatment, and control of water pollution created by	19456
coal mine drainage, including restoration of streambeds and	19457
construction and operation of water treatment plants; prevention,	19458
abatement, and control of burning coal refuse disposal areas and	19459
burning coal in situ; and prevention, abatement, and control of	19460
coal mine subsidence;	19461
(2) Acquisition and filling of voids and sealing of tunnels,	19462
shafts, and entryways of noncoal lands;	19463
(3) Acquisition of land as provided for in this section;	19464
(4) Administrative expenses incurred in accomplishing the	19465
purposes of this section;	19466
(5) All other necessary expenses to accomplish the purposes	19467
of this section.	19468
(B) Expenditures of <del>moneys</del> <u>money</u> from the fund on land and	19469
water eligible pursuant to division (C) of this section shall	19470
reflect the following priorities in the order stated:	19471
(1) The protection of public health, safety, general welfare,	19472
and property from extreme danger of adverse effects of coal mining	19473
practices;	19474
(2) The protection of public health, safety, and general	19475
welfare from adverse effects of coal mining practices;	19476
(3) The restoration of land and water resources and the	19477
environment previously degraded by adverse effects of coal mining	19478
practices, including measures for the conservation and development	19479
of soil and water (excluding channelization), woodland, fish and	19480
wildlife, recreation resources, and agricultural productivity;	19481
(4) Research and demonstration projects relating to the	19482
development of coal mining reclamation and water quality control	19483
program methods and techniques;	19484

(5) The protection, repair, replacement, construction, or 19485  
enhancement of public facilities such as utilities, roads, 19486  
recreation facilities, and conservation facilities adversely 19487  
affected by coal mining practices; 19488

(6) The development of publicly owned land adversely affected 19489  
by coal mining practices, including land acquired as provided in 19490  
this section for recreation and historic purposes, conservation 19491  
and reclamation purposes, and open space benefits. 19492

(C)(1) Lands and water eligible for reclamation or drainage 19493  
abatement expenditures under this section are those that were 19494  
mined for coal or were affected by such mining, wastebanks, coal 19495  
processing, or other coal mining processes and that meet one of 19496  
the following criteria: 19497

(a) Are lands that were abandoned or left in an inadequate 19498  
reclamation status prior to August 3, 1977, and for which there is 19499  
no continuing reclamation responsibility under state or federal 19500  
laws; 19501

(b) Are lands for which the chief finds that surface coal 19502  
mining operations occurred at any time between August 4, 1977, and 19503  
August 16, 1982, and that any ~~moneys~~ money for reclamation or 19504  
abatement that are available pursuant to a bond, performance 19505  
security, or other form of financial guarantee or from any other 19506  
source are not sufficient to provide for adequate reclamation or 19507  
abatement at the site; 19508

(c) Are lands for which the chief finds that surface coal 19509  
mining operations occurred at any time between August 4, 1977, and 19510  
November 5, 1990, that the surety of the mining operator became 19511  
insolvent during that time, and that, as of November 5, 1990, any 19512  
~~moneys~~ money immediately available from proceedings relating to 19513  
that insolvency or from any financial guarantee or other source 19514  
are not sufficient to provide for adequate reclamation or 19515

abatement at the site. 19516

(2) In determining which sites to reclaim pursuant to 19517  
divisions (C)(1)(b) and (c) of this section, the chief shall 19518  
follow the priorities stated in divisions (B)(1) and (2) of this 19519  
section and shall ensure that priority is given to those sites 19520  
that are in the immediate vicinity of a residential area or that 19521  
have an adverse economic impact on a local community. 19522

(3) Surface coal mining operations on lands eligible for 19523  
remining shall not affect the eligibility of those lands for 19524  
reclamation and restoration under this section after the release 19525  
of the bond, performance security, or other form of financial 19526  
guarantee for any such operation as provided under division (F) of 19527  
section 1513.16 of the Revised Code. If the bond, performance 19528  
security, or other form of financial guarantee for a surface coal 19529  
mining operation on lands eligible for remining is forfeited, 19530  
~~moneys~~ money available under this section may be used if the 19531  
amount of the bond, performance security, or other form of 19532  
financial guarantee is not sufficient to provide for adequate 19533  
reclamation or abatement, except that if conditions warrant, the 19534  
chief immediately shall exercise the authority granted under 19535  
division (L) of this section. 19536

(D) The chief may submit to the secretary of the interior a 19537  
state reclamation plan and annual projects to carry out the 19538  
purposes of this section. 19539

(1) The reclamation plan generally shall identify the areas 19540  
to be reclaimed, the purposes for which the reclamation is 19541  
proposed, the relationship of the lands to be reclaimed and the 19542  
proposed reclamation to surrounding areas, the specific criteria 19543  
for ranking and identifying projects to be funded, and the legal 19544  
authority and programmatic capability to perform the work in 19545  
accordance with this section. 19546

(2) On an annual basis, the chief may submit to the secretary 19547  
an application for support of the abandoned mine reclamation fund 19548  
and implementation of specific reclamation projects. The annual 19549  
requests shall include such information as may be requested by the 19550  
secretary. 19551

(3) The costs for each proposed project under this section 19552  
shall include actual construction costs, actual operation and 19553  
maintenance costs of permanent facilities, planning and 19554  
engineering costs, construction inspection costs, and other 19555  
necessary administrative expenses. 19556

(4) The chief may submit annual and other reports required by 19557  
the secretary when funds are provided by the secretary under Title 19558  
IV of the "Surface Mining Control and Reclamation Act of 1977," 91 19559  
Stat. 445, 30 U.S.C.A. 1201, regulations adopted under it, and 19560  
amendments to the act and regulations. 19561

(E)(1) There is hereby created in the state treasury the acid 19562  
mine drainage abatement and treatment fund, which shall be 19563  
administered by the chief. The fund shall consist of grants from 19564  
the secretary of the interior from the federal abandoned mine 19565  
reclamation fund pursuant to section 402(g)(6) of Title IV of the 19566  
"Surface Mining Control and Reclamation Act of 1977," 91 Stat. 19567  
445, 30 U.S.C.A. 1201. All investment earnings of the fund shall 19568  
be credited to the fund. 19569

(2) The chief shall make expenditures from the fund, in 19570  
consultation with the United States department of agriculture, 19571  
soil conservation service, to implement acid mine drainage 19572  
abatement and treatment plans approved by the secretary. The plans 19573  
shall provide for the comprehensive abatement of the causes and 19574  
treatment of the effects of acid mine drainage within qualified 19575  
hydrologic units affected by coal mining practices and shall 19576  
include at least all of the following: 19577

(a) An identification of the qualified hydrologic unit. As 19578  
used in division (E) of this section, "qualified hydrologic unit" 19579  
means a hydrologic unit that meets all of the following criteria: 19580

(i) The water quality in the unit has been significantly 19581  
affected by acid mine drainage from coal mining practices in a 19582  
manner that has an adverse impact on biological resources. 19583

(ii) The unit contains lands and waters that meet the 19584  
eligibility requirements established under division (C) of this 19585  
section and any of the priorities established in divisions (B)(1) 19586  
to (3) of this section. 19587

(iii) The unit contains lands and waters that are proposed to 19588  
be the subject of expenditures from the reclamation forfeiture 19589  
fund created in section 1513.18 of the Revised Code or the 19590  
~~unreclaimed lands~~ mining regulation and safety fund created in 19591  
section 1513.30 of the Revised Code. 19592

(b) The extent to which acid mine drainage is affecting the 19593  
water quality and biological resources within the hydrologic unit; 19594

(c) An identification of the sources of acid mine drainage 19595  
within the hydrologic unit; 19596

(d) An identification of individual projects and the measures 19597  
proposed to be undertaken to abate and treat the causes or effects 19598  
of acid mine drainage within the hydrologic unit; 19599

(e) The cost of undertaking the proposed abatement and 19600  
treatment measures; 19601

(f) An identification of existing and proposed sources of 19602  
funding for those measures; 19603

(g) An analysis of the cost-effectiveness and environmental 19604  
benefits of abatement and treatment measures. 19605

(3) The chief may make grants of ~~moneys~~ money from the acid 19606  
mine drainage abatement and treatment fund to watershed groups for 19607

conducting projects to accomplish the purposes of this section. A 19608  
grant may be made in an amount equal to not more than fifty per 19609  
cent of each of the following: 19610

(a) Reasonable and necessary expenses for the collection and 19611  
analysis of data sufficient to do either or both of the following: 19612

(i) Identify a watershed as a qualified hydrologic unit; 19613

(ii) Monitor the quality of water in a qualified hydrologic 19614  
unit before, during, and at any time after completion of the 19615  
project by the watershed group. 19616

(b) Engineering design costs and construction costs involved 19617  
in the project, provided that the project is conducted in a 19618  
qualified hydrologic unit and the chief considers the project to 19619  
be a priority. 19620

A watershed group that wishes to obtain a grant under 19621  
division (E)(3) of this section shall submit an application to the 19622  
chief on forms provided by the division of mineral resources 19623  
management, together with detailed estimates and timetables for 19624  
accomplishing the stated goals of the project and any other 19625  
information that the chief requires. 19626

For the purposes of establishing priorities for awarding 19627  
grants under division (E)(3) of this section, the chief shall 19628  
consider each project's feasibility, cost-effectiveness, and 19629  
environmental benefit, together with the availability of matching 19630  
funding, including in-kind services, for the project. 19631

The chief shall enter into a contract for funding with each 19632  
applicant awarded a grant to ensure that the ~~moneys~~ money granted 19633  
are used for the purposes of this section and that the work that 19634  
the project involves is done properly. The contract is not subject 19635  
to division (B) of section 127.16 of the Revised Code. The final 19636  
payment of grant ~~moneys~~ money shall not be made until the chief 19637  
inspects and approves the completed project. 19638

The chief shall require each applicant awarded a grant under 19639  
this section who conducts a project involving construction work to 19640  
pay workers at the greater of their regular rate of pay, as 19641  
established by contract, agreement, or prior custom or practice, 19642  
or the average wage rate paid in this state for the same or 19643  
similar work performed in the same or a similar locality by 19644  
private companies doing similar work on similar projects. 19645

As used in division (E)(3) of this section, "watershed group" 19646  
means a charitable organization as defined in section 1716.01 of 19647  
the Revised Code that has been established for the purpose of 19648  
conducting reclamation of land and waters adversely affected by 19649  
coal mining practices and specifically for conducting acid mine 19650  
drainage abatement. 19651

(F)(1) If the chief makes a finding of fact that land or 19652  
water resources have been adversely affected by past coal mining 19653  
practices; the adverse effects are at a stage where, in the public 19654  
interest, action to restore, reclaim, abate, control, or prevent 19655  
the adverse effects should be taken; the owners of the land or 19656  
water resources where entry must be made to restore, reclaim, 19657  
abate, control, or prevent the adverse effects of past coal mining 19658  
practices are not known or are not readily available; or the 19659  
owners will not give permission for the state, political 19660  
subdivisions, or their agents, employees, or contractors to enter 19661  
upon the property to restore, reclaim, abate, control, or prevent 19662  
the adverse effects of past coal mining practices; then, upon 19663  
giving notice by mail to the owners, if known, or, if not known, 19664  
by posting notice upon the premises and advertising once in a 19665  
newspaper of general circulation in the municipal corporation or 19666  
county in which the land lies, the chief or the chief's agents, 19667  
employees, or contractors may enter upon the property adversely 19668  
affected by past coal mining practices and any other property to 19669  
have access to the property to do all things necessary or 19670

expedient to restore, reclaim, abate, control, or prevent the 19671  
adverse effects. The entry shall be construed as an exercise of 19672  
the police power for the protection of the public health, safety, 19673  
and general welfare and shall not be construed as an act of 19674  
condemnation of property nor of trespass on it. The ~~moneys~~ money 19675  
expended for the work and the benefits accruing to any such 19676  
premises so entered upon shall be chargeable against the land and 19677  
shall mitigate or offset any claim in or any action brought by any 19678  
owner of any interest in the premises for any alleged damages by 19679  
virtue of the entry, but this provision is not intended to create 19680  
new rights of action or eliminate existing immunities. 19681

(2) The chief or the chief's authorized representatives may 19682  
enter upon any property for the purpose of conducting studies or 19683  
exploratory work to determine the existence of adverse effects of 19684  
past coal mining practices and to determine the feasibility of 19685  
restoration, reclamation, abatement, control, or prevention of 19686  
such adverse effects. The entry shall be construed as an exercise 19687  
of the police power for the protection of the public health, 19688  
safety, and general welfare and shall not be construed as an act 19689  
of condemnation of property nor trespass on it. 19690

(3) The chief may acquire any land by purchase, donation, or 19691  
condemnation that is adversely affected by past coal mining 19692  
practices if the chief determines that acquisition of the land is 19693  
necessary to successful reclamation and that all of the following 19694  
apply: 19695

(a) The acquired land, after restoration, reclamation, 19696  
abatement, control, or prevention of the adverse effects of past 19697  
coal mining practices, will serve recreation and historic 19698  
purposes, serve conservation and reclamation purposes, or provide 19699  
open space benefits. 19700

(b) Permanent facilities such as a treatment plant or a 19701  
relocated stream channel will be constructed on the land for the 19702

restoration, reclamation, abatement, control, or prevention of the 19703  
adverse effects of past coal mining practices. 19704

(c) Acquisition of coal refuse disposal sites and all coal 19705  
refuse thereon will serve the purposes of this section or public 19706  
ownership is desirable to meet emergency situations and prevent 19707  
recurrences of the adverse effects of past coal mining practices. 19708

(4)(a) Title to all lands acquired pursuant to this section 19709  
shall be in the name of the state. The price paid for land 19710  
acquired under this section shall reflect the market value of the 19711  
land as adversely affected by past coal mining practices. 19712

(b) The chief may receive grants on a matching basis from the 19713  
secretary of the interior for the purpose of carrying out this 19714  
section. 19715

(5)(a) Where land acquired pursuant to this section is 19716  
considered to be suitable for industrial, commercial, residential, 19717  
or recreational development, the chief may sell the land by public 19718  
sale under a system of competitive bidding at not less than fair 19719  
market value and under other requirements imposed by rule to 19720  
ensure that the lands are put to proper use consistent with local 19721  
and state land use plans, if any, as determined by the chief. 19722

(b) The chief, when requested, and after appropriate public 19723  
notice, shall hold a public meeting in the county, counties, or 19724  
other appropriate political subdivisions of the state in which 19725  
lands acquired pursuant to this section are located. The meetings 19726  
shall be held at a time that shall afford local citizens and 19727  
governments the maximum opportunity to participate in the decision 19728  
concerning the use or disposition of the lands after restoration, 19729  
reclamation, abatement, control, or prevention of the adverse 19730  
effects of past coal mining practices. 19731

(6) In addition to the authority to acquire land under 19732  
division (F)(3) of this section, the chief may use money in the 19733

fund to acquire land by purchase, donation, or condemnation, and 19734  
to reclaim and transfer acquired land to a political subdivision, 19735  
or to any person, if the chief determines that it is an integral 19736  
and necessary element of an economically feasible plan for the 19737  
construction or rehabilitation of housing for persons disabled as 19738  
the result of employment in the mines or work incidental to that 19739  
employment, persons displaced by acquisition of land pursuant to 19740  
this section, persons dislocated as the result of adverse effects 19741  
of coal mining practices that constitute an emergency as provided 19742  
in the "Surface Mining Control and Reclamation Act of 1977," 91 19743  
Stat. 466, 30 U.S.C.A. 1240, or amendments to it, or persons 19744  
dislocated as the result of natural disasters or catastrophic 19745  
failures from any cause. Such activities shall be accomplished 19746  
under such terms and conditions as the chief requires, which may 19747  
include transfers of land with or without monetary consideration, 19748  
except that to the extent that the consideration is below the fair 19749  
market value of the land transferred, no portion of the difference 19750  
between the fair market value and the consideration shall accrue 19751  
as a profit to those persons. No part of the funds provided under 19752  
this section may be used to pay the actual construction costs of 19753  
housing. The chief may carry out the purposes of division (F)(6) 19754  
of this section directly or by making grants and commitments for 19755  
grants and may advance money under such terms and conditions as 19756  
the chief may require to any agency or instrumentality of the 19757  
state or any public body or nonprofit organization designated by 19758  
the chief. 19759

(G)(1) Within six months after the completion of projects to 19760  
restore, reclaim, abate, control, or prevent adverse effects of 19761  
past coal mining practices on privately owned land, the chief 19762  
shall itemize the ~~moneys~~ money so expended and may file a 19763  
statement of the expenditures in the office of the county recorder 19764  
of the county in which the land lies, together with a notarized 19765  
appraisal by an independent appraiser of the value of the land 19766

before the restoration, reclamation, abatement, control, or 19767  
prevention of adverse effects of past coal mining practices if the 19768  
~~moneys~~ money so expended result in a significant increase in 19769  
property value. The statement shall constitute a lien upon the 19770  
land as of the date of the expenditures of the ~~moneys~~ money and 19771  
shall have priority as a lien second only to the lien of real 19772  
property taxes imposed upon the land. The lien shall not exceed 19773  
the amount determined by the appraisal to be the increase in the 19774  
fair market value of the land as a result of the restoration, 19775  
reclamation, abatement, control, or prevention of the adverse 19776  
effects of past coal mining practices. No lien shall be filed 19777  
under division (G) of this section against the property of any 19778  
person who owned the surface prior to May 2, 1977, and did not 19779  
consent to, participate in, or exercise control over the mining 19780  
operation that necessitated the reclamation performed. 19781

(2) The landowner may petition, within sixty days after the 19782  
filing of the lien, to determine the increase in the fair market 19783  
value of the land as a result of the restoration, reclamation, 19784  
abatement, control, or prevention of the adverse effects of past 19785  
coal mining practices. The amount reported to be the increase in 19786  
value of the premises shall constitute the amount of the lien and 19787  
shall be recorded with the statement provided in this section. Any 19788  
party aggrieved by the decision may appeal as provided by state 19789  
law. 19790

(3) The lien provided in division (G) of this section shall 19791  
be recorded and indexed, under the name of the state and the 19792  
landowner, in the official records in the office of the county 19793  
recorder of the county in which the land lies. The county recorder 19794  
shall impose no charge for the recording or indexing of the lien. 19795  
If the land is registered, the county recorder shall make a 19796  
notation and enter a memorial of the lien upon the page of the 19797  
register in which the last certificate of title to the land is 19798

registered, stating the name of the claimant, amount claimed, 19799  
volume and page of the record where recorded, and exact time the 19800  
memorial was entered. 19801

(4) The lien shall continue in force so long as any portion 19802  
of the amount of the lien remains unpaid. If the lien remains 19803  
unpaid at the time of conveyance of the land on which the lien was 19804  
placed, the conveyance may be set aside. Upon repayment in full of 19805  
the ~~moneys~~ money expended under this section, the chief promptly 19806  
shall issue a certificate of release of the lien. Upon 19807  
presentation of the certificate of release, the county recorder of 19808  
the county in which the lien is recorded shall record the lien as 19809  
having been discharged. 19810

(5) A lien imposed under this section shall be foreclosed 19811  
upon the substantial failure of a landowner to pay any portion of 19812  
the amount of the lien. Before foreclosing any lien under this 19813  
section, the chief shall make a written demand upon the landowner 19814  
for payment. If the landowner does not pay the amount due within 19815  
sixty days, the chief shall refer the matter to the attorney 19816  
general, who shall institute a civil action to foreclose the lien. 19817

(H)(1) The chief may fill voids, seal abandoned tunnels, 19818  
shafts, and entryways, and reclaim surface impacts of underground 19819  
or strip mines that the chief determines could endanger life and 19820  
property, constitute a hazard to the public health and safety, or 19821  
degrade the environment. 19822

(2) In those instances where mine waste piles are being 19823  
reworked for conservation purposes, the incremental costs of 19824  
disposing of the wastes from those operations by filling voids and 19825  
sealing tunnels may be eligible for funding, provided that the 19826  
disposal of these wastes meets the purposes of this section. 19827

(3) The chief may acquire by purchase, donation, easement, or 19828  
otherwise such interest in land as the chief determines necessary 19829

to carry out division (H) of this section. 19830

(I) The chief shall report annually to the secretary of the 19831  
interior on operations under the fund and include recommendations 19832  
as to its future uses. 19833

(J)(1) The chief may engage in any work and do all things 19834  
necessary or expedient, including the adoption of rules, to 19835  
implement and administer this section. 19836

(2) The chief may engage in cooperative projects under this 19837  
section with any agency of the United States, any other state, or 19838  
their governmental agencies or with any state university or 19839  
college as defined in section 3345.27 of the Revised Code. The 19840  
cooperative projects are not subject to division (B) of section 19841  
127.16 of the Revised Code. 19842

(3) The chief may request the attorney general to initiate in 19843  
any court of competent jurisdiction an action in equity for an 19844  
injunction to restrain any interference with the exercise of the 19845  
right to enter or to conduct any work provided in this section, 19846  
which remedy is in addition to any other remedy available under 19847  
this section. 19848

(4) The chief may construct or operate a plant or plants for 19849  
the control and treatment of water pollution resulting from mine 19850  
drainage. The extent of this control and treatment may be 19851  
dependent upon the ultimate use of the water. Division (J)(4) of 19852  
this section does not repeal or supersede any portion of the 19853  
"Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 19854  
U.S.C.A. 1151, as amended, and no control or treatment under 19855  
division (J)(4) of this section, in any way, shall be less than 19856  
that required by that act. The construction of a plant or plants 19857  
may include major interceptors and other facilities appurtenant to 19858  
the plant. 19859

(5) The chief may transfer money from the abandoned mine 19860

reclamation fund and the acid mine drainage abatement and 19861  
treatment fund to other appropriate state agencies or to state 19862  
universities or colleges in order to carry out the reclamation 19863  
activities authorized by this section. 19864

(K) The chief may contract for any part of work to be 19865  
performed under this section, with or without advertising for 19866  
bids, if the chief determines that a condition exists that could 19867  
reasonably be expected to cause substantial physical harm to 19868  
persons, property, or the environment and to which persons or 19869  
improvements on real property are currently exposed. 19870

The chief shall require every contractor performing 19871  
reclamation work under this section to pay its workers at the 19872  
greater of their regular rate of pay, as established by contract, 19873  
agreement, or prior custom or practice, or the average wage rate 19874  
paid in this state for the same or similar work as determined by 19875  
the chief under section 1513.02 of the Revised Code. 19876

(L)(1) The chief may contract for the emergency restoration, 19877  
reclamation, abatement, control, or prevention of adverse effects 19878  
of mining practices on eligible lands if the chief determines that 19879  
an emergency exists constituting a danger to the public health, 19880  
safety, or welfare and that no other person or agency will act 19881  
expeditiously to restore, reclaim, abate, control, or prevent 19882  
those adverse effects. The chief may enter into a contract for 19883  
emergency work under division (L) of this section without 19884  
advertising for bids. Any such contract or any purchase of 19885  
materials for emergency work under division (L) of this section is 19886  
not subject to division (B) of section 127.16 of the Revised Code. 19887

(2) The chief or the chief's agents, employees, or 19888  
contractors may enter on any land where such an emergency exists, 19889  
and on other land in order to have access to that land, in order 19890  
to restore, reclaim, abate, control, or prevent the adverse 19891  
effects of mining practices and to do all things necessary or 19892

expedient to protect the public health, safety, or welfare. Such 19893  
an entry shall be construed as an exercise of the police power and 19894  
shall not be construed as an act of condemnation of property or of 19895  
trespass. The ~~moneys~~ money expended for the work and the benefits 19896  
accruing to any premises so entered upon shall be chargeable 19897  
against the land and shall mitigate or offset any claim in or any 19898  
action brought by any owner of any interest in the premises for 19899  
any alleged damages by virtue of the entry. This provision is not 19900  
intended to create new rights of action or eliminate existing 19901  
immunities. 19902

**Sec. 1514.03.** Within thirty days after each anniversary date 19903  
of issuance of a surface or in-stream mining permit, the operator 19904  
shall file with the chief of the division of mineral resources 19905  
management an annual report, on a form prescribed and furnished by 19906  
the chief, that, for the period covered by the report, shall state 19907  
the amount of and identify the types of minerals and coal, if any 19908  
coal, produced and shall state the number of acres affected and 19909  
the number of acres estimated to be affected during the next year 19910  
of operation. An annual report is not required to be filed if a 19911  
final report is filed in lieu thereof. 19912

Each annual report for a surface mining operation shall 19913  
include a progress map indicating the location of areas of land 19914  
affected during the period of the report and the location of the 19915  
area of land estimated to be affected during the next year. The 19916  
map shall be prepared in accordance with division (A)(11) or (12) 19917  
of section 1514.02 of the Revised Code, as appropriate, except 19918  
that a map prepared in accordance with division (A)(12) of that 19919  
section may be certified by the operator or authorized agent of 19920  
the operator in lieu of certification by a professional engineer 19921  
or surveyor registered under Chapter 4733. of the Revised Code. 19922  
However, the chief may require that an annual progress map or a 19923  
final map be prepared by a registered professional engineer or 19924

registered surveyor if the chief has reason to believe that the 19925  
operator exceeded the boundaries of the permit area or, if the 19926  
operator filed the map required under division (A)(11) of section 19927  
1514.02 of the Revised Code, that the operator extracted ten 19928  
thousand tons or more of minerals during the period covered by the 19929  
report. 19930

Each annual report for an in-stream mining operation shall 19931  
include a statement of the total tonnage removed by in-stream 19932  
mining for each month and of the surface acreage and depth of 19933  
material removed by in-stream mining and shall include a map that 19934  
identifies the area affected by the in-stream mining if the 19935  
in-stream mining for the year addressed by the report occurred 19936  
beyond the area identified in the most recent approved map, 19937  
soundings that depict the cross-sectional views of the channel 19938  
bottom of the watercourse if the soundings depict a 19939  
cross-sectional view of the channel bottom that is different from 19940  
the most recent approved map, and water elevations for the 19941  
watercourse if water elevations are different from those indicated 19942  
on the most recent approved map. 19943

Each annual report shall be accompanied by a filing fee in 19944  
the amount of five hundred dollars, except in the case of an 19945  
annual report filed by a small operator or an in-stream mining 19946  
operator. A small operator, which is a surface mine operator who 19947  
intends to extract fewer than ten thousand tons of minerals and no 19948  
coal during the next year of operation under the permit, or an 19949  
in-stream mining operator shall include a filing fee in the amount 19950  
of two hundred fifty dollars with each annual report. The annual 19951  
report of any operator also shall be accompanied by an acreage fee 19952  
in the amount of seventy-five dollars multiplied by the number of 19953  
acres estimated in the report to be affected during the next year 19954  
of operation under the permit. The acreage fee shall be adjusted 19955  
by subtracting a credit of seventy-five dollars per excess acre 19956

paid for the preceding year if the acreage paid for the preceding 19957  
year exceeds the acreage actually affected or by adding an 19958  
additional amount of seventy-five dollars per excess acre affected 19959  
if the acreage actually affected exceeds the acreage paid for the 19960  
preceding year. 19961

With each annual report the operator shall file a performance 19962  
bond in the amount, unless otherwise provided by rule, of five 19963  
hundred dollars multiplied by the number of acres estimated to be 19964  
affected during the next year of operation under the permit for 19965  
which no performance bond previously was filed. Unless otherwise 19966  
provided by rule, the bond shall be adjusted by subtracting a 19967  
credit of five hundred dollars per excess acre for which bond was 19968  
filed for the preceding year if the acreage for which the bond was 19969  
filed for the preceding year exceeds the acreage actually 19970  
affected, or by adding an amount of five hundred dollars per 19971  
excess acre affected if the acreage actually affected exceeds the 19972  
acreage for which bond was filed for the preceding year. 19973

Within thirty days after the expiration of the surface or 19974  
in-stream mining permit, or completion or abandonment of the 19975  
operation, whichever occurs earlier, the operator shall submit a 19976  
final report containing the same information required in an annual 19977  
report, but covering the time from the last annual report to the 19978  
expiration of the permit, or completion or abandonment of the 19979  
operation, whichever occurs earlier. 19980

Each final report shall include a map indicating the location 19981  
of the area of land affected during the period of the report and 19982  
the location of the total area of land affected under the permit. 19983  
The map shall be prepared in accordance with division (A)(11) or 19984  
(12) of section 1514.02 of the Revised Code, as appropriate. 19985

In the case of a final report for an in-stream mining 19986  
operation, the map also shall include the information required 19987  
under division (A)(18) of section 1514.02 of the Revised Code, as 19988

applicable. 19989

If the final report and certified map, as verified by the 19990  
chief, show that the number of acres affected under the permit is 19991  
larger than the number of acres for which the operator has paid an 19992  
acreage fee or filed a performance bond, upon notification by the 19993  
chief, the operator shall pay an additional acreage fee in the 19994  
amount of seventy-five dollars multiplied by the difference 19995  
between the number of acres affected under the permit and the 19996  
number of acres for which the operator has paid an acreage fee and 19997  
shall file an additional performance bond in the amount, unless 19998  
otherwise provided by rule, of five hundred dollars multiplied by 19999  
the difference between the number of acres affected under the 20000  
permit and the number of acres for which the operator has filed 20001  
bond. 20002

If the final report and certified map, as verified by the 20003  
chief, show that the number of acres affected under the permit is 20004  
smaller than the number of acres for which the operator has filed 20005  
a performance bond, the chief shall order release of the excess 20006  
bond. However, the chief shall retain a performance bond in a 20007  
minimum amount of ten thousand dollars irrespective of the number 20008  
of acres affected under the permit. The release of the excess bond 20009  
shall be in an amount, unless otherwise provided by rule, equal to 20010  
five hundred dollars multiplied by the difference between the 20011  
number of acres affected under the permit and the number of acres 20012  
for which the operator has filed bond. 20013

The fees collected pursuant to this section and section 20014  
1514.02 of the Revised Code shall be deposited with the treasurer 20015  
of state to the credit of the ~~surface~~ mining regulation and safety 20016  
fund created under section ~~1514.06~~ 1513.30 of the Revised Code. 20017

If upon inspection the chief finds that any filing fee, 20018  
acreage fee, performance bond, or part thereof is not paid when 20019  
due or is paid on the basis of false or substantially inaccurate 20020

reports, the chief may request the attorney general to recover the 20021  
unpaid amounts that are due the state, and the attorney general 20022  
shall commence appropriate legal proceedings to recover the unpaid 20023  
amounts. 20024

**Sec. 1514.051.** (A) If an operator or a partner or officer of 20025  
the operator forfeits a performance bond, the division of mineral 20026  
resources management shall have a priority lien in front of all 20027  
other interested creditors against the assets of that operator for 20028  
the amount that is needed to perform any reclamation that is 20029  
required as a result of the operator's mining activities. The 20030  
chief of the division of mineral resources management shall file a 20031  
statement in the office of the county recorder of each county in 20032  
which the mined land lies of the estimated costs to reclaim the 20033  
land. Estimated costs shall include direct and indirect costs of 20034  
the development, design, construction, management, and 20035  
administration of the reclamation. The statement shall constitute 20036  
a lien on the assets of the operator as of the date of the filing. 20037  
The lien shall continue in force so long as any portion of the 20038  
lien remains unpaid or until the chief issues a certificate of 20039  
release of the lien. If the chief issues a certificate of release 20040  
of the lien, the chief shall file a certificate of release in the 20041  
office of each applicable county recorder. 20042

(B) The chief promptly shall issue a certificate of release 20043  
under any of the following circumstances: 20044

(1) Upon the repayment in full of the money that is necessary 20045  
to complete the reclamation; 20046

(2) Upon the transfer of an existing permit that includes the 20047  
areas of the surface mine for which reclamation was not completed 20048  
from the operator that forfeited the performance bond to a new 20049  
operator; 20050

(3) Any other circumstance that the chief determines to be in 20051

the best interests of the state. 20052

(C) The chief may modify the amount of a lien under this 20053  
section. If the chief modifies a lien, the chief shall file a 20054  
statement in the office of the county recorder of each applicable 20055  
county of the new amount of the lien. 20056

(D) The chief may authorize a closing agent to hold a 20057  
certificate of release in escrow for a period not to exceed one 20058  
hundred eighty days for the purpose of facilitating the transfer 20059  
of unreclaimed mine land. 20060

(E) All money from the collection of liens under this section 20061  
shall be deposited in the state treasury to the credit of the 20062  
~~surface~~ mining regulation and safety fund created in section 20063  
~~1514.06~~ 1513.30 of the Revised Code. 20064

**Sec. 1514.06.** (A) ~~There is hereby created in the state~~ 20065  
~~treasury the surface mining fund consisting of all~~ All money that 20066  
becomes the property of the state pursuant to sections 1514.05 and 20067  
1514.051 of the Revised Code, money ~~credited to the fund~~ collected 20068  
under divisions (C)(1) and (2) of section 1514.071, and other 20069  
money specified in section 1514.11 of the Revised Code shall be 20070  
credited to the mining regulation and safety fund created in 20071  
section 1513.30 of the Revised Code. ~~All investment earnings of~~ 20072  
~~the fund shall be credited to the fund. Expenditures from the fund~~ 20073  
~~shall be made by the~~ The chief of the division of mineral 20074  
resources management may expend such money for the purpose of 20075  
reclaiming areas of land affected by surface or in-stream mining 20076  
under a permit issued under this chapter that the operator has 20077  
failed to reclaim. ~~Provided that the chief maintains a balance in~~ 20078  
~~the fund that is sufficient to achieve that purpose and, in doing~~ 20079  
~~so, considers the timeliness of reclamation activity, the chief~~ 20080  
~~may use the fund for other purposes specified in section 1514.11~~ 20081  
~~of the Revised Code.~~ 20082

(B) Expenditures of ~~moneys~~ money from the fund for the 20083  
purposes specified in division (A) of this section, except as 20084  
otherwise provided by this section, shall be made pursuant to 20085  
contracts entered into by the chief with persons who agree to 20086  
furnish all of the materials, equipment, work, and labor, as 20087  
specified and provided in the contracts, for the prices stipulated 20088  
therein. With the approval of the director of natural resources, 20089  
the chief may reclaim the land in the same manner as the chief 20090  
required of the operator who failed to reclaim the land. Each 20091  
contract awarded by the chief shall be awarded to the lowest 20092  
responsive and responsible bidder, in accordance with section 20093  
9.312 of the Revised Code, after sealed bids are received, opened, 20094  
and published at the time and place fixed by the chief. The chief 20095  
shall publish notice of the time and place at which bids will be 20096  
received, opened, and published, at least once at least ten days 20097  
before the date of the opening of the bids, in a newspaper of 20098  
general circulation in the county in which the area of land to be 20099  
reclaimed under the contract is located. If, after so advertising 20100  
for bids, no bids are received by the chief at the time and place 20101  
fixed for receiving them, the chief may advertise again for bids, 20102  
or, if the chief considers the public interest will be best 20103  
served, the chief may enter into a contract for the reclamation of 20104  
the area of land without further advertisement for bids. The chief 20105  
may reject any or all bids received and again publish notice of 20106  
the time and place at which bids for contracts will be received, 20107  
opened, and published. 20108

(C) With the approval of the director, the chief, without 20109  
advertising for bids, may enter into a contract with the 20110  
landowner, a surface or in-stream mine operator or coal mine 20111  
operator mining under a current, valid permit issued under this 20112  
chapter or Chapter 1513. of the Revised Code, or a contractor 20113  
hired by a surety to complete reclamation, to carry out 20114  
reclamation on land affected by surface or in-stream mining 20115

operations that an operator has failed to reclaim. 20116

(D) With the approval of the director, the chief may carry 20117  
out all or part of the reclamation work on land affected by 20118  
surface or in-stream mining operations that the operator has 20119  
failed to reclaim using the employees and equipment of any 20120  
division of the department of natural resources. 20121

(E) The chief shall require every contractor performing 20122  
reclamation work under this section to pay workers at the greater 20123  
of their regular rate of pay, as established by contract, 20124  
agreement, or prior custom or practice, or the average wage rate 20125  
paid in this state for the same or similar work, as determined by 20126  
the chief under section 1513.02 of the Revised Code. 20127

(F) Each contract entered into by the chief under this 20128  
section shall provide only for the reclamation of land affected by 20129  
the surface or in-stream mining operation or operations of one 20130  
operator and not reclaimed by the operator as required by this 20131  
chapter. If there is money in the fund derived from the 20132  
performance bond deposited with the chief by one operator to 20133  
ensure the reclamation of two or more areas of land affected by 20134  
the surface or in-stream mining operation or operations of one 20135  
operator and not reclaimed by the operator as required by this 20136  
chapter, the chief may award a single contract for the reclamation 20137  
of all such areas of land. 20138

(G) The cost of the reclamation work done under this section 20139  
on each area of land affected by surface or in-stream mining 20140  
operations that an operator has failed to reclaim shall be paid 20141  
out of the money in the fund derived from the performance bond 20142  
that was deposited with the chief to ensure the reclamation of 20143  
that area of land. ~~If the amount of money is not sufficient to pay~~ 20144  
~~the cost of doing all of the reclamation work on the area of land~~ 20145  
~~that the operator should have done, but failed to do, the chief~~ 20146  
~~may expend from the reclamation forfeiture fund created in section~~ 20147

~~1513.18 of the Revised Code or the surface mining fund created in~~ 20148  
~~this section the amount of money needed to complete reclamation to~~ 20149  
~~the standards required by this chapter.~~ The operator is liable for 20150  
that expense in addition to any other liabilities imposed by law. 20151  
At the request of the chief, the attorney general shall bring an 20152  
action against the operator for the amount of the expenditures 20153  
from ~~either~~ the mining regulation and safety fund. ~~Moneys~~ Money so 20154  
recovered shall be deposited in the state treasury to the credit 20155  
of the that fund ~~from which the expenditures were made.~~ 20156

~~(H) If any part of the money in the surface mining fund~~ 20157  
~~remains in the fund after the chief has caused the area of land to~~ 20158  
~~be reclaimed and has paid all the reclamation costs and expenses,~~ 20159  
~~or if any money remains because the area of land has been~~ 20160  
~~repermitted under this chapter or reclaimed by a person other than~~ 20161  
~~the chief, the chief may expend the remaining money to complete~~ 20162  
~~other reclamation work performed under this section. The chief~~ 20163  
~~shall prepare an annual report that summarizes the money credited~~ 20164  
~~to the fund and expenditures made from the fund and post the~~ 20165  
~~report on the division of mineral resources management's web site.~~ 20166

**Sec. 1514.071.** (A) In addition to any other penalties 20167  
established under this chapter, the chief of the division of 20168  
mineral resources management may assess a civil penalty against 20169  
any person who fails to comply with an order issued by the chief 20170  
under section 1514.07 of the Revised Code by the date specified in 20171  
the order or as subsequently extended by the chief. 20172

(B) Civil penalties assessed under this section shall not 20173  
exceed one thousand dollars for each occurrence of noncompliance 20174  
with an order. Each day of continuing noncompliance, up to a 20175  
maximum of thirty days, may be deemed a separate occurrence for 20176  
purposes of penalty assessments. In determining the amount of the 20177  
assessment, the chief shall consider the seriousness of the 20178

noncompliance, the effect of the noncompliance, and the operator's 20179  
history of noncompliance. 20180

(C) Upon issuance of a notice of noncompliance with an order, 20181  
the chief shall inform the person to whom the notice of 20182  
noncompliance is issued of the amount of any civil penalty to be 20183  
assessed and provide an opportunity for an adjudicatory hearing 20184  
with the reclamation commission pursuant to section 1514.09 of the 20185  
Revised Code. The person charged with the penalty shall have 20186  
thirty days from receipt of the assessment to pay the penalty in 20187  
full or, if the person wishes to contest the amount of the 20188  
penalty, file a petition for review of the assessment with the 20189  
commission pursuant to section 1514.09 of the Revised Code and 20190  
forward the amount of the penalty to the secretary of the 20191  
commission as required by this division. Failure to forward the 20192  
money to the secretary within thirty days after the chief informs 20193  
the person of the amount of the penalty shall result in a waiver 20194  
of all legal rights to contest the amount of the penalty. 20195

If, after a hearing, the commission affirms or modifies the 20196  
amount of the penalty, the person charged with the penalty shall 20197  
have thirty days after receipt of the written decision to file an 20198  
appeal from the commission's order in accordance with section 20199  
1514.09 of the Revised Code. 20200

At the time that the petition for review of the assessment is 20201  
filed with the secretary, the person shall forward the amount of 20202  
the penalty to the secretary for placement in the reclamation 20203  
penalty fund created in division (F)(3) of section 1513.02 of the 20204  
Revised Code. Pursuant to administrative or judicial review of the 20205  
penalty, the secretary shall do either of the following: 20206

(1) If it is determined that the amount of the penalty should 20207  
be reduced, within thirty days, remit the appropriate amount of 20208  
the penalty to the person, with interest, and forward any balance 20209  
of the penalty, with interest, to the chief for deposit in the 20210

~~surface~~ mining regulation and safety fund created in section 20211  
~~1514.06~~ 1513.30 of the Revised Code for reclamation of abandoned 20212  
surface or in-stream mining operations in the state; 20213

(2) If the penalty was not reduced, forward the entire 20214  
penalty, with interest, to the chief for deposit in the ~~surface~~ 20215  
mining regulation and safety fund for reclamation of abandoned 20216  
surface or in-stream mining operations in the state. 20217

(D) Civil penalties owed under this section may be recovered 20218  
in a civil action brought by the attorney general upon the request 20219  
of the chief. 20220

**Sec. 1514.11.** In addition to the purposes otherwise 20221  
authorized ~~in section 1514.06 of the Revised Code~~ by law, the 20222  
chief of the division of mineral resources management may use 20223  
~~moneys~~ money in the ~~surface~~ mining regulation and safety fund 20224  
created under ~~that~~ section 1513.30 of the Revised Code for the 20225  
administration and enforcement of this chapter, for the 20226  
reclamation of land affected by surface or in-stream mining under 20227  
a permit issued under this chapter that the operator failed to 20228  
reclaim and for which the performance bond filed by the operator 20229  
is insufficient to complete the reclamation, and for the 20230  
reclamation of land affected by surface or in-stream mining that 20231  
was abandoned and left unreclaimed and for which no permit was 20232  
issued or bond filed under this chapter. Also, the chief may use 20233  
the portion of the ~~surface~~ mining regulation and safety fund that 20234  
consists of ~~moneys~~ money collected from the severance taxes levied 20235  
under section 5749.02 of the Revised Code for mine safety and 20236  
first aid training. For purposes of reclamation under this 20237  
section, the chief shall expend ~~moneys~~ money in the fund in 20238  
accordance with the procedures and requirements established in 20239  
section 1514.06 of the Revised Code and may enter into contracts 20240  
and perform work in accordance with that section. 20241

Fees collected under sections 1514.02 and 1514.03 of the Revised Code, ~~one half of the moneys and money~~ collected from the severance taxes levied under ~~divisions (A)(3) and (4) of section 5749.02 of the Revised Code, and all of the moneys collected from the severance tax levied under division (A)(7) of section 5749.02 of the Revised Code~~ shall be credited to the fund in accordance with those sections. Notwithstanding any section of the Revised Code relating to the distribution or crediting of fines for violations of the Revised Code, all fines imposed under section 1514.99 of the Revised Code shall be credited to the fund.

**Sec. 1514.46.** If the operator of a surface mining operation requests the division of mineral resources management to conduct mine safety training, the chief of the division of mineral resources management shall conduct mine safety training for the employees of that operator. For persons who are not employed by a holder of a surface mining permit issued under this chapter and who seek the training, the chief may charge a fee in an amount established in rules for conducting it. The safety training shall be conducted in accordance with rules and shall emphasize the standards adopted in rules and include any other content that the chief determines is beneficial. Any fees collected under this section shall be deposited in the state treasury to the credit of the ~~surface~~ mining regulation and safety fund created in section ~~1514.06~~ 1513.30 of the Revised Code.

**Sec. 1521.06.** (A) No dam may be constructed for the purpose of storing, conserving, or retarding water, or for any other purpose, nor shall any levee be constructed for the purpose of diverting or retaining flood water, unless the person or governmental agency desiring the construction has a construction permit for the dam or levee issued by the chief of the division of water resources.

A construction permit is not required under this section for: 20273

(1) A dam that is or will be less than ten feet in height and 20274  
that has or will have a storage capacity of not more than fifty 20275  
acre-feet at the elevation of the top of the dam, as determined by 20276  
the chief. For the purposes of this section, the height of a dam 20277  
shall be measured from the natural stream bed or lowest ground 20278  
elevation at the downstream or outside limit of the dam to the 20279  
elevation of the top of the dam. 20280

(2) A dam, regardless of height, that has or will have a 20281  
storage capacity of not more than fifteen acre-feet at the 20282  
elevation of the top of the dam, as determined by the chief; 20283

(3) A dam, regardless of storage capacity, that is or will be 20284  
six feet or less in height, as determined by the chief; 20285

(4) A dam or levee that belongs to a class exempted by the 20286  
chief; 20287

(5) The repair, maintenance, improvement, alteration, or 20288  
removal of a dam or levee that is subject to section 1521.062 of 20289  
the Revised Code, unless the construction constitutes an 20290  
enlargement or reconstruction of the structure as determined by 20291  
the chief; 20292

(6) A dam or impoundment constructed under Chapter 1513. of 20293  
the Revised Code. 20294

(B) Before a construction permit may be issued, three copies 20295  
of the plans and specifications, including a detailed cost 20296  
estimate, for the proposed construction, prepared by a registered 20297  
professional engineer, together with ~~the~~ any filing fee specified 20298  
by rules adopted by the chief in accordance with division (I) of 20299  
this section and the bond or other security required by section 20300  
1521.061 of the Revised Code, shall be filed with the chief. The 20301  
detailed estimate of the cost shall include all costs associated 20302  
with the construction of the dam or levee, including supervision 20303

and inspection of the construction by a registered professional 20304  
engineer. ~~The filing fee shall be based on the detailed cost~~ 20305  
~~estimate for the proposed construction as filed with and approved~~ 20306  
~~by the chief, and shall be determined by the following schedule~~ 20307  
~~unless otherwise provided by rules adopted under this section:~~ 20308

~~(1) For the first one hundred thousand dollars of estimated~~ 20309  
~~cost, a fee of four per cent;~~ 20310

~~(2) For the next four hundred thousand dollars of estimated~~ 20311  
~~cost, a fee of three per cent;~~ 20312

~~(3) For the next five hundred thousand dollars of estimated~~ 20313  
~~cost, a fee of two per cent;~~ 20314

~~(4) For all costs in excess of one million dollars, a fee of~~ 20315  
~~one half of one per cent.~~ 20316

~~In no case shall the filing fee be less than one thousand~~ 20317  
~~dollars or more than one hundred thousand dollars. If the actual~~ 20318  
~~cost exceeds the estimated cost by more than fifteen per cent, an~~ 20319  
~~additional filing fee shall be required equal to the fee~~ 20320  
~~determined by the preceding schedule less the original filing fee.~~ 20321  
All fees collected pursuant to this section, and all fines 20322  
collected pursuant to section 1521.99 of the Revised Code, shall 20323  
be deposited in the state treasury to the credit of the dam safety 20324  
fund, which is hereby created. Expenditures from the fund shall be 20325  
made by the chief for the purpose of administering this section 20326  
and sections 1521.061 and 1521.062 of the Revised Code. 20327

(C) The chief shall, within thirty days from the date of the 20328  
receipt of the application, fee, and bond or other security, issue 20329  
or deny a construction permit for the construction or may issue a 20330  
construction permit conditioned upon the making of such changes in 20331  
the plans and specifications for the construction as the chief 20332  
considers advisable if the chief determines that the construction 20333  
of the proposed dam or levee, in accordance with the plans and 20334

specifications filed, would endanger life, health, or property. 20335

(D) The chief may deny a construction permit after finding 20336  
that a dam or levee built in accordance with the plans and 20337  
specifications would endanger life, health, or property, because 20338  
of improper or inadequate design, or for such other reasons as the 20339  
chief may determine. 20340

In the event the chief denies a permit for the construction 20341  
of the dam or levee, or issues a permit conditioned upon a making 20342  
of changes in the plans or specifications for the construction, 20343  
the chief shall state the reasons therefor and so notify, in 20344  
writing, the person or governmental agency making the application 20345  
for a permit. If the permit is denied, the chief shall return the 20346  
bond or other security to the person or governmental agency making 20347  
application for the permit. 20348

The decision of the chief conditioning or denying a 20349  
construction permit is subject to appeal as provided in Chapter 20350  
119. of the Revised Code. A dam or levee built substantially at 20351  
variance from the plans and specifications upon which a 20352  
construction permit was issued is in violation of this section. 20353  
The chief may at any time inspect any dam or levee, or site upon 20354  
which any dam or levee is to be constructed, in order to determine 20355  
whether it complies with this section. 20356

(E) A registered professional engineer shall inspect the 20357  
construction for which the permit was issued during all phases of 20358  
construction and shall furnish to the chief such regular reports 20359  
of the engineer's inspections as the chief may require. When the 20360  
chief finds that construction has been fully completed in 20361  
accordance with the terms of the permit and the plans and 20362  
specifications approved by the chief, the chief shall approve the 20363  
construction. When one year has elapsed after approval of the 20364  
completed construction, and the chief finds that within this 20365  
period no fact has become apparent to indicate that the 20366

construction was not performed in accordance with the terms of the 20367  
permit and the plans and specifications approved by the chief, or 20368  
that the construction as performed would endanger life, health, or 20369  
property, the chief shall release the bond or other security. No 20370  
bond or other security shall be released until one year after 20371  
final approval by the chief, unless the dam or levee has been 20372  
modified so that it will not retain water and has been approved as 20373  
nonhazardous after determination by the chief that the dam or 20374  
levee as modified will not endanger life, health, or property. 20375

(F) When inspections required by this section are not being 20376  
performed, the chief shall notify the person or governmental 20377  
agency to which the permit has been issued that inspections are 20378  
not being performed by the registered professional engineer and 20379  
that the chief will inspect the remainder of the construction. 20380  
Thereafter, the chief shall inspect the construction and the cost 20381  
of inspection shall be charged against the owner. Failure of the 20382  
registered professional engineer to submit required inspection 20383  
reports shall be deemed notice that the engineer's inspections are 20384  
not being performed. 20385

(G) The chief may order construction to cease on any dam or 20386  
levee that is being built in violation of this section, and may 20387  
prohibit the retention of water behind any dam or levee that has 20388  
been built in violation of this section. The attorney general, 20389  
upon written request of the chief, may bring an action for an 20390  
injunction against any person who violates this section or to 20391  
enforce an order or prohibition of the chief made pursuant to this 20392  
section. 20393

(H) The chief may adopt rules in accordance with Chapter 119. 20394  
of the Revised Code, for the design and construction of dams and 20395  
levees for which a construction permit is required by this section 20396  
or for which periodic inspection is required by section 1521.062 20397  
of the Revised Code, ~~for establishing a filing fee schedule in~~ 20398

~~lieu of the schedule established under division (B) of this section,~~ for deposit and forfeiture of bonds and other securities required by section 1521.061 of the Revised Code, for the periodic inspection, operation, repair, improvement, alteration, or removal of all dams and levees, as specified in section 1521.062 of the Revised Code, and for establishing classes of dams or levees that are exempt from the requirements of this section and section 1521.062 of the Revised Code as being of a size, purpose, or situation that does not present a substantial hazard to life, health, or property. The chief may, by rule, limit the period during which a construction permit issued under this section is valid. The rules may allow for the extension of the period during which a permit is valid upon written request, provided that the written request includes a revised construction cost estimate, and may require the payment of an additional filing fee for the requested extension. If a construction permit expires without an extension before construction is completed, the person or agency shall apply for a new permit, and shall not continue construction until the new permit is issued.

(I) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a filing fee schedule for purposes of division (B) of this section.

**Sec. 1521.063.** (A) Except for the federal government, the owner of a dam, that is classified as a class I, class II, or class III dam under rules adopted under section 1521.06 of the Revised Code and subject to section 1521.062 of the Revised Code shall pay an annual fee, ~~based upon the height of the dam, the linear foot length of the dam, and the per acre foot of volume of water impounded by the dam~~ in accordance with the annual fee schedule established in rules adopted under division (B) of this section. The fee shall be paid to the division of water resources on or before the thirtieth day of June of each year. ~~The annual~~

~~fee shall be as follows until otherwise provided by rules adopted 20431  
under this section: 20432~~

~~(1) For any dam classified as a class I dam under rules 20433  
adopted by the chief of the division of water resources under 20434  
section 1521.06 of the Revised Code, three hundred dollars plus 20435  
ten dollars per foot of height of dam, five cents per foot of 20436  
length of the dam and five cents per acre foot of water impounded 20437  
by the dam; 20438~~

~~(2) For any dam classified as a class II dam under those 20439  
rules, ninety dollars plus six dollars per foot of height of dam, 20440  
five cents per foot of length of the dam and five cents per acre 20441  
foot of water impounded by the dam; 20442~~

~~(3) For any dam classified as a class III dam under those 20443  
rules, ninety dollars plus four dollars per foot of height of the 20444  
dam, five cents per foot of length of the dam, and five cents 20445  
per acre foot of volume of water impounded by the dam. 20446~~

~~For purposes of this section, the height of a dam is the 20447  
vertical height, to the nearest foot, as determined by the 20448  
division under section 1521.062 of the Revised Code. 20449~~

All fees collected under this section shall be deposited in 20450  
the dam safety fund created in section 1521.06 of the Revised 20451  
Code. Any owner who fails to pay any annual fee required by this 20452  
section within sixty days after the due date shall be assessed a 20453  
penalty of ten per cent of the annual fee plus interest at the 20454  
rate of one-half per cent per month from the due date until the 20455  
date of payment. 20456

There is hereby created the compliant dam discount program to 20457  
be administered by the chief of the division of water resources. 20458  
Under the program, the chief may reduce the amount of the annual 20459  
fee that an owner of a dam is required to pay in accordance with 20460  
rules adopted by the chief under division ~~(A)(1), (2), or (3)~~ (B) 20461

of this section if the owner is in compliance with section 20462  
1521.062 of the Revised Code and has developed an emergency action 20463  
plan pursuant to standards established in rules adopted under this 20464  
section. The chief shall not discount an annual fee by more than 20465  
twenty-five per cent of the total annual fee that is due. In 20466  
addition, the chief shall not discount the annual fee that is due 20467  
from the owner of a dam who has been assessed a penalty under this 20468  
section. 20469

(B)(1) The chief shall, in accordance with Chapter 119. of 20470  
the Revised Code and subject to the prior approval of the director 20471  
of natural resources, adopt, and may amend or rescind, rules for 20472  
the collection of fees and the administration, implementation, and 20473  
enforcement of this section ~~and~~. 20474

(2) The chief shall, in accordance with Chapter 119. of the 20475  
Revised Code, adopt rules for the establishment of an annual fee 20476  
schedule in lieu of the schedule established in division (A) for 20477  
purposes of this section. 20478

(3) The annual fee schedule must be based on the height of 20479  
the dam, the linear foot length of the dam, and the per-acre foot 20480  
of volume of water impounded by the dam. For purposes of this 20481  
section, the height of a dam is the vertical height, to the 20482  
nearest foot, as determined by the division under section 1521.062 20483  
of the Revised Code. 20484

(C)(1) No person, political subdivision, or state 20485  
governmental agency shall violate or fail to comply with this 20486  
section or any rule or order adopted or issued under it. 20487

(2) The attorney general, upon written request of the chief, 20488  
may commence an action against any such violator. Any action under 20489  
division (C)(2) of this section is a civil action. 20490

(D) As used in this section, "political subdivision" includes 20491  
townships, municipal corporations, counties, school districts, 20492

municipal universities, park districts, sanitary districts, and 20493  
conservancy districts and subdivisions thereof. 20494

**Sec. 1561.14.** A person who applies for a certificate as a 20495  
mine electrician shall be able to read and write the English 20496  
language, and prior to the date of the application for examination 20497  
either shall have had at least one year's experience in performing 20498  
electrical work underground in a coal mine, in the surface work 20499  
area of an underground coal mine, in a surface coal mine, or in a 20500  
noncoal mine, or shall have had such experience as the chief of 20501  
the division of mineral resources management determines to be 20502  
equivalent. Each applicant for examination shall pay a fee of ten 20503  
dollars to the chief on the first day of the examination. Any 20504  
~~moneys~~ money collected under this section shall be paid into the 20505  
state treasury to the credit of the mining regulation and safety 20506  
fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 20507

**Sec. 1561.16.** (A) As used in this section and sections 20508  
1561.17 to 1561.21 of the Revised Code, "actual practical 20509  
experience" means previous employment that involved a person's 20510  
regular presence in the type of mining operation in which the 20511  
experience is required to exist; participation in functions 20512  
relating to the hazards involved in and the utilization of 20513  
equipment, tools, and work crews and individuals for that type of 20514  
mining; and regular exposure to the methods, procedures, and 20515  
safety laws applicable to that type of mining. Credit of up to one 20516  
year for a portion of the required experience time may be given 20517  
upon documentation to the chief of the division of mineral 20518  
resources management of an educational degree in a field related 20519  
to mining. Credit of up to two years of the required experience 20520  
time may be given upon presentation to the chief of proof of 20521  
graduation from an accredited school of mines or mining after a 20522  
four-year course of study with employment in the mining industry 20523

during interim breaks during the school years. 20524

(B) A person who applies for a certificate as a mine 20525  
foreperson of gaseous mines shall be able to read and write the 20526  
English language; shall have had at least five years' actual 20527  
practical experience in the underground workings of a gaseous mine 20528  
or the equivalent thereof in the judgment of the chief; and shall 20529  
have had practical experience obtained by actual contact with gas 20530  
in mines and have knowledge of the dangers and nature of noxious 20531  
and explosive gases and ventilation of gaseous mines. An applicant 20532  
for a certificate as a foreperson of gaseous mines shall meet the 20533  
same requirements, except that the applicant shall have had at 20534  
least three years' actual practical experience in the underground 20535  
workings of a gaseous mine or the equivalent thereof in the 20536  
judgment of the chief. Each applicant for examination shall pay a 20537  
fee established in rules adopted under this section to the chief 20538  
on the first day of such examination. 20539

(C) A person who has been issued a certificate as a mine 20540  
foreperson or a foreperson of a gaseous mine and who has not 20541  
worked in an underground coal mine for a period of more than two 20542  
calendar years shall apply for and obtain recertification from the 20543  
chief in accordance with rules adopted under this section before 20544  
performing the duties of a mine foreperson or a foreperson of a 20545  
gaseous mine. An applicant for recertification shall pay a fee 20546  
established in rules adopted under this section at the time of 20547  
application for recertification. 20548

(D) A person who has been issued a certificate as a mine 20549  
foreperson or a foreperson of a gaseous mine and who has not 20550  
worked in an underground coal mine for a period of one or more 20551  
calendar years shall successfully complete a retraining course in 20552  
accordance with rules adopted under this section before performing 20553  
the duties of a mine foreperson or a foreperson of a gaseous mine. 20554

(E) The chief, in consultation with a statewide association 20555

representing the coal mining industry and a statewide association 20556  
representing employees of coal mines, shall adopt rules in 20557  
accordance with Chapter 119. of the Revised Code that do all of 20558  
the following: 20559

(1) Prescribe requirements, criteria, and procedures for the 20560  
recertification of a mine foreperson or a foreperson of a gaseous 20561  
mine who has not worked in an underground coal mine for a period 20562  
of more than two calendar years; 20563

(2) Prescribe requirements, criteria, and procedures for the 20564  
retraining of a mine foreperson or a foreperson of a gaseous mine 20565  
who has not worked in an underground coal mine for a period of one 20566  
or more calendar years; 20567

(3) Establish fees for the examination and recertification of 20568  
mine forepersons or forepersons of gaseous mines under this 20569  
section; 20570

(4) Prescribe any other requirements, criteria, and 20571  
procedures that the chief determines are necessary to administer 20572  
this section. 20573

(F) Any ~~moneys~~ money collected under this section shall be 20574  
paid into the state treasury to the credit of the mining 20575  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 20576  
the Revised Code. 20577

**Sec. 1561.17.** (A) A person who applies for a certificate as 20578  
mine foreperson or foreperson of nongaseous mines shall be able to 20579  
read and write the English language; shall have had at least three 20580  
years' actual practical experience in mines, or the equivalent 20581  
thereof in the judgment of the chief of the division of mineral 20582  
resources management; and shall have knowledge of the dangers and 20583  
nature of noxious gases. Each applicant for examination shall pay 20584  
a fee established in rules adopted under this section to the chief 20585

on the first day of the examination. 20586

(B) A person who has been issued a certificate as a mine 20587  
foreperson or a foreperson of a nongaseous coal mine and who has 20588  
not worked in an underground coal mine for a period of more than 20589  
two calendar years shall apply for and obtain recertification from 20590  
the chief in accordance with rules adopted under this section 20591  
before performing the duties of a mine foreperson or a foreperson 20592  
of a nongaseous coal mine. An applicant for recertification shall 20593  
pay a fee established in rules adopted under this section at the 20594  
time of application for recertification. 20595

(C) A person who has been issued a certificate as a mine 20596  
foreperson or a foreperson of a nongaseous coal mine and who has 20597  
not worked in an underground coal mine for a period of one or more 20598  
calendar years shall successfully complete a retraining course in 20599  
accordance with rules adopted under this section before performing 20600  
the duties of a mine foreperson or a foreperson of a nongaseous 20601  
coal mine. 20602

(D) The chief, in consultation with a statewide association 20603  
representing the coal mining industry and a statewide association 20604  
representing employees of coal mines, shall adopt rules in 20605  
accordance with Chapter 119. of the Revised Code that do all of 20606  
the following: 20607

(1) Prescribe requirements, criteria, and procedures for the 20608  
recertification of a mine foreperson or a foreperson of a 20609  
nongaseous coal mine who has not worked in an underground coal 20610  
mine for a period of more than two calendar years; 20611

(2) Prescribe requirements, criteria, and procedures for the 20612  
retraining of a mine foreperson or a foreperson of a nongaseous 20613  
coal mine who has not worked in an underground coal mine for a 20614  
period of one or more calendar years; 20615

(3) Establish fees for the examination and recertification of 20616

mine forepersons or forepersons of nongaseous coal mines under 20617  
this section; 20618

(4) Prescribe any other requirements, criteria, and 20619  
procedures that the chief determines are necessary to administer 20620  
this section. 20621

(E) Any ~~moneys~~ money collected under this section shall be 20622  
paid into the state treasury to the credit of the mining 20623  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 20624  
the Revised Code. 20625

**Sec. 1561.18.** A person who applies for a certificate as a 20626  
foreperson of surface maintenance facilities at underground or 20627  
surface mines shall be able to read and write the English language 20628  
and shall have had at least three years' actual practical 20629  
experience in or around the surface maintenance facilities of 20630  
underground or surface mines or the equivalent thereof in the 20631  
judgment of the chief of the division of mineral resources 20632  
management. Each applicant for examination shall pay a fee of ten 20633  
dollars to the chief on the first day of the examination. Any 20634  
~~moneys~~ money collected under this section shall be paid into the 20635  
state treasury to the credit of the mining regulation and safety 20636  
fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 20637

**Sec. 1561.19.** A person who applies for a certificate as a 20638  
mine foreperson of surface mines shall be able to read and write 20639  
the English language and shall have had at least five years' 20640  
actual practical experience in surface mines. An applicant for a 20641  
certificate as a foreperson of surface mines shall meet the same 20642  
requirements, except that the applicant shall have had at least 20643  
three years' actual practical experience in surface mines or the 20644  
equivalent thereof in the judgment of the chief of the division of 20645  
mineral resources management. Each applicant for examination shall 20646

pay a fee of ten dollars to the chief on the first day of the 20647  
examination. Any ~~moneys~~ money collected under this section shall 20648  
be paid into the state treasury to the credit of the mining 20649  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 20650  
the Revised Code. 20651

**Sec. 1561.20.** A person who applies for a certificate as a 20652  
surface mine blaster shall be able to read and write the English 20653  
language; shall have had at least one year's actual practical 20654  
experience in surface mines or the equivalent thereof in the 20655  
judgment of the chief of the division of mineral resources 20656  
management; shall have knowledge of the dangers and nature of the 20657  
use of explosives, related equipment, and blasting techniques; and 20658  
shall have knowledge of safety laws and rules, including those 20659  
related to the storage, use, and transportation of explosives. 20660  
Each applicant for examination shall pay a fee of ten dollars to 20661  
the chief on the first day of the examination. Any ~~moneys~~ money 20662  
collected under this section shall be paid into the state treasury 20663  
to the credit of the mining regulation and safety fund created in 20664  
section ~~1561.48~~ 1513.30 of the Revised Code. 20665

**Sec. 1561.21.** A person who applies for a certificate as a 20666  
shot firer shall be able to read and write the English language; 20667  
shall have had at least one year's actual practical experience in 20668  
the underground workings of mines or the equivalent thereof in the 20669  
judgment of the chief of the division of mineral resources 20670  
management; shall have knowledge of the dangers and nature of 20671  
noxious and explosive gases; shall have knowledge of the dangers 20672  
and nature of the use of explosives, related equipment, and 20673  
blasting techniques; and shall have knowledge of safety laws and 20674  
rules, including those related to the underground storage, use, 20675  
and transportation of explosives. Each applicant for examination 20676  
shall pay a fee of ten dollars to the chief on the first day of 20677

the examination. Any ~~moneys~~ money collected under this section 20678  
shall be paid into the state treasury to the credit of the mining 20679  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 20680  
the Revised Code. 20681

Any person who possesses a mine foreperson or foreperson 20682  
certificate issued by the chief shall be considered certified as a 20683  
shot firer. 20684

**Sec. 1561.22.** A person who applies for a certificate as fire 20685  
boss shall be able to read and write the English language; shall 20686  
have had at least three years' actual practical experience in the 20687  
underground workings of a gaseous mine or the equivalent thereof 20688  
in the judgment of the chief of the division of mineral resources 20689  
management; and shall have knowledge of the dangers and nature of 20690  
noxious and explosive gases gained by actual contact with gas in 20691  
mines and ventilation of gaseous mines. Each applicant for 20692  
examination shall pay a fee of ten dollars to the chief on the 20693  
first day of the examination. Any ~~moneys~~ money collected under 20694  
this section shall be paid into the state treasury to the credit 20695  
of the mining regulation and safety fund created in section 20696  
~~1561.48~~ 1513.30 of the Revised Code. 20697

**Sec. 1561.26.** (A) As used in this section: 20698

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 20699  
meanings as in section 4765.01 of the Revised Code. 20700

(2) "Mine medical responder" has the same meaning as in 20701  
section 1565.15 of the Revised Code. 20702

(B) The superintendent of rescue stations, with the approval 20703  
of the chief of the division of mineral resources management, 20704  
shall, at each rescue station provided for in section 1561.25 of 20705  
the Revised Code, train and employ rescue crews of six members 20706  
each, one of whom shall hold a mine foreperson or fire boss 20707

certificate and be designated captain, and train and employ any 20708  
number of such rescue crews as the superintendent believes 20709  
necessary. One member of a rescue crew shall be certified as an 20710  
EMT-basic, EMT-I, mine medical responder, or paramedic. Each 20711  
member of a rescue crew shall devote the time specified by the 20712  
chief each month for training purposes and shall be available at 20713  
all times to assist in rescue work at explosions, mine fires, and 20714  
other emergencies. 20715

A captain of mine rescue crews shall receive for service as 20716  
captain the sum of twenty-four dollars per month, and each member 20717  
shall receive the sum of twenty dollars per month, all payable on 20718  
requisition approved by the chief. When engaged in rescue work at 20719  
explosions, mine fires, or other emergencies away from their 20720  
station, the members of the rescue crews and captains of the same 20721  
shall be paid the sum of six dollars per hour for work on the 20722  
surface, which includes the time consumed by those members in 20723  
traveling to and from the scene of the emergency when the scene is 20724  
away from the station of the members, and the sum of seven dollars 20725  
per hour for all work underground at the emergency, and in 20726  
addition thereto, the necessary living expenses of the members 20727  
when the emergency is away from their home station, all payable on 20728  
requisition approved by the chief. 20729

Each member of a mine rescue crew shall undergo an annual 20730  
medical examination. The chief may designate to perform an 20731  
examination any individual authorized by the Revised Code to do 20732  
so, including a physician assistant, a clinical nurse specialist, 20733  
a certified nurse practitioner, or a certified nurse-midwife. In 20734  
designating the individual to perform a medical examination, the 20735  
chief shall choose one near the station of the member of the 20736  
rescue crews. The examiner shall report the examination results to 20737  
the chief and if, in the opinion of the chief, the report 20738  
indicates that the member is physically unfit for further 20739

services, the chief shall relieve the member from further duty. 20740  
The fee charged by the examiner for the examination shall be paid 20741  
in the same manner as fees are paid to doctors employed by the 20742  
industrial commission for special medical examinations. 20743

The chief may remove any member of a rescue crew for any 20744  
reason. Such crews shall be subject to the orders of the chief, 20745  
the superintendent, and the deputy mine inspectors when engaged in 20746  
actual mine rescue work. Mine rescue crews shall, in case of death 20747  
or injury when engaged in rescue work, wherever the same may 20748  
occur, be paid compensation, or their dependents shall be paid 20749  
death benefits, from the workers' compensation fund, in the same 20750  
manner as other employees of the state. 20751

(C) In addition to the training of rescue crews, each 20752  
assistant superintendent of rescue stations, with the approval of 20753  
the superintendent, shall provide for and conduct safety, first 20754  
aid, and rescue classes at any mine or for any group of miners who 20755  
make application for the conducting of such classes. The chief may 20756  
assess a fee for safety and first aid classes for the purpose of 20757  
covering the costs associated with providing those classes. The 20758  
chief shall establish a fee schedule for safety and first aid 20759  
classes by rule adopted in accordance with Chapter 119. of the 20760  
Revised Code. Fees collected under this section shall be deposited 20761  
in the ~~surface~~ mining regulation and safety fund created in 20762  
section ~~1514.06~~ 1513.30 of the Revised Code. 20763

The superintendent shall prescribe and provide for a uniform 20764  
schedule of conducting such safety and rescue classes as will 20765  
provide a competent knowledge of modern safety and rescue methods 20766  
in, at, and about mines. 20767

(D) No member of a mine rescue crew who performs mine rescue 20768  
at an underground coal mine and no operator of a mine whose 20769  
employee participates as a member of such a mine rescue crew is 20770  
liable in any civil action that arises under the laws of this 20771

state for damage or injury caused in the performance of rescue 20772  
work at an underground coal mine. However, a member of such a mine 20773  
rescue crew may be liable if the member acted with malicious 20774  
purpose, in bad faith, or in a wanton or reckless manner. 20775

This division does not eliminate, limit, or reduce any 20776  
immunity from civil liability that is conferred on a member of 20777  
such a mine rescue crew or an operator by any other provision of 20778  
the Revised Code or by case law. 20779

**Sec. 1561.45.** Fines collected by reason of prosecutions under 20780  
this chapter and Chapters 1563., 1565., and 1567. of the Revised 20781  
Code shall be paid to the chief of the division of mineral 20782  
resources management, and by the chief paid into the state 20783  
treasury to the credit of the mining regulation and safety fund 20784  
created in section ~~1561.48~~ 1513.30 of the Revised Code. 20785

**Sec. 1561.46.** Fees received by the chief of the division of 20786  
mineral resources management under sections 1561.16 to 1561.22 of 20787  
the Revised Code shall be paid by the chief into the state 20788  
treasury to the credit of the mining regulation and safety fund 20789  
created in section ~~1561.48~~ 1513.30 of the Revised Code. 20790

**Sec. 1561.48.** All ~~moneys~~ money collected under sections 20791  
1561.14, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 20792  
1561.22, 1561.45, and 1561.46 of the Revised Code shall be paid 20793  
into the state treasury to the credit of the mining regulation and 20794  
safety fund, ~~which is hereby~~ created by section 1513.30 of the 20795  
Revised Code. The department of natural resources shall use the 20796  
~~moneys~~ money in the fund to pay the operating expenses of the 20797  
division of mineral resources management. 20798

**Sec. 1721.01.** A company or association incorporated for 20799  
cemetery purposes may appropriate or otherwise acquire, and may 20800

hold, not more than six hundred forty acres of land at any one 20801  
location, which shall be exempt from execution, and from being 20802  
appropriated for any public purpose, except as otherwise provided 20803  
in this section, ~~and from taxation, if held exclusively for~~ 20804  
~~cemetery or burial purposes, and with no view to profit.~~ A company 20805  
or association of that nature may own land at multiple locations, 20806  
and as many as six hundred forty acres owned at each location in 20807  
accordance with this section are entitled to the exemptions 20808  
specified in this section. 20809

Lands of cemetery associations not containing graves or not 20810  
containing graves that are in use as such on the date a written 20811  
notice, as provided in this section, is served upon the officers 20812  
of a cemetery, shall be subject to appropriation for highway or 20813  
street purposes if an appropriation commences within four years of 20814  
the serving of the notice. For such purposes said lands shall be 20815  
subject to the exercise of the right of eminent domain by the 20816  
municipal corporation in which such lands are located, by the 20817  
board of county commissioners of the county in which such lands 20818  
are located, or by the director of transportation under the same 20819  
conditions and in the same manner as any private property; and, if 20820  
any burial occurs within the area specifically designated in the 20821  
written notice, the appropriating agency shall have the same 20822  
powers with respect to such burial as are given to a board of 20823  
township trustees by section 517.21 of the Revised Code and shall 20824  
pay any costs resulting from the exercise of these powers. This 20825  
section shall not be construed as authorizing an appropriating 20826  
agency to exercise the powers specified by section 517.21 of the 20827  
Revised Code in any part of a cemetery other than the area 20828  
specifically designated in the written notice. 20829

The appropriating agency shall serve upon the officers or 20830  
agents having control of a cemetery a written notice that a 20831  
specifically designated area of the cemetery may be needed for 20832

highway purposes. No such notice may be served more than once. 20833

Such appropriation proceedings shall be made in the manner 20834  
provided for in sections 163.01 to 163.22 of the Revised Code or, 20835  
if by the director of transportation, as otherwise provided by 20836  
law. 20837

The board of trustees of such company or association, 20838  
whenever in its opinion any portion of such lands is unsuitable 20839  
for burial purposes, may sell and convey by deed in fee simple, in 20840  
such manner, and upon such terms, as are provided by resolution of 20841  
such board, any such portion of said lands, and apply the proceeds 20842  
thereof to the general purposes of the company or association; but 20843  
on such sale being made, the lands so sold shall be returned by 20844  
the board to the auditor of the proper county and placed by that 20845  
auditor upon the grand tax list and duplicate of real and public 20846  
utility property for taxation. 20847

Such company or association may also take, set aside, or hold 20848  
any personal property received by it from any source for cemetery 20849  
purposes; and if such company or association is incorporated not 20850  
for profit, all personal property, including the income therefrom, 20851  
owned or held by it, or for its use, for cemetery purposes and 20852  
with no view to profit, shall be exempt from execution, from being 20853  
appropriated for any public purpose, and from taxation, and no tax 20854  
shall be assessed upon any personal property or the income 20855  
therefrom expressly exempted under this section. 20856

~~This chapter does not authorize the exemption of real 20857  
property used for a funeral home or any other activity not 20858  
permitted to be conducted by a cemetery association exempt from 20859  
taxation under section 501(c)(13) of the "Internal Revenue Code of 20860  
1954," 26 U.S.C.A. 501, or any successor provision. 20861~~

All exemptions ~~from taxation~~ provided for in this section 20862  
shall be in addition to such other exemptions ~~from taxation~~ as a 20863

company or association incorporated for cemetery purposes, or its 20864  
real or personal property, has under any other provisions of the 20865  
Revised Code. 20866

**Sec. 1721.10.** Except as otherwise provided in this section, 20867  
lands appropriated and set apart as burial grounds, either for 20868  
public or for private use, and recorded or filed as such in the 20869  
office of the county recorder of the county where they are 20870  
situated, and any burial ground that has been used as such for 20871  
fifteen years are exempt from sale on execution on a judgment, 20872  
~~taxation,~~ dower, and compulsory partition; but land appropriated 20873  
and set apart as a private burial ground is not so exempt if it 20874  
exceeds in value the sum of fifty dollars. 20875

The lien for taxes against such burial grounds may be 20876  
enforced in the same manner prescribed for abandoned lands under 20877  
sections 323.65 to 323.79 of the Revised Code except that the 20878  
burial ground may be transferred only to a municipal corporation, 20879  
county, or township under division (D) of section 323.74 of the 20880  
Revised Code. No burial ground that is otherwise exempt from sale 20881  
or execution under this section shall be offered for sale at 20882  
public auction. 20883

**Sec. 1923.02.** (A) Proceedings under this chapter may be had 20884  
as follows: 20885

(1) Against tenants or manufactured home park residents 20886  
holding over their terms; 20887

(2) Against tenants or manufactured home park residents in 20888  
possession under an oral tenancy, who are in default in the 20889  
payment of rent as provided in division (B) of this section; 20890

(3) In sales of real estate, on executions, orders, or other 20891  
judicial process, when the judgment debtor was in possession at 20892  
the time of the rendition of the judgment or decree, by virtue of 20893

which the sale was made; 20894

(4) In sales by executors, administrators, or guardians, and 20895  
on partition, when any of the parties to the complaint were in 20896  
possession at the commencement of the action, after the sales, so 20897  
made on execution or otherwise, have been examined by the proper 20898  
court and adjudged legal; 20899

(5) When the defendant is an occupier of lands or tenements, 20900  
without color of title, and the complainant has the right of 20901  
possession to them; 20902

(6) In any other case of the unlawful and forcible detention 20903  
of lands or tenements. For purposes of this division, in addition 20904  
to any other type of unlawful and forcible detention of lands or 20905  
tenements, such a detention may be determined to exist when both 20906  
of the following apply: 20907

(a) A tenant fails to vacate residential premises within 20908  
three days after both of the following occur: 20909

(i) The tenant's landlord has actual knowledge of or has 20910  
reasonable cause to believe that the tenant, any person in the 20911  
tenant's household, or any person on the premises with the consent 20912  
of the tenant previously has or presently is engaged in a 20913  
violation of Chapter 2925. or 3719. of the Revised Code, or of a 20914  
municipal ordinance that is substantially similar to any section 20915  
in either of those chapters, which involves a controlled substance 20916  
and which occurred in, is occurring in, or otherwise was or is 20917  
connected with the premises, whether or not the tenant or other 20918  
person has been charged with, has pleaded guilty to or been 20919  
convicted of, or has been determined to be a delinquent child for 20920  
an act that, if committed by an adult, would be a violation as 20921  
described in this division. For purposes of this division, a 20922  
landlord has "actual knowledge of or has reasonable cause to 20923  
believe" that a tenant, any person in the tenant's household, or 20924

any person on the premises with the consent of the tenant 20925  
previously has or presently is engaged in a violation as described 20926  
in this division if a search warrant was issued pursuant to 20927  
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 20928  
affidavit presented to obtain the warrant named or described the 20929  
tenant or person as the individual to be searched and particularly 20930  
described the tenant's premises as the place to be searched, named 20931  
or described one or more controlled substances to be searched for 20932  
and seized, stated substantially the offense under Chapter 2925. 20933  
or 3719. of the Revised Code or the substantially similar 20934  
municipal ordinance that occurred in, is occurring in, or 20935  
otherwise was or is connected with the tenant's premises, and 20936  
states the factual basis for the affiant's belief that the 20937  
controlled substances are located on the tenant's premises; the 20938  
warrant was properly executed by a law enforcement officer and any 20939  
controlled substance described in the affidavit was found by that 20940  
officer during the search and seizure; and, subsequent to the 20941  
search and seizure, the landlord was informed by that or another 20942  
law enforcement officer of the fact that the tenant or person has 20943  
or presently is engaged in a violation as described in this 20944  
division and it occurred in, is occurring in, or otherwise was or 20945  
is connected with the tenant's premises. 20946

(ii) The landlord gives the tenant the notice required by 20947  
division (C) of section 5321.17 of the Revised Code. 20948

(b) The court determines, by a preponderance of the evidence, 20949  
that the tenant, any person in the tenant's household, or any 20950  
person on the premises with the consent of the tenant previously 20951  
has or presently is engaged in a violation as described in 20952  
division (A)(6)(a)(i) of this section. 20953

(7) In cases arising out of Chapter 5313. of the Revised 20954  
Code. In those cases, the court has the authority to declare a 20955  
forfeiture of the vendee's rights under a land installment 20956

contract and to grant any other claims arising out of the 20957  
contract. 20958

(8) Against tenants who have breached an obligation that is 20959  
imposed by section 5321.05 of the Revised Code, other than the 20960  
obligation specified in division (A)(9) of that section, and that 20961  
materially affects health and safety. Prior to the commencement of 20962  
an action under this division, notice shall be given to the tenant 20963  
and compliance secured with section 5321.11 of the Revised Code. 20964

(9) Against tenants who have breached an obligation imposed 20965  
upon them by a written rental agreement; 20966

(10) Against manufactured home park residents who have 20967  
defaulted in the payment of rent or breached the terms of a rental 20968  
agreement with a park operator. Nothing in this division precludes 20969  
the commencement of an action under division (A)(12) of this 20970  
section when the additional circumstances described in that 20971  
division apply. 20972

(11) Against manufactured home park residents who have 20973  
committed two material violations of the rules of the manufactured 20974  
home park, of the ~~manufactured homes commission~~ division of 20975  
industrial compliance of the department of commerce, or of 20976  
applicable state and local health and safety codes and who have 20977  
been notified of the violations in compliance with section 4781.45 20978  
of the Revised Code; 20979

(12) Against a manufactured home park resident, or the estate 20980  
of a manufactured home park resident, who as a result of death or 20981  
otherwise has been absent from the manufactured home park for a 20982  
period of thirty consecutive days prior to the commencement of an 20983  
action under this division and whose manufactured home or mobile 20984  
home, or recreational vehicle that is parked in the manufactured 20985  
home park, has been left unoccupied for that thirty-day period, 20986  
without notice to the park operator and without payment of rent 20987

due under the rental agreement with the park operator; 20988

(13) Against occupants of self-service storage facilities, as 20989  
defined in division (A) of section 5322.01 of the Revised Code, 20990  
who have breached the terms of a rental agreement or violated 20991  
section 5322.04 of the Revised Code; 20992

(14) Against any resident or occupant who, pursuant to a 20993  
rental agreement, resides in or occupies residential premises 20994  
located within one thousand feet of any school premises or 20995  
preschool or child day-care center premises and to whom both of 20996  
the following apply: 20997

(a) The resident's or occupant's name appears on the state 20998  
registry of sex offenders and child-victim offenders maintained 20999  
under section 2950.13 of the Revised Code. 21000

(b) The state registry of sex offenders and child-victim 21001  
offenders indicates that the resident or occupant was convicted of 21002  
or pleaded guilty to a sexually oriented offense or a child-victim 21003  
oriented offense in a criminal prosecution and was not sentenced 21004  
to a serious youthful offender dispositional sentence for that 21005  
offense. 21006

(15) Against any tenant who permits any person to occupy 21007  
residential premises located within one thousand feet of any 21008  
school premises or preschool or child day-care center premises if 21009  
both of the following apply to the person: 21010

(a) The person's name appears on the state registry of sex 21011  
offenders and child-victim offenders maintained under section 21012  
2950.13 of the Revised Code. 21013

(b) The state registry of sex offenders and child-victim 21014  
offenders indicates that the person was convicted of or pleaded 21015  
guilty to a sexually oriented offense or a child-victim oriented 21016  
offense in a criminal prosecution and was not sentenced to a 21017  
serious youthful offender dispositional sentence for that offense. 21018

(B) If a tenant or manufactured home park resident holding 21019  
under an oral tenancy is in default in the payment of rent, the 21020  
tenant or resident forfeits the right of occupancy, and the 21021  
landlord may, at the landlord's option, terminate the tenancy by 21022  
notifying the tenant or resident, as provided in section 1923.04 21023  
of the Revised Code, to leave the premises, for the restitution of 21024  
which an action may then be brought under this chapter. 21025

(C)(1) If a tenant or any other person with the tenant's 21026  
permission resides in or occupies residential premises that are 21027  
located within one thousand feet of any school premises and is a 21028  
resident or occupant of the type described in division (A)(14) of 21029  
this section or a person of the type described in division (A)(15) 21030  
of this section, the landlord for those residential premises, upon 21031  
discovery that the tenant or other person is a resident, occupant, 21032  
or person of that nature, may terminate the rental agreement or 21033  
tenancy for those residential premises by notifying the tenant and 21034  
all other occupants, as provided in section 1923.04 of the Revised 21035  
Code, to leave the premises. 21036

(2) If a landlord is authorized to terminate a rental 21037  
agreement or tenancy pursuant to division (C)(1) of this section 21038  
but does not so terminate the rental agreement or tenancy, the 21039  
landlord is not liable in a tort or other civil action in damages 21040  
for any injury, death, or loss to person or property that 21041  
allegedly result from that decision. 21042

(D) This chapter does not apply to a student tenant as 21043  
defined by division (H) of section 5321.01 of the Revised Code 21044  
when the college or university proceeds to terminate a rental 21045  
agreement pursuant to section 5321.031 of the Revised Code. 21046

**Sec. 2135.01.** As used in sections 2135.01 to 2135.14 of the 21047  
Revised Code: 21048

(A) "Adult" means a person who is eighteen years of age or 21049

older.	21050
(B) "Capacity to consent to mental health treatment decisions" means the functional ability to understand information about the risks of, benefits of, and alternatives to the proposed mental health treatment, to rationally use that information, to appreciate how that information applies to the declarant, and to express a choice about the proposed treatment.	21051 21052 21053 21054 21055 21056
(C) "Declarant" means an adult who has executed a declaration for mental health treatment in accordance with this chapter.	21057 21058
(D) "Declaration for mental health treatment" or "declaration" means a written document declaring preferences or instructions regarding mental health treatment executed in accordance with this chapter.	21059 21060 21061 21062
(E) "Designated physician" means the physician the declarant has named in a declaration for mental health treatment and has assigned the primary responsibility for the declarant's mental health treatment or, if the declarant has not so named a physician, the physician who has accepted that responsibility.	21063 21064 21065 21066 21067
(F) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.	21068 21069 21070
(G) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition or physical or mental health.	21071 21072 21073
(H) "Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	21074 21075
(I) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	21076 21077
(J) "Informed consent" means consent voluntarily given by a person after a sufficient explanation and disclosure of the	21078 21079

subject matter involved to enable that person to have a general 21080  
understanding of the nature, purpose, and goal of the treatment or 21081  
procedures, including the substantial risks and hazards inherent 21082  
in the proposed treatment or procedures and any alternative 21083  
treatment or procedures, and to make a knowing health care 21084  
decision without coercion or undue influence. 21085

(K) "Medical record" means any document or combination of 21086  
documents that pertains to a declarant's medical history, 21087  
diagnosis, prognosis, or medical condition and that is generated 21088  
and maintained in the process of the declarant's health care. 21089

(L) "Mental health treatment" means any care, treatment, 21090  
service, or procedure to maintain, diagnose, or treat an 21091  
individual's mental condition or mental health, including, but not 21092  
limited to, electroconvulsive or other convulsive treatment, 21093  
treatment of mental illness with medication, and admission to and 21094  
retention in a health care facility. 21095

(M) "Mental health treatment decision" means informed 21096  
consent, refusal to give informed consent, or withdrawal of 21097  
informed consent to mental health treatment. 21098

(N) "Mental health treatment provider" means physicians, 21099  
physician assistants, psychologists, licensed independent social 21100  
workers, licensed professional clinical counselors, and 21101  
psychiatric nurses. 21102

(O) "Physician" means a person who is authorized under 21103  
Chapter 4731. of the Revised Code to practice medicine and surgery 21104  
or osteopathic medicine and surgery. 21105

(P) "Professional disciplinary action" means action taken by 21106  
the board or other entity that regulates the professional conduct 21107  
of health care personnel, including, but not limited to, the state 21108  
medical board, the state behavioral health and social work board 21109  
~~of psychology~~, and the state board of nursing. 21110

(Q) "Proxy" means an adult designated to make mental health treatment decisions for a declarant under a valid declaration for mental health treatment.

(R) "Psychiatric nurse" means a registered nurse who holds a master's degree or doctorate in nursing with a specialization in psychiatric nursing.

(S) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

(T) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

(U) "Registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(V) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for a breach of contract or another agreement between persons.

**Sec. 2151.43.** In cases against an adult under sections 2151.01 to 2151.54 of the Revised Code, any person may file an affidavit with the clerk of the juvenile court setting forth briefly, in plain and ordinary language, the charges against the accused who shall be tried thereon. When the child is a recipient of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised Code, the county department of job and family services shall file charges against any person who fails to provide support to a child in violation of section 2919.21 of the Revised Code, unless the department files charges under section 3113.06 of the Revised Code, or unless charges of nonsupport are filed by a relative or guardian of the child, or unless action to enforce support is brought under Chapter 3115. of the Revised Code.

In such prosecution an indictment by the grand jury or

information by the prosecuting attorney shall not be required. The 21141  
clerk shall issue a warrant for the arrest of the accused, who, 21142  
when arrested, shall be taken before the juvenile judge and tried 21143  
according to such sections. 21144

The affidavit may be amended at any time before or during the 21145  
trial. 21146

The judge may bind such adult over to the grand jury, where 21147  
the act complained of constitutes a felony. 21148

**Sec. 2151.49.** In every case of conviction under sections 21149  
2151.01 to 2151.54 of the Revised Code, where imprisonment is 21150  
imposed as part of the punishment, the juvenile judge may suspend 21151  
sentence, before or during commitment, upon such condition as the 21152  
juvenile judge imposes. In the case of conviction for nonsupport 21153  
of a child who is receiving aid under Chapter 5107. ~~or 5115.~~ of 21154  
the Revised Code, if the juvenile judge suspends sentence on 21155  
condition that the person make payments for support, the payment 21156  
shall be made to the county department of job and family services 21157  
rather than to the child or custodian of the child. 21158

The court, in accordance with sections 3119.29 to 3119.56 of 21159  
the Revised Code, shall include in each support order made under 21160  
this section the requirement that one or both of the parents 21161  
provide for the health care needs of the child to the satisfaction 21162  
of the court. 21163

**Sec. 2301.56.** (A) A facility governing board that proposes or 21164  
establishes one or more community-based correctional facilities 21165  
and programs or district community-based correctional facilities 21166  
and programs may apply to the division of parole and community 21167  
services of the department of rehabilitation and correction for 21168  
state financial assistance for the cost of renovation, 21169  
maintenance, and operation of any of the facilities and programs. 21170

If the facility governing board has proposed or established more than one facility and program and if it desires state financial assistance for more than one of the facilities and programs, the board shall submit a separate application for each facility and program for which it desires the financial assistance.

An application for state financial assistance under this section may be made when the facility governing board submits for approval of the division of parole and community services its proposal for the establishment of the facility and program in question under division (B) of section 2301.51 of the Revised Code, or at any time after the division has approved the proposal. All applications for state financial assistance for proposed or approved facilities and programs shall be made on forms that are prescribed and furnished by the department of rehabilitation and correction, and in accordance with section 5120.112 of the Revised Code.

(B) The facility governing board may submit a request for funding of some or all of its community-based correctional facilities and programs or district community-based correctional facilities and programs to the board of county commissioners of the county, if the facility governing board serves a community-based correctional facility and program, or to the boards of county commissioners of all of the member counties, if the facility governing board serves a district community-based correctional facility and program. The board or boards may appropriate, but are not required to appropriate, a sum of money for funding all aspects of each facility and program as outlined in sections 2301.51 to 2301.58 of the Revised Code. The facility governing board has no recourse against a board or boards of county commissioners if the board or boards of county commissioners do not appropriate money for funding any facility and program or if they appropriate money for funding a facility

and program in an amount less than the total amount of the 21203  
submitted request for funding. 21204

(C) Pursuant to section 2929.37 of the Revised Code, a board 21205  
of county commissioners may require a person who was convicted of 21206  
an offense and who is confined in a community-based correctional 21207  
facility or district community-based correctional facility as 21208  
provided in sections 2301.51 to 2301.58 of the Revised Code to 21209  
reimburse the county for its expenses incurred by reason of the 21210  
person's confinement. 21211

(D)(1) Community-based correctional facilities and programs 21212  
and district community-based correctional facilities and programs 21213  
are public offices under section 117.01 of the Revised Code and 21214  
are subject to audit under section 117.10 of the Revised Code. The 21215  
audits of the facilities and programs shall include financial 21216  
audits and, in addition, in the circumstances specified in this 21217  
division, performance audits by the auditor of state. If a private 21218  
or nonprofit entity performs the day-to-day operation of any 21219  
community-based correctional facility and program or district 21220  
community-based correctional facility and program, the private or 21221  
nonprofit entity also is subject to financial audits under section 21222  
117.10 of the Revised Code, and, in addition, in the circumstances 21223  
specified in this division, to performance audits by the auditor 21224  
of state. The auditor of state shall conduct the performance 21225  
audits of a facility and program and of an entity required under 21226  
section 117.10 of the Revised Code and this division and, 21227  
notwithstanding the time period for audits specified in section 21228  
117.11 of the Revised Code, shall conduct the financial audits of 21229  
a facility and program and of an entity required under section 21230  
117.10 of the Revised Code and this division, in accordance with 21231  
the following criteria: 21232

(a) For each facility and program and each entity, the 21233  
auditor of state shall conduct the initial financial audit within 21234

two years after March 31, 2003, or, if the facility and program in question is established on or after March 31, 2003, within two years after the date on which it is established.

(b) After the initial financial audit described in division (D)(1)(a) of this section, for each facility and program and each entity, the auditor of state shall conduct the financial audits of the facility and program or the entity at least once every two fiscal years.

(c) At any time after March 31, 2003, regarding a facility and program or regarding an entity that performs the day-to-day operation of a facility and program, the department of rehabilitation and correction or the facility governing board that established the facility and program may request, or the auditor of state on its own initiative may undertake, a performance audit of the facility and program or the entity. Upon the receipt of the request, or upon the auditor of state's own initiative as described in this division, the auditor of state shall conduct a performance audit of the facility and program or the entity.

~~(2) The department of rehabilitation and correction~~ Each community-based correctional facility and program, district community-based correctional facility and program, and, to the extent that information is available, private or nonprofit entity that performs the day-to-day operation of any community-based correctional facility and program or district community-based correctional facility and program shall prepare and provide to the auditor of state ~~quarterly~~ an annual financial reports for each ~~community based correctional facility and program, for each district community based correctional facility and program, and, to the extent that information is available, for each private or nonprofit entity that performs the day to day operation of any community based correctional facility and program or district community based correctional facility and program.~~ Each report

~~shall cover a three month period and shall be provided to the~~ 21267  
~~auditor of state not later than fifteen days after the end of the~~ 21268  
~~period covered by the report in accordance with section 117.38 of~~ 21269  
~~the Revised Code.~~ 21270

**Sec. 2305.113.** (A) Except as otherwise provided in this 21271  
section, an action upon a medical, dental, optometric, or 21272  
chiropractic claim shall be commenced within one year after the 21273  
cause of action accrued. 21274

(B)(1) If prior to the expiration of the one-year period 21275  
specified in division (A) of this section, a claimant who 21276  
allegedly possesses a medical, dental, optometric, or chiropractic 21277  
claim gives to the person who is the subject of that claim written 21278  
notice that the claimant is considering bringing an action upon 21279  
that claim, that action may be commenced against the person 21280  
notified at any time within one hundred eighty days after the 21281  
notice is so given. 21282

(2) An insurance company shall not consider the existence or 21283  
nonexistence of a written notice described in division (B)(1) of 21284  
this section in setting the liability insurance premium rates that 21285  
the company may charge the company's insured person who is 21286  
notified by that written notice. 21287

(C) Except as to persons within the age of minority or of 21288  
unsound mind as provided by section 2305.16 of the Revised Code, 21289  
and except as provided in division (D) of this section, both of 21290  
the following apply: 21291

(1) No action upon a medical, dental, optometric, or 21292  
chiropractic claim shall be commenced more than four years after 21293  
the occurrence of the act or omission constituting the alleged 21294  
basis of the medical, dental, optometric, or chiropractic claim. 21295

(2) If an action upon a medical, dental, optometric, or 21296

chiropractic claim is not commenced within four years after the 21297  
occurrence of the act or omission constituting the alleged basis 21298  
of the medical, dental, optometric, or chiropractic claim, then, 21299  
any action upon that claim is barred. 21300

(D)(1) If a person making a medical claim, dental claim, 21301  
optometric claim, or chiropractic claim, in the exercise of 21302  
reasonable care and diligence, could not have discovered the 21303  
injury resulting from the act or omission constituting the alleged 21304  
basis of the claim within three years after the occurrence of the 21305  
act or omission, but, in the exercise of reasonable care and 21306  
diligence, discovers the injury resulting from that act or 21307  
omission before the expiration of the four-year period specified 21308  
in division (C)(1) of this section, the person may commence an 21309  
action upon the claim not later than one year after the person 21310  
discovers the injury resulting from that act or omission. 21311

(2) If the alleged basis of a medical claim, dental claim, 21312  
optometric claim, or chiropractic claim is the occurrence of an 21313  
act or omission that involves a foreign object that is left in the 21314  
body of the person making the claim, the person may commence an 21315  
action upon the claim not later than one year after the person 21316  
discovered the foreign object or not later than one year after the 21317  
person, with reasonable care and diligence, should have discovered 21318  
the foreign object. 21319

(3) A person who commences an action upon a medical claim, 21320  
dental claim, optometric claim, or chiropractic claim under the 21321  
circumstances described in division (D)(1) or (2) of this section 21322  
has the affirmative burden of proving, by clear and convincing 21323  
evidence, that the person, with reasonable care and diligence, 21324  
could not have discovered the injury resulting from the act or 21325  
omission constituting the alleged basis of the claim within the 21326  
three-year period described in division (D)(1) of this section or 21327  
within the one-year period described in division (D)(2) of this 21328

section, whichever is applicable. 21329

(E) As used in this section: 21330

(1) "Hospital" includes any person, corporation, association, 21331  
board, or authority that is responsible for the operation of any 21332  
hospital licensed or registered in the state, including, but not 21333  
limited to, those that are owned or operated by the state, 21334  
political subdivisions, any person, any corporation, or any 21335  
combination of the state, political subdivisions, persons, and 21336  
corporations. "Hospital" also includes any person, corporation, 21337  
association, board, entity, or authority that is responsible for 21338  
the operation of any clinic that employs a full-time staff of 21339  
physicians practicing in more than one recognized medical 21340  
specialty and rendering advice, diagnosis, care, and treatment to 21341  
individuals. "Hospital" does not include any hospital operated by 21342  
the government of the United States or any of its branches. 21343

(2) "Physician" means a person who is licensed to practice 21344  
medicine and surgery or osteopathic medicine and surgery by the 21345  
state medical board or a person who otherwise is authorized to 21346  
practice medicine and surgery or osteopathic medicine and surgery 21347  
in this state. 21348

(3) "Medical claim" means any claim that is asserted in any 21349  
civil action against a physician, podiatrist, hospital, home, or 21350  
residential facility, against any employee or agent of a 21351  
physician, podiatrist, hospital, home, or residential facility, or 21352  
against a licensed practical nurse, registered nurse, advanced 21353  
practice registered nurse, physical therapist, physician 21354  
assistant, emergency medical technician-basic, emergency medical 21355  
technician-intermediate, or emergency medical 21356  
technician-paramedic, and that arises out of the medical 21357  
diagnosis, care, or treatment of any person. "Medical claim" 21358  
includes the following: 21359

(a) Derivative claims for relief that arise from the plan of care, medical diagnosis, or treatment of a person;	21360 21361
(b) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and to which either of the following applies:	21362 21363 21364
(i) The claim results from acts or omissions in providing medical care.	21365 21366
(ii) The claim results from the hiring, training, supervision, retention, or termination of caregivers providing medical diagnosis, care, or treatment.	21367 21368 21369
(c) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and that are brought under section 3721.17 of the Revised Code;	21370 21371 21372
(d) Claims that arise out of skilled nursing care or personal care services provided in a home pursuant to the plan of care, medical diagnosis, or treatment.	21373 21374 21375
(4) "Podiatrist" means any person who is licensed to practice podiatric medicine and surgery by the state medical board.	21376 21377
(5) "Dentist" means any person who is licensed to practice dentistry by the state dental board.	21378 21379
(6) "Dental claim" means any claim that is asserted in any civil action against a dentist, or against any employee or agent of a dentist, and that arises out of a dental operation or the dental diagnosis, care, or treatment of any person. "Dental claim" includes derivative claims for relief that arise from a dental operation or the dental diagnosis, care, or treatment of a person.	21380 21381 21382 21383 21384 21385
(7) "Derivative claims for relief" include, but are not limited to, claims of a parent, guardian, custodian, or spouse of an individual who was the subject of any medical diagnosis, care, or treatment, dental diagnosis, care, or treatment, dental	21386 21387 21388 21389

operation, optometric diagnosis, care, or treatment, or 21390  
chiropractic diagnosis, care, or treatment, that arise from that 21391  
diagnosis, care, treatment, or operation, and that seek the 21392  
recovery of damages for any of the following: 21393

(a) Loss of society, consortium, companionship, care, 21394  
assistance, attention, protection, advice, guidance, counsel, 21395  
instruction, training, or education, or any other intangible loss 21396  
that was sustained by the parent, guardian, custodian, or spouse; 21397

(b) Expenditures of the parent, guardian, custodian, or 21398  
spouse for medical, dental, optometric, or chiropractic care or 21399  
treatment, for rehabilitation services, or for other care, 21400  
treatment, services, products, or accommodations provided to the 21401  
individual who was the subject of the medical diagnosis, care, or 21402  
treatment, the dental diagnosis, care, or treatment, the dental 21403  
operation, the optometric diagnosis, care, or treatment, or the 21404  
chiropractic diagnosis, care, or treatment. 21405

(8) "Registered nurse" means any person who is licensed to 21406  
practice nursing as a registered nurse by the board of nursing. 21407

(9) "Chiropractic claim" means any claim that is asserted in 21408  
any civil action against a chiropractor, or against any employee 21409  
or agent of a chiropractor, and that arises out of the 21410  
chiropractic diagnosis, care, or treatment of any person. 21411  
"Chiropractic claim" includes derivative claims for relief that 21412  
arise from the chiropractic diagnosis, care, or treatment of a 21413  
person. 21414

(10) "Chiropractor" means any person who is licensed to 21415  
practice chiropractic by the state chiropractic board. 21416

(11) "Optometric claim" means any claim that is asserted in 21417  
any civil action against an optometrist, or against any employee 21418  
or agent of an optometrist, and that arises out of the optometric 21419  
diagnosis, care, or treatment of any person. "Optometric claim" 21420

includes derivative claims for relief that arise from the 21421  
optometric diagnosis, care, or treatment of a person. 21422

(12) "Optometrist" means any person licensed to practice 21423  
optometry by the state ~~board of optometry~~ vision and hearing 21424  
professionals board. 21425

(13) "Physical therapist" means any person who is licensed to 21426  
practice physical therapy under Chapter 4755. of the Revised Code. 21427

(14) "Home" has the same meaning as in section 3721.10 of the 21428  
Revised Code. 21429

(15) "Residential facility" means a facility licensed under 21430  
section 5123.19 of the Revised Code. 21431

(16) "Advanced practice registered nurse" has the same 21432  
meaning as in section 4723.01 of the Revised Code. 21433

(17) "Licensed practical nurse" means any person who is 21434  
licensed to practice nursing as a licensed practical nurse by the 21435  
board of nursing pursuant to Chapter 4723. of the Revised Code. 21436

(18) "Physician assistant" means any person who is licensed 21437  
as a physician assistant under Chapter 4730. of the Revised Code. 21438

(19) "Emergency medical technician-basic," "emergency medical 21439  
technician-intermediate," and "emergency medical 21440  
technician-paramedic" means any person who is certified under 21441  
Chapter 4765. of the Revised Code as an emergency medical 21442  
technician-basic, emergency medical technician-intermediate, or 21443  
emergency medical technician-paramedic, whichever is applicable. 21444

(20) "Skilled nursing care" and "personal care services" have 21445  
the same meanings as in section 3721.01 of the Revised Code. 21446

**Sec. 2329.66.** (A) Every person who is domiciled in this state 21447  
may hold property exempt from execution, garnishment, attachment, 21448  
or sale to satisfy a judgment or order, as follows: 21449

(1)(a) In the case of a judgment or order regarding money 21450  
owed for health care services rendered or health care supplies 21451  
provided to the person or a dependent of the person, one parcel or 21452  
item of real or personal property that the person or a dependent 21453  
of the person uses as a residence. Division (A)(1)(a) of this 21454  
section does not preclude, affect, or invalidate the creation 21455  
under this chapter of a judgment lien upon the exempted property 21456  
but only delays the enforcement of the lien until the property is 21457  
sold or otherwise transferred by the owner or in accordance with 21458  
other applicable laws to a person or entity other than the 21459  
surviving spouse or surviving minor children of the judgment 21460  
debtor. Every person who is domiciled in this state may hold 21461  
exempt from a judgment lien created pursuant to division (A)(1)(a) 21462  
of this section the person's interest, not to exceed one hundred 21463  
twenty-five thousand dollars, in the exempted property. 21464

(b) In the case of all other judgments and orders, the 21465  
person's interest, not to exceed one hundred twenty-five thousand 21466  
dollars, in one parcel or item of real or personal property that 21467  
the person or a dependent of the person uses as a residence. 21468

(c) For purposes of divisions (A)(1)(a) and (b) of this 21469  
section, "parcel" means a tract of real property as identified on 21470  
the records of the auditor of the county in which the real 21471  
property is located. 21472

(2) The person's interest, not to exceed three thousand two 21473  
hundred twenty-five dollars, in one motor vehicle; 21474

(3) The person's interest, not to exceed four hundred 21475  
dollars, in cash on hand, money due and payable, money to become 21476  
due within ninety days, tax refunds, and money on deposit with a 21477  
bank, savings and loan association, credit union, public utility, 21478  
landlord, or other person, other than personal earnings. 21479

(4)(a) The person's interest, not to exceed five hundred 21480

twenty-five dollars in any particular item or ten thousand seven 21481  
hundred seventy-five dollars in aggregate value, in household 21482  
furnishings, household goods, wearing apparel, appliances, books, 21483  
animals, crops, musical instruments, firearms, and hunting and 21484  
fishing equipment that are held primarily for the personal, 21485  
family, or household use of the person; 21486

(b) The person's aggregate interest in one or more items of 21487  
jewelry, not to exceed one thousand three hundred fifty dollars, 21488  
held primarily for the personal, family, or household use of the 21489  
person or any of the person's dependents. 21490

(5) The person's interest, not to exceed an aggregate of two 21491  
thousand twenty-five dollars, in all implements, professional 21492  
books, or tools of the person's profession, trade, or business, 21493  
including agriculture; 21494

(6)(a) The person's interest in a beneficiary fund set apart, 21495  
appropriated, or paid by a benevolent association or society, as 21496  
exempted by section 2329.63 of the Revised Code; 21497

(b) The person's interest in contracts of life or endowment 21498  
insurance or annuities, as exempted by section 3911.10 of the 21499  
Revised Code; 21500

(c) The person's interest in a policy of group insurance or 21501  
the proceeds of a policy of group insurance, as exempted by 21502  
section 3917.05 of the Revised Code; 21503

(d) The person's interest in money, benefits, charity, 21504  
relief, or aid to be paid, provided, or rendered by a fraternal 21505  
benefit society, as exempted by section 3921.18 of the Revised 21506  
Code; 21507

(e) The person's interest in the portion of benefits under 21508  
policies of sickness and accident insurance and in lump sum 21509  
payments for dismemberment and other losses insured under those 21510  
policies, as exempted by section 3923.19 of the Revised Code. 21511

(7) The person's professionally prescribed or medically necessary health aids;	21512 21513
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	21514 21515 21516
(9) The person's interest in the following:	21517
(a) Moneys paid or payable for <del>living</del> maintenance or rights, as exempted by section 3304.19 of the Revised Code;	21518 21519
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	21520 21521
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	21522 21523
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	21524 21525
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	21526 21527 21528
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	21529 21530
(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	21531 21532
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 or 2929.194 of the Revised Code, and	21533 21534 21535 21536 21537 21538 21539 21540 21541

only to the extent provided in the order, and except as provided 21542  
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 21543  
and 3123.06 of the Revised Code, the person's rights to or 21544  
interests in a pension, benefit, annuity, retirement allowance, or 21545  
accumulated contributions, the person's rights to or interests in 21546  
a participant account in any deferred compensation program offered 21547  
by the Ohio public employees deferred compensation board, a 21548  
government unit, or a municipal corporation, or the person's other 21549  
accrued or accruing rights or interests, as exempted by section 21550  
143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 21551  
5505.22 of the Revised Code, and the person's rights to or 21552  
interests in benefits from the Ohio public safety officers death 21553  
benefit fund; 21554

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 21555  
3121.03, and 3123.06 of the Revised Code, the person's rights to 21556  
receive or interests in receiving a payment or other benefits 21557  
under any pension, annuity, or similar plan or contract, not 21558  
including a payment or benefit from a stock bonus or 21559  
profit-sharing plan or a payment included in division (A)(6)(b) or 21560  
(10)(a) of this section, on account of illness, disability, death, 21561  
age, or length of service, to the extent reasonably necessary for 21562  
the support of the person and any of the person's dependents, 21563  
except if all the following apply: 21564

(i) The plan or contract was established by or under the 21565  
auspices of an insider that employed the person at the time the 21566  
person's rights or interests under the plan or contract arose. 21567

(ii) The payment is on account of age or length of service. 21568

(iii) The plan or contract is not qualified under the 21569  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 21570  
amended. 21571

(c) Except for any portion of the assets that were deposited 21572

for the purpose of evading the payment of any debt and except as 21573  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 21574  
3123.06 of the Revised Code, the person's rights or interests in 21575  
the assets held in, or to directly or indirectly receive any 21576  
payment or benefit under, any individual retirement account, 21577  
individual retirement annuity, "Roth IRA," account opened pursuant 21578  
to a program administered by a state under section 529 or 529A of 21579  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 21580  
as amended, or education individual retirement account that 21581  
provides payments or benefits by reason of illness, disability, 21582  
death, retirement, or age or provides payments or benefits for 21583  
purposes of education or qualified disability expenses, to the 21584  
extent that the assets, payments, or benefits described in 21585  
division (A)(10)(c) of this section are attributable to or derived 21586  
from any of the following or from any earnings, dividends, 21587  
interest, appreciation, or gains on any of the following: 21588

(i) Contributions of the person that were less than or equal 21589  
to the applicable limits on deductible contributions to an 21590  
individual retirement account or individual retirement annuity in 21591  
the year that the contributions were made, whether or not the 21592  
person was eligible to deduct the contributions on the person's 21593  
federal tax return for the year in which the contributions were 21594  
made; 21595

(ii) Contributions of the person that were less than or equal 21596  
to the applicable limits on contributions to a Roth IRA or 21597  
education individual retirement account in the year that the 21598  
contributions were made; 21599

(iii) Contributions of the person that are within the 21600  
applicable limits on rollover contributions under subsections 219, 21601  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 21602  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 21603  
100 Stat. 2085, 26 U.S.C.A. 1, as amended; 21604

(iv) Contributions by any person into any plan, fund, or 21605  
account that is formed, created, or administered pursuant to, or 21606  
is otherwise subject to, section 529 or 529A of the "Internal 21607  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 21608

(d) Except for any portion of the assets that were deposited 21609  
for the purpose of evading the payment of any debt and except as 21610  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 21611  
3123.06 of the Revised Code, the person's rights or interests in 21612  
the assets held in, or to receive any payment under, any Keogh or 21613  
"H.R. 10" plan that provides benefits by reason of illness, 21614  
disability, death, retirement, or age, to the extent reasonably 21615  
necessary for the support of the person and any of the person's 21616  
dependents. 21617

(e) The person's rights to or interests in any assets held 21618  
in, or to directly or indirectly receive any payment or benefit 21619  
under, any individual retirement account, individual retirement 21620  
annuity, "Roth IRA," account opened pursuant to a program 21621  
administered by a state under section 529 or 529A of the "Internal 21622  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or 21623  
education individual retirement account that a decedent, upon or 21624  
by reason of the decedent's death, directly or indirectly left to 21625  
or for the benefit of the person, either outright or in trust or 21626  
otherwise, including, but not limited to, any of those rights or 21627  
interests in assets or to receive payments or benefits that were 21628  
transferred, conveyed, or otherwise transmitted by the decedent by 21629  
means of a will, trust, exercise of a power of appointment, 21630  
beneficiary designation, transfer or payment on death designation, 21631  
or any other method or procedure. 21632

(f) The exemptions under divisions (A)(10)(a) to (e) of this 21633  
section also shall apply or otherwise be available to an alternate 21634  
payee under a qualified domestic relations order (QDRO) or other 21635  
similar court order. 21636

(g) A person's interest in any plan, program, instrument, or device described in divisions (A)(10)(a) to (e) of this section shall be considered an exempt interest even if the plan, program, instrument, or device in question, due to an error made in good faith, failed to satisfy any criteria applicable to that plan, program, instrument, or device under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(11) The person's right to receive spousal support, child support, an allowance, or other maintenance to the extent reasonably necessary for the support of the person and any of the person's dependents;

(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following:

(a) An award of reparations under sections 2743.51 to 2743.72 of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code;

(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;

(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed twenty thousand two hundred dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;

(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a

dependent, to the extent reasonably necessary for the support of 21668  
the debtor and any of the debtor's dependents. 21669

(13) Except as provided in sections 3119.80, 3119.81, 21670  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 21671  
earnings of the person owed to the person for services in an 21672  
amount equal to the greater of the following amounts: 21673

(a) If paid weekly, thirty times the current federal minimum 21674  
hourly wage; if paid biweekly, sixty times the current federal 21675  
minimum hourly wage; if paid semimonthly, sixty-five times the 21676  
current federal minimum hourly wage; or if paid monthly, one 21677  
hundred thirty times the current federal minimum hourly wage that 21678  
is in effect at the time the earnings are payable, as prescribed 21679  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 21680  
U.S.C. 206(a)(1), as amended; 21681

(b) Seventy-five per cent of the disposable earnings owed to 21682  
the person. 21683

(14) The person's right in specific partnership property, as 21684  
exempted by the person's rights in a partnership pursuant to 21685  
section 1776.50 of the Revised Code, except as otherwise set forth 21686  
in section 1776.50 of the Revised Code; 21687

(15) A seal and official register of a notary public, as 21688  
exempted by section 147.04 of the Revised Code; 21689

(16) The person's interest in a tuition unit or a payment 21690  
under section 3334.09 of the Revised Code pursuant to a tuition 21691  
payment contract, as exempted by section 3334.15 of the Revised 21692  
Code; 21693

(17) Any other property that is specifically exempted from 21694  
execution, attachment, garnishment, or sale by federal statutes 21695  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 21696  
U.S.C.A. 101, as amended; 21697

(18) The person's aggregate interest in any property, not to exceed one thousand seventy-five dollars, except that division (A)(18) of this section applies only in bankruptcy proceedings.

(B) On April 1, 2010, and on the first day of April in each third calendar year after 2010, the Ohio judicial conference shall adjust each dollar amount set forth in this section to reflect any increase in the consumer price index for all urban consumers, as published by the United States department of labor, or, if that index is no longer published, a generally available comparable index, for the three-year period ending on the thirty-first day of December of the preceding year. Any adjustments required by this division shall be rounded to the nearest twenty-five dollars.

The Ohio judicial conference shall prepare a memorandum specifying the adjusted dollar amounts. The judicial conference shall transmit the memorandum to the director of the legislative service commission, and the director shall publish the memorandum in the register of Ohio. (Publication of the memorandum in the register of Ohio shall continue until the next memorandum specifying an adjustment is so published.) The judicial conference also may publish the memorandum in any other manner it concludes will be reasonably likely to inform persons who are affected by its adjustment of the dollar amounts.

(C) As used in this section:

(1) "Disposable earnings" means net earnings after the garnishee has made deductions required by law, excluding the deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code.

(2) "Insider" means:

(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general

partner, a general partner of the individual, or a corporation of 21729  
which the individual is a director, officer, or in control; 21730

(b) If the person who claims an exemption is a corporation, a 21731  
director or officer of the corporation; a person in control of the 21732  
corporation; a partnership in which the corporation is a general 21733  
partner; a general partner of the corporation; or a relative of a 21734  
general partner, director, officer, or person in control of the 21735  
corporation; 21736

(c) If the person who claims an exemption is a partnership, a 21737  
general partner in the partnership; a general partner of the 21738  
partnership; a person in control of the partnership; a partnership 21739  
in which the partnership is a general partner; or a relative in, a 21740  
general partner of, or a person in control of the partnership; 21741

(d) An entity or person to which or whom any of the following 21742  
applies: 21743

(i) The entity directly or indirectly owns, controls, or 21744  
holds with power to vote, twenty per cent or more of the 21745  
outstanding voting securities of the person who claims an 21746  
exemption, unless the entity holds the securities in a fiduciary 21747  
or agency capacity without sole discretionary power to vote the 21748  
securities or holds the securities solely to secure to debt and 21749  
the entity has not in fact exercised the power to vote. 21750

(ii) The entity is a corporation, twenty per cent or more of 21751  
whose outstanding voting securities are directly or indirectly 21752  
owned, controlled, or held with power to vote, by the person who 21753  
claims an exemption or by an entity to which division (C)(2)(d)(i) 21754  
of this section applies. 21755

(iii) A person whose business is operated under a lease or 21756  
operating agreement by the person who claims an exemption, or a 21757  
person substantially all of whose business is operated under an 21758  
operating agreement with the person who claims an exemption. 21759

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement. 21760  
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(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption; 21763  
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(f) A managing agent of the person who claims an exemption. 21767

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code. 21768  
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(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code. 21770  
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(D) For purposes of this section, "interest" shall be determined as follows: 21772  
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(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code; 21774  
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(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution. 21777  
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An interest, as determined under division (D)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code. 21780  
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**Sec. 2743.75.** (A) In order to provide for an expeditious and economical procedure that attempts to resolve disputes alleging a denial of access to public records in violation of division (B) of section 149.43 of the Revised Code, except for a court that hears a mandamus action pursuant to that section, the court of claims shall be the sole and exclusive authority in this state that adjudicates or resolves complaints based on alleged violations of 21783  
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that section. The clerk of the court of claims shall designate one 21790  
or more current employees or hire one or more individuals to serve 21791  
as special masters to hear complaints brought under this section. 21792  
All special masters shall have been engaged in the practice of law 21793  
in this state for at least four years and be in good standing with 21794  
the supreme court at the time of designation or hiring. The clerk 21795  
may assign administrative and clerical work associated with 21796  
complaints brought under this section to current employees or may 21797  
hire such additional employees as may be necessary to perform such 21798  
work. 21799

(B) The clerk of the court of common pleas in each county 21800  
shall act as the clerk of the court of claims for purposes of 21801  
accepting those complaints filed with the clerk under division 21802  
(D)(1) of this section, accepting filing fees for those 21803  
complaints, and serving those complaints. 21804

(C)(1) Subject to division (C)(2) of this section, a person 21805  
allegedly aggrieved by a denial of access to public records in 21806  
violation of division (B) of section 149.43 of the Revised Code 21807  
may seek relief under that section or under this section, 21808  
provided, however, that if the allegedly aggrieved person files a 21809  
complaint under either section, that person may not seek relief 21810  
that pertains to the same request for records in a complaint filed 21811  
under the other section. 21812

(2) If the allegedly aggrieved person files a complaint under 21813  
this section and the court of claims determines that the complaint 21814  
constitutes a case of first impression that involves an issue of 21815  
substantial public interest, the court shall dismiss the complaint 21816  
without prejudice and direct the allegedly aggrieved person to 21817  
commence a mandamus action in the court of appeals with 21818  
appropriate jurisdiction as provided in division (C)(1) of section 21819  
149.43 of the Revised Code. 21820

(D)(1) An allegedly aggrieved person who proceeds under this section shall file a complaint, on a form prescribed by the clerk of the court of claims, with the clerk of the court of claims or with the clerk of the court of common pleas of the county in which the public office from which the records are requested is located. The person shall attach to the complaint copies of the original records request and any written responses or other communications relating to the request from the public office or person responsible for public records and shall pay a filing fee of twenty-five dollars made payable to the clerk of the court with whom the complaint is filed. The clerk shall serve a copy of the complaint on the public office or person responsible for public records for the particular public office in accordance with Civil Rule 4.1 and, if the complaint is filed with the clerk of the court of common pleas, shall forward the complaint to the clerk of the court of claims, and to no other court, within three business days after service is complete.

(2) Upon receipt of a complaint filed under division (D)(1) of this section, the clerk of the court of claims shall assign a case number for the action and a special master to examine the complaint. Notwithstanding any provision to the contrary in this section, upon the recommendation of the special master, the court of claims on its own motion may dismiss the complaint at any time. The allegedly aggrieved person may voluntarily dismiss the complaint filed by that person under division (D)(1) of this section.

(E)(1) Upon service of a complaint under division (D)(1) of this section, except as otherwise provided in this division, the special master assigned by the clerk under division (D)(2) of this section immediately shall refer the case to mediation services that the court of claims makes available to persons. If, in the interest of justice considering the circumstances of the case or

the parties, the special master determines that the case should 21853  
not be referred to mediation, the special master shall notify the 21854  
court that the case was not referred to mediation, and the case 21855  
shall proceed in accordance with division (F) of this section. If 21856  
the case is referred to mediation, any further proceedings under 21857  
division (F) of this section shall be stayed until the conclusion 21858  
of the mediation. Any mediation proceedings under this division 21859  
may be conducted by teleconference, telephone, or other electronic 21860  
means. If an agreement is reached during mediation, the court 21861  
shall dismiss the complaint. If an agreement is not reached, the 21862  
special master shall notify the court that the case was not 21863  
resolved and that the mediation has been terminated. 21864

(2) Within ten business days after the termination of the 21865  
mediation or the notification to the court that the case was not 21866  
referred to mediation under division (E)(1) of this section, the 21867  
public office or person responsible for public records shall file 21868  
a response, and if applicable, a motion to dismiss the complaint, 21869  
with the clerk of the court of claims and transmit copies of the 21870  
pleadings to the allegedly aggrieved party. No further motions or 21871  
pleadings shall be accepted by the clerk of the court of claims or 21872  
by the special master assigned by the clerk under division (D)(2) 21873  
of this section unless the special master directs in writing that 21874  
a further motion or pleading be filed. 21875

(3) All of the following apply prior to the submission of the 21876  
special master's report and recommendation to the court of claims 21877  
under division (F)(1) of this section: 21878

(a) The special master shall not permit any discovery. 21879

(b) The parties may attach supporting affidavits to their 21880  
respective pleadings. 21881

(c) The special master may require either or both of the 21882  
parties to submit additional information or documentation 21883

supported by affidavits. 21884

(F)(1) Not later than seven business days after receiving the 21885  
response, or motion to dismiss the complaint, if applicable, of 21886  
the public office or person responsible for public records, the 21887  
special master shall submit to the court of claims a report and 21888  
recommendation based on the ordinary application of statutory law 21889  
and case law as they existed at the time of the filing of the 21890  
complaint. For good cause shown, the special master may extend the 21891  
seven-day period for the submission of the report and 21892  
recommendation to the court of claims under this division by an 21893  
additional seven business days. 21894

(2) Upon submission of the special master's report and 21895  
recommendation to the court of claims under division (F)(1) of 21896  
this section, the clerk shall send copies of the report and 21897  
recommendation to each party by certified mail, return receipt 21898  
requested, not later than three business days after the report and 21899  
recommendation is filed. Either party may object to the report and 21900  
recommendation within seven business days after receiving the 21901  
report and recommendation by filing a written objection with the 21902  
clerk and sending a copy to the other party by certified mail, 21903  
return receipt requested. Any objection to the report and 21904  
recommendation shall be specific and state with particularity all 21905  
grounds for the objection. If neither party timely objects, the 21906  
court of claims shall promptly issue a final order adopting the 21907  
report and recommendation, unless it determines that there is an 21908  
error of law or other defect evident on the face of the report and 21909  
recommendation. If either party timely objects, the other party 21910  
may file with the clerk a response within seven business days 21911  
after receiving the objection and send a copy of the response to 21912  
the objecting party by certified mail, return receipt requested. 21913  
The court, within seven business days after the response to the 21914  
objection is filed, shall issue a final order that adopts, 21915

modifies, or rejects the report and recommendation. 21916

(3) If the court of claims determines that the public office 21917  
or person responsible for the public records denied the aggrieved 21918  
person access to the public records in violation of division (B) 21919  
of section 149.43 of the Revised Code and if no appeal from the 21920  
court's final order is taken under division (G) of this section, 21921  
both of the following apply: 21922

(a) The public office or the person responsible for the 21923  
public records shall permit the aggrieved person to inspect or 21924  
receive copies of the public records that the court requires to be 21925  
disclosed in its order. 21926

(b) The aggrieved person shall be entitled to recover from 21927  
the public office or person responsible for the public records the 21928  
amount of the filing fee of twenty-five dollars and any other 21929  
costs associated with the action that are incurred by the 21930  
aggrieved person, but shall not be entitled to recover attorney's 21931  
fees, except that division (G)(2) of this section applies if an 21932  
appeal is taken under division (G)(1) of this section. 21933

(G)(1) Any appeal from a final order of the court of claims 21934  
under this section or from an order of the court of claims 21935  
dismissing the complaint as provided in division (D)(2) of this 21936  
section shall be taken to the court of appeals of the appellate 21937  
district where the principal place of business of the public 21938  
office from which the public record is requested is located. 21939  
However, no appeal may be taken from a final order of the court of 21940  
claims that adopts the special master's report and recommendation 21941  
unless a timely objection to that report and recommendation was 21942  
filed under division (F)(2) of this section. If the court of 21943  
claims materially modifies the special master's report and 21944  
recommendation, either party may take an appeal to the court of 21945  
appeals of the appellate district of the principal place of 21946  
business where that public office is located but the appeal shall 21947

be limited to the issue in the report and recommendation that is 21948  
materially modified by the court of claims. In order to facilitate 21949  
the expeditious resolution of disputes over alleged denials of 21950  
access to public records in violation of division (B) of section 21951  
149.43 of the Revised Code, the appeal shall be given such 21952  
precedence over other pending matters as will ensure that the 21953  
court will reach a decision promptly. 21954

(2) If a court of appeals in any appeal taken under division 21955  
(G)(1) of this section by the public office or person responsible 21956  
for the public records determines that the public office or person 21957  
denied the aggrieved person access to the public records in 21958  
violation of division (B) of section 149.43 of the Revised Code 21959  
and obviously filed the appeal with the intent to either delay 21960  
compliance with the court of claims' order from which the appeal 21961  
is taken for no reasonable cause or unduly harass the aggrieved 21962  
person, the court of appeals may award reasonable attorney's fees 21963  
to the aggrieved person in accordance with division (C) of section 21964  
149.43 of the Revised Code. No discovery may be conducted on the 21965  
issue of the public office or person responsible for the public 21966  
records filing the appeal with the alleged intent to either delay 21967  
compliance with the court of claims' order for no reasonable cause 21968  
or unduly harass the aggrieved person. This division shall not be 21969  
construed as creating a presumption that the public office or the 21970  
person responsible for the public records filed the appeal with 21971  
the intent to either delay compliance with the court of claims' 21972  
order for no reasonable cause or unduly harass the aggrieved 21973  
person. 21974

(H) The powers of the court of claims prescribed in section 21975  
2743.05 of the Revised Code apply to the proceedings in that court 21976  
under this section. 21977

(I)(1) All filing fees collected by a clerk of the court of 21978  
common pleas under division (D)(1) of this section shall be paid 21979

to the county treasurer for deposit into the county general 21980  
revenue fund. All such money collected during a month shall be 21981  
transmitted on or before the twentieth day of the following month 21982  
by the clerk of the court of common pleas to the county treasurer. 21983

(2) All filing fees collected by the clerk of the court of 21984  
claims under division (D)(1) of this section shall be ~~kept~~ 21985  
deposited into the state treasury to the credit of the public 21986  
records fund, which is hereby created. Money credited to the fund 21987  
shall be used by the court of claims to assist in paying for its 21988  
costs to implement this section. All investment earnings of the 21989  
fund shall be credited to the fund. Not later than the first day 21990  
of February of each year, the clerk of the court of claims shall 21991  
prepare a report accessible to the public that details the fees 21992  
collected during the preceding calendar year by the clerk of the 21993  
court of claims and the clerks of the courts of common pleas under 21994  
this section. 21995

(J) Nothing in this section shall be construed to limit the 21996  
authority of the auditor of state under division (G) of section 21997  
109.43 of the Revised Code. 21998

**Sec. 2925.01.** As used in this chapter: 21999

(A) "Administer," "controlled substance," "controlled 22000  
substance analog," "dispense," "distribute," "hypodermic," 22001  
"manufacturer," "official written order," "person," "pharmacist," 22002  
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 22003  
"schedule IV," "schedule V," and "wholesaler" have the same 22004  
meanings as in section 3719.01 of the Revised Code. 22005

(B) "Drug dependent person" and "drug of abuse" have the same 22006  
meanings as in section 3719.011 of the Revised Code. 22007

(C) "Drug," "dangerous drug," "licensed health professional 22008  
authorized to prescribe drugs," and "prescription" have the same 22009

meanings as in section 4729.01 of the Revised Code. 22010

(D) "Bulk amount" of a controlled substance means any of the 22011  
following: 22012

(1) For any compound, mixture, preparation, or substance 22013  
included in schedule I, schedule II, or schedule III, with the 22014  
exception of controlled substance analogs, marihuana, cocaine, 22015  
L.S.D., heroin, and hashish and except as provided in division 22016  
(D)(2) or (5) of this section, whichever of the following is 22017  
applicable: 22018

(a) An amount equal to or exceeding ten grams or twenty-five 22019  
unit doses of a compound, mixture, preparation, or substance that 22020  
is or contains any amount of a schedule I opiate or opium 22021  
derivative; 22022

(b) An amount equal to or exceeding ten grams of a compound, 22023  
mixture, preparation, or substance that is or contains any amount 22024  
of raw or gum opium; 22025

(c) An amount equal to or exceeding thirty grams or ten unit 22026  
doses of a compound, mixture, preparation, or substance that is or 22027  
contains any amount of a schedule I hallucinogen other than 22028  
tetrahydrocannabinol or lysergic acid amide, or a schedule I 22029  
stimulant or depressant; 22030

(d) An amount equal to or exceeding twenty grams or five 22031  
times the maximum daily dose in the usual dose range specified in 22032  
a standard pharmaceutical reference manual of a compound, mixture, 22033  
preparation, or substance that is or contains any amount of a 22034  
schedule II opiate or opium derivative; 22035

(e) An amount equal to or exceeding five grams or ten unit 22036  
doses of a compound, mixture, preparation, or substance that is or 22037  
contains any amount of phencyclidine; 22038

(f) An amount equal to or exceeding one hundred twenty grams 22039

or thirty times the maximum daily dose in the usual dose range 22040  
specified in a standard pharmaceutical reference manual of a 22041  
compound, mixture, preparation, or substance that is or contains 22042  
any amount of a schedule II stimulant that is in a final dosage 22043  
form manufactured by a person authorized by the "Federal Food, 22044  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 22045  
amended, and the federal drug abuse control laws, as defined in 22046  
section 3719.01 of the Revised Code, that is or contains any 22047  
amount of a schedule II depressant substance or a schedule II 22048  
hallucinogenic substance; 22049

(g) An amount equal to or exceeding three grams of a 22050  
compound, mixture, preparation, or substance that is or contains 22051  
any amount of a schedule II stimulant, or any of its salts or 22052  
isomers, that is not in a final dosage form manufactured by a 22053  
person authorized by the Federal Food, Drug, and Cosmetic Act and 22054  
the federal drug abuse control laws. 22055

(2) An amount equal to or exceeding one hundred twenty grams 22056  
or thirty times the maximum daily dose in the usual dose range 22057  
specified in a standard pharmaceutical reference manual of a 22058  
compound, mixture, preparation, or substance that is or contains 22059  
any amount of a schedule III or IV substance other than an 22060  
anabolic steroid or a schedule III opiate or opium derivative; 22061

(3) An amount equal to or exceeding twenty grams or five 22062  
times the maximum daily dose in the usual dose range specified in 22063  
a standard pharmaceutical reference manual of a compound, mixture, 22064  
preparation, or substance that is or contains any amount of a 22065  
schedule III opiate or opium derivative; 22066

(4) An amount equal to or exceeding two hundred fifty 22067  
milliliters or two hundred fifty grams of a compound, mixture, 22068  
preparation, or substance that is or contains any amount of a 22069  
schedule V substance; 22070

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

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

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

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

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

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

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

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

(H) "Felony drug abuse offense" means any drug abuse offense	22102
that would constitute a felony under the laws of this state, any	22103
other state, or the United States.	22104
(I) "Harmful intoxicant" does not include beer or	22105
intoxicating liquor but means any of the following:	22106
(1) Any compound, mixture, preparation, or substance the gas,	22107
fumes, or vapor of which when inhaled can induce intoxication,	22108
excitement, giddiness, irrational behavior, depression,	22109
stupefaction, paralysis, unconsciousness, asphyxiation, or other	22110
harmful physiological effects, and includes, but is not limited	22111
to, any of the following:	22112
(a) Any volatile organic solvent, plastic cement, model	22113
cement, fingernail polish remover, lacquer thinner, cleaning	22114
fluid, gasoline, or other preparation containing a volatile	22115
organic solvent;	22116
(b) Any aerosol propellant;	22117
(c) Any fluorocarbon refrigerant;	22118
(d) Any anesthetic gas.	22119
(2) Gamma Butyrolactone;	22120
(3) 1,4 Butanediol.	22121
(J) "Manufacture" means to plant, cultivate, harvest,	22122
process, make, prepare, or otherwise engage in any part of the	22123
production of a drug, by propagation, extraction, chemical	22124
synthesis, or compounding, or any combination of the same, and	22125
includes packaging, repackaging, labeling, and other activities	22126
incident to production.	22127
(K) "Possess" or "possession" means having control over a	22128
thing or substance, but may not be inferred solely from mere	22129
access to the thing or substance through ownership or occupation	22130
of the premises upon which the thing or substance is found.	22131

(L) "Sample drug" means a drug or pharmaceutical preparation 22132  
that would be hazardous to health or safety if used without the 22133  
supervision of a licensed health professional authorized to 22134  
prescribe drugs, or a drug of abuse, and that, at one time, had 22135  
been placed in a container plainly marked as a sample by a 22136  
manufacturer. 22137

(M) "Standard pharmaceutical reference manual" means the 22138  
current edition, with cumulative changes if any, of references 22139  
that are approved by the state board of pharmacy. 22140

(N) "Juvenile" means a person under eighteen years of age. 22141

(O) "Counterfeit controlled substance" means any of the 22142  
following: 22143

(1) Any drug that bears, or whose container or label bears, a 22144  
trademark, trade name, or other identifying mark used without 22145  
authorization of the owner of rights to that trademark, trade 22146  
name, or identifying mark; 22147

(2) Any unmarked or unlabeled substance that is represented 22148  
to be a controlled substance manufactured, processed, packed, or 22149  
distributed by a person other than the person that manufactured, 22150  
processed, packed, or distributed it; 22151

(3) Any substance that is represented to be a controlled 22152  
substance but is not a controlled substance or is a different 22153  
controlled substance; 22154

(4) Any substance other than a controlled substance that a 22155  
reasonable person would believe to be a controlled substance 22156  
because of its similarity in shape, size, and color, or its 22157  
markings, labeling, packaging, distribution, or the price for 22158  
which it is sold or offered for sale. 22159

(P) An offense is "committed in the vicinity of a school" if 22160  
the offender commits the offense on school premises, in a school 22161

building, or within one thousand feet of the boundaries of any 22162  
school premises, regardless of whether the offender knows the 22163  
offense is being committed on school premises, in a school 22164  
building, or within one thousand feet of the boundaries of any 22165  
school premises. 22166

(Q) "School" means any school operated by a board of 22167  
education, any community school established under Chapter 3314. of 22168  
the Revised Code, or any nonpublic school for which the state 22169  
board of education prescribes minimum standards under section 22170  
3301.07 of the Revised Code, whether or not any instruction, 22171  
extracurricular activities, or training provided by the school is 22172  
being conducted at the time a criminal offense is committed. 22173

(R) "School premises" means either of the following: 22174

(1) The parcel of real property on which any school is 22175  
situated, whether or not any instruction, extracurricular 22176  
activities, or training provided by the school is being conducted 22177  
on the premises at the time a criminal offense is committed; 22178

(2) Any other parcel of real property that is owned or leased 22179  
by a board of education of a school, the governing authority of a 22180  
community school established under Chapter 3314. of the Revised 22181  
Code, or the governing body of a nonpublic school for which the 22182  
state board of education prescribes minimum standards under 22183  
section 3301.07 of the Revised Code and on which some of the 22184  
instruction, extracurricular activities, or training of the school 22185  
is conducted, whether or not any instruction, extracurricular 22186  
activities, or training provided by the school is being conducted 22187  
on the parcel of real property at the time a criminal offense is 22188  
committed. 22189

(S) "School building" means any building in which any of the 22190  
instruction, extracurricular activities, or training provided by a 22191  
school is conducted, whether or not any instruction, 22192

extracurricular activities, or training provided by the school is 22193  
being conducted in the school building at the time a criminal 22194  
offense is committed. 22195

(T) "Disciplinary counsel" means the disciplinary counsel 22196  
appointed by the board of commissioners on grievances and 22197  
discipline of the supreme court under the Rules for the Government 22198  
of the Bar of Ohio. 22199

(U) "Certified grievance committee" means a duly constituted 22200  
and organized committee of the Ohio state bar association or of 22201  
one or more local bar associations of the state of Ohio that 22202  
complies with the criteria set forth in Rule V, section 6 of the 22203  
Rules for the Government of the Bar of Ohio. 22204

(V) "Professional license" means any license, permit, 22205  
certificate, registration, qualification, admission, temporary 22206  
license, temporary permit, temporary certificate, or temporary 22207  
registration that is described in divisions (W)(1) to (36) of this 22208  
section and that qualifies a person as a professionally licensed 22209  
person. 22210

(W) "Professionally licensed person" means any of the 22211  
following: 22212

(1) A person who has obtained a license as a manufacturer of 22213  
controlled substances or a wholesaler of controlled substances 22214  
under Chapter 3719. of the Revised Code; 22215

(2) A person who has received a certificate or temporary 22216  
certificate as a certified public accountant or who has registered 22217  
as a public accountant under Chapter 4701. of the Revised Code and 22218  
who holds an Ohio permit issued under that chapter; 22219

(3) A person who holds a certificate of qualification to 22220  
practice architecture issued or renewed and registered under 22221  
Chapter 4703. of the Revised Code; 22222

- (4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter; 22223  
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- (5) A person licensed under Chapter 4707. of the Revised Code; 22226  
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- (6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code; 22228  
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- (7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code; 22231  
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- (8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code; 22234  
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- (9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code; 22244  
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- (10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code; 22249  
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- (11) A person who has been licensed as a registered nurse or 22253

practical nurse, or who has been issued a certificate for the	22254
practice of nurse-midwifery under Chapter 4723. of the Revised	22255
Code;	22256
(12) A person who has been licensed to practice optometry or	22257
to engage in optical dispensing under Chapter 4725. of the Revised	22258
Code;	22259
(13) A person licensed to act as a pawnbroker under Chapter	22260
4727. of the Revised Code;	22261
(14) A person licensed to act as a precious metals dealer	22262
under Chapter 4728. of the Revised Code;	22263
(15) A person licensed as a pharmacist, a pharmacy intern, a	22264
wholesale distributor of dangerous drugs, or a terminal	22265
distributor of dangerous drugs under Chapter 4729. of the Revised	22266
Code;	22267
(16) A person who is authorized to practice as a physician	22268
assistant under Chapter 4730. of the Revised Code;	22269
(17) A person who has been issued a <del>certificate</del> <u>license</u> to	22270
practice medicine and surgery, osteopathic medicine and surgery, a	22271
<del>limited branch of medicine, or podiatry</del> <u>podiatric medicine and</u>	22272
<u>surgery</u> under Chapter 4731. of the Revised Code <u>or has been issued</u>	22273
<u>a certificate to practice a limited branch of medicine under that</u>	22274
<u>chapter;</u>	22275
(18) A person licensed as a psychologist or school	22276
psychologist under Chapter 4732. of the Revised Code;	22277
(19) A person registered to practice the profession of	22278
engineering or surveying under Chapter 4733. of the Revised Code;	22279
(20) A person who has been issued a license to practice	22280
chiropractic under Chapter 4734. of the Revised Code;	22281
(21) A person licensed to act as a real estate broker or real	22282
estate salesperson under Chapter 4735. of the Revised Code;	22283

(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	22284 22285
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	22286 22287
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	22288 22289
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	22290 22291
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	22292 22293 22294 22295
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	22296 22297 22298
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	22299 22300 22301
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	22302 22303 22304
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	22305 22306 22307
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	22308 22309
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a	22310 22311 22312 22313

social work assistant under Chapter 4757. of the Revised Code;	22314
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	22315 22316
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	22317 22318 22319
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	22320 22321
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	22322 22323 22324
(X) "Cocaine" means any of the following:	22325
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	22326 22327
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	22328 22329 22330 22331
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	22332 22333 22334 22335 22336 22337
(Y) "L.S.D." means lysergic acid diethylamide.	22338
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	22339 22340 22341
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	22342 22343

(BB) An offense is "committed in the vicinity of a juvenile" 22344  
if the offender commits the offense within one hundred feet of a 22345  
juvenile or within the view of a juvenile, regardless of whether 22346  
the offender knows the age of the juvenile, whether the offender 22347  
knows the offense is being committed within one hundred feet of or 22348  
within view of the juvenile, or whether the juvenile actually 22349  
views the commission of the offense. 22350

(CC) "Presumption for a prison term" or "presumption that a 22351  
prison term shall be imposed" means a presumption, as described in 22352  
division (D) of section 2929.13 of the Revised Code, that a prison 22353  
term is a necessary sanction for a felony in order to comply with 22354  
the purposes and principles of sentencing under section 2929.11 of 22355  
the Revised Code. 22356

(DD) "Major drug offender" has the same meaning as in section 22357  
2929.01 of the Revised Code. 22358

(EE) "Minor drug possession offense" means either of the 22359  
following: 22360

(1) A violation of section 2925.11 of the Revised Code as it 22361  
existed prior to July 1, 1996; 22362

(2) A violation of section 2925.11 of the Revised Code as it 22363  
exists on and after July 1, 1996, that is a misdemeanor or a 22364  
felony of the fifth degree. 22365

(FF) "Mandatory prison term" has the same meaning as in 22366  
section 2929.01 of the Revised Code. 22367

(GG) "Adulterate" means to cause a drug to be adulterated as 22368  
described in section 3715.63 of the Revised Code. 22369

(HH) "Public premises" means any hotel, restaurant, tavern, 22370  
store, arena, hall, or other place of public accommodation, 22371  
business, amusement, or resort. 22372

(II) "Methamphetamine" means methamphetamine, any salt, 22373

isomer, or salt of an isomer of methamphetamine, or any compound, 22374  
mixture, preparation, or substance containing methamphetamine or 22375  
any salt, isomer, or salt of an isomer of methamphetamine. 22376

(JJ) "Lawful prescription" means a prescription that is 22377  
issued for a legitimate medical purpose by a licensed health 22378  
professional authorized to prescribe drugs, that is not altered or 22379  
forged, and that was not obtained by means of deception or by the 22380  
commission of any theft offense. 22381

(KK) "Deception" and "theft offense" have the same meanings 22382  
as in section 2913.01 of the Revised Code. 22383

**Sec. 2925.23.** (A) No person shall knowingly make a false 22384  
statement in any prescription, order, report, or record required 22385  
by Chapter 3719. or 4729. of the Revised Code. 22386

(B) No person shall intentionally make, utter, or sell, or 22387  
knowingly possess any of the following that is a false or forged: 22388

(1) Prescription; 22389

(2) Uncompleted preprinted prescription blank used for 22390  
writing a prescription; 22391

(3) Official written order; 22392

(4) License for a terminal distributor of dangerous drugs, as 22393  
~~required~~ defined in section ~~4729.60~~ 4729.01 of the Revised Code; 22394

(5) ~~Registration certificate~~ License for a wholesale 22395  
distributor of dangerous drugs, as ~~required~~ defined in section 22396  
~~4729.60~~ 4729.01 of the Revised Code. 22397

(C) No person, by theft as defined in section 2913.02 of the 22398  
Revised Code, shall acquire any of the following: 22399

(1) A prescription; 22400

(2) An uncompleted preprinted prescription blank used for 22401  
writing a prescription; 22402

(3) An official written order;	22403
(4) A blank official written order;	22404
(5) A license or blank license for a terminal distributor of dangerous drugs, as <del>required</del> <u>defined</u> in section <del>4729.60</del> <u>4729.01</u> of the Revised Code;	22405 22406 22407
(6) A <del>registration certificate</del> <u>license</u> or blank <del>registration certificate</del> <u>license</u> for a wholesale distributor of dangerous drugs, as <del>required</del> <u>defined</u> in section <del>4729.60</del> <u>4729.01</u> of the Revised Code.	22408 22409 22410 22411
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	22412 22413 22414
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.	22415 22416 22417 22418 22419
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B)(1) or (3), division (C)(1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows:	22420 22421 22422 22423 22424 22425 22426 22427
(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.	22428 22429 22430 22431 22432 22433

(2) If the drug involved is a dangerous drug or a compound, 22434  
mixture, preparation, or substance included in schedule III, IV, 22435  
or V or is marihuana, illegal processing of drug documents is a 22436  
felony of the fifth degree, and division (C) of section 2929.13 of 22437  
the Revised Code applies in determining whether to impose a prison 22438  
term on the offender. 22439

(G)(1) In addition to any prison term authorized or required 22440  
by division (F) of this section and sections 2929.13 and 2929.14 22441  
of the Revised Code and in addition to any other sanction imposed 22442  
for the offense under this section or sections 2929.11 to 2929.18 22443  
of the Revised Code, the court that sentences an offender who is 22444  
convicted of or pleads guilty to any violation of divisions (A) to 22445  
(D) of this section may suspend for not more than five years the 22446  
offender's driver's or commercial driver's license or permit. 22447  
However, if the offender pleaded guilty to or was convicted of a 22448  
violation of section 4511.19 of the Revised Code or a 22449  
substantially similar municipal ordinance or the law of another 22450  
state or the United States arising out of the same set of 22451  
circumstances as the violation, the court shall suspend the 22452  
offender's driver's or commercial driver's license or permit for 22453  
not more than five years. 22454

If the offender is a professionally licensed person, in 22455  
addition to any other sanction imposed for a violation of this 22456  
section, the court immediately shall comply with section 2925.38 22457  
of the Revised Code. 22458

(2) Any offender who received a mandatory suspension of the 22459  
offender's driver's or commercial driver's license or permit under 22460  
this section prior to ~~the effective date of this amendment~~ 22461  
September 13, 2016, may file a motion with the sentencing court 22462  
requesting the termination of the suspension. However, an offender 22463  
who pleaded guilty to or was convicted of a violation of section 22464  
4511.19 of the Revised Code or a substantially similar municipal 22465

ordinance or law of another state or the United States that arose 22466  
out of the same set of circumstances as the violation for which 22467  
the offender's license or permit was suspended under this section 22468  
shall not file such a motion. 22469

Upon the filing of a motion under division (G)(2) of this 22470  
section, the sentencing court, in its discretion, may terminate 22471  
the suspension. 22472

(H) Notwithstanding any contrary provision of section 3719.21 22473  
of the Revised Code, the clerk of court shall pay a fine imposed 22474  
for a violation of this section pursuant to division (A) of 22475  
section 2929.18 of the Revised Code in accordance with and subject 22476  
to the requirements of division (F) of section 2925.03 of the 22477  
Revised Code. The agency that receives the fine shall use the fine 22478  
as specified in division (F) of section 2925.03 of the Revised 22479  
Code. 22480

**Sec. 2929.34.** (A) A person who is convicted of or pleads 22481  
guilty to aggravated murder, murder, or an offense punishable by 22482  
life imprisonment and who is sentenced to a term of life 22483  
imprisonment or a prison term pursuant to that conviction shall 22484  
serve that term in an institution under the control of the 22485  
department of rehabilitation and correction. 22486

(B)(1) A person who is convicted of or pleads guilty to a 22487  
felony other than aggravated murder, murder, or an offense 22488  
punishable by life imprisonment and who is sentenced to a term of 22489  
imprisonment or a prison term pursuant to that conviction shall 22490  
serve that term as follows: 22491

(a) Subject to divisions (B)(1)(b) ~~and~~, (B)(2), and (B)(3) of 22492  
this section, in an institution under the control of the 22493  
department of rehabilitation and correction if the term is a 22494  
prison term of more than twelve months or as otherwise determined 22495  
by the sentencing court pursuant to section 2929.16 of the Revised 22496

Code if the term is not a prison term; 22497

(b) In a facility of a type described in division (G)(1) of 22498  
section 2929.13 of the Revised Code, if the offender is sentenced 22499  
pursuant to that division. 22500

(2) If the term is a prison term, the person may be 22501  
imprisoned in a jail that is not a minimum security jail pursuant 22502  
to agreement under section 5120.161 of the Revised Code between 22503  
the department of rehabilitation and correction and the local 22504  
authority that operates the jail. 22505

(3)(a) Except as provided in division (B)(3)(b) of this 22506  
section, on and after July 1, 2018, no person sentenced to a 22507  
prison term that is twelve months or less for a felony of the 22508  
fifth degree shall serve the term in an institution under the 22509  
control of the department of rehabilitation and correction. The 22510  
person shall instead serve the sentence as a term of confinement 22511  
in a facility of a type described in division (C) or (D) of this 22512  
section. 22513

(b) Division (B)(3)(a) of this section does not apply to any 22514  
person to whom any of the following apply: 22515

(i) The felony of the fifth degree was an offense of 22516  
violence, as defined in section 2901.01 of the Revised Code, a sex 22517  
offense under Chapter 2907. of the Revised Code, or any offense 22518  
for which a mandatory prison term is required. 22519

(ii) The person previously has been convicted of or pleaded 22520  
guilty to any felony offense of violence, as defined in section 22521  
2901.01 of the Revised Code. 22522

(iii) The person previously has been convicted of or pleaded 22523  
guilty to any felony sex offense under Chapter 2907. of the 22524  
Revised Code. 22525

(C) A person who is convicted of or pleads guilty to one or 22526

more misdemeanors and who is sentenced to a jail term or term of 22527  
imprisonment pursuant to the conviction or convictions shall serve 22528  
that term in a county, multicounty, municipal, municipal-county, 22529  
or multicounty-municipal jail or workhouse; in a community 22530  
alternative sentencing center or district community alternative 22531  
sentencing center when authorized by section 307.932 of the 22532  
Revised Code; or, if the misdemeanor or misdemeanors are not 22533  
offenses of violence, in a minimum security jail. 22534

(D) Nothing in this section prohibits the commitment, 22535  
referral, or sentencing of a person who is convicted of or pleads 22536  
guilty to a felony to a community-based correctional facility. 22537

**Sec. 2941.51.** (A) Counsel appointed to a case or selected by 22538  
an indigent person under division (E) of section 120.16 or 22539  
division (E) of section 120.26 of the Revised Code, or otherwise 22540  
appointed by the court, except for counsel appointed by the court 22541  
to provide legal representation for a person charged with a 22542  
violation of an ordinance of a municipal corporation, shall be 22543  
paid for their services by the county the compensation and 22544  
expenses that the trial court approves. Each request for payment 22545  
shall ~~be accompanied by~~ include a financial disclosure form ~~and an~~ 22546  
~~affidavit of indigency that~~ are completed by the indigent person 22547  
on ~~forms~~ a form prescribed by the state public defender. 22548  
Compensation and expenses shall not exceed the amounts fixed by 22549  
the board of county commissioners pursuant to division (B) of this 22550  
section. 22551

(B) The board of county commissioners shall establish a 22552  
schedule of fees by case or on an hourly basis to be paid by the 22553  
county for legal services provided by appointed counsel. Prior to 22554  
establishing such schedule, the board shall request the bar 22555  
association or associations of the county to submit a proposed 22556  
schedule for cases other than capital cases. The schedule 22557

submitted shall be subject to the review, amendment, and approval 22558  
of the board of county commissioners, except with respect to 22559  
capital cases. With respect to capital cases, the schedule shall 22560  
provide for fees by case or on an hourly basis to be paid to 22561  
counsel in the amount or at the rate set by the capital case 22562  
attorney fee council pursuant to division (D) of section 120.33 of 22563  
the Revised Code, and the board of county commissioners shall 22564  
approve that amount or rate. 22565

With respect to capital cases, counsel shall be paid 22566  
compensation and expenses in accordance with the amount or at the 22567  
rate set by the capital case attorney fee council pursuant to 22568  
division (D) of section 120.33 of the Revised Code. 22569

(C) In a case where counsel have been appointed to conduct an 22570  
appeal under Chapter 120. of the Revised Code, such compensation 22571  
shall be fixed by the court of appeals or the supreme court, as 22572  
provided in divisions (A) and (B) of this section. 22573

(D) The fees and expenses approved by the court under this 22574  
section shall not be taxed as part of the costs and shall be paid 22575  
by the county. However, if the person represented has, or 22576  
reasonably may be expected to have, the means to meet some part of 22577  
the cost of the services rendered to the person, the person shall 22578  
pay the county an amount that the person reasonably can be 22579  
expected to pay. Pursuant to section 120.04 of the Revised Code, 22580  
the county shall pay to the state public defender a percentage of 22581  
the payment received from the person in an amount proportionate to 22582  
the percentage of the costs of the person's case that were paid to 22583  
the county by the state public defender pursuant to this section. 22584  
The money paid to the state public defender shall be credited to 22585  
the client payment fund created pursuant to division (B)(5) of 22586  
section 120.04 of the Revised Code. 22587

(E) The county auditor shall draw a warrant on the county 22588  
treasurer for the payment of such counsel in the amount fixed by 22589

the court, plus the expenses that the court fixes and certifies to 22590  
the auditor. The county auditor shall report periodically, but not 22591  
less than annually, to the board of county commissioners and to 22592  
the Ohio public defender commission the amounts paid out pursuant 22593  
to the approval of the court under this section, separately 22594  
stating costs and expenses that are reimbursable under section 22595  
120.35 of the Revised Code. The board, after review and approval 22596  
of the auditor's report, may then certify it to the state public 22597  
defender for reimbursement. The request for reimbursement shall be 22598  
accompanied by a financial disclosure form completed by each 22599  
indigent person for whom counsel was provided on a form prescribed 22600  
by the state public defender. The state public defender shall 22601  
review the report and, in accordance with the standards, 22602  
guidelines, and maximums established pursuant to divisions (B)(7) 22603  
and (8) of section 120.04 of the Revised Code, pay fifty per cent 22604  
of the total cost, other than costs and expenses that are 22605  
reimbursable under section 120.35 of the Revised Code, if any, of 22606  
paying appointed counsel in each county and pay fifty per cent of 22607  
costs and expenses that are reimbursable under section 120.35 of 22608  
the Revised Code, if any, to the board. 22609

(F) If any county system for paying appointed counsel fails 22610  
to maintain the standards for the conduct of the system 22611  
established by the rules of the Ohio public defender commission 22612  
pursuant to divisions (B) and (C) of section 120.03 of the Revised 22613  
Code or the standards established by the state public defender 22614  
pursuant to division (B)(7) of section 120.04 of the Revised Code, 22615  
the commission shall notify the board of county commissioners of 22616  
the county that the county system for paying appointed counsel has 22617  
failed to comply with its rules. Unless the board corrects the 22618  
conduct of its appointed counsel system to comply with the rules 22619  
within ninety days after the date of the notice, the state public 22620  
defender may deny all or part of the county's reimbursement from 22621  
the state provided for in this section. 22622

Sec. 2953.25. (A) As used in this section: 22623

(1) "Collateral sanction" means a penalty, disability, or 22624  
disadvantage that is related to employment or occupational 22625  
licensing, however denominated, as a result of the individual's 22626  
conviction of or plea of guilty to an offense and that applies by 22627  
operation of law in this state whether or not the penalty, 22628  
disability, or disadvantage is included in the sentence or 22629  
judgment imposed. 22630

"Collateral sanction" does not include imprisonment, 22631  
probation, parole, supervised release, forfeiture, restitution, 22632  
fine, assessment, or costs of prosecution. 22633

(2) "Decision-maker" includes, but is not limited to, the 22634  
state acting through a department, agency, board, commission, or 22635  
instrumentality established by the law of this state for the 22636  
exercise of any function of government, a political subdivision, 22637  
an educational institution, or a government contractor or 22638  
subcontractor made subject to this section by contract, law, or 22639  
ordinance. 22640

(3) "Department-funded program" means a residential or 22641  
nonresidential program that is not a term in a state correctional 22642  
institution, that is funded in whole or part by the department of 22643  
rehabilitation and correction, and that is imposed as a sanction 22644  
for an offense, as part of a sanction that is imposed for an 22645  
offense, or as a term or condition of any sanction that is imposed 22646  
for an offense. 22647

(4) "Designee" means the person designated by the deputy 22648  
director of the division of parole and community services to 22649  
perform the duties designated in division (B) of this section. 22650

(5) "Division of parole and community services" means the 22651  
division of parole and community services of the department of 22652

rehabilitation and correction. 22653

(6) "Offense" means any felony or misdemeanor under the laws 22654  
of this state. 22655

(7) "Political subdivision" has the same meaning as in 22656  
section 2969.21 of the Revised Code. 22657

~~(B)(1) After the provisions of this division become operative~~ 22658  
~~as described in division (J) of this section, an~~ An individual who 22659  
is subject to one or more collateral sanctions as a result of 22660  
being convicted of or pleading guilty to an offense and who either 22661  
has served a term in a state correctional institution for any 22662  
offense or has spent time in a department-funded program for any 22663  
offense may file a petition with the designee of the deputy 22664  
director of the division of parole and community services for a 22665  
certificate of qualification for employment. 22666

~~(2) After the provisions of this division become operative as~~ 22667  
~~described in division (J) of this section, an~~ An individual who is 22668  
subject to one or more collateral sanctions as a result of being 22669  
convicted of or pleading guilty to an offense and who is not in a 22670  
category described in division (B)(1) of this section may file a 22671  
~~petition with the court of common pleas of the county in which the~~ 22672  
~~person resides or with the designee of the deputy director of the~~ 22673  
~~division of parole and community services for a certificate of~~ 22674  
qualification for employment by doing either of the following: 22675

(a) In the case of an individual who resides in this state, 22676  
filing a petition with the court of common pleas of the county in 22677  
which the person resides or with the designee of the deputy 22678  
director of the division of parole and community services; 22679

(b) In the case of an individual who resides outside of this 22680  
state, filing a petition with the court of common pleas of any 22681  
county in which any conviction or plea of guilty from which the 22682  
individual seeks relief was entered or with the designee of the 22683

deputy director of the division of parole and community services. 22684

(3) A petition under division (B)(1) or (2) of this section 22685  
shall be made on a copy of the form prescribed by the division of 22686  
parole and community services under division (J) of this section 22687  
and shall contain all of the information described in division (F) 22688  
of this section. 22689

(4) ~~An~~ (a) Except as provided in division (B)(4)(b) of this 22690  
section, an individual may file a petition under division (B)(1) 22691  
or (2) of this section at any time after the expiration of 22692  
whichever of the following is applicable: 22693

~~(a)(i)~~ If the offense that resulted in the collateral 22694  
sanction from which the individual seeks relief is a felony, at 22695  
any time after the expiration of one year from the date of release 22696  
of the individual from any period of incarceration in a state or 22697  
local correctional facility that was imposed for that offense and 22698  
all periods of supervision imposed after release from the period 22699  
of incarceration or, if the individual was not incarcerated for 22700  
that offense, at any time after the expiration of one year from 22701  
the date of the individual's final release from all other 22702  
sanctions imposed for that offense. 22703

~~(b)(ii)~~ If the offense that resulted in the collateral 22704  
sanction from which the individual seeks relief is a misdemeanor, 22705  
at any time after the expiration of six months from the date of 22706  
release of the individual from any period of incarceration in a 22707  
local correctional facility that was imposed for that offense and 22708  
all periods of supervision imposed after release from the period 22709  
of incarceration or, if the individual was not incarcerated for 22710  
that offense, at any time after the expiration of six months from 22711  
the date of the final release of the individual from all sanctions 22712  
imposed for that offense including any period of supervision. 22713

(b) The department of rehabilitation and correction may 22714

establish criteria by rule adopted under Chapter 119. of the 22715  
Revised Code that, if satisfied by an individual, would allow the 22716  
individual to file a petition before the expiration of six months 22717  
or one year from the date of final release, whichever is 22718  
applicable under division (B)(4)(a) of this section. 22719

(5)(a) A designee that receives a petition for a 22720  
~~certification~~ certificate of qualification for employment from an 22721  
individual under division (B)(1) or (2) of this section shall 22722  
review the petition to determine whether it is complete. If the 22723  
petition is complete, the designee shall forward the petition, and 22724  
any other information the designee possesses that relates to the 22725  
petition, to the court of common pleas of the county in which the 22726  
individual resides if the individual submitting the petition 22727  
resides in this state or, if the individual resides outside of 22728  
this state, to the court of common pleas of the county in which 22729  
the conviction or plea of guilty from which the individual seeks 22730  
relief was entered. 22731

(b) A court of common pleas that receives a petition for a 22732  
certificate of qualification for employment from an individual 22733  
under division (B)(2) of this section, or that is forwarded a 22734  
petition for such a certificate under division (B)(5)(a) of this 22735  
section, shall attempt to determine all other courts in this state 22736  
in which the individual was convicted of or pleaded guilty to an 22737  
offense other than the offense from which the individual is 22738  
seeking relief. The court that receives or is forwarded the 22739  
petition shall notify all other courts in this state that it 22740  
determines under this division were courts in which the individual 22741  
was convicted of or pleaded guilty to an offense other than the 22742  
offense from which the individual is seeking relief that the 22743  
individual has filed the petition and that the court may send 22744  
comments regarding the possible issuance of the certificate. 22745

A court of common pleas that receives a petition for a 22746

certificate of qualification for employment under division (B)(2) 22747  
of this section shall notify the county's prosecuting attorney ~~of~~ 22748  
~~the county in which the individual resides~~ that the individual has 22749  
filed the petition. 22750

A court of common pleas that receives a petition for a 22751  
certificate of qualification for employment under division (B)(2) 22752  
of this section, or that is forwarded a petition for qualification 22753  
under division (B)(5)(a) of this section may direct the clerk of 22754  
court to process and record all notices required in or under this 22755  
section. 22756

(C)(1) Upon receiving a petition for a certificate of 22757  
qualification for employment filed by an individual under division 22758  
(B)(2) of this section or being forwarded a petition for such a 22759  
certificate under division (B)(5)(a) of this section, the court 22760  
shall review the individual's petition, the individual's criminal 22761  
history, all filings submitted by the prosecutor or by the victim 22762  
in accordance with rules adopted by the division of parole and 22763  
community services, the applicant's military service record, if 22764  
applicable, and whether the applicant has an emotional, mental, or 22765  
physical condition that is traceable to the applicant's military 22766  
service in the armed forces of the United States and that was a 22767  
contributing factor in the commission of the offense or offenses, 22768  
and all other relevant evidence. The court may order any report, 22769  
investigation, or disclosure by the individual that the court 22770  
believes is necessary for the court to reach a decision on whether 22771  
to approve the individual's petition for a certificate of 22772  
qualification for employment. 22773

(2) Upon receiving a petition for a certificate of 22774  
qualification for employment filed by an individual under division 22775  
(B)(2) of this section or being forwarded a petition for such a 22776  
certificate under division (B)(5)(a) of this section, except as 22777  
otherwise provided in this division, the court shall decide 22778

whether to issue the certificate within sixty days after the court 22779  
receives or is forwarded the completed petition and all 22780  
information requested for the court to make that decision. Upon 22781  
request of the individual who filed the petition, the court may 22782  
extend the sixty-day period specified in this division. 22783

(3) Subject to division (C)(5) of this section, a court that 22784  
receives an individual's petition for a certificate of 22785  
qualification for employment under division (B)(2) of this section 22786  
or that is forwarded a petition for such a certificate under 22787  
division (B)(5)(a) of this section may issue a certificate of 22788  
qualification for employment, at the court's discretion, if the 22789  
court finds that the individual has established all of the 22790  
following by a preponderance of the evidence: 22791

(a) Granting the petition will materially assist the 22792  
individual in obtaining employment or occupational licensing. 22793

(b) The individual has a substantial need for the relief 22794  
requested in order to live a law-abiding life. 22795

(c) Granting the petition would not pose an unreasonable risk 22796  
to the safety of the public or any individual. 22797

(4) The submission of an incomplete petition by an individual 22798  
shall not be grounds for the designee or court to deny the 22799  
petition. 22800

~~(5) A court that receives an individual's petition for a 22801  
certificate of qualification for employment under division (B)(2) 22802  
of this section or that is forwarded a petition for such a 22803  
certificate under division (B)(5)(a) of this section shall not 22804  
issue a certificate of qualification for employment that grants 22805  
the individual shall not create relief from any of the following 22806  
collateral sanctions: 22807~~

(a) Requirements imposed by Chapter 2950. of the Revised Code 22808  
and rules adopted under sections 2950.13 and 2950.132 of the 22809

Revised Code;	22810
(b) A driver's license, commercial driver's license, or	22811
probationary license suspension, cancellation, or revocation	22812
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the	22813
Revised Code if the relief sought is available pursuant to section	22814
4510.021 or division (B) of section 4510.13 of the Revised Code;	22815
(c) Restrictions on employment as a prosecutor or law	22816
enforcement officer;	22817
(d) The denial, ineligibility, or automatic suspension of a	22818
license that is imposed upon an individual applying for or holding	22819
a license as a health care professional under Title XLVII of the	22820
Revised Code if the individual is convicted of, pleads guilty to,	22821
is subject to a judicial finding of eligibility for intervention	22822
in lieu of conviction in this state under section 2951.041 of the	22823
Revised Code, or is subject to treatment or intervention in lieu	22824
of conviction for a violation of section 2903.01, 2903.02,	22825
2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02,	22826
2911.01, 2911.11, or 2919.123 of the Revised Code;	22827
(e) The immediate suspension of a license, certificate, or	22828
evidence of registration that is imposed upon an individual	22829
holding a license as a health care professional under Title XLVII	22830
of the Revised Code pursuant to division (C) of section 3719.121	22831
of the Revised Code;	22832
(f) The denial or ineligibility for employment in a pain	22833
clinic under division (B)(4) of section 4729.552 of the Revised	22834
Code;	22835
(g) The mandatory suspension of a license that is imposed on	22836
an individual applying for or holding a license as a health care	22837
professional under Title XLVII of the Revised Code pursuant to	22838
section 3123.43 of the Revised Code.	22839
(6) If a court that receives an individual's petition for a	22840

certificate of qualification for employment under division (B)(2) 22841  
of this section or that is forwarded a petition for such a 22842  
certificate under division (B)(5)(a) of this section denies the 22843  
petition, the court shall provide written notice to the individual 22844  
of the court's denial. The court may place conditions on the 22845  
individual regarding the individual's filing of any subsequent 22846  
petition for a certificate of qualification for employment. The 22847  
written notice must notify the individual of any conditions placed 22848  
on the individual's filing of a subsequent petition for a 22849  
certificate of qualification for employment. 22850

If a court of common pleas that receives an individual's 22851  
petition for a certificate of qualification for employment under 22852  
division (B)(2) of this section or that is forwarded a petition 22853  
for such a certificate under division (B)(5)(a) of this section 22854  
denies the petition, the individual may appeal the decision to the 22855  
court of appeals only if the individual alleges that the denial 22856  
was an abuse of discretion on the part of the court of common 22857  
pleas. 22858

(D)(1) A certificate of qualification for employment issued 22859  
to an individual lifts the automatic bar of a collateral sanction, 22860  
and a decision-maker shall consider on a case-by-case basis 22861  
whether to grant or deny the issuance or restoration of an 22862  
occupational license or an employment opportunity, notwithstanding 22863  
the individual's possession of the certificate, without, however, 22864  
reconsidering or rejecting any finding made by a designee or court 22865  
under division (C)(3) of this section. 22866

(2) The certificate constitutes a rebuttable presumption that 22867  
the person's criminal convictions are insufficient evidence that 22868  
the person is unfit for the license, employment opportunity, or 22869  
certification in question. Notwithstanding the presumption 22870  
established under this division, the agency may deny the license 22871  
or certification for the person if it determines that the person 22872

is unfit for issuance of the license. 22873

(3) If an employer that has hired a person who has been 22874  
issued a certificate of qualification for employment applies to a 22875  
licensing agency for a license or certification and the person has 22876  
a conviction or guilty plea that otherwise would bar the person's 22877  
employment with the employer or licensure for the employer because 22878  
of a mandatory civil impact, the agency shall give the person 22879  
individualized consideration, notwithstanding the mandatory civil 22880  
impact, the mandatory civil impact shall be considered for all 22881  
purposes to be a discretionary civil impact, and the certificate 22882  
constitutes a rebuttable presumption that the person's criminal 22883  
convictions are insufficient evidence that the person is unfit for 22884  
the employment, or that the employer is unfit for the license or 22885  
certification, in question. 22886

(E) A certificate of qualification for employment does not 22887  
grant the individual to whom the certificate was issued relief 22888  
from the mandatory civil impacts identified in division (A)(1) of 22889  
section 2961.01 or division (B) of section 2961.02 of the Revised 22890  
Code. 22891

(F) A petition for a certificate of qualification for 22892  
employment filed by an individual under division (B)(1) or (2) of 22893  
this section shall include all of the following: 22894

(1) The individual's name, date of birth, and social security 22895  
number; 22896

(2) All aliases of the individual and all social security 22897  
numbers associated with those aliases; 22898

(3) The individual's residence address, including the city, 22899  
county, and state of residence and zip code; 22900

(4) The length of time that the individual has ~~been a~~ 22901  
resident of this resided in the individual's current state of 22902  
residence, expressed in years and months of residence; 22903

(5) ~~The name or type of each collateral sanction from which the individual is requesting a certificate of qualification for employment~~ A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual; 22904  
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22906  
22907  
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(6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses; 22909  
22910  
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22912

(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer; 22913  
22914  
22915

(8) Verifiable references and endorsements; 22916

(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan; 22917  
22918  
22919

(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted; 22920  
22921

(11) Any other information required by rule by the department of rehabilitation and correction. 22922  
22923

(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault. 22924  
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(2) In any proceeding on a claim against an employer for 22933

negligent hiring, a certificate of qualification for employment 22934  
issued to an individual under this section shall provide immunity 22935  
for the employer as to the claim if the employer knew of the 22936  
certificate at the time of the alleged negligence. 22937

(3) If an employer hires an individual who has been issued a 22938  
certificate of qualification for employment under this section, if 22939  
the individual, after being hired, subsequently demonstrates 22940  
dangerousness or is convicted of or pleads guilty to a felony, and 22941  
if the employer retains the individual as an employee after the 22942  
demonstration of dangerousness or the conviction or guilty plea, 22943  
the employer may be held liable in a civil action that is based on 22944  
or relates to the retention of the individual as an employee only 22945  
if it is proved by a preponderance of the evidence that the person 22946  
having hiring and firing responsibility for the employer had 22947  
actual knowledge that the employee was dangerous or had been 22948  
convicted of or pleaded guilty to the felony and was willful in 22949  
retaining the individual as an employee after the demonstration of 22950  
dangerousness or the conviction or guilty plea of which the person 22951  
has actual knowledge. 22952

(H) A certificate of qualification for employment issued 22953  
under this section shall be ~~presumptively~~ revoked if the 22954  
individual to whom the certificate of qualification for employment 22955  
was issued is convicted of or pleads guilty to a felony offense 22956  
committed subsequent to the issuance of the certificate of 22957  
qualification for employment. The department of rehabilitation and 22958  
correction shall periodically review the certificates listed in 22959  
the database described in division (K) of this section to identify 22960  
those that are subject to revocation under this division. Upon 22961  
identifying a certificate of qualification for employment that is 22962  
subject to revocation, the department shall note in the database 22963  
that the certificate has been revoked, the reason for revocation, 22964  
and the effective date of revocation, which shall be the date of 22965

the conviction or plea of guilty subsequent to the issuance of the certificate. 22966  
22967

(I) A designee's forwarding, or failure to forward, a 22968  
petition for a certificate of qualification for employment to a 22969  
court or a court's issuance, or failure to issue, a petition for a 22970  
certificate of qualification for employment to an individual under 22971  
division (B) of this section does not give rise to a claim for 22972  
damages against the department of rehabilitation and correction or 22973  
court. 22974

(J) ~~Not later than ninety days after September 28, 2012, the~~ 22975  
The division of parole and community services shall adopt rules in 22976  
accordance with Chapter 119. of the Revised Code for the 22977  
implementation and administration of this section and shall 22978  
prescribe the form for the petition to be used under division 22979  
(B)(1) or (2) of this section. The form for the petition shall 22980  
include places for all of the information specified in division 22981  
(F) of this section. ~~Upon the adoption of the rules, the~~ 22982  
~~provisions of divisions (A) to (I) of this section become~~ 22983  
~~operative.~~ 22984

(K) The department of rehabilitation and correction shall 22985  
~~conduct a study to determine the manner for transferring the~~ 22986  
~~mechanism for the issuance of a certificate of qualification for~~ 22987  
~~employment created by this section to an electronic database~~ 22988  
~~established and maintained by the department. The maintain a~~ 22989  
~~database to which the mechanism is to be transferred shall include~~ 22990  
that identifies granted certificates and revoked certificates and 22991  
~~shall be designed to track tracks the number of certificates~~ 22992  
granted and revoked, the industries, occupations, and professions 22993  
with respect to which the certificates have been most applicable, 22994  
and the types of employers that have accepted the certificates, 22995  
~~and the recidivism rates of individuals who have been issued the~~ 22996  
~~certificates. Not later than the date that is one year after~~ 22997

~~September 28, 2012, the The department of rehabilitation and 22998  
correction shall submit to the general assembly and the governor 22999  
annually create a report that ~~contains the results of the study~~ 23000  
~~and recommendations for transferring the mechanism for the~~ 23001  
~~issuance of certificate of qualification for employment created by~~ 23002  
~~this section to an electronic~~ summarizes the information 23003  
maintained in the database established and maintained by the 23004  
department and shall make the report available to the public on 23005  
its internet web site. 23006~~

~~(L) The department of rehabilitation and correction, in 23007  
conjunction with the Ohio judicial conference, shall conduct a 23008  
study to determine whether the application process for 23009  
certificates of qualification for employment created by this 23010  
section is feasible based upon the caseload capacity of the 23011  
department and the courts of common pleas. Not later than the date 23012  
that is one year after September 28, 2012, the department shall 23013  
submit to the general assembly a report that contains the results 23014  
of the study and any recommendations for improvement of the 23015  
application process. 23016~~

**Sec. 2967.193.** (A)(1) Except as provided in division (C) of 23017  
this section and subject to the maximum aggregate total specified 23018  
in division (A)~~(2)~~(3) of this section, a person confined in a 23019  
state correctional institution or placed in the substance use 23020  
disorder treatment program may provisionally earn one day or five 23021  
days of credit, based on the category set forth in division 23022  
(D)(1), (2), (3), (4), or (5) of this section in which the person 23023  
is included, toward satisfaction of the person's stated prison 23024  
term for each completed month during which the person, if confined 23025  
in a state correctional institution, productively participates in 23026  
an education program, vocational training, employment in prison 23027  
industries, treatment for substance abuse, or any other 23028  
constructive program developed by the department with specific 23029

standards for performance by prisoners or during which the person, 23030  
if placed in the substance use disorder treatment program, 23031  
productively participates in the program. Except as provided in 23032  
division (C) of this section and subject to the maximum aggregate 23033  
total specified in division (A)~~(2)~~(3) of this section, a person so 23034  
confined in a state correctional institution who successfully 23035  
completes two programs or activities of that type may, in 23036  
addition, provisionally earn up to five days of credit toward 23037  
satisfaction of the person's stated prison term for the successful 23038  
completion of the second program or activity. The person shall not 23039  
be awarded any provisional days of credit for the successful 23040  
completion of the first program or activity or for the successful 23041  
completion of any program or activity that is completed after the 23042  
second program or activity. At the end of each calendar month in 23043  
which a person productively participates in a program or activity 23044  
listed in this division or successfully completes a program or 23045  
activity listed in this division, the department of rehabilitation 23046  
and correction shall determine and record the total number of days 23047  
credit that the person provisionally earned in that calendar 23048  
month. If the person in a state correctional institution violates 23049  
prison rules or the person in the substance use disorder treatment 23050  
program violates program or department rules, the department may 23051  
deny the person a credit that otherwise could have been 23052  
provisionally awarded to the person or may withdraw one or more 23053  
credits previously provisionally earned by the person. Days of 23054  
credit provisionally earned by a person shall be finalized and 23055  
awarded by the department subject to administrative review by the 23056  
department of the person's conduct. 23057

(2) The Regardless of the category in which a person is 23058  
included in division (D) of this section, and notwithstanding the 23059  
maximum aggregate total specified in division (A)(3) of this 23060  
section, each person who successfully completes an Ohio high 23061  
school diploma or Ohio certificate of high school equivalence 23062

certified by the Ohio central school system shall earn ninety days 23063  
of credit toward satisfaction of the person's stated prison term. 23064

(3) Except for persons described in division (A)(2) of this 23065  
section, the aggregate days of credit provisionally earned by a 23066  
person for program or activity participation and program and 23067  
activity completion under this section and the aggregate days of 23068  
credit finally credited to a person under this section shall not 23069  
exceed eight per cent of the total number of days in the person's 23070  
stated prison term. 23071

(B) The department of rehabilitation and correction shall 23072  
adopt rules that specify the programs or activities for which 23073  
credit may be earned under this section, the criteria for 23074  
determining productive participation in, or completion of, the 23075  
programs or activities and the criteria for awarding credit, 23076  
including criteria for awarding additional credit for successful 23077  
program or activity completion, and the criteria for denying or 23078  
withdrawing previously provisionally earned credit as a result of 23079  
a violation of prison rules, or program or department rules, 23080  
whichever is applicable. 23081

(C) No person confined in a state correctional institution or 23082  
placed in a substance use disorder treatment program to whom any 23083  
of the following applies shall be awarded any days of credit under 23084  
division (A) of this section: 23085

(1) The person is serving a prison term that section 2929.13 23086  
or section 2929.14 of the Revised Code specifies cannot be reduced 23087  
pursuant to this section or this chapter or is serving a sentence 23088  
for which section 2967.13 or division (B) of section 2929.143 of 23089  
the Revised Code specifies that the person is not entitled to any 23090  
earned credit under this section. 23091

(2) The person is sentenced to death or is serving a prison 23092  
term or a term of life imprisonment for aggravated murder, murder, 23093

or a conspiracy or attempt to commit, or complicity in committing, 23094  
aggravated murder or murder. 23095

(3) The person is serving a sentence of life imprisonment 23096  
without parole imposed pursuant to section 2929.03 or 2929.06 of 23097  
the Revised Code, a prison term or a term of life imprisonment 23098  
without parole imposed pursuant to section 2971.03 of the Revised 23099  
Code, or a sentence for a sexually oriented offense that was 23100  
committed on or after September 30, 2011. 23101

(D) This division does not apply to a determination of 23102  
whether a person confined in a state correctional institution or 23103  
placed in a substance use disorder treatment program may earn any 23104  
days of credit under division (A) of this section for successful 23105  
completion of a second program or activity. The determination of 23106  
whether a person confined in a state correctional institution may 23107  
earn one day of credit or five days of credit under division (A) 23108  
of this section for each completed month during which the person 23109  
productively participates in a program or activity specified under 23110  
that division shall be made in accordance with the following: 23111

(1) The offender may earn one day of credit under division 23112  
(A) of this section, except as provided in division (C) of this 23113  
section, if the most serious offense for which the offender is 23114  
confined is any of the following that is a felony of the first or 23115  
second degree: 23116

(a) A violation of division (A) of section 2903.04 or of 23117  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 23118  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 23119  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 23120  
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 23121  
of the Revised Code; 23122

(b) A conspiracy or attempt to commit, or complicity in 23123  
committing, any other offense for which the maximum penalty is 23124

imprisonment for life or any offense listed in division (D)(1)(a) 23125  
of this section. 23126

(2) The offender may earn one day of credit under division 23127  
(A) of this section, except as provided in division (C) of this 23128  
section, if the offender is serving a stated prison term that 23129  
includes a prison term imposed for a sexually oriented offense 23130  
that the offender committed prior to September 30, 2011. 23131

(3) The offender may earn one day of credit under division 23132  
(A) of this section, except as provided in division (C) of this 23133  
section, if the offender is serving a stated prison term that 23134  
includes a prison term imposed for a felony other than carrying a 23135  
concealed weapon an essential element of which is any conduct or 23136  
failure to act expressly involving any deadly weapon or dangerous 23137  
ordnance. 23138

(4) Except as provided in division (C) of this section, if 23139  
the most serious offense for which the offender is confined is a 23140  
felony of the first or second degree and divisions (D)(1), (2), 23141  
and (3) of this section do not apply to the offender, the offender 23142  
may earn one day of credit under division (A) of this section if 23143  
the offender committed that offense prior to September 30, 2011, 23144  
and the offender may earn five days of credit under division (A) 23145  
of this section if the offender committed that offense on or after 23146  
September 30, 2011. 23147

(5) Except as provided in division (C) of this section, if 23148  
the most serious offense for which the offender is confined is a 23149  
felony of the third, fourth, or fifth degree or an unclassified 23150  
felony and neither division (D)(2) nor (3) of this section applies 23151  
to the offender, the offender may earn one day of credit under 23152  
division (A) of this section if the offender committed that 23153  
offense prior to September 30, 2011, and the offender may earn 23154  
five days of credit under division (A) of this section if the 23155  
offender committed that offense on or after September 30, 2011. 23156

(E) The department annually shall seek and consider the written feedback of the Ohio prosecuting attorneys association, the Ohio judicial conference, the Ohio public defender, the Ohio association of criminal defense lawyers, and other organizations and associations that have an interest in the operation of the corrections system and the earned credits program under this section as part of its evaluation of the program and in determining whether to modify the program.

(F) As used in this section:

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(2) "Substance use disorder treatment program" means the substance use disorder treatment program established by the department of rehabilitation and correction under section 5120.035 of the Revised Code.

**Sec. 3111.04.** (A)(1) Except as provided in division (A)(2) of this section, an action to determine the existence or nonexistence of the father and child relationship may be brought by the child or the child's personal representative, the child's mother or her personal representative, a man alleged or alleging himself to be the child's father, the child support enforcement agency of the county in which the child resides if the child's mother, father, or alleged father is a recipient of public assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the alleged father's personal representative.

(2) A man alleged or alleging himself to be the child's father is not eligible to file an action under division (A)(1) of this section if the man was convicted of or pleaded guilty to rape or sexual battery, the victim of the rape or sexual battery was the child's mother, and the child was conceived as a result of the

rape or sexual battery.	23188
(B) An agreement does not bar an action under this section.	23189
(C) If an action under this section is brought before the	23190
birth of the child and if the action is contested, all	23191
proceedings, except service of process and the taking of	23192
depositions to perpetuate testimony, may be stayed until after the	23193
birth.	23194
(D) A recipient of public assistance or of services under	23195
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42	23196
U.S.C.A. 651, as amended, shall cooperate with the child support	23197
enforcement agency of the county in which a child resides to	23198
obtain an administrative determination pursuant to sections	23199
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court	23200
determination pursuant to sections 3111.01 to 3111.18 of the	23201
Revised Code, of the existence or nonexistence of a parent and	23202
child relationship between the father and the child. If the	23203
recipient fails to cooperate, the agency may commence an action to	23204
determine the existence or nonexistence of a parent and child	23205
relationship between the father and the child pursuant to sections	23206
3111.01 to 3111.18 of the Revised Code.	23207
(E) As used in this section:	23208
(1) "Public assistance" means <del>all</del> <u>both</u> of the following:	23209
(a) Medicaid;	23210
(b) Ohio works first under Chapter 5107. of the Revised Code;	23211
<del>(c) Disability financial assistance under Chapter 5115. of</del>	23212
<del>the Revised Code.</del>	23213
(2) "Rape" means a violation of section 2907.02 of the	23214
Revised Code or similar law of another state.	23215
(3) "Sexual battery" means a violation of section 2907.03 of	23216
the Revised Code or similar law of another state.	23217

**Sec. 3113.06.** No father, or mother when she is charged with 23218  
the maintenance, of a child under eighteen years of age, or a 23219  
mentally or physically handicapped child under age twenty-one, who 23220  
is legally a ward of a public children services agency or is the 23221  
recipient of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised 23222  
Code, shall neglect or refuse to pay such agency the reasonable 23223  
cost of maintaining such child when such father or mother is able 23224  
to do so by reason of property, labor, or earnings. 23225

An offense under this section shall be held committed in the 23226  
county in which the agency is located. The agency shall file 23227  
charges against any parent who violates this section, unless the 23228  
agency files charges under section 2919.21 of the Revised Code, or 23229  
unless charges of nonsupport are filed by a relative or guardian 23230  
of the child, or unless an action to enforce support is brought 23231  
under Chapter 3115. of the Revised Code. 23232

**Sec. 3113.07.** As used in this section, "executive director" 23233  
has the same meaning as in section 5153.01 of the Revised Code. 23234

Sentence may be suspended, if a person, after conviction 23235  
under section 3113.06 of the Revised Code and before sentence 23236  
thereunder, appears before the court of common pleas in which such 23237  
conviction took place and enters into bond to the state in a sum 23238  
fixed by the court at not less than five hundred dollars, with 23239  
sureties approved by such court, conditioned that such person will 23240  
pay, so long as the child remains a ward of the public children 23241  
services agency or a recipient of aid pursuant to Chapter 5107. ~~or~~ 23242  
~~5115.~~ of the Revised Code, to the executive director thereof or to 23243  
a trustee to be named by the court, for the benefit of such agency 23244  
or if the child is a recipient of aid pursuant to Chapter 5107. ~~or~~ 23245  
~~5115.~~ of the Revised Code, to the county department of job and 23246  
family services, the reasonable cost of keeping such child. The 23247  
amount of such costs and the time of payment shall be fixed by the 23248

court. 23249

The court, in accordance with sections 3119.29 to 3119.56 of 23250  
the Revised Code, shall include in each support order made under 23251  
this section the requirement that one or both of the parents 23252  
provide for the health care needs of the child to the satisfaction 23253  
of the court. 23254

**Sec. 3119.05.** When a court computes the amount of child 23255  
support required to be paid under a court child support order or a 23256  
child support enforcement agency computes the amount of child 23257  
support to be paid pursuant to an administrative child support 23258  
order, all of the following apply: 23259

(A) The parents' current and past income and personal 23260  
earnings shall be verified by electronic means or with suitable 23261  
documents, including, but not limited to, paystubs, employer 23262  
statements, receipts and expense vouchers related to 23263  
self-generated income, tax returns, and all supporting 23264  
documentation and schedules for the tax returns. 23265

(B) The amount of any pre-existing child support obligation 23266  
of a parent under a child support order and the amount of any 23267  
court-ordered spousal support actually paid shall be deducted from 23268  
the gross income of that parent to the extent that payment under 23269  
the child support order or that payment of the court-ordered 23270  
spousal support is verified by supporting documentation. 23271

(C) If other minor children who were born to the parent and a 23272  
person other than the other parent who is involved in the 23273  
immediate child support determination live with the parent, the 23274  
court or agency shall deduct an amount from that parent's gross 23275  
income that equals the number of such minor children times the 23276  
federal income tax exemption for such children less child support 23277  
received for them for the year, not exceeding the federal income 23278  
tax exemption. 23279

(D) When the court or agency calculates the gross income of a parent, it shall include the lesser of the following as income from overtime and bonuses:

(1) The yearly average of all overtime, commissions, and bonuses received during the three years immediately prior to the time when the person's child support obligation is being computed;

(2) The total overtime, commissions, and bonuses received during the year immediately prior to the time when the person's child support obligation is being computed.

(E) When the court or agency calculates the gross income of a parent, it shall not include any income earned by the spouse of that parent.

(F) The court shall issue a separate order for extraordinary medical or dental expenses, including, but not limited to, orthodontia, psychological, appropriate private education, and other expenses, and may consider the expenses in adjusting a child support order.

(G) When a court or agency calculates the amount of child support to be paid pursuant to a court child support order or an administrative child support order, if the combined gross income of both parents is an amount that is between two amounts set forth in the first column of the schedule, the court or agency may use the basic child support obligation that corresponds to the higher of the two amounts in the first column of the schedule, use the basic child support obligation that corresponds to the lower of the two amounts in the first column of the schedule, or calculate a basic child support obligation that is between those two amounts and corresponds proportionally to the parents' actual combined gross income.

(H) When the court or agency calculates gross income, the court or agency, when appropriate, may average income over a

reasonable period of years. 23311

(I) Unless it would be unjust or inappropriate and therefore 23312  
not in the best interests of the child, a court or agency shall 23313  
not determine a parent to be voluntarily unemployed or 23314  
underemployed and shall not impute income to that parent if either 23315  
of the following conditions exist: 23316

(1) The parent is receiving recurring monetary income from 23317  
means-tested public assistance benefits, including cash assistance 23318  
payments under the Ohio works first program established under 23319  
Chapter 5107. of the Revised Code, ~~financial assistance under the~~ 23320  
~~disability financial assistance program established under Chapter~~ 23321  
~~5115. of the Revised Code,~~ supplemental security income, or 23322  
means-tested veterans' benefits; 23323

(2) The parent is incarcerated or institutionalized for a 23324  
period of twelve months or more with no other available assets, 23325  
unless the parent is incarcerated for an offense relating to the 23326  
abuse or neglect of a child who is the subject of the support 23327  
order or an offense under Title XXIX of the Revised Code when the 23328  
obligee or a child who is the subject of the support order is a 23329  
victim of the offense. 23330

(J) When a court or agency requires a parent to pay an amount 23331  
for that parent's failure to support a child for a period of time 23332  
prior to the date the court modifies or issues a court child 23333  
support order or an agency modifies or issues an administrative 23334  
child support order for the current support of the child, the 23335  
court or agency shall calculate that amount using the basic child 23336  
support schedule, worksheets, and child support laws in effect, 23337  
and the incomes of the parents as they existed, for that prior 23338  
period of time. 23339

(K) A court or agency may disregard a parent's additional 23340  
income from overtime or additional employment when the court or 23341

agency finds that the additional income was generated primarily to support a new or additional family member or members, or under other appropriate circumstances.

(L) If both parents involved in the immediate child support determination have a prior order for support relative to a minor child or children born to both parents, the court or agency shall collect information about the existing order or orders and consider those together with the current calculation for support to ensure that the total of all orders for all children of the parties does not exceed the amount that would have been ordered if all children were addressed in a single judicial or administrative proceeding.

**Sec. 3121.03.** If a court or child support enforcement agency that issued or modified a support order, or the agency administering the support order, is required by the Revised Code to issue one or more withholding or deduction notices described in this section or other orders described in this section, the court or agency shall issue one or more of the following types of notices or orders, as appropriate, for payment of the support and also, if required by the Revised Code or the court, to pay any arrearages:

(A)(1) If the court or the child support enforcement agency determines that the obligor is receiving income from a payor, the court or agency shall require the payor to do all of the following:

(a) Withhold from the obligor's income a specified amount for support in satisfaction of the support order and begin the withholding no later than fourteen business days following the date the notice is mailed or transmitted to the payor under section 3121.035, 3123.021, or 3123.06 of the Revised Code and division (A)(2) of this section or, if the payor is an employer,

no later than the first pay period that occurs after fourteen 23373  
business days following the date the notice is mailed or 23374  
transmitted; 23375

(b) Send the amount withheld to the office of child support 23376  
in the department of job and family services pursuant to section 23377  
3121.43 of the Revised Code immediately but not later than seven 23378  
business days after the date the obligor is paid; 23379

(c) Continue the withholding at intervals specified in the 23380  
notice until further notice from the court or child support 23381  
enforcement agency. 23382

To the extent possible, the amount specified to be withheld 23383  
shall satisfy the amount ordered for support in the support order 23384  
plus any arrearages owed by the obligor under any prior support 23385  
order that pertained to the same child or spouse, notwithstanding 23386  
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 23387  
2716.041, and 2716.05 of the Revised Code. However, in no case 23388  
shall the sum of the amount to be withheld and any fee withheld by 23389  
the payor as a charge for its services exceed the maximum amount 23390  
permitted under section 303(b) of the "Consumer Credit Protection 23391  
Act," 15 U.S.C. 1673(b). 23392

(2) A court or agency that imposes an income withholding 23393  
requirement shall, within the applicable time specified in section 23394  
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 23395  
Code, send to the obligor's payor by regular mail or via secure 23396  
federally managed data transmission interface a notice that 23397  
contains all of the information applicable to withholding notices 23398  
set forth in section 3121.037 of the Revised Code. The notice is 23399  
final and is enforceable by the court. 23400

(B)(1) If the court or child support enforcement agency 23401  
determines that the obligor has funds that are not exempt under 23402  
the laws of this state or the United States from execution, 23403

attachment, or other legal process and are on deposit in an 23404  
account in a financial institution under the jurisdiction of the 23405  
court that issued the court support order, or in the case of an 23406  
administrative child support order, under the jurisdiction of the 23407  
common pleas court of the county in which the agency that issued 23408  
or is administering the order is located, the court or agency may 23409  
require any financial institution in which the obligor's funds are 23410  
on deposit to do all of the following: 23411

(a) Deduct from the obligor's account a specified amount for 23412  
support in satisfaction of the support order and begin the 23413  
deduction no later than fourteen business days following the date 23414  
the notice was mailed or transmitted to the financial institution 23415  
under section 3121.035 or 3123.06 of the Revised Code and division 23416  
(B)(2) of this section; 23417

(b) Send the amount deducted to the office of child support 23418  
in the department of job and family services pursuant to section 23419  
3121.43 of the Revised Code immediately but not later than seven 23420  
business days after the date the latest deduction was made; 23421

(c) Provide the date on which the amount was deducted; 23422

(d) Continue the deduction at intervals specified in the 23423  
notice until further notice from the court or child support 23424  
enforcement agency. 23425

To the extent possible, the amount to be deducted shall 23426  
satisfy the amount ordered for support in the support order plus 23427  
any arrearages that may be owed by the obligor under any prior 23428  
support order that pertained to the same child or spouse, 23429  
notwithstanding the limitations of sections 2329.66, 2329.70, and 23430  
2716.13 of the Revised Code. 23431

(2) A court or agency that imposes a deduction requirement 23432  
shall, within the applicable period of time specified in section 23433  
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 23434

to the financial institution by regular mail or via secure 23435  
federally managed data transmission interface a notice that 23436  
contains all of the information applicable to deduction notices 23437  
set forth in section 3121.037 of the Revised Code. The notice is 23438  
final and is enforceable by the court. 23439

(C) With respect to any court support order it issues, a 23440  
court may issue an order requiring the obligor to enter into a 23441  
cash bond with the court. The court shall issue the order as part 23442  
of the court support order or, if the court support order has 23443  
previously been issued, as a separate order. The cash bond shall 23444  
be in a sum fixed by the court at not less than five hundred nor 23445  
more than ten thousand dollars, conditioned that the obligor will 23446  
make payment as previously ordered and will pay any arrearages 23447  
under any prior court support order that pertained to the same 23448  
child or spouse. 23449

The order, along with an additional order requiring the 23450  
obligor to immediately notify the child support enforcement 23451  
agency, in writing, if the obligor begins to receive income from a 23452  
payor, shall be attached to and served on the obligor at the same 23453  
time as service of the court support order or, if the court 23454  
support order has previously been issued, as soon as possible 23455  
after the issuance of the order under this section. The additional 23456  
order requiring notice by the obligor shall state all of the 23457  
following: 23458

(1) That when the obligor begins to receive income from a 23459  
payor the obligor may request that the court cancel its bond order 23460  
and instead issue a notice requiring the withholding of an amount 23461  
from income for support in accordance with this section; 23462

(2) That when the obligor begins to receive income from a 23463  
payor the court will proceed to collect on the bond if the court 23464  
determines that payments due under the court support order have 23465  
not been made and that the amount that has not been paid is at 23466

least equal to the support owed for one month under the court 23467  
support order and will issue a notice requiring the withholding of 23468  
an amount from income for support in accordance with this section. 23469  
The notice required of the obligor shall include a description of 23470  
the nature of any new employment, the name and business address of 23471  
any new employer, and any other information reasonably required by 23472  
the court. 23473

The court shall not order an obligor to post a cash bond 23474  
under this section unless the court determines that the obligor 23475  
has the ability to do so. 23476

A child support enforcement agency may not issue a cash bond 23477  
order. If a child support enforcement agency is required to issue 23478  
a withholding or deduction notice under this section with respect 23479  
to a court support order but the agency determines that no 23480  
withholding or deduction notice would be appropriate, the agency 23481  
may request that the court issue a cash bond order under this 23482  
section, and upon the request, the court may issue the order. 23483

(D)(1) If the obligor under a court support order is 23484  
unemployed, has no income, and does not have an account at any 23485  
financial institution, or on request of a child support 23486  
enforcement agency under division (D)(1) or (2) of this section, 23487  
the court shall issue an order requiring the obligor, if able to 23488  
engage in employment, to seek employment or participate in a work 23489  
activity to which a recipient of assistance under Title IV-A of 23490  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 23491  
as amended, may be assigned as specified in section 407(d) of the 23492  
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 23493  
shall include in the order requirements that the obligor register 23494  
with the OhioMeansJobs web site and to notify the child support 23495  
enforcement agency on obtaining employment, obtaining any income, 23496  
or obtaining ownership of any asset with a value of five hundred 23497  
dollars or more. The court may issue the order regardless of 23498

whether the obligee to whom the obligor owes support is a 23499  
recipient of assistance under Title IV-A of the "Social Security 23500  
Act." The court shall issue the order as part of a court support 23501  
order or, if a court support order has previously been issued, as 23502  
a separate order. If a child support enforcement agency is 23503  
required to issue a withholding or deduction notice under this 23504  
section with respect to a court support order but determines that 23505  
no withholding or deduction notice would be appropriate, the 23506  
agency may request that the court issue a court order under 23507  
division (D)(1) of this section, and, on the request, the court 23508  
may issue the order. 23509

(2) If the obligor under an administrative child support 23510  
order is unemployed, has no income, and does not have an account 23511  
at any financial institution, the agency shall issue an 23512  
administrative order requiring the obligor, if able to engage in 23513  
employment, to seek employment or participate in a work activity 23514  
to which a recipient of assistance under Title IV-A of the "Social 23515  
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 23516  
may be assigned as specified in section 407(d) of the "Social 23517  
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 23518  
include in the order requirements that the obligor register with 23519  
the OhioMeansJobs web site and to notify the agency on obtaining 23520  
employment or income, or ownership of any asset with a value of 23521  
five hundred dollars or more. The agency may issue the order 23522  
regardless of whether the obligee to whom the obligor owes support 23523  
is a recipient of assistance under Title IV-A of the "Social 23524  
Security Act." If an obligor fails to comply with an 23525  
administrative order issued pursuant to division (D)(2) of this 23526  
section, the agency shall submit a request to a court for the 23527  
court to issue an order under division (D)(1) of this section. 23528

**Sec. 3301.07.** The state board of education shall exercise 23529  
under the acts of the general assembly general supervision of the 23530

system of public education in the state. In addition to the powers 23531  
otherwise imposed on the state board under the provisions of law, 23532  
the board shall have the powers described in this section. 23533

(A) The state board shall exercise policy forming, planning, 23534  
and evaluative functions for the public schools of the state 23535  
except as otherwise provided by law. 23536

(B)(1) The state board shall exercise leadership in the 23537  
improvement of public education in this state, and administer the 23538  
educational policies of this state relating to public schools, and 23539  
relating to instruction and instructional material, building and 23540  
equipment, transportation of pupils, administrative 23541  
responsibilities of school officials and personnel, and finance 23542  
and organization of school districts, educational service centers, 23543  
and territory. Consultative and advisory services in such matters 23544  
shall be provided by the board to school districts and educational 23545  
service centers of this state. 23546

(2) The state board also shall develop a standard of 23547  
financial reporting which shall be used by each school district 23548  
board of education and each governing board of an educational 23549  
service center, each governing authority of a community school 23550  
established under Chapter 3314., each governing body of a STEM 23551  
school established under Chapter 3328., and each board of trustees 23552  
of a college-preparatory boarding school established under Chapter 23553  
3328. of the Revised Code to make its financial information and 23554  
annual budgets for each school building under its control 23555  
available to the public in a format understandable by the average 23556  
citizen. The format shall show, both at the district and at the 23557  
school building level, revenue by source; expenditures for 23558  
salaries, wages, and benefits of employees, showing such amounts 23559  
separately for classroom teachers, other employees required to 23560  
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 23561  
the Revised Code, and all other employees; expenditures other than 23562

for personnel, by category, including utilities, textbooks and 23563  
other educational materials, equipment, permanent improvements, 23564  
pupil transportation, extracurricular athletics, and other 23565  
extracurricular activities; and per pupil expenditures. The format 23566  
shall also include information on total revenue and expenditures, 23567  
per pupil revenue, and expenditures for both classroom and 23568  
nonclassroom purposes, as defined by the standards adopted under 23569  
section 3302.20 of the Revised Code in the aggregate and for each 23570  
subgroup of students, as defined by section 3317.40 of the Revised 23571  
Code, that receives services provided for by state or federal 23572  
funding. 23573

(3) Each school district board, governing authority, 23574  
governing body, or board of trustees, or its respective designee, 23575  
shall annually report, to the department of education, all 23576  
financial information required by the standards for financial 23577  
reporting, as prescribed by division (B)(2) of this section and 23578  
adopted by the state board. The department shall make all reports 23579  
submitted pursuant to this division available in such a way that 23580  
allows for comparison between financial information included in 23581  
these reports and financial information included in reports 23582  
produced prior to July 1, 2013. The department shall post these 23583  
reports in a prominent location on its web site and shall notify 23584  
each school when reports are made available. 23585

(C) The state board shall administer and supervise the 23586  
allocation and distribution of all state and federal funds for 23587  
public school education under the provisions of law, and may 23588  
prescribe such systems of accounting as are necessary and proper 23589  
to this function. It may require county auditors and treasurers, 23590  
boards of education, educational service center governing boards, 23591  
treasurers of such boards, teachers, and other school officers and 23592  
employees, or other public officers or employees, to file with it 23593  
such reports as it may prescribe relating to such funds, or to the 23594

management and condition of such funds. 23595

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 23596  
XLVII, and LI of the Revised Code a reference is made to standards 23597  
prescribed under this section or division (D) of this section, 23598  
that reference shall be construed to refer to the standards 23599  
prescribed under division (D)(2) of this section, unless the 23600  
context specifically indicates a different meaning or intent. 23601

(2) The state board shall formulate and prescribe minimum 23602  
standards to be applied to all elementary and secondary schools in 23603  
this state for the purpose of providing children access to a 23604  
general education of high quality according to the learning needs 23605  
of each individual, including students with disabilities, 23606  
economically disadvantaged students, limited English proficient 23607  
students, and students identified as gifted. Such standards shall 23608  
provide adequately for: the licensing of teachers, administrators, 23609  
and other professional personnel and their assignment according to 23610  
training and qualifications; efficient and effective instructional 23611  
materials and equipment, including library facilities; the proper 23612  
organization, administration, and supervision of each school, 23613  
including regulations for preparing all necessary records and 23614  
reports and the preparation of a statement of policies and 23615  
objectives for each school; the provision of safe buildings, 23616  
grounds, health and sanitary facilities and services; admission of 23617  
pupils, and such requirements for their promotion from grade to 23618  
grade as will assure that they are capable and prepared for the 23619  
level of study to which they are certified; requirements for 23620  
graduation; and such other factors as the board finds necessary. 23621

The state board shall base any standards governing the 23622  
promotion of students or requirements for graduation on the 23623  
ability of students, at any grade level, to earn credits or 23624  
advance upon demonstration of mastery of knowledge and skills 23625  
through competency-based learning models. Credits of grade level 23626

advancement shall not require a minimum number of days or hours in a classroom. 23627  
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The state board shall base any standards governing the assignment of staff on ensuring each school has a sufficient number of teachers to ensure a student has an appropriate level of interaction to meet each student's personal learning goals. 23629  
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In the formulation and administration of such standards for nonpublic schools the board shall also consider the particular needs, methods and objectives of those schools, provided they do not conflict with the provision of a general education of a high quality and provided that regular procedures shall be followed for promotion from grade to grade of pupils who have met the educational requirements prescribed. 23633  
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(3) In addition to the minimum standards required by division (D)(2) of this section, the state board may formulate and prescribe the following additional minimum operating standards for school districts: 23640  
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(a) Standards for the effective and efficient organization, administration, and supervision of each school district with a commitment to high expectations for every student based on the learning needs of each individual, including students with disabilities, economically disadvantaged students, limited English proficient students, and students identified as gifted, and commitment to closing the achievement gap without suppressing the achievement levels of higher achieving students so that all students achieve core knowledge and skills in accordance with the statewide academic standards adopted under section 3301.079 of the Revised Code; 23644  
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~~(b) Standards for the establishment of business advisory councils under section 3313.82 of the Revised Code;~~ 23655  
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~~(e) Standards for school district buildings that may require~~ 23657

the effective and efficient organization, administration, and 23658  
supervision of each school district building with a commitment to 23659  
high expectations for every student based on the learning needs of 23660  
each individual, including students with disabilities, 23661  
economically disadvantaged students, limited English proficient 23662  
students, and students identified as gifted, and commitment to 23663  
closing the achievement gap without suppressing the achievement 23664  
levels of higher achieving students so that all students achieve 23665  
core knowledge and skills in accordance with the statewide 23666  
academic standards adopted under section 3301.079 of the Revised 23667  
Code. 23668

(E) The state board may require as part of the health 23669  
curriculum information developed under section 2108.34 of the 23670  
Revised Code promoting the donation of anatomical gifts pursuant 23671  
to Chapter 2108. of the Revised Code and may provide the 23672  
information to high schools, educational service centers, and 23673  
joint vocational school district boards of education; 23674

(F) The state board shall prepare and submit annually to the 23675  
governor and the general assembly a report on the status, needs, 23676  
and major problems of the public schools of the state, with 23677  
recommendations for necessary legislative action and a ten-year 23678  
projection of the state's public and nonpublic school enrollment, 23679  
by year and by grade level. 23680

(G) The state board shall prepare and submit to the director 23681  
of budget and management the biennial budgetary requests of the 23682  
state board of education, for its agencies and for the public 23683  
schools of the state. 23684

(H) The state board shall cooperate with federal, state, and 23685  
local agencies concerned with the health and welfare of children 23686  
and youth of the state. 23687

(I) The state board shall require such reports from school 23688

districts and educational service centers, school officers, and 23689  
employees as are necessary and desirable. The superintendents and 23690  
treasurers of school districts and educational service centers 23691  
shall certify as to the accuracy of all reports required by law or 23692  
state board or state department of education rules to be submitted 23693  
by the district or educational service center and which contain 23694  
information necessary for calculation of state funding. Any 23695  
superintendent who knowingly falsifies such report shall be 23696  
subject to license revocation pursuant to section 3319.31 of the 23697  
Revised Code. 23698

(J) In accordance with Chapter 119. of the Revised Code, the 23699  
state board shall adopt procedures, standards, and guidelines for 23700  
the education of children with disabilities pursuant to Chapter 23701  
3323. of the Revised Code, including procedures, standards, and 23702  
guidelines governing programs and services operated by county 23703  
boards of developmental disabilities pursuant to section 3323.09 23704  
of the Revised Code. 23705

(K) For the purpose of encouraging the development of special 23706  
programs of education for academically gifted children, the state 23707  
board shall employ competent persons to analyze and publish data, 23708  
promote research, advise and counsel with boards of education, and 23709  
encourage the training of teachers in the special instruction of 23710  
gifted children. The board may provide financial assistance out of 23711  
any funds appropriated for this purpose to boards of education and 23712  
educational service center governing boards for developing and 23713  
conducting programs of education for academically gifted children. 23714

(L) The state board shall require that all public schools 23715  
emphasize and encourage, within existing units of study, the 23716  
teaching of energy and resource conservation as recommended to 23717  
each district board of education by leading business persons 23718  
involved in energy production and conservation, beginning in the 23719  
primary grades. 23720

(M) The state board shall formulate and prescribe minimum standards requiring the use of phonics as a technique in the teaching of reading in grades kindergarten through three. In addition, the state board shall provide in-service training programs for teachers on the use of phonics as a technique in the teaching of reading in grades kindergarten through three.

(N) The state board may adopt rules necessary for carrying out any function imposed on it by law, and may provide rules as are necessary for its government and the government of its employees, and may delegate to the superintendent of public instruction the management and administration of any function imposed on it by law. It may provide for the appointment of board members to serve on temporary committees established by the board for such purposes as are necessary. Permanent or standing committees shall not be created.

(O) Upon application from the board of education of a school district, the superintendent of public instruction may issue a waiver exempting the district from compliance with the standards adopted under divisions (B)(2) and (D) of this section, as they relate to the operation of a school operated by the district. The state board shall adopt standards for the approval or disapproval of waivers under this division. The state superintendent shall consider every application for a waiver, and shall determine whether to grant or deny a waiver in accordance with the state board's standards. For each waiver granted, the state superintendent shall specify the period of time during which the waiver is in effect, which shall not exceed five years. A district board may apply to renew a waiver.

**Sec. 3301.0711.** (A) The department of education shall:

(1) Annually furnish to, grade, and score all assessments required by divisions (A)(1) and (B)(1) of section 3301.0710 of

the Revised Code to be administered by city, local, exempted 23752  
village, and joint vocational school districts, except that each 23753  
district shall score any assessment administered pursuant to 23754  
division (B)(10) of this section. Each assessment so furnished 23755  
shall include the data verification code of the student to whom 23756  
the assessment will be administered, as assigned pursuant to 23757  
division (D)(2) of section 3301.0714 of the Revised Code. In 23758  
furnishing the practice versions of Ohio graduation tests 23759  
prescribed by division (D) of section 3301.0710 of the Revised 23760  
Code, the department shall make the tests available on its web 23761  
site for reproduction by districts. In awarding contracts for 23762  
grading assessments, the department shall give preference to 23763  
Ohio-based entities employing Ohio residents. 23764

(2) Adopt rules for the ethical use of assessments and 23765  
prescribing the manner in which the assessments prescribed by 23766  
section 3301.0710 of the Revised Code shall be administered to 23767  
students. 23768

(B) Except as provided in divisions (C) and (J) of this 23769  
section, the board of education of each city, local, and exempted 23770  
village school district shall, in accordance with rules adopted 23771  
under division (A) of this section: 23772

(1) Administer the English language arts assessments 23773  
prescribed under division (A)(1)(a) of section 3301.0710 of the 23774  
Revised Code twice annually to all students in the third grade who 23775  
have not attained the score designated for that assessment under 23776  
division (A)(2)(c) of section 3301.0710 of the Revised Code. 23777

(2) Administer the mathematics assessment prescribed under 23778  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 23779  
least once annually to all students in the third grade. 23780

(3) Administer the assessments prescribed under division 23781  
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 23782

annually to all students in the fourth grade.	23783
(4) Administer the assessments prescribed under division	23784
(A)(1)(c) of section 3301.0710 of the Revised Code at least once	23785
annually to all students in the fifth grade.	23786
(5) Administer the assessments prescribed under division	23787
(A)(1)(d) of section 3301.0710 of the Revised Code at least once	23788
annually to all students in the sixth grade.	23789
(6) Administer the assessments prescribed under division	23790
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	23791
annually to all students in the seventh grade.	23792
(7) Administer the assessments prescribed under division	23793
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	23794
annually to all students in the eighth grade.	23795
(8) Except as provided in division (B)(9) of this section,	23796
administer any assessment prescribed under division (B)(1) of	23797
section 3301.0710 of the Revised Code as follows:	23798
(a) At least once annually to all tenth grade students and at	23799
least twice annually to all students in eleventh or twelfth grade	23800
who have not yet attained the score on that assessment designated	23801
under that division;	23802
(b) To any person who has successfully completed the	23803
curriculum in any high school or the individualized education	23804
program developed for the person by any high school pursuant to	23805
section 3323.08 of the Revised Code but has not received a high	23806
school diploma and who requests to take such assessment, at any	23807
time such assessment is administered in the district.	23808
(9) In lieu of the board of education of any city, local, or	23809
exempted village school district in which the student is also	23810
enrolled, the board of a joint vocational school district shall	23811
administer any assessment prescribed under division (B)(1) of	23812

section 3301.0710 of the Revised Code at least twice annually to 23813  
any student enrolled in the joint vocational school district who 23814  
has not yet attained the score on that assessment designated under 23815  
that division. A board of a joint vocational school district may 23816  
also administer such an assessment to any student described in 23817  
division (B)(8)(b) of this section. 23818

(10) If the district has a three-year average graduation rate 23819  
of not more than seventy-five per cent, administer each assessment 23820  
prescribed by division (D) of section 3301.0710 of the Revised 23821  
Code in September to all ninth grade students who entered ninth 23822  
grade prior to July 1, 2014. 23823

Except as provided in section 3313.614 of the Revised Code 23824  
for administration of an assessment to a person who has fulfilled 23825  
the curriculum requirement for a high school diploma but has not 23826  
passed one or more of the required assessments, the assessments 23827  
prescribed under division (B)(1) of section 3301.0710 of the 23828  
Revised Code shall not be administered after the date specified in 23829  
the rules adopted by the state board of education under division 23830  
(D)(1) of section 3301.0712 of the Revised Code. 23831

(11) Administer the assessments prescribed by division (B)(2) 23832  
of section 3301.0710 and section 3301.0712 of the Revised Code in 23833  
accordance with the timeline and plan for implementation of those 23834  
assessments prescribed by rule of the state board adopted under 23835  
division (D)(1) of section 3301.0712 of the Revised Code. 23836

(C)(1)(a) In the case of a student receiving special 23837  
education services under Chapter 3323. of the Revised Code, the 23838  
individualized education program developed for the student under 23839  
that chapter shall specify the manner in which the student will 23840  
participate in the assessments administered under this section. 23841  
The individualized education program may excuse the student from 23842  
taking any particular assessment required to be administered under 23843  
this section if it instead specifies an alternate assessment 23844

method approved by the department of education as conforming to 23845  
requirements of federal law for receipt of federal funds for 23846  
disadvantaged pupils. To the extent possible, the individualized 23847  
education program shall not excuse the student from taking an 23848  
assessment unless no reasonable accommodation can be made to 23849  
enable the student to take the assessment. 23850

(b) Any alternate assessment approved by the department for a 23851  
student under this division shall produce measurable results 23852  
comparable to those produced by the assessment it replaces in 23853  
order to allow for the student's results to be included in the 23854  
data compiled for a school district or building under section 23855  
3302.03 of the Revised Code. 23856

(c) Any student enrolled in a chartered nonpublic school who 23857  
has been identified, based on an evaluation conducted in 23858  
accordance with section 3323.03 of the Revised Code or section 504 23859  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 23860  
794, as amended, as a child with a disability shall be excused 23861  
from taking any particular assessment required to be administered 23862  
under this section if a plan developed for the student pursuant to 23863  
rules adopted by the state board excuses the student from taking 23864  
that assessment. In the case of any student so excused from taking 23865  
an assessment, the chartered nonpublic school shall not prohibit 23866  
the student from taking the assessment. 23867

(2) A district board may, for medical reasons or other good 23868  
cause, excuse a student from taking an assessment administered 23869  
under this section on the date scheduled, but that assessment 23870  
shall be administered to the excused student not later than nine 23871  
days following the scheduled date. The district board shall 23872  
annually report the number of students who have not taken one or 23873  
more of the assessments required by this section to the state 23874  
board not later than the thirtieth day of June. 23875

(3) As used in this division, "limited English proficient 23876

student" has the same meaning as in 20 U.S.C. 7801. 23877

No school district board shall excuse any limited English 23878  
proficient student from taking any particular assessment required 23879  
to be administered under this section, except that any limited 23880  
English proficient student who has been enrolled in United States 23881  
schools for less than one full school year shall not be required 23882  
to take any reading, writing, or English language arts assessment. 23883  
However, no board shall prohibit a limited English proficient 23884  
student who is not required to take an assessment under this 23885  
division from taking the assessment. A board may permit any 23886  
limited English proficient student to take an assessment required 23887  
to be administered under this section with appropriate 23888  
accommodations, as determined by the department. For each limited 23889  
English proficient student, each school district shall annually 23890  
assess that student's progress in learning English, in accordance 23891  
with procedures approved by the department. 23892

The governing authority of a chartered nonpublic school may 23893  
excuse a limited English proficient student from taking any 23894  
assessment administered under this section. However, no governing 23895  
authority shall prohibit a limited English proficient student from 23896  
taking the assessment. 23897

(D)(1) In the school year next succeeding the school year in 23898  
which the assessments prescribed by division (A)(1) or (B)(1) of 23899  
section 3301.0710 of the Revised Code or former division (A)(1), 23900  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 23901  
existed prior to September 11, 2001, are administered to any 23902  
student, the board of education of any school district in which 23903  
the student is enrolled in that year shall provide to the student 23904  
intervention services commensurate with the student's performance, 23905  
including any intensive intervention required under section 23906  
3313.608 of the Revised Code, in any skill in which the student 23907  
failed to demonstrate at least a score at the proficient level on 23908

the assessment. 23909

(2) Following any administration of the assessments 23910  
prescribed by division (D) of section 3301.0710 of the Revised 23911  
Code to ninth grade students, each school district that has a 23912  
three-year average graduation rate of not more than seventy-five 23913  
per cent shall determine for each high school in the district 23914  
whether the school shall be required to provide intervention 23915  
services to any students who took the assessments. In determining 23916  
which high schools shall provide intervention services based on 23917  
the resources available, the district shall consider each school's 23918  
graduation rate and scores on the practice assessments. The 23919  
district also shall consider the scores received by ninth grade 23920  
students on the English language arts and mathematics assessments 23921  
prescribed under division (A)(1)(f) of section 3301.0710 of the 23922  
Revised Code in the eighth grade in determining which high schools 23923  
shall provide intervention services. 23924

Each high school selected to provide intervention services 23925  
under this division shall provide intervention services to any 23926  
student whose results indicate that the student is failing to make 23927  
satisfactory progress toward being able to attain scores at the 23928  
proficient level on the Ohio graduation tests. Intervention 23929  
services shall be provided in any skill in which a student 23930  
demonstrates unsatisfactory progress and shall be commensurate 23931  
with the student's performance. Schools shall provide the 23932  
intervention services prior to the end of the school year, during 23933  
the summer following the ninth grade, in the next succeeding 23934  
school year, or at any combination of those times. 23935

(E) Except as provided in section 3313.608 of the Revised 23936  
Code and division (N) of this section, no school district board of 23937  
education shall utilize any student's failure to attain a 23938  
specified score on an assessment administered under this section 23939  
as a factor in any decision to deny the student promotion to a 23940

higher grade level. However, a district board may choose not to 23941  
promote to the next grade level any student who does not take an 23942  
assessment administered under this section or make up an 23943  
assessment as provided by division (C)(2) of this section and who 23944  
is not exempt from the requirement to take the assessment under 23945  
division (C)(3) of this section. 23946

(F) No person shall be charged a fee for taking any 23947  
assessment administered under this section. 23948

(G)(1) Each school district board shall designate one 23949  
location for the collection of assessments administered in the 23950  
spring under division (B)(1) of this section and those 23951  
administered under divisions (B)(2) to (7) of this section. Each 23952  
district board shall submit the assessments to the entity with 23953  
which the department contracts for the scoring of the assessments 23954  
as follows: 23955

(a) If the district's total enrollment in grades kindergarten 23956  
through twelve during the first full school week of October was 23957  
less than two thousand five hundred, not later than the Friday 23958  
after all of the assessments have been administered; 23959

(b) If the district's total enrollment in grades kindergarten 23960  
through twelve during the first full school week of October was 23961  
two thousand five hundred or more, but less than seven thousand, 23962  
not later than the Monday after all of the assessments have been 23963  
administered; 23964

(c) If the district's total enrollment in grades kindergarten 23965  
through twelve during the first full school week of October was 23966  
seven thousand or more, not later than the Tuesday after all of 23967  
the assessments have been administered. 23968

However, any assessment that a student takes during the 23969  
make-up period described in division (C)(2) of this section shall 23970  
be submitted not later than the Friday following the day the 23971

student takes the assessment. 23972

(2) The department or an entity with which the department 23973  
contracts for the scoring of the assessment shall send to each 23974  
school district board a list of the individual scores of all 23975  
persons taking a state achievement assessment as follows: 23976

(a) Except as provided in division (G)(2)(b) or (c) of this 23977  
section, within forty-five days after the administration of the 23978  
assessments prescribed by sections 3301.0710 and 3301.0712 of the 23979  
Revised Code, but in no case shall the scores be returned later 23980  
than the thirtieth day of June following the administration; 23981

(b) In the case of the third-grade English language arts 23982  
assessment, within forty-five days after the administration of 23983  
that assessment, but in no case shall the scores be returned later 23984  
than the fifteenth day of June following the administration; 23985

(c) In the case of the writing component of an assessment or 23986  
end-of-course examination in the area of English language arts, 23987  
except for the third-grade English language arts assessment, the 23988  
results may be sent after forty-five days of the administration of 23989  
the writing component, but in no case shall the scores be returned 23990  
later than the thirtieth day of June following the administration. 23991

(3) For assessments administered under this section by a 23992  
joint vocational school district, the department or entity shall 23993  
also send to each city, local, or exempted village school district 23994  
a list of the individual scores of any students of such city, 23995  
local, or exempted village school district who are attending 23996  
school in the joint vocational school district. 23997

(H) Individual scores on any assessments administered under 23998  
this section shall be released by a district board only in 23999  
accordance with section 3319.321 of the Revised Code and the rules 24000  
adopted under division (A) of this section. No district board or 24001  
its employees shall utilize individual or aggregate results in any 24002

manner that conflicts with rules for the ethical use of 24003  
assessments adopted pursuant to division (A) of this section. 24004

(I) Except as provided in division (G) of this section, the 24005  
department or an entity with which the department contracts for 24006  
the scoring of the assessment shall not release any individual 24007  
scores on any assessment administered under this section. The 24008  
state board shall adopt rules to ensure the protection of student 24009  
confidentiality at all times. The rules may require the use of the 24010  
data verification codes assigned to students pursuant to division 24011  
(D)(2) of section 3301.0714 of the Revised Code to protect the 24012  
confidentiality of student scores. 24013

(J) Notwithstanding division (D) of section 3311.52 of the 24014  
Revised Code, this section does not apply to the board of 24015  
education of any cooperative education school district except as 24016  
provided under rules adopted pursuant to this division. 24017

(1) In accordance with rules that the state board shall 24018  
adopt, the board of education of any city, exempted village, or 24019  
local school district with territory in a cooperative education 24020  
school district established pursuant to divisions (A) to (C) of 24021  
section 3311.52 of the Revised Code may enter into an agreement 24022  
with the board of education of the cooperative education school 24023  
district for administering any assessment prescribed under this 24024  
section to students of the city, exempted village, or local school 24025  
district who are attending school in the cooperative education 24026  
school district. 24027

(2) In accordance with rules that the state board shall 24028  
adopt, the board of education of any city, exempted village, or 24029  
local school district with territory in a cooperative education 24030  
school district established pursuant to section 3311.521 of the 24031  
Revised Code shall enter into an agreement with the cooperative 24032  
district that provides for the administration of any assessment 24033  
prescribed under this section to both of the following: 24034

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) Persons described in division (B)(8)(b) of this section.

Any assessment of students pursuant to such an agreement shall be in lieu of any assessment of such students or persons pursuant to this section.

(K)(1) Except as otherwise provided in division (K)(1) or (2) of this section, each chartered nonpublic school for which at least sixty-five per cent of its total enrollment is made up of students who are participating in state scholarship programs shall administer the elementary assessments prescribed by section 3301.0710 of the Revised Code. In accordance with procedures and deadlines prescribed by the department, the parent or guardian of a student enrolled in the school who is not participating in a state scholarship program may submit notice to the chief administrative officer of the school that the parent or guardian does not wish to have the student take the elementary assessments prescribed for the student's grade level under division (A) of section 3301.0710 of the Revised Code. If a parent or guardian submits an opt-out notice, the school shall not administer the assessments to that student. This option does not apply to any assessment required for a high school diploma under section 3313.612 of the Revised Code.

(2) A chartered nonpublic school may submit to the superintendent of public instruction a request for a waiver from administering the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The state superintendent shall approve or disapprove a request for a waiver submitted under division (K)(1)(c) of this section. No waiver

shall be approved for any school year prior to the 2015-2016 24067  
school year. 24068

To be eligible to submit a request for a waiver, a chartered 24069  
nonpublic school shall meet the following conditions: 24070

(a) At least ninety-five per cent of the students enrolled in 24071  
the school are children with disabilities, as defined under 24072  
section 3323.01 of the Revised Code, or have received a diagnosis 24073  
by a school district or from a physician, including a 24074  
neuropsychiatrist or psychiatrist, or a psychologist who is 24075  
authorized to practice in this or another state as having a 24076  
condition that impairs academic performance, such as dyslexia, 24077  
dyscalculia, attention deficit hyperactivity disorder, or 24078  
Asperger's syndrome. 24079

(b) The school has solely served a student population 24080  
described in division (K)(1)(a) of this section for at least ten 24081  
years. 24082

(c) The school provides to the department at least five years 24083  
of records of internal testing conducted by the school that 24084  
affords the department data required for accountability purposes, 24085  
including diagnostic assessments and nationally standardized 24086  
norm-referenced achievement assessments that measure reading and 24087  
math skills. 24088

(3) Any chartered nonpublic school that is not subject to 24089  
division (K)(1) of this section may participate in the assessment 24090  
program by administering any of the assessments prescribed by 24091  
division (A) of section 3301.0710 of the Revised Code. The chief 24092  
administrator of the school shall specify which assessments the 24093  
school will administer. Such specification shall be made in 24094  
writing to the superintendent of public instruction prior to the 24095  
first day of August of any school year in which assessments are 24096  
administered and shall include a pledge that the nonpublic school 24097

will administer the specified assessments in the same manner as 24098  
public schools are required to do under this section and rules 24099  
adopted by the department. 24100

(4) The department of education shall furnish the assessments 24101  
prescribed by section 3301.0710 of the Revised Code to each 24102  
chartered nonpublic school that is subject to division (K)(1) of 24103  
this section or participates under division (K)(3) of this 24104  
section. 24105

(L) If a chartered nonpublic school is educating students in 24106  
grades nine through twelve, the following shall apply: 24107

(1) For a student who is enrolled in a chartered nonpublic 24108  
school that is accredited through the independent schools 24109  
association of the central states and who is attending the school 24110  
under a state scholarship program, the student shall either take 24111  
all of the assessments prescribed by division (B) of section 24112  
3301.0712 of the Revised Code or take an alternative assessment 24113  
approved by the department under section 3313.619 of the Revised 24114  
Code. 24115

(2) For a student who is enrolled in a chartered nonpublic 24116  
school that is accredited through the independent schools 24117  
association of the central states, and who is not attending the 24118  
school under a state scholarship program, the student shall not be 24119  
required to take any assessment prescribed under section 3301.0712 24120  
or 3313.619 of the Revised Code. 24121

(3) For a student who is enrolled in a chartered nonpublic 24122  
school that is not accredited through the independent schools 24123  
association of the central states, regardless of whether the 24124  
student is attending or is not attending the school under a state 24125  
scholarship program, the student shall do one of the following: 24126

(a) Take all of the assessments prescribed by division (B) of 24127  
section 3301.0712 of the Revised Code; 24128

(b) Take only the assessment prescribed by division (B)(1) of section 3301.0712 of the Revised Code, provided that the student's school publishes the results of that assessment for each graduating class. The published results of that assessment shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment.

(c) Take an alternative assessment approved by the department under section 3313.619 of the Revised Code.

(M)(1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the assessments in the same manner as district boards are required to do under this section and rules adopted by the department of education and in conformity with division (C)(1)(a) of this section.

(2) The department of education shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent.

(N) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the proficient range on the mathematics assessment described by division (A)(1)(a) of section 3301.0710 of the Revised Code or on an assessment described by division (A)(1)(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

(O)(1) In the manner specified in divisions (O)(3), (4), ~~and (6), and (7)~~ of this section, the assessments required by division (A)(1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on

the thirty-first day of July following the school year that the assessments were administered. 24160  
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(2) The department may field test proposed questions with samples of students to determine the validity, reliability, or appropriateness of questions for possible inclusion in a future year's assessment. The department also may use anchor questions on assessments to ensure that different versions of the same assessment are of comparable difficulty. 24162  
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Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A)(1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code. 24168  
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(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section. 24174  
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(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. 24179  
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(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record. 24181  
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(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public 24184  
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record. However, for each redacted question, the department shall 24191  
inform each city, local, and exempted village school district of 24192  
the statewide academic standard adopted by the state board under 24193  
section 3301.079 of the Revised Code and the corresponding 24194  
benchmark to which the question relates. The preceding sentence 24195  
does not apply to field test questions that are redacted under 24196  
division (O)(3) of this section. 24197

(c) The administrations of each assessment in the 2011-2012, 24198  
2012-2013, and 2013-2014 school years shall not be a public 24199  
record. 24200

(5) Each assessment prescribed by division (B)(1) of section 24201  
3301.0710 of the Revised Code shall not be a public record. 24202

(6) ~~Beginning with the spring administration for~~ (a) Except 24203  
as provided in division (O)(6)(b) of this section, for the 24204  
administrations in the 2014-2015, 2015-2016, and 2016-2017 school 24205  
year years, questions on the assessments prescribed under division 24206  
(A) of section 3301.0710 and division (B)(2) of section 3301.0712 24207  
of the Revised Code and the corresponding preferred answers that 24208  
are used to compute a student's score shall become a public record 24209  
as follows: 24210

~~(a)~~(i) Forty per cent of the questions and preferred answers 24211  
on the assessments on the thirty-first day of July following the 24212  
administration of the assessment; 24213

~~(b)~~(ii) Twenty per cent of the questions and preferred 24214  
answers on the assessment on the thirty-first day of July one year 24215  
after the administration of the assessment; 24216

~~(c)~~(iii) The remaining forty per cent of the questions and 24217  
preferred answers on the assessment on the thirty-first day of 24218  
July two years after the administration of the assessment. 24219

The entire content of an assessment shall become a public 24220  
record within three years of its administration. 24221

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.

(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017.

(7) Division (O)(7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section.

(P) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is

not enrolled in an education program approved by the state board 24253  
of education or an education program outside the state. "Dropout" 24254  
does not include a student who has departed the country. 24255

(3) "Graduation rate" means the ratio of students receiving a 24256  
diploma to the number of students who entered ninth grade four 24257  
years earlier. Students who transfer into the district are added 24258  
to the calculation. Students who transfer out of the district for 24259  
reasons other than dropout are subtracted from the calculation. If 24260  
a student who was a dropout in any previous year returns to the 24261  
same school district, that student shall be entered into the 24262  
calculation as if the student had entered ninth grade four years 24263  
before the graduation year of the graduating class that the 24264  
student joins. 24265

(4) "State scholarship programs" means the educational choice 24266  
scholarship pilot program established under sections 3310.01 to 24267  
3310.17 of the Revised Code, the autism scholarship program 24268  
established under section 3310.41 of the Revised Code, the Jon 24269  
Peterson special needs scholarship program established under 24270  
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 24271  
project scholarship program established under sections 3313.974 to 24272  
3313.979 of the Revised Code. 24273

**Sec. 3301.0712.** (A) The state board of education, the 24274  
superintendent of public instruction, and the chancellor of higher 24275  
education shall develop a system of college and work ready 24276  
assessments as described in division (B) of this section to assess 24277  
whether each student upon graduating from high school is ready to 24278  
enter college or the workforce. Beginning with students who enter 24279  
the ninth grade for the first time on or after July 1, 2014, the 24280  
system shall replace the Ohio graduation tests prescribed in 24281  
division (B)(1) of section 3301.0710 of the Revised Code as a 24282  
measure of student academic performance and one determinant of 24283

eligibility for a high school diploma in the manner prescribed by 24284  
rule of the state board adopted under division (D) of this 24285  
section. 24286

(B) The college and work ready assessment system shall 24287  
consist of the following: 24288

(1) Nationally standardized assessments that measure college 24289  
and career readiness and are used for college admission. The 24290  
assessments shall be selected jointly by the state superintendent 24291  
and the chancellor, and one of which shall be selected by each 24292  
school district or school to administer to its students. The 24293  
assessments prescribed under division (B)(1) of this section shall 24294  
be administered to all eleventh-grade students in the spring of 24295  
the school year. 24296

(2) Seven end-of-course examinations, one in each of the 24297  
areas of English language arts I, English language arts II, 24298  
science, Algebra I, geometry, American history, and American 24299  
government. The end-of-course examinations shall be selected 24300  
jointly by the state superintendent and the chancellor in 24301  
consultation with faculty in the appropriate subject areas at 24302  
institutions of higher education of the university system of Ohio. 24303  
Advanced placement examinations and international baccalaureate 24304  
examinations, as prescribed under section 3313.6013 of the Revised 24305  
Code, in the areas of science, American history, and American 24306  
government may be used as end-of-course examinations in accordance 24307  
with division (B)(4)(a)(i) of this section. Final course grades 24308  
for courses taken under any other advanced standing program, as 24309  
prescribed under section 3313.6013 of the Revised Code, in the 24310  
areas of science, American history, and American government may be 24311  
used in lieu of end-of-course examinations in accordance with 24312  
division (B)(4)(a)(ii) of this section. 24313

(3)(a) Not later than July 1, 2013, each school district 24314

board of education shall adopt interim end-of-course examinations 24315  
that comply with the requirements of divisions (B)(3)(b)(i) and 24316  
(ii) of this section to assess mastery of American history and 24317  
American government standards adopted under division (A)(1)(b) of 24318  
section 3301.079 of the Revised Code and the topics required under 24319  
division (M) of section 3313.603 of the Revised Code. Each high 24320  
school of the district shall use the interim examinations until 24321  
the state superintendent and chancellor select end-of-course 24322  
examinations in American history and American government under 24323  
division (B)(2) of this section. 24324

(b) Not later than July 1, 2014, the state superintendent and 24325  
the chancellor shall select the end-of-course examinations in 24326  
American history and American government. 24327

(i) The end-of-course examinations in American history and 24328  
American government shall require demonstration of mastery of the 24329  
American history and American government content for social 24330  
studies standards adopted under division (A)(1)(b) of section 24331  
3301.079 of the Revised Code and the topics required under 24332  
division (M) of section 3313.603 of the Revised Code. 24333

(ii) At least twenty per cent of the end-of-course 24334  
examination in American government shall address the topics on 24335  
American history and American government described in division (M) 24336  
of section 3313.603 of the Revised Code. 24337

(4)(a) Notwithstanding anything to the contrary in this 24338  
section, beginning with the 2014-2015 school year, both of the 24339  
following shall apply: 24340

(i) If a student is enrolled in an appropriate advanced 24341  
placement or international baccalaureate course, that student 24342  
shall take the advanced placement or international baccalaureate 24343  
examination in lieu of the science, American history, or American 24344  
government end-of-course examinations prescribed under division 24345

(B)(2) of this section. The state board shall specify the score 24346  
levels for each advanced placement examination and international 24347  
baccalaureate examination for purposes of calculating the minimum 24348  
cumulative performance score that demonstrates the level of 24349  
academic achievement necessary to earn a high school diploma. 24350

(ii) If a student is enrolled in an appropriate course under 24351  
any other advanced standing program, as described in section 24352  
3313.6013 of the Revised Code, that student shall not be required 24353  
to take the science, American history, or American government 24354  
end-of-course examination, whichever is applicable, prescribed 24355  
under division (B)(2) of this section. Instead, that student's 24356  
final course grade shall be used in lieu of the applicable 24357  
end-of-course examination prescribed under that section. The state 24358  
superintendent, in consultation with the chancellor, shall adopt 24359  
guidelines for purposes of calculating the corresponding final 24360  
course grades that demonstrate the level of academic achievement 24361  
necessary to earn a high school diploma. 24362

Division (B)(4)(a)(ii) of this section shall apply only to 24363  
courses for which students receive transcribed credit, as defined 24364  
in ~~division (U)~~ of section 3365.01 of the Revised Code. It shall 24365  
not apply to remedial or developmental courses. 24366

(b) No student shall take a substitute examination or 24367  
examination prescribed under division (B)(4)(a) of this section in 24368  
place of the end-of-course examinations in English language arts 24369  
I, English language arts II, Algebra I, or geometry prescribed 24370  
under division (B)(2) of this section. 24371

(c) The state board shall consider additional assessments 24372  
that may be used, beginning with the 2016-2017 school year, as 24373  
substitute examinations in lieu of the end-of-course examinations 24374  
prescribed under division (B)(2) of this section. 24375

(5) The state board shall do all of the following: 24376

(a) Determine and designate at least five ranges of scores on each of the end-of-course examinations prescribed under division (B)(2) of this section, and substitute examinations prescribed under division (B)(4) of this section. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

- (i) An advanced level of skill;
- (ii) An accelerated level of skill;
- (iii) A proficient level of skill;
- (iv) A basic level of skill;
- (v) A limited level of skill.

(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;

(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;

(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.

A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B)(5)(a)(iii) of this section.

(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:

- (i) The student received high school credit prior to July 1,

2015, for a course for which the end-of-course examination is prescribed.	24407 24408
(ii) The examination was not available for administration prior to July 1, 2015.	24409 24410
Receipt of credit for the course described in division (B)(6)(a)(i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B)(6)(a) of this section may take the applicable end-of-course examination at a later date.	24411 24412 24413 24414 24415
(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B)(6)(a) of this section has attained the cumulative score prescribed by division (B)(5)(c) of this section, such student shall select either of the following:	24416 24417 24418 24419 24420
(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;	24421 24422 24423
(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt.	24424 24425 24426
The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.	24427 24428 24429 24430 24431
(7)(a) Notwithstanding anything to the contrary in this section, the state board may replace the algebra I end-of-course examination prescribed under division (B)(2) of this section with an algebra II end-of-course examination, beginning with the 2016-2017 school year for students who enter ninth grade on or after July 1, 2016.	24432 24433 24434 24435 24436 24437

(b) If the state board replaces the algebra I end-of-course examination with an algebra II end-of-course examination as authorized under division (B)(7)(a) of this section, both of the following shall apply:

(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination. Instead, that student's final course grade shall be used in lieu of the examination.

(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may do either or both of the following:

(i) Administer an integrated mathematics I end-of-course examination in lieu of the prescribed algebra I end-of-course examination;

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination.

(8)(a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology.

(b) Until July 1, 2019, the department of education shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or

after July 1, 2014, but prior to July 1, 2015, and who wish to 24469  
retake the examination. 24470

(c) Not later than July 1, 2016, the state board shall adopt 24471  
rules prescribing the requirements for the end-of-course 24472  
examination in science for students who entered the ninth grade 24473  
for the first time on or after July 1, 2014, but prior to July 1, 24474  
2015, and who have not met the requirement prescribed by section 24475  
3313.618 of the Revised Code by July 1, 2019, due to a student's 24476  
failure to satisfy division (A)(2) of section 3313.618 of the 24477  
Revised Code. 24478

(9) Neither the state board nor the department of education 24479  
shall develop or administer an end-of-course examination in the 24480  
area of world history. 24481

(C) The state board shall convene a group of national 24482  
experts, state experts, and local practitioners to provide advice, 24483  
guidance, and recommendations for the alignment of standards and 24484  
model curricula to the assessments and in the design of the 24485  
end-of-course examinations prescribed by this section. 24486

(D) Upon completion of the development of the assessment 24487  
system, the state board shall adopt rules prescribing all of the 24488  
following: 24489

(1) A timeline and plan for implementation of the assessment 24490  
system, including a phased implementation if the state board 24491  
determines such a phase-in is warranted; 24492

(2) The date after which a person shall meet the requirements 24493  
of the entire assessment system as a prerequisite for a diploma of 24494  
adult education under section 3313.611 of the Revised Code; 24495

(3) Whether and the extent to which a person may be excused 24496  
from an American history end-of-course examination and an American 24497  
government end-of-course examination under division (H) of section 24498  
3313.61 and division (B)(3) of section 3313.612 of the Revised 24499

Code; 24500

(4) The date after which a person who has fulfilled the 24501  
curriculum requirement for a diploma but has not passed one or 24502  
more of the required assessments at the time the person fulfilled 24503  
the curriculum requirement shall meet the requirements of the 24504  
entire assessment system as a prerequisite for a high school 24505  
diploma under division (B) of section 3313.614 of the Revised 24506  
Code; 24507

(5) The extent to which the assessment system applies to 24508  
students enrolled in a dropout recovery and prevention program for 24509  
purposes of division (F) of section 3313.603 and section 3314.36 24510  
of the Revised Code. 24511

(E) Not later than forty-five days prior to the state board's 24512  
adoption of a resolution directing the department to file the 24513  
rules prescribed by division (D) of this section in final form 24514  
under section 119.04 of the Revised Code, the superintendent of 24515  
public instruction shall present the assessment system developed 24516  
under this section to the respective committees of the house of 24517  
representatives and senate that consider education legislation. 24518

(F)(1) Any person enrolled in a nonchartered nonpublic school 24519  
or any person who has been excused from attendance at school for 24520  
the purpose of home instruction under section 3321.04 of the 24521  
Revised Code may choose to participate in the system of 24522  
assessments administered under divisions (B)(1) and (2) of this 24523  
section. However, no such person shall be required to participate 24524  
in the system of assessments. 24525

(2) The department shall adopt rules for the administration 24526  
and scoring of any assessments under division (F)(1) of this 24527  
section. 24528

(G) Not later than December 31, 2014, the state board shall 24529  
select at least one nationally recognized job skills assessment. 24530

Each school district shall administer that assessment to those 24531  
students who opt to take it. The state shall reimburse a school 24532  
district for the costs of administering that assessment. The state 24533  
board shall establish the minimum score a student must attain on 24534  
the job skills assessment in order to demonstrate a student's 24535  
workforce readiness and employability. The administration of the 24536  
job skills assessment to a student under this division shall not 24537  
exempt a school district from administering the assessments 24538  
prescribed in division (B) of this section to that student. 24539

**Sec. 3302.03.** Annually, not later than the fifteenth day of 24540  
September or the preceding Friday when that day falls on a 24541  
Saturday or Sunday, the department of education shall assign a 24542  
letter grade for overall academic performance and for each 24543  
separate performance measure for each school district, and each 24544  
school building in a district, in accordance with this section. 24545  
The state board shall adopt rules pursuant to Chapter 119. of the 24546  
Revised Code to establish performance criteria for each letter 24547  
grade and prescribe a method by which the department assigns each 24548  
letter grade. For a school building to which any of the 24549  
performance measures do not apply, due to grade levels served by 24550  
the building, the state board shall designate the performance 24551  
measures that are applicable to the building and that must be 24552  
calculated separately and used to calculate the building's overall 24553  
grade. The department shall issue annual report cards reflecting 24554  
the performance of each school district, each building within each 24555  
district, and for the state as a whole using the performance 24556  
measures and letter grade system described in this section. The 24557  
department shall include on the report card for each district and 24558  
each building within each district the most recent two-year trend 24559  
data in student achievement for each subject and each grade. 24560

(A)(1) For the 2012-2013 school year, the department shall 24561  
issue grades as described in division (E) of this section for each 24562

of the following performance measures: 24563

(a) Annual measurable objectives; 24564

(b) Performance index score for a school district or 24565  
building. Grades shall be awarded as a percentage of the total 24566  
possible points on the performance index system as adopted by the 24567  
state board. In adopting benchmarks for assigning letter grades 24568  
under division (A)(1)(b) of this section, the state board of 24569  
education shall designate ninety per cent or higher for an "A," at 24570  
least seventy per cent but not more than eighty per cent for a 24571  
"C," and less than fifty per cent for an "F." 24572

(c) The extent to which the school district or building meets 24573  
each of the applicable performance indicators established by the 24574  
state board under section 3302.02 of the Revised Code and the 24575  
percentage of applicable performance indicators that have been 24576  
achieved. In adopting benchmarks for assigning letter grades under 24577  
division (A)(1)(c) of this section, the state board shall 24578  
designate ninety per cent or higher for an "A." 24579

(d) The four- and five-year adjusted cohort graduation rates. 24580

In adopting benchmarks for assigning letter grades under 24581  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 24582  
department shall designate a four-year adjusted cohort graduation 24583  
rate of ninety-three per cent or higher for an "A" and a five-year 24584  
cohort graduation rate of ninety-five per cent or higher for an 24585  
"A." 24586

(e) The overall score under the value-added progress 24587  
dimension of a school district or building, for which the 24588  
department shall use up to three years of value-added data as 24589  
available. The letter grade assigned for this growth measure shall 24590  
be as follows: 24591

(i) A score that is at least two standard errors of measure 24592  
above the mean score shall be designated as an "A." 24593

(ii) A score that is at least one standard error of measure 24594  
but less than two standard errors of measure above the mean score 24595  
shall be designated as a "B." 24596

(iii) A score that is less than one standard error of measure 24597  
above the mean score but greater than or equal to one standard 24598  
error of measure below the mean score shall be designated as a 24599  
"C." 24600

(iv) A score that is not greater than one standard error of 24601  
measure below the mean score but is greater than or equal to two 24602  
standard errors of measure below the mean score shall be 24603  
designated as a "D." 24604

(v) A score that is not greater than two standard errors of 24605  
measure below the mean score shall be designated as an "F." 24606

Whenever the value-added progress dimension is used as a 24607  
graded performance measure, whether as an overall measure or as a 24608  
measure of separate subgroups, the grades for the measure shall be 24609  
calculated in the same manner as prescribed in division (A)(1)(e) 24610  
of this section. 24611

(f) The value-added progress dimension score for a school 24612  
district or building disaggregated for each of the following 24613  
subgroups: students identified as gifted, students with 24614  
disabilities, and students whose performance places them in the 24615  
lowest quintile for achievement on a statewide basis. Each 24616  
subgroup shall be a separate graded measure. 24617

(2) Not later than April 30, 2013, the state board of 24618  
education shall adopt a resolution describing the performance 24619  
measures, benchmarks, and grading system for the 2012-2013 school 24620  
year and, not later than June 30, 2013, shall adopt rules in 24621  
accordance with Chapter 119. of the Revised Code that prescribe 24622  
the methods by which the performance measures under division 24623  
(A)(1) of this section shall be assessed and assigned a letter 24624

grade, including performance benchmarks for each letter grade. 24625

At least forty-five days prior to the state board's adoption 24626  
of rules to prescribe the methods by which the performance 24627  
measures under division (A)(1) of this section shall be assessed 24628  
and assigned a letter grade, the department shall conduct a public 24629  
presentation before the standing committees of the house of 24630  
representatives and the senate that consider education legislation 24631  
describing such methods, including performance benchmarks. 24632

(3) There shall not be an overall letter grade for a school 24633  
district or building for the 2012-2013 school year. 24634

(B)(1) For the 2013-2014 and 2014-2015 school years, the 24635  
department shall issue grades as described in division (E) of this 24636  
section for each of the following performance measures: 24637

(a) Annual measurable objectives; 24638

(b) Performance index score for a school district or 24639  
building. Grades shall be awarded as a percentage of the total 24640  
possible points on the performance index system as created by the 24641  
department. In adopting benchmarks for assigning letter grades 24642  
under division (B)(1)(b) of this section, the state board shall 24643  
designate ninety per cent or higher for an "A," at least seventy 24644  
per cent but not more than eighty per cent for a "C," and less 24645  
than fifty per cent for an "F." 24646

(c) The extent to which the school district or building meets 24647  
each of the applicable performance indicators established by the 24648  
state board under section 3302.03 of the Revised Code and the 24649  
percentage of applicable performance indicators that have been 24650  
achieved. In adopting benchmarks for assigning letter grades under 24651  
division (B)(1)(c) of this section, the state board shall 24652  
designate ninety per cent or higher for an "A." 24653

(d) The four- and five-year adjusted cohort graduation rates; 24654

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. 24655  
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(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure. 24659  
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(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B)(1)(g) of this section. In adopting benchmarks for assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of this section, the state board shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading and writing diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under divisions (B)(1)(g) and (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the 24667  
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Revised Code. 24687

(h) For a high mobility school district or building, an 24688  
additional value-added progress dimension score. For this measure, 24689  
the department shall use value-added data from the most recent 24690  
school year available and shall use assessment scores for only 24691  
those students to whom the district or building has administered 24692  
the assessments prescribed by section 3301.0710 of the Revised 24693  
Code for each of the two most recent consecutive school years. 24694

As used in this division, "high mobility school district or 24695  
building" means a school district or building where at least 24696  
twenty-five per cent of its total enrollment is made up of 24697  
students who have attended that school district or building for 24698  
less than one year. 24699

(2) In addition to the graded measures in division (B)(1) of 24700  
this section, the department shall include on a school district's 24701  
or building's report card all of the following without an assigned 24702  
letter grade: 24703

(a) The percentage of students enrolled in a district or 24704  
building participating in advanced placement classes and the 24705  
percentage of those students who received a score of three or 24706  
better on advanced placement examinations; 24707

(b) The number of a district's or building's students who 24708  
have earned at least three college credits through dual enrollment 24709  
or advanced standing programs, such as the post-secondary 24710  
enrollment options program under Chapter 3365. of the Revised Code 24711  
and state-approved career-technical courses offered through dual 24712  
enrollment or statewide articulation, that appear on a student's 24713  
transcript or other official document, either of which is issued 24714  
by the institution of higher education from which the student 24715  
earned the college credit. The credits earned that are reported 24716  
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 24717

include any that are remedial or developmental and shall include 24718  
those that count toward the curriculum requirements established 24719  
for completion of a degree. 24720

(c) The percentage of students enrolled in a district or 24721  
building who have taken a national standardized test used for 24722  
college admission determinations and the percentage of those 24723  
students who are determined to be remediation-free in accordance 24724  
with standards adopted under division (F) of section 3345.061 of 24725  
the Revised Code; 24726

(d) The percentage of the district's or the building's 24727  
students who receive industry-recognized credentials as approved 24728  
under section 3313.6112 of the Revised Code. ~~The state board shall~~ 24729  
~~adopt criteria for acceptable industry recognized credentials.~~ 24730

(e) The percentage of students enrolled in a district or 24731  
building who are participating in an international baccalaureate 24732  
program and the percentage of those students who receive a score 24733  
of four or better on the international baccalaureate examinations. 24734

(f) The percentage of the district's or building's students 24735  
who receive an honors diploma under division (B) of section 24736  
3313.61 of the Revised Code. 24737

(3) Not later than December 31, 2013, the state board shall 24738  
adopt rules in accordance with Chapter 119. of the Revised Code 24739  
that prescribe the methods by which the performance measures under 24740  
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 24741  
and assigned a letter grade, including performance benchmarks for 24742  
each grade. 24743

At least forty-five days prior to the state board's adoption 24744  
of rules to prescribe the methods by which the performance 24745  
measures under division (B)(1) of this section shall be assessed 24746  
and assigned a letter grade, the department shall conduct a public 24747  
presentation before the standing committees of the house of 24748

representatives and the senate that consider education legislation 24749  
describing such methods, including performance benchmarks. 24750

(4) There shall not be an overall letter grade for a school 24751  
district or building for the 2013-2014, 2014-2015, 2015-2016, and 24752  
2016-2017 school years. 24753

(C)(1) For the 2014-2015 school year and each school year 24754  
thereafter, the department shall issue grades as described in 24755  
division (E) of this section for each of the performance measures 24756  
prescribed in division (C)(1) of this section. The graded measures 24757  
are as follows: 24758

(a) Annual measurable objectives; 24759

(b) Performance index score for a school district or 24760  
building. Grades shall be awarded as a percentage of the total 24761  
possible points on the performance index system as created by the 24762  
department. In adopting benchmarks for assigning letter grades 24763  
under division (C)(1)(b) of this section, the state board shall 24764  
designate ninety per cent or higher for an "A," at least seventy 24765  
per cent but not more than eighty per cent for a "C," and less 24766  
than fifty per cent for an "F." 24767

(c) The extent to which the school district or building meets 24768  
each of the applicable performance indicators established by the 24769  
state board under section 3302.03 of the Revised Code and the 24770  
percentage of applicable performance indicators that have been 24771  
achieved. In adopting benchmarks for assigning letter grades under 24772  
division (C)(1)(c) of this section, the state board shall 24773  
designate ninety per cent or higher for an "A." 24774

(d) The four- and five-year adjusted cohort graduation rates; 24775

(e) The overall score under the value-added progress 24776  
dimension, or another measure of student academic progress if 24777  
adopted by the state board, of a school district or building, for 24778  
which the department shall use up to three years of value-added 24779

data as available. 24780

In adopting benchmarks for assigning letter grades for 24781  
overall score on value-added progress dimension under division 24782  
(C)(1)(e) of this section, the state board shall prohibit the 24783  
assigning of a grade of "A" for that measure unless the district's 24784  
or building's grade assigned for value-added progress dimension 24785  
for all subgroups under division (C)(1)(f) of this section is a 24786  
"B" or higher. 24787

For the metric prescribed by division (C)(1)(e) of this 24788  
section, the state board may adopt a student academic progress 24789  
measure to be used instead of the value-added progress dimension. 24790  
If the state board adopts such a measure, it also shall prescribe 24791  
a method for assigning letter grades for the new measure that is 24792  
comparable to the method prescribed in division (A)(1)(e) of this 24793  
section. 24794

(f) The value-added progress dimension score of a school 24795  
district or building disaggregated for each of the following 24796  
subgroups: students identified as gifted in superior cognitive 24797  
ability and specific academic ability fields under Chapter 3324. 24798  
of the Revised Code, students with disabilities, and students 24799  
whose performance places them in the lowest quintile for 24800  
achievement on a statewide basis, as determined by a method 24801  
prescribed by the state board. Each subgroup shall be a separate 24802  
graded measure. 24803

The state board may adopt student academic progress measures 24804  
to be used instead of the value-added progress dimension. If the 24805  
state board adopts such measures, it also shall prescribe a method 24806  
for assigning letter grades for the new measures that is 24807  
comparable to the method prescribed in division (A)(1)(e) of this 24808  
section. 24809

(g) Whether a school district or building is making progress 24810

in improving literacy in grades kindergarten through three, as 24811  
determined using a method prescribed by the state board. The state 24812  
board shall adopt rules to prescribe benchmarks and standards for 24813  
assigning grades to a district or building for purposes of 24814  
division (C)(1)(g) of this section. The state board shall 24815  
designate for a "C" grade a value that is not lower than the 24816  
statewide average value for this measure. No grade shall be issued 24817  
under division (C)(1)(g) of this section for a district or 24818  
building in which less than five per cent of students have scored 24819  
below grade level on the kindergarten diagnostic assessment under 24820  
division (B)(1) of section 3313.608 of the Revised Code. 24821

(h) For a high mobility school district or building, an 24822  
additional value-added progress dimension score. For this measure, 24823  
the department shall use value-added data from the most recent 24824  
school year available and shall use assessment scores for only 24825  
those students to whom the district or building has administered 24826  
the assessments prescribed by section 3301.0710 of the Revised 24827  
Code for each of the two most recent consecutive school years. 24828

As used in this division, "high mobility school district or 24829  
building" means a school district or building where at least 24830  
twenty-five per cent of its total enrollment is made up of 24831  
students who have attended that school district or building for 24832  
less than one year. 24833

(2) In addition to the graded measures in division (C)(1) of 24834  
this section, the department shall include on a school district's 24835  
or building's report card all of the following without an assigned 24836  
letter grade: 24837

(a) The percentage of students enrolled in a district or 24838  
building who have taken a national standardized test used for 24839  
college admission determinations and the percentage of those 24840  
students who are determined to be remediation-free in accordance 24841  
with the standards adopted under division (F) of section 3345.061 24842

of the Revised Code;	24843
(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;	24844 24845 24846 24847
(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.	24848 24849 24850 24851 24852 24853 24854 24855 24856 24857 24858 24859
(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;	24860 24861 24862
(e) The percentage of the district's or building's students who receive industry-recognized credentials <u>as approved under section 3313.6112 of the Revised Code</u> ;	24863 24864 24865
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	24866 24867 24868 24869
(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code.	24870 24871 24872
(3) The state board shall adopt rules pursuant to Chapter	24873

119. of the Revised Code that establish a method to assign an 24874  
overall grade for a school district or school building for the 24875  
2017-2018 school year and each school year thereafter. The rules 24876  
shall group the performance measures in divisions (C)(1) and (2) 24877  
of this section into the following components: 24878

(a) Gap closing, which shall include the performance measure 24879  
in division (C)(1)(a) of this section; 24880

(b) Achievement, which shall include the performance measures 24881  
in divisions (C)(1)(b) and (c) of this section; 24882

(c) Progress, which shall include the performance measures in 24883  
divisions (C)(1)(e) and (f) of this section; 24884

(d) Graduation, which shall include the performance measure 24885  
in division (C)(1)(d) of this section; 24886

(e) Kindergarten through third-grade literacy, which shall 24887  
include the performance measure in division (C)(1)(g) of this 24888  
section; 24889

(f) Prepared for success, which shall include the performance 24890  
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 24891  
this section. The state board shall develop a method to determine 24892  
a grade for the component in division (C)(3)(f) of this section 24893  
using the performance measures in divisions (C)(2)(a), (b), (c), 24894  
(d), (e), and (f) of this section. When available, the state board 24895  
may incorporate the performance measure under division (C)(2)(g) 24896  
of this section into the component under division (C)(3)(f) of 24897  
this section. When determining the overall grade for the prepared 24898  
for success component prescribed by division (C)(3)(f) of this 24899  
section, no individual student shall be counted in more than one 24900  
performance measure. However, if a student qualifies for more than 24901  
one performance measure in the component, the state board may, in 24902  
its method to determine a grade for the component, specify an 24903  
additional weight for such a student that is not greater than or 24904

equal to 1.0. In determining the overall score under division 24905  
(C)(3)(f) of this section, the state board shall ensure that the 24906  
pool of students included in the performance measures aggregated 24907  
under that division are all of the students included in the four- 24908  
and five-year adjusted graduation cohort. 24909

In the rules adopted under division (C)(3) of this section, 24910  
the state board shall adopt a method for determining a grade for 24911  
each component in divisions (C)(3)(a) to (f) of this section. The 24912  
state board also shall establish a method to assign an overall 24913  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 24914  
each component. The method the state board adopts for assigning an 24915  
overall grade shall give equal weight to the components in 24916  
divisions (C)(3)(b) and (c) of this section. 24917

At least forty-five days prior to the state board's adoption 24918  
of rules to prescribe the methods for calculating the overall 24919  
grade for the report card, as required by this division, the 24920  
department shall conduct a public presentation before the standing 24921  
committees of the house of representatives and the senate that 24922  
consider education legislation describing the format for the 24923  
report card, weights that will be assigned to the components of 24924  
the overall grade, and the method for calculating the overall 24925  
grade. 24926

(D) On or after ~~than~~ July 1, 2015, the state board may 24927  
develop a measure of student academic progress for high school 24928  
students using only data from assessments in English language arts 24929  
and mathematics. If the state board develops this measure, each 24930  
school district and applicable school building shall be assigned a 24931  
separate letter grade for ~~if~~ it not sooner than the 2017-2018 24932  
school year. The district's or building's grade for that measure 24933  
shall not be included in determining the district's or building's 24934  
overall letter grade. 24935

(E) The letter grades assigned to a school district or 24936

building under this section shall be as follows:	24937
(1) "A" for a district or school making excellent progress;	24938
(2) "B" for a district or school making above average progress;	24939 24940
(3) "C" for a district or school making average progress;	24941
(4) "D" for a district or school making below average progress;	24942 24943
(5) "F" for a district or school failing to meet minimum progress.	24944 24945
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	24946 24947 24948
(1) Performance of students by grade-level;	24949
(2) Performance of students by race and ethnic group;	24950
(3) Performance of students by gender;	24951
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	24952 24953
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	24954 24955 24956
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	24957 24958
(7) Performance of students grouped by those who are economically disadvantaged;	24959 24960
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	24961 24962 24963
(9) Performance of students grouped by those who are	24964

classified as limited English proficient;	24965
(10) Performance of students grouped by those who have disabilities;	24966 24967
(11) Performance of students grouped by those who are classified as migrants;	24968 24969
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	24970 24971 24972 24973 24974 24975 24976 24977 24978
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	24979 24980 24981
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F)(1) to (13) of this section that it deems relevant.	24982 24983 24984 24985 24986 24987
In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (F) of this section that contains less than ten students. If the department does not report student performance data for a group because it contains less than	24988 24989 24990 24991 24992 24993 24994 24995

ten students, the department shall indicate on the report card 24996  
that is why data was not reported. 24997

(G) The department may include with the report cards any 24998  
additional education and fiscal performance data it deems 24999  
valuable. 25000

(H) The department shall include on each report card a list 25001  
of additional information collected by the department that is 25002  
available regarding the district or building for which the report 25003  
card is issued. When available, such additional information shall 25004  
include student mobility data disaggregated by race and 25005  
socioeconomic status, college enrollment data, and the reports 25006  
prepared under section 3302.031 of the Revised Code. 25007

The department shall maintain a site on the world wide web. 25008  
The report card shall include the address of the site and shall 25009  
specify that such additional information is available to the 25010  
public at that site. The department shall also provide a copy of 25011  
each item on the list to the superintendent of each school 25012  
district. The district superintendent shall provide a copy of any 25013  
item on the list to anyone who requests it. 25014

(I)(1)(a) Except as provided in division (I)(1)(b) of this 25015  
section, for any district that sponsors a conversion community 25016  
school under Chapter 3314. of the Revised Code, the department 25017  
shall combine data regarding the academic performance of students 25018  
enrolled in the community school with comparable data from the 25019  
schools of the district for the purpose of determining the 25020  
performance of the district as a whole on the report card issued 25021  
for the district under this section or section 3302.033 of the 25022  
Revised Code. 25023

(b) The department shall not combine data from any conversion 25024  
community school that a district sponsors if a majority of the 25025  
students enrolled in the conversion community school are enrolled 25026

in a dropout prevention and recovery program that is operated by 25027  
the school, as described in division (A)(4)(a) of section 3314.35 25028  
of the Revised Code. The department shall include as an addendum 25029  
to the district's report card the ratings and performance measures 25030  
that are required under section 3314.017 of the Revised Code for 25031  
any community school to which division (I)(1)(b) of this section 25032  
applies. This addendum shall include, at a minimum, the data 25033  
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 25034  
3314.017 of the Revised Code. 25035

(2) Any district that leases a building to a community school 25036  
located in the district or that enters into an agreement with a 25037  
community school located in the district whereby the district and 25038  
the school endorse each other's programs may elect to have data 25039  
regarding the academic performance of students enrolled in the 25040  
community school combined with comparable data from the schools of 25041  
the district for the purpose of determining the performance of the 25042  
district as a whole on the district report card. Any district that 25043  
so elects shall annually file a copy of the lease or agreement 25044  
with the department. 25045

(3) Any municipal school district, as defined in section 25046  
3311.71 of the Revised Code, that sponsors a community school 25047  
located within the district's territory, or that enters into an 25048  
agreement with a community school located within the district's 25049  
territory whereby the district and the community school endorse 25050  
each other's programs, may exercise either or both of the 25051  
following elections: 25052

(a) To have data regarding the academic performance of 25053  
students enrolled in that community school combined with 25054  
comparable data from the schools of the district for the purpose 25055  
of determining the performance of the district as a whole on the 25056  
district's report card; 25057

(b) To have the number of students attending that community 25058

school noted separately on the district's report card. 25059

The election authorized under division (I)(3)(a) of this 25060  
section is subject to approval by the governing authority of the 25061  
community school. 25062

Any municipal school district that exercises an election to 25063  
combine or include data under division (I)(3) of this section, by 25064  
the first day of October of each year, shall file with the 25065  
department documentation indicating eligibility for that election, 25066  
as required by the department. 25067

(J) The department shall include on each report card the 25068  
percentage of teachers in the district or building who are highly 25069  
qualified, as defined by the No Child Left Behind Act of 2001, and 25070  
a comparison of that percentage with the percentages of such 25071  
teachers in similar districts and buildings. 25072

(K)(1) In calculating English language arts, mathematics, 25073  
social studies, or science assessment passage rates used to 25074  
determine school district or building performance under this 25075  
section, the department shall include all students taking an 25076  
assessment with accommodation or to whom an alternate assessment 25077  
is administered pursuant to division (C)(1) or (3) of section 25078  
3301.0711 of the Revised Code. 25079

(2) In calculating performance index scores, rates of 25080  
achievement on the performance indicators established by the state 25081  
board under section 3302.02 of the Revised Code, and annual 25082  
measurable objectives for determining adequate yearly progress for 25083  
school districts and buildings under this section, the department 25084  
shall do all of the following: 25085

(a) Include for each district or building only those students 25086  
who are included in the ADM certified for the first full school 25087  
week of October and are continuously enrolled in the district or 25088  
building through the time of the spring administration of any 25089

assessment prescribed by division (A)(1) or (B)(1) of section 25090  
3301.0710 or division (B) of section 3301.0712 of the Revised Code 25091  
that is administered to the student's grade level; 25092

(b) Include cumulative totals from both the fall and spring 25093  
administrations of the third grade English language arts 25094  
achievement assessment; 25095

(c) Except as required by the No Child Left Behind Act of 25096  
2001, exclude for each district or building any limited English 25097  
proficient student who has been enrolled in United States schools 25098  
for less than one full school year. 25099

(L) Beginning with the 2015-2016 school year and at least 25100  
once every three years thereafter, the state board of education 25101  
shall review and may adjust the benchmarks for assigning letter 25102  
grades to the performance measures and components prescribed under 25103  
divisions (C)(3) and (D) of this section. 25104

**Sec. 3304.11.** As used in sections 3304.11 to 3304.27 of the 25105  
Revised Code: 25106

(A) "~~Person~~ Eligible individual with a disability" means ~~any~~ 25107  
~~person with~~ an individual who has a physical or mental impairment 25108  
that ~~is~~ constitutes or results in a substantial impediment to 25109  
employment and who ~~can benefit in terms of an employment outcome~~ 25110  
~~from the provision of~~ requires vocational rehabilitation services 25111  
to prepare for, secure, retain, advance in, or regain employment. 25112

(B) "Physical or mental impairment" means ~~a physical or~~ 25113  
~~mental condition that materially limits, contributes to limiting~~ 25114  
~~or, if not corrected, will probably result in limiting a person's~~ 25115  
~~activities or functioning~~ any physiological, mental, or 25116  
psychological disorder. 25117

(C) "Substantial impediment to employment" means a physical 25118  
or mental ~~disability that impedes a person's occupational~~ 25119

~~performance, by preventing the person's obtaining, retaining, or 25120  
preparing for a gainful occupation consistent with the person's 25121  
capacities and impairment that hinders an individual from 25122  
preparing for, entering into, engaging in, advancing in, or 25123  
retaining employment consistent with the individual's abilities 25124  
and capabilities. 25125~~

~~(D) "Vocational rehabilitation" and "vocational 25126  
rehabilitation services" means any activity or service calculated 25127  
to enable a person with a disability or groups of persons with 25128  
disabilities to engage in gainful occupation and includes, but is 25129  
not limited to, medical and vocational evaluation, including 25130  
diagnostic and related services, vocational counseling, guidance 25131  
and placement, including follow up services, rehabilitation 25132  
training, including books and other training materials, physical 25133  
restoration, recruitment and training services designed to provide 25134  
persons with disabilities new employment opportunities, 25135  
maintenance, occupational tools, equipment, supplies, 25136  
transportation, services to families of persons with disabilities 25137  
that contribute substantially to the rehabilitation of these 25138  
persons, and any other goods or service necessary to render a 25139  
person with a disability employable has the same meaning as 25140  
defined in section 361.5 of Title 34 of the Code of Federal 25141  
Regulations, 34 C.F.R. 361.5. 25142~~

~~(E) "Establishment of a rehabilitation facility" means the 25143  
expansion, remodeling, or alteration of an existing building that 25144  
is necessary to adapt or to increase the effectiveness of that 25145  
building for rehabilitation facility purposes, the acquisition of 25146  
equipment for these purposes, and the initial staffing. 25147~~

~~(F) "Construction" means the construction of new buildings, 25148  
acquisition of land or existing buildings and their expansion, 25149  
remodeling, alteration and renovation, and the initial staffing 25150  
and equipment of any new, newly acquired, expanded, remodeled, 25151~~

altered, or renovated buildings. 25152

~~(G) "Physical restoration services" means those services that 25153  
are necessary to correct or substantially modify within a 25154  
reasonable period of time a physical or mental condition that is 25155  
stable or slowly progressive. 25156~~

~~(H) "Occupational license" means any license, permit, or 25157  
other written authority required by any governmental unit in order 25158  
to engage in any occupation or business. 25159~~

~~(I) "Maintenance" means money payments to persons with 25160  
disabilities who need financial assistance for their subsistence 25161  
during their vocational rehabilitation monetary support provided 25162  
to an individual for expenses such as food, shelter, and clothing 25163  
that are in excess of the normal expenses of the individual and 25164  
that are necessitated by the individual's participation in an 25165  
assessment for determining eligibility and need for vocational 25166  
rehabilitation services or the individual's receipt of vocational 25167  
rehabilitation services under an individualized plan for 25168  
employment. 25169~~

**Sec. 3304.12.** (A) The governor, with the advice and consent 25170  
of the senate, shall appoint the opportunities for Ohioans with 25171  
disabilities commission within the opportunities for Ohioans with 25172  
disabilities agency consisting of seven members, no more than four 25173  
of whom shall be members of the same political party and who shall 25174  
include at least three from rehabilitation professions, including 25175  
at least one member from the field of services to the blind, and 25176  
at least four individuals with disabilities, no less than two nor 25177  
more than three of whom have received vocational rehabilitation 25178  
services offered by a state vocational rehabilitation services 25179  
agency or the veterans' administration. The members with 25180  
disabilities shall be representative of several major categories 25181  
of ~~persons~~ eligible individuals with disabilities served by the 25182

opportunities for Ohioans with disabilities agency. 25183

(B) Terms of office shall be for seven years, commencing on 25184  
the ninth day of September and ending on the eighth day of 25185  
September, with no person eligible to serve more than two 25186  
seven-year terms. Each member shall hold office from the date of 25187  
appointment until the end of the term for which the member was 25188  
appointed. Any member appointed to fill a vacancy occurring prior 25189  
to the expiration of the term for which the member's predecessor 25190  
was appointed shall hold office for the remainder of that term. 25191  
Any member shall continue in office subsequent to the expiration 25192  
date of the member's term until a successor takes office, or until 25193  
a period of sixty days has elapsed, whichever occurs first. 25194  
Members who fail to perform their duties or who are guilty of 25195  
misconduct may be removed on written charges preferred by the 25196  
governor or by a majority of the commission. 25197

(C) Members of the commission shall be reimbursed for travel 25198  
and necessary expenses incurred in the conduct of their duties, 25199  
and shall receive an amount fixed pursuant to division (J) of 25200  
section 124.15 of the Revised Code while actually engaged in 25201  
attendance at meetings or in the performance of their duties. 25202

**Sec. 3304.14.** For the purposes of sections 3304.11 to 3304.27 25203  
of the Revised Code, the opportunities for Ohioans with 25204  
disabilities commission shall approve the state vocational 25205  
rehabilitation services plan, jointly approve the state plan for 25206  
independent living with the Ohio state independent living council, 25207  
appoint a consumer advisory committee, and, to the extent 25208  
feasible, conduct a review and analysis of the effectiveness of 25209  
and consumer satisfaction with all of the following: 25210

(A) The functions performed by the opportunities for Ohioans 25211  
with disabilities agency; 25212

(B) The vocational rehabilitation services provided by state 25213

agencies and other public and private entities responsible for 25214  
providing vocational rehabilitation services to ~~persons~~ eligible 25215  
individuals with disabilities under the "Rehabilitation Act of 25216  
1973," 87 Stat. 355, 29 U.S.C. 701, as amended; 25217

(C) The employment outcomes achieved by eligible individuals 25218  
with disabilities receiving vocational rehabilitation services 25219  
under sections 3304.11 to 3304.27 of the Revised Code, including 25220  
the availability of health and other employment benefits in 25221  
connection with those employment outcomes. 25222

**Sec. 3304.15.** (A) There is hereby created the opportunities 25223  
for Ohioans with disabilities agency. The agency is the designated 25224  
state unit authorized under the "Rehabilitation Act of 1973," 87 25225  
Stat. 355, 29 U.S.C. 701, as amended, to provide vocational 25226  
rehabilitation services to eligible ~~persons~~ individuals with 25227  
disabilities. 25228

(B) The governor shall appoint an executive director of the 25229  
opportunities for Ohioans with disabilities agency to serve at the 25230  
pleasure of the governor and shall fix the executive director's 25231  
compensation. The executive director shall devote the executive 25232  
director's entire time to the duties of the executive director's 25233  
office, shall hold no other office or position of trust and 25234  
profit, and shall engage in no other business during the executive 25235  
director's term of office. The governor may grant the executive 25236  
director the authority to appoint, remove, and discipline without 25237  
regard to sex, race, creed, color, age, or national origin, such 25238  
other professional, administrative, and clerical staff members as 25239  
are necessary to carry out the functions and duties of the agency. 25240

The executive director of the opportunities for Ohioans with 25241  
disabilities agency is the executive and administrative officer of 25242  
the agency. Whenever the Revised Code imposes a duty on or 25243  
requires an action of the agency, the executive director shall 25244

perform the duty or action on behalf of the agency. The executive	25245
director may establish procedures for all of the following:	25246
(1) The governance of the agency;	25247
(2) The conduct of agency employees and officers;	25248
(3) The performance of agency business;	25249
(4) The custody, use, and preservation of agency records,	25250
papers, books, documents, and property.	25251
(C) The executive director shall have exclusive authority to	25252
administer the daily operation and provision of vocational	25253
rehabilitation services under this chapter. In exercising that	25254
authority, the executive director may do all of the following:	25255
(1) Adopt rules in accordance with Chapter 119. of the	25256
Revised Code;	25257
(2) Prepare and submit an annual report to the governor;	25258
(3) Certify any disbursement of funds available to the agency	25259
for vocational rehabilitation <del>activities</del> <u>services</u> ;	25260
(4) Take appropriate action to guarantee rights of <u>vocational</u>	25261
<u>rehabilitation</u> services to <del>people</del> <u>eligible individuals</u> with	25262
disabilities;	25263
(5) Consult with and advise other state agencies and	25264
coordinate programs for <del>persons</del> <u>eligible individuals</u> with	25265
disabilities;	25266
(6) Comply with the requirements for match as part of budget	25267
submission;	25268
(7) Establish research and demonstration projects;	25269
(8) Accept, hold, invest, reinvest, or otherwise use gifts to	25270
further vocational rehabilitation <u>services</u> ;	25271
(9) For the purposes of the business enterprise program	25272
administered under sections 3304.28 to 3304.35 of the Revised	25273

Code:	25274
(a) Establish and manage small business entities owned or operated by <del>visually impaired persons</del> <u>individuals who are blind</u> ;	25275 25276
(b) Purchase insurance;	25277
(c) Accept computers.	25278
(10) Enter into contracts and other agreements for the provision of <u>vocational rehabilitation</u> services.	25279 25280
(D) The executive director shall establish a fee schedule for vocational rehabilitation services in accordance with 34 C.F.R. 361.50.	25281 25282 25283
<b>Sec. 3304.17.</b> The opportunities for Ohioans with disabilities agency shall provide vocational rehabilitation services to all eligible <del>persons</del> <u>individuals</u> with disabilities, including any <del>person</del> <u>eligible individual</u> with a disability who is eligible under the terms of an agreement or arrangement with another state or with the federal government. <u>If vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in the state who apply for vocational rehabilitation services, the agency shall implement an order of selection in accordance with 34 C.F.R. 361.36.</u>	25284 25285 25286 25287 25288 25289 25290 25291 25292 25293
<b>Sec. 3304.171.</b> (A) As used in this section, "OhioMeansJobs <u>web site</u> " has the same meaning as in section 6301.01 of the Revised Code.	25294 25295 25296
(B) <del>Beginning January 1, 2016, each recipient of</del> <u>Each eligible individual receiving</u> vocational rehabilitation services provided under section 3304.17 of the Revised Code shall create an account with <u>the</u> OhioMeansJobs <u>web site</u> upon initiation of a job search as a part of receiving those <u>vocational rehabilitation</u> services.	25297 25298 25299 25300 25301 25302

(C) Division (B) of this section does not apply to any 25303  
eligible individual with a disability who is legally prohibited 25304  
from using a computer, has a physical or visual impairment that 25305  
makes the eligible individual with a disability unable to use a 25306  
computer, or has a limited ability to read, write, speak, or 25307  
understand a language in which the OhioMeansJobs web site is 25308  
available. 25309

**Sec. 3304.18.** The treasurer of state shall be the custodian 25310  
of all moneys received from the federal government for vocational 25311  
rehabilitation services programs and shall disburse the money upon 25312  
the certification of the executive director of the opportunities 25313  
for Ohioans with disabilities agency. If federal funds are not 25314  
available to the state for vocational rehabilitation ~~purposes~~ 25315  
services, the governor shall include as part of the governor's 25316  
biennial budget request to the general assembly a request for 25317  
funds sufficient to support the activities of the agency. 25318

**Sec. 3304.182.** Any agreement between the opportunities for 25319  
Ohioans with disabilities agency and a private or public entity 25320  
providing funds under section 3304.181 of the Revised Code may 25321  
permit the agency to receive a specified percentage of the funds, 25322  
but the percentage shall be not more than twenty-five per cent of 25323  
the total funds available under the agreement. The agency may 25324  
terminate an agreement at any time for just cause. It may 25325  
terminate an agreement for any other reason by giving at least 25326  
thirty days' notice to the public or private entity. 25327

Any vocational rehabilitation services provided under an 25328  
agreement entered into under section 3304.181 of the Revised Code 25329  
shall be provided by a person or government entity that meets the 25330  
accreditation standards established in rules adopted by the agency 25331  
under section 3304.15 of the Revised Code. 25332

**Sec. 3304.19.** ~~The right of a person with a disability to~~ 25333  
~~living~~ Any maintenance provided under sections 3304.11 to 3304.27 25334  
of the Revised Code, ~~is not transferable or assignable at law or~~ 25335  
in equity, and none of the money paid or payable or rights 25336  
existing under this chapter are subject to execution, levy, 25337  
attachment, garnishment, or other legal process, or to the 25338  
operation of any bankruptcy or insolvency law. 25339

**Sec. 3304.20.** Any ~~person~~ eligible individual with a 25340  
disability applying for or receiving vocational rehabilitation 25341  
services who is dissatisfied with regard to the furnishing or 25342  
denial of vocational rehabilitation services, may file a request 25343  
for an administrative review and redetermination of that action in 25344  
accordance with rules of the opportunities for Ohioans with 25345  
disabilities agency. When the ~~person~~ eligible individual with a 25346  
disability is dissatisfied with the finding of this administrative 25347  
review, the ~~person~~ eligible individual with a disability is 25348  
entitled, in accordance with agency rules and in accordance with 25349  
Chapter 119. of the Revised Code, to a fair hearing before the 25350  
executive director of the agency. 25351

**Sec. 3304.21.** No person shall, except for the purposes of 25352  
sections 3304.11 to 3304.27 of the Revised Code, and in accordance 25353  
with the rules established by the opportunities for Ohioans with 25354  
disabilities agency, solicit, disclose, receive, make use of, 25355  
authorize, knowingly permit, participate in, or acquiesce in the 25356  
use of any list of names or information concerning ~~persons~~ 25357  
eligible individuals with disabilities applying for or receiving 25358  
any vocational rehabilitation services from the agency, which 25359  
information is directly or indirectly derived from the records of 25360  
the agency or is acquired in the performance of the person's 25361  
official duties. 25362

**Sec. 3304.22.** No officer or employee of the opportunities for 25363  
Ohioans with disabilities commission, the opportunities for 25364  
Ohioans with disabilities agency, or any person engaged in the 25365  
administration of a vocational rehabilitation services program 25366  
sponsored by or affiliated with the state shall use or permit the 25367  
use of any vocational rehabilitation services program for the 25368  
purpose of interfering with an election for any partisan political 25369  
purpose; solicit or receive money for a partisan political 25370  
purpose; or require any other person to contribute any service or 25371  
money for a partisan political purpose. Whoever violates this 25372  
section shall be removed from the officer's or employee's office 25373  
or employment. 25374

**Sec. 3304.27.** All vocational rehabilitation services made 25375  
available under sections 3304.11 to 3304.27 of the Revised Code, 25376  
are made available subject to amendment or repeal of those 25377  
sections, and no ~~person~~ eligible individual with a disability 25378  
shall have any claim by reason of the ~~person's~~ eligible 25379  
individual's vocational rehabilitation services being affected in 25380  
any way by such an amendment or repeal. 25381

**Sec. 3304.28.** As used in sections 3304.28 to 3304.34 of the 25382  
Revised Code: 25383

(A) "Suitable vending facility" means automatic vending 25384  
machines, cafeterias, snack bars, cart service shelters, counters, 25385  
and other appropriate auxiliary food service equipment determined 25386  
to be necessary by the bureau of services for the visually 25387  
impaired for the automatic or manual dispensing of foods, 25388  
beverages, and other such commodities for sale by ~~persons~~ 25389  
individuals, no fewer than one-half of whom are blind, under the 25390  
supervision of a licensed ~~blind~~ vendor who is blind or an employee 25391  
of the opportunities for Ohioans with disabilities agency. 25392

(B) "Blind" means either of the following:	25393
(1) Vision twenty/two hundred or less in the better eye with proper correction;	25394 25395
(2) Field defect in the better eye with proper correction that contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than twenty degrees.	25396 25397 25398
(C) "Governmental property" means any real property, building, or facility owned, leased, or rented by the state or any board, commission, department, division, or other unit or agency thereof, but does not include any institution under the management of the department of rehabilitation and correction pursuant to section 5120.05 of the Revised Code, or under the management of the department of youth services created pursuant to section 5139.01 of the Revised Code.	25399 25400 25401 25402 25403 25404 25405 25406
<b>Sec. 3304.29.</b> The bureau of services for the visually impaired shall:	25407 25408
(A) Survey suitable vending facility concession opportunities for <u>individuals who are</u> blind <del>persons</del> on governmental property;	25409 25410
(B) Obtain and make public, information concerning employment opportunities for <u>individuals who are</u> blind <del>persons</del> in suitable vending facilities;	25411 25412 25413
(C) License <u>individuals who are</u> blind <del>persons</del> to operate suitable vending facilities on governmental property;	25414 25415
(D) Adopt rules and do everything necessary and proper to carry out sections 3304.29 to 3304.34 of the Revised Code.	25416 25417
<b>Sec. 3304.30.</b> Every person in charge of governmental property to be substantially renovated or who is responsible for the acquisition, lease, or rental of such property shall consult with the director of the bureau of services for the visually impaired	25418 25419 25420 25421

prior to such renovation, acquisition, lease, or rental to 25422  
determine if sufficient numbers of persons will be using such 25423  
property to support a suitable vending facility. If the director 25424  
determines that such property would be a satisfactory site for a 25425  
suitable vending facility, provision shall be made for electrical 25426  
outlets, plumbing fixtures, and other requirements for the 25427  
installation and operation of a suitable vending facility. In the 25428  
case of a state university, medical university, technical college, 25429  
state community college, community college, university branch 25430  
district, or state-affiliated college or university, the decision 25431  
to establish a suitable vending facility shall be made jointly by 25432  
the director of services for the visually impaired and proper 25433  
administrative authorities of the state or state-affiliated 25434  
college or university. 25435

The bureau shall provide each suitable vending facility with 25436  
equipment and an adequate initial stock of suitable articles to be 25437  
vended. An inventory shall be made of each suitable vending 25438  
facility at least once every six months. Each blind licensee may 25439  
make the blind licensee's own inventory on forms prescribed by the 25440  
bureau, provided that the bureau shall retain the right to make 25441  
its own inventory at any mutually agreeable time. Each blind 25442  
licensee may employ and discharge personnel required to operate 25443  
the blind licensee's suitable vending facility, but employment 25444  
preference shall be given to individuals who are blind persons and 25445  
who are capable of discharging the required duties, ~~and at.~~ At all 25446  
times at least one-half of the employees shall be blind. 25447

**Sec. 3304.31.** Licenses issued by the bureau of services for 25448  
the visually impaired under section 3304.29 of the Revised Code 25449  
shall be in effect until suspended or revoked. The bureau may 25450  
deny, revoke, or suspend a license or otherwise discipline a 25451  
licensee upon proof that the ~~person~~ licensee is guilty of fraud or 25452  
deceit in procuring or attempting to procure a license, is guilty 25453

of a felony or a crime of moral turpitude, is addicted to the use of habit-forming drugs or alcohol, or is mentally incompetent. Such license may also be denied, revoked, or suspended on proof of violation by the applicant or licensee of the rules established by the bureau for the operation of suitable vending facilities by the blind or if a licensee fails to maintain a vending facility as a suitable vending facility.

Any individual who is blind ~~person and~~ who has had ~~his~~ the individual's license suspended or revoked or ~~his~~ the individual's application denied by the bureau may reapply for a license and may be reinstated or be granted a license by the bureau upon presentation of satisfactory evidence that there is no longer cause for such suspension, revocation, or denial. Before the bureau may revoke, deny, or suspend a license, or otherwise discipline a licensee, written charges must be filed by the director of the bureau and a hearing shall be held as provided in Chapter 119. of the Revised Code.

**Sec. 3304.41.** The opportunities for Ohioans with disabilities agency shall establish and administer a program for the use of funds appropriated for that purpose to provide personal care assistance to enable eligible ~~severely physically disabled persons~~ individuals with severe physical disabilities to live ~~independently or~~ and work, independently. The agency shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of this section, ~~and shall apply to the controlling board for the release of the funds.~~

**Sec. 3309.23.** (A) Except as provided in division (B) of this section, the following shall be contributors to the school employees retirement system:

(1) All employees, as defined in division (B) of section

3309.01 of the Revised Code; 25484

(2) The employees of an existing or newly created employer 25485  
unit as defined in division (A) of section 3309.01 of the Revised 25486  
Code, supported in whole or in part by the state or any political 25487  
subdivision thereof and wholly controlled and managed by the state 25488  
or any subdivision thereof. Such employees shall become 25489  
contributors on the same terms and conditions as provided by this 25490  
chapter, provided the board of trustees or other managing body of 25491  
such school, college, or other institution, if such institution is 25492  
now in existence or if in existence on such date, shall agree by 25493  
formal resolution to accept all the requirements and obligations 25494  
imposed by this chapter upon employers. A certified copy of the 25495  
resolution shall be filed with the school employees retirement 25496  
board. When such resolution has been adopted and a copy of it 25497  
filed with the school employees retirement board, it shall not 25498  
later be subject to rescission or abrogation. Service in such 25499  
schools, colleges, or other institutions shall be then considered 25500  
in every way the same as service in the public schools. 25501

(3) All other individuals who become members. 25502

(B) The following individuals may choose to be exempt from 25503  
compulsory membership by filing a written application for 25504  
exemption with the employer within the first month after being 25505  
employed: 25506

(1) A student who is not a member at the time of employment 25507  
and who is employed by the school, college, or university in which 25508  
the student is enrolled and regularly attending classes; 25509

(2) An emergency employee serving on a temporary basis in 25510  
case of fire, snow, earthquake, flood, or other similar emergency; 25511

(3) An individual employed in a program established pursuant 25512  
to the ~~"Workforce Investment Act," 112 Stat. 936 (1998), 29 U.S.C.~~ 25513  
~~2801~~ "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 25514

seq., or any other federal job training program. 25515

(C) A member may elect to have employment by the school, 25516  
college, or university at which the member is enrolled and 25517  
regularly attending classes exempted from contribution to the 25518  
retirement system by filing a written application with the 25519  
member's employer within the first month after being so employed. 25520

(D) In all cases of doubt pertaining to contributors on an 25521  
individual or group basis or the status of existing or newly 25522  
created employer units, the decision shall be made by the 25523  
retirement board, and such decision shall be final. 25524

**Sec. 3310.16.** ~~For~~ (A) Except as provided in division (B) of 25525  
this section, for the 2013-2014 school year and each school year 25526  
thereafter, the department of education shall conduct two 25527  
application periods each year for the educational choice 25528  
scholarship pilot program under sections 3310.03 and 3310.032 of 25529  
the Revised Code, as follows: 25530

~~(A)~~(1) The first application period shall open not sooner 25531  
than the first day of February prior to the first day of July of 25532  
the school year for which a scholarship is sought and run not less 25533  
than seventy-five days. 25534

~~(B)~~(2) The second application period shall open not sooner 25535  
than the first day of July of the school year for which the 25536  
scholarship is sought and run not less than thirty days. 25537

(B) If the scholarships awarded under section 3310.032 of the 25538  
Revised Code in the first application period for any school year 25539  
use the entirety of the amount appropriated by the general 25540  
assembly for such scholarships for that school year, the 25541  
department need not conduct a second application period for 25542  
scholarships under that section. If, after the first application 25543  
period, there are funds remaining to award scholarships under 25544

section 3310.032 of the Revised Code, the department shall conduct 25545  
a second application period in accordance with division (A)(2) of 25546  
this section. 25547

**Sec. 3311.19.** (A) The management and control of a joint 25548  
vocational school district shall be vested in the joint vocational 25549  
school district board of education which, beginning on September 25550  
29, 2013, shall be appointed under division (C) of this section. 25551

All members of a joint vocational school district board 25552  
serving unexpired terms on September 29, 2013, may continue in 25553  
office until the expiration of their terms. If a member leaves 25554  
office for any reason prior to the expiration of that member's 25555  
term, the vacancy shall be filled only in the manner provided in 25556  
division (C) of this section. 25557

(B) Except as provided in section 3311.191 of the Revised 25558  
Code, members of the joint vocational school district board 25559  
appointed on or after September 29, 2013, shall serve for 25560  
three-year terms of office. 25561

(C)(1) The manner of appointment and the total number of 25562  
members appointed to the joint vocational school district board 25563  
shall be in accordance with the most recent plan for the joint 25564  
vocational school district on file with the department of 25565  
education. 25566

~~(1)~~(a) Appointments under this section shall be made as the 25567  
terms of members of each joint vocational school district board 25568  
who are serving unexpired terms on September 29, 2013, expire or 25569  
as those offices are otherwise vacated prior to the expiration 25570  
date. 25571

~~(2)~~(b) Members of the joint vocational board shall be 25572  
appointed by the member school district boards of education. 25573  
Members of a joint vocational school district board may either be 25574

a current elected board member of a school district board that is 25575  
a member of the joint vocational school district or an individual 25576  
who has experience or knowledge regarding the labor needs of the 25577  
state and region with an understanding of the skills, training, 25578  
and education needed for current and future employment 25579  
opportunities in the state. The appointing board may give 25580  
preference to individuals who have served as members on a joint 25581  
vocational school business advisory committee. 25582

(2) In addition to any voting members appointed under 25583  
division (C)(1) of this section, beginning January 1, 2018, the 25584  
superintendent of the joint vocational school district board shall 25585  
appoint three nonvoting, advisory members to the district board of 25586  
education who represent local business interests in accordance 25587  
with section 3313.011 of the Revised Code. 25588

(D) The vocational schools in the joint vocational school 25589  
district shall be available to all youth of school age within the 25590  
joint vocational school district subject to the rules adopted by 25591  
the joint vocational school district board of education in regard 25592  
to the standards requisite to admission. A joint vocational school 25593  
district board of education shall have the same powers, duties, 25594  
and authority for the management and operation of such joint 25595  
vocational school district as is granted by law, except by this 25596  
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 25597  
Code, to a board of education of a city school district, and shall 25598  
be subject to all the provisions of law that apply to a city 25599  
school district, except such provisions in this chapter and 25600  
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 25601

(E) The superintendent of schools of a joint vocational 25602  
school district shall exercise the duties and authority vested by 25603  
law in a superintendent of schools pertaining to the operation of 25604  
a school district and the employment and supervision of its 25605  
personnel. The joint vocational school district board of education 25606

shall appoint a treasurer of the joint vocational school district 25607  
who shall be the fiscal officer for such district and who shall 25608  
have all the powers, duties, and authority vested by law in a 25609  
treasurer of a board of education. 25610

(F) Each member of a joint vocational school district board 25611  
of education may be paid such compensation as the board provides 25612  
by resolution, but it shall not exceed one hundred twenty-five 25613  
dollars per member for each meeting attended plus mileage, at the 25614  
rate per mile provided by resolution of the board, to and from 25615  
meetings of the board. 25616

The board may provide by resolution for the deduction of 25617  
amounts payable for benefits under section 3313.202 of the Revised 25618  
Code. 25619

Each member of a joint vocational school district board may 25620  
be paid such compensation as the board provides by resolution for 25621  
attendance at an approved training program, provided that such 25622  
compensation shall not exceed sixty dollars per day for attendance 25623  
at a training program three hours or fewer in length and one 25624  
hundred twenty-five dollars a day for attendance at a training 25625  
program longer than three hours in length. However, no board 25626  
member shall be compensated for the same training program under 25627  
this section and section 3313.12 of the Revised Code. 25628

Sec. 3311.27. The board of education of a surviving school 25629  
district, as that term is defined in section 5748.10 of the 25630  
Revised Code, shall notify the tax commissioner as and in the 25631  
manner required by that section. 25632

**Sec. 3311.751.** Notwithstanding division (F) of section 25633  
5705.10 of the Revised Code, if a municipal school district board 25634  
of education sells real property that it owns in its corporate 25635  
capacity, moneys received from the sale may be paid into the 25636

general fund of the district, as long as all of the following 25637  
conditions are satisfied: 25638

(A) The district has owned the real property for at least ten 25639  
years. 25640

(B) The real property and any improvements to that real 25641  
property were not acquired with the proceeds of public 25642  
obligations, as defined in section 133.01 of the Revised Code, of 25643  
the district that are outstanding at the time of the sale. 25644

(C) The deposit of those moneys in that manner is not 25645  
prohibited by any agreements the district board has entered into 25646  
with the Ohio ~~school~~ facilities construction commission. 25647

Sec. 3313.011. Beginning January 1, 2018, the superintendent 25648  
of each local, exempted village, city, and joint vocational school 25649  
district shall appoint to the district board of education three 25650  
nonvoting, advisory members who represent local business 25651  
interests. The advisory members shall serve at the pleasure of the 25652  
appointing authority and shall advise and provide recommendations 25653  
to the board on matters specified by the board, including, but not 25654  
limited to the following: 25655

(A) The delineation of employment skills and the development 25656  
of curriculum to instill these skills; 25657

(B) Changes in the economy and the job market and the types 25658  
of employment in which future jobs are most likely to be 25659  
available; 25660

(C) Suggestions for developing a working relationship among 25661  
businesses, labor organizations, and educational personnel. 25662

**Sec. 3313.372.** (A) As used in this section, "energy 25663  
conservation measure" means an installation or modification of an 25664  
installation in, or remodeling of, a building, to reduce energy 25665

consumption. It includes:	25666
(1) Insulation of the building structure and systems within the building;	25667 25668
(2) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;	25669 25670 25671 25672 25673
(3) Automatic energy control systems;	25674
(4) Heating, ventilating, or air conditioning system modifications or replacements;	25675 25676
(5) Caulking and weatherstripping;	25677
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	25678 25679 25680 25681 25682
(7) Energy recovery systems;	25683
(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	25684 25685 25686
(9) Any other modification, installation, or remodeling approved by the Ohio <del>school</del> facilities <u>construction</u> commission as an energy conservation measure.	25687 25688 25689
(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section	25690 25691 25692 25693 25694 25695

3313.46 of the Revised Code, and shall be on the following terms: 25696

(1) Not less than one-fifteenth of the costs thereof shall be 25697  
paid within two years from the date of purchase. 25698

(2) The remaining balance of the costs thereof shall be paid 25699  
within fifteen years from the date of purchase. 25700

The provisions of any installment payment contract entered 25701  
into pursuant to this section shall provide that all payments, 25702  
except payments for repairs and obligations on termination of the 25703  
contract prior to its expiration, shall not exceed the calculated 25704  
energy, water, or waste water cost savings, avoided operating 25705  
costs, and avoided capital costs attributable to the one or more 25706  
measures over a defined period of time. Those payments shall be 25707  
made only to the extent that the savings described in this 25708  
division actually occur. The energy services company shall warrant 25709  
and guarantee that the energy conservation measures shall realize 25710  
guaranteed savings and shall be responsible to pay an amount equal 25711  
to any savings shortfall. 25712

An installment payment contract entered into by a board of 25713  
education under this section shall require the board to contract 25714  
in accordance with division (A) of section 3313.46 of the Revised 25715  
Code for the installation, modification, or remodeling of energy 25716  
conservation measures unless division (A) of section 3313.46 of 25717  
the Revised Code does not apply pursuant to division (B)(3) of 25718  
that section, in which case the contract shall be awarded through 25719  
a competitive selection process pursuant to rules adopted by the 25720  
~~school~~ facilities construction commission. 25721

An installment payment contract entered into by a board of 25722  
education under this section may include services for measurement 25723  
and verification of energy savings associated with the guarantee. 25724  
The annual cost of measurement and verification services shall not 25725  
exceed ten per cent of the guaranteed savings in any year of the 25726

installment payment contract. 25727

(C) If a board of education determines that a surety bond is 25728  
necessary to secure energy, water, or waste water cost savings 25729  
guaranteed in a contract entered into by the board of education 25730  
under this section, the energy services company shall provide a 25731  
surety bond that satisfies all of the following requirements: 25732

(1) The penal sum of the surety bond for the first guarantee 25733  
year shall equal the amount of savings included in the annual 25734  
guaranteed savings amount that is measured and calculated in 25735  
accordance with the measurement and verification plan included in 25736  
the contract, but may not include guaranteed savings that are not 25737  
measured or that are stipulated in the contract. The annual 25738  
guaranteed savings amount shall include only the savings 25739  
guaranteed in the contract for the one-year term that begins on 25740  
the first day of the first savings guarantee year and may not 25741  
include amounts from subsequent years. 25742

(2) The surety bond shall have a term of not more than one 25743  
year unless renewed. At the option of the board of education, the 25744  
surety bond may be renewed for one or two additional terms, each 25745  
term not to exceed one year. The surety bond may not be renewed or 25746  
extended so that it is in effect for more than three consecutive 25747  
years. 25748

In the event of a renewal, the penal sum of the surety bond 25749  
for each renewed year shall be revised so that the penal sum 25750  
equals the annual guaranteed savings amount for such renewal year 25751  
that is measured and calculated in accordance with the measurement 25752  
and verification plan included in the contract, but may not 25753  
include guaranteed savings that are not measured or that are 25754  
stipulated in the contract. Regardless of the number of renewals 25755  
of the bond, the aggregate liability under each renewed bond may 25756  
not exceed the penal sum stated in the renewal certificate for the 25757  
applicable renewal year. 25758

(3) The surety bond for the first year shall be issued within 25759  
thirty days of the commencement of the first savings guarantee 25760  
year under the contract. 25761

In the event of renewal, the surety shall deliver to the 25762  
board of education a renewal certificate reflecting the revised 25763  
penal sum within thirty days of the board of education's request. 25764  
The board of education shall deliver the request for renewal not 25765  
less than thirty days prior to the expiration date of the surety 25766  
bond then in existence. A surety bond furnished pursuant to 25767  
section 153.54 of the Revised Code shall not secure obligations 25768  
related to energy, water, or waste water cost savings as 25769  
referenced in division (C) of this section. 25770

(D) The board may issue the notes of the school district 25771  
signed by the president and the treasurer of the board and 25772  
specifying the terms of the purchase and securing the deferred 25773  
payments provided in this section, payable at the times provided 25774  
and bearing interest at a rate not exceeding the rate determined 25775  
as provided in section 9.95 of the Revised Code. The notes may 25776  
contain an option for prepayment and shall not be subject to 25777  
Chapter 133. of the Revised Code. In the resolution authorizing 25778  
the notes, the board may provide, without the vote of the electors 25779  
of the district, for annually levying and collecting taxes in 25780  
amounts sufficient to pay the interest on and retire the notes, 25781  
except that the total net indebtedness of the district without a 25782  
vote of the electors incurred under this and all other sections of 25783  
the Revised Code, except section 3318.052 of the Revised Code, 25784  
shall not exceed one per cent of the district's tax valuation. 25785  
Revenues derived from local taxes or otherwise, for the purpose of 25786  
conserving energy or for defraying the current operating expenses 25787  
of the district, may be applied to the payment of interest and the 25788  
retirement of such notes. The notes may be sold at private sale or 25789  
given to the energy services company under the installment payment 25790

contract authorized by division (B) of this section. 25791

(E) Debt incurred under this section shall not be included in 25792  
the calculation of the net indebtedness of a school district under 25793  
section 133.06 of the Revised Code. 25794

(F) No school district board shall enter into an installment 25795  
payment contract under division (B) of this section unless it 25796  
first obtains a report of the costs of the energy conservation 25797  
measures and the savings thereof as described under division (G) 25798  
of section 133.06 of the Revised Code as a requirement for issuing 25799  
energy securities, makes a finding that the amount spent on such 25800  
measures is not likely to exceed the amount of money it would save 25801  
in energy costs and resultant operational and maintenance costs as 25802  
described in that division, except that that finding shall cover 25803  
the ensuing fifteen years, and the ~~school~~ facilities construction 25804  
commission determines that the district board's findings are 25805  
reasonable and approves the contract as described in that 25806  
division. 25807

The district board shall monitor the savings and maintain a 25808  
report of those savings, which shall be submitted to the 25809  
commission in the same manner as required by division (G) of 25810  
section 133.06 of the Revised Code in the case of energy 25811  
securities. 25812

**Sec. 3313.603.** (A) As used in this section: 25813

(1) "One unit" means a minimum of one hundred twenty hours of 25814  
course instruction, except that for a laboratory course, "one 25815  
unit" means a minimum of one hundred fifty hours of course 25816  
instruction. 25817

(2) "One-half unit" means a minimum of sixty hours of course 25818  
instruction, except that for physical education courses, "one-half 25819  
unit" means a minimum of one hundred twenty hours of course 25820

instruction.	25821
(B) Beginning September 15, 2001, except as required in	25822
division (C) of this section and division (C) of section 3313.614	25823
of the Revised Code, the requirements for graduation from every	25824
high school shall include twenty units earned in grades nine	25825
through twelve and shall be distributed as follows:	25826
(1) English language arts, four units;	25827
(2) Health, one-half unit;	25828
(3) Mathematics, three units;	25829
(4) Physical education, one-half unit;	25830
(5) Science, two units until September 15, 2003, and three	25831
units thereafter, which at all times shall include both of the	25832
following:	25833
(a) Biological sciences, one unit;	25834
(b) Physical sciences, one unit.	25835
(6) History and government, one unit, which shall comply with	25836
division (M) of this section and shall include both of the	25837
following:	25838
(a) American history, one-half unit;	25839
(b) American government, one-half unit.	25840
(7) Social studies, two units.	25841
Beginning with students who enter ninth grade for the first	25842
time on or after July 1, 2017, the two units of instruction	25843
prescribed by division (B)(7) of this section shall include at	25844
least one-half unit of instruction in the study of world history	25845
and civilizations.	25846
(8) Elective units, seven units until September 15, 2003, and	25847
six units thereafter.	25848

Each student's electives shall include at least one unit, or 25849  
two half units, chosen from among the areas of 25850  
business/technology, fine arts, and/or foreign language. 25851

(C) Beginning with students who enter ninth grade for the 25852  
first time on or after July 1, 2010, except as provided in 25853  
divisions (D) to (F) of this section, the requirements for 25854  
graduation from every public and chartered nonpublic high school 25855  
shall include twenty units that are designed to prepare students 25856  
for the workforce and college. The units shall be distributed as 25857  
follows: 25858

(1) English language arts, four units; 25859

(2) Health, one-half unit, which shall include instruction in 25860  
nutrition and the benefits of nutritious foods and physical 25861  
activity for overall health; 25862

(3) Mathematics, four units, which shall include one unit of 25863  
algebra II or the equivalent of algebra II. However, students who 25864  
enter ninth grade for the first time on or after July 1, 2015, and 25865  
who are pursuing a career-technical instructional track shall not 25866  
be required to take algebra II, and instead may complete a 25867  
career-based pathway mathematics course as an alternative. 25868

(4) Physical education, one-half unit; 25869

(5) Science, three units with inquiry-based laboratory 25870  
experience that engages students in asking valid scientific 25871  
questions and gathering and analyzing information, which shall 25872  
include the following, or their equivalent: 25873

(a) Physical sciences, one unit; 25874

(b) Life sciences, one unit; 25875

(c) Advanced study in one or more of the following sciences, 25876  
one unit: 25877

(i) Chemistry, physics, or other physical science; 25878

(ii) Advanced biology or other life science;	25879
(iii) Astronomy, physical geology, or other earth or space science.	25880 25881
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	25882 25883 25884
(a) American history, one-half unit;	25885
(b) American government, one-half unit.	25886
(7) Social studies, two units.	25887
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(7) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	25888 25889 25890 25891 25892 25893 25894 25895 25896 25897 25898 25899 25900 25901
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (C)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	25902 25903 25904 25905 25906
(8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education,	25907 25908

family and consumer sciences, technology, agricultural education, 25909  
a junior reserve officer training corps (JROTC) program approved 25910  
by the congress of the United States under title 10 of the United 25911  
States Code, or English language arts, mathematics, science, or 25912  
social studies courses not otherwise required under division (C) 25913  
of this section. 25914

Ohioans must be prepared to apply increased knowledge and 25915  
skills in the workplace and to adapt their knowledge and skills 25916  
quickly to meet the rapidly changing conditions of the 25917  
twenty-first century. National studies indicate that all high 25918  
school graduates need the same academic foundation, regardless of 25919  
the opportunities they pursue after graduation. The goal of Ohio's 25920  
system of elementary and secondary education is to prepare all 25921  
students for and seamlessly connect all students to success in 25922  
life beyond high school graduation, regardless of whether the next 25923  
step is entering the workforce, beginning an apprenticeship, 25924  
engaging in post-secondary training, serving in the military, or 25925  
pursuing a college degree. 25926

The requirements for graduation prescribed in division (C) of 25927  
this section are the standard expectation for all students 25928  
entering ninth grade for the first time at a public or chartered 25929  
nonpublic high school on or after July 1, 2010. A student may 25930  
satisfy this expectation through a variety of methods, including, 25931  
but not limited to, integrated, applied, career-technical, and 25932  
traditional coursework. 25933

Whereas teacher quality is essential for student success when 25934  
completing the requirements for graduation, the general assembly 25935  
shall appropriate funds for strategic initiatives designed to 25936  
strengthen schools' capacities to hire and retain highly qualified 25937  
teachers in the subject areas required by the curriculum. Such 25938  
initiatives are expected to require an investment of \$120,000,000 25939  
over five years. 25940

Stronger coordination between high schools and institutions 25941  
of higher education is necessary to prepare students for more 25942  
challenging academic endeavors and to lessen the need for academic 25943  
remediation in college, thereby reducing the costs of higher 25944  
education for Ohio's students, families, and the state. The state 25945  
board and the chancellor of higher education shall develop 25946  
policies to ensure that only in rare instances will students who 25947  
complete the requirements for graduation prescribed in division 25948  
(C) of this section require academic remediation after high 25949  
school. 25950

School districts, community schools, and chartered nonpublic 25951  
schools shall integrate technology into learning experiences 25952  
across the curriculum in order to maximize efficiency, enhance 25953  
learning, and prepare students for success in the 25954  
technology-driven twenty-first century. Districts and schools 25955  
shall use distance and web-based course delivery as a method of 25956  
providing or augmenting all instruction required under this 25957  
division, including laboratory experience in science. Districts 25958  
and schools shall utilize technology access and electronic 25959  
learning opportunities provided by the broadcast educational media 25960  
commission, chancellor, the Ohio learning network, education 25961  
technology centers, public television stations, and other public 25962  
and private providers. 25963

(D) Except as provided in division (E) of this section, a 25964  
student who enters ninth grade on or after July 1, 2010, and 25965  
before July 1, 2016, may qualify for graduation from a public or 25966  
chartered nonpublic high school even though the student has not 25967  
completed the requirements for graduation prescribed in division 25968  
(C) of this section if all of the following conditions are 25969  
satisfied: 25970

(1) During the student's third year of attending high school, 25971  
as determined by the school, the student and the student's parent, 25972

guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section. Annually, each district or school shall notify the department of education of the number of students who choose to qualify for graduation under division (D) of this section and the number of students who complete the student's success plan and graduate from high school.

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience.

(5)(a) Except as provided in division (D)(5)(b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

(b) Beginning with students who enter ninth grade for the

first time on or after July 1, 2014, a student shall be required 26004  
to complete successfully, at the minimum, the curriculum 26005  
prescribed in division (B) of this section, except as follows: 26006

(i) Mathematics, four units, one unit which shall be one of 26007  
the following: 26008

(I) Probability and statistics; 26009

(II) Computer programming; 26010

(III) Applied mathematics or quantitative reasoning; 26011

(IV) Any other course approved by the department using 26012  
standards established by the superintendent not later than October 26013  
1, 2014. 26014

(ii) Elective units, five units; 26015

(iii) Science, three units as prescribed by division (B) of 26016  
this section which shall include inquiry-based laboratory 26017  
experience that engages students in asking valid scientific 26018  
questions and gathering and analyzing information. 26019

The department, in collaboration with the chancellor, shall 26020  
analyze student performance data to determine if there are 26021  
mitigating factors that warrant extending the exception permitted 26022  
by division (D) of this section to high school classes beyond 26023  
those entering ninth grade before July 1, 2016. The department 26024  
shall submit its findings and any recommendations not later than 26025  
December 1, 2015, to the speaker and minority leader of the house 26026  
of representatives, the president and minority leader of the 26027  
senate, the chairpersons and ranking minority members of the 26028  
standing committees of the house of representatives and the senate 26029  
that consider education legislation, the state board of education, 26030  
and the superintendent of public instruction. 26031

(E) Each school district and chartered nonpublic school 26032  
retains the authority to require an even more challenging minimum 26033

curriculum for high school graduation than specified in division 26034  
(B) or (C) of this section. A school district board of education, 26035  
through the adoption of a resolution, or the governing authority 26036  
of a chartered nonpublic school may stipulate any of the 26037  
following: 26038

(1) A minimum high school curriculum that requires more than 26039  
twenty units of academic credit to graduate; 26040

(2) An exception to the district's or school's minimum high 26041  
school curriculum that is comparable to the exception provided in 26042  
division (D) of this section but with additional requirements, 26043  
which may include a requirement that the student successfully 26044  
complete more than the minimum curriculum prescribed in division 26045  
(B) of this section; 26046

(3) That no exception comparable to that provided in division 26047  
(D) of this section is available. 26048

(F) A student enrolled in a dropout prevention and recovery 26049  
program, which program has received a waiver from the department, 26050  
may qualify for graduation from high school by successfully 26051  
completing a competency-based instructional program administered 26052  
by the dropout prevention and recovery program in lieu of 26053  
completing the requirements for graduation prescribed in division 26054  
(C) of this section. The department shall grant a waiver to a 26055  
dropout prevention and recovery program, within sixty days after 26056  
the program applies for the waiver, if the program meets all of 26057  
the following conditions: 26058

(1) The program serves only students not younger than sixteen 26059  
years of age and not older than twenty-one years of age. 26060

(2) The program enrolls students who, at the time of their 26061  
initial enrollment, either, or both, are at least one grade level 26062  
behind their cohort age groups or experience crises that 26063  
significantly interfere with their academic progress such that 26064

they are prevented from continuing their traditional programs. 26065

(3) The program requires students to attain at least the 26066  
applicable score designated for each of the assessments prescribed 26067  
under division (B)(1) of section 3301.0710 of the Revised Code or, 26068  
to the extent prescribed by rule of the state board under division 26069  
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 26070  
of that section. 26071

(4) The program develops a student success plan for the 26072  
student in the manner described in division (C)(1) of section 26073  
3313.6020 of the Revised Code that specifies the student's 26074  
matriculating to a two-year degree program, acquiring a business 26075  
and industry-recognized credential, or entering an apprenticeship. 26076

(5) The program provides counseling and support for the 26077  
student related to the plan developed under division (F)(4) of 26078  
this section during the remainder of the student's high school 26079  
experience. 26080

(6) The program requires the student and the student's 26081  
parent, guardian, or custodian to sign and file, in accordance 26082  
with procedural requirements stipulated by the program, a written 26083  
statement asserting the parent's, guardian's, or custodian's 26084  
consent to the student's graduating without completing the 26085  
requirements for graduation prescribed in division (C) of this 26086  
section and acknowledging that one consequence of not completing 26087  
those requirements is ineligibility to enroll in most state 26088  
universities in Ohio without further coursework. 26089

(7) Prior to receiving the waiver, the program has submitted 26090  
to the department an instructional plan that demonstrates how the 26091  
academic content standards adopted by the state board under 26092  
section 3301.079 of the Revised Code will be taught and assessed. 26093

(8) Prior to receiving the waiver, the program has submitted 26094  
to the department a policy on career advising that satisfies the 26095

requirements of section 3313.6020 of the Revised Code, with an 26096  
emphasis on how every student will receive career advising. 26097

(9) Prior to receiving the waiver, the program has submitted 26098  
to the department a written agreement outlining the future 26099  
cooperation between the program and any combination of local job 26100  
training, postsecondary education, nonprofit, and health and 26101  
social service organizations to provide services for students in 26102  
the program and their families. 26103

Divisions (F)(8) and (9) of this section apply only to 26104  
waivers granted on or after July 1, 2015. 26105

If the department does not act either to grant the waiver or 26106  
to reject the program application for the waiver within sixty days 26107  
as required under this section, the waiver shall be considered to 26108  
be granted. 26109

(G) Every high school may permit students below the ninth 26110  
grade to take advanced work. If a high school so permits, it shall 26111  
award high school credit for successful completion of the advanced 26112  
work and shall count such advanced work toward the graduation 26113  
requirements of division (B) or (C) of this section if the 26114  
advanced work was both: 26115

(1) Taught by a person who possesses a license or certificate 26116  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 26117  
Code that is valid for teaching high school; 26118

(2) Designated by the board of education of the city, local, 26119  
or exempted village school district, the board of the cooperative 26120  
education school district, or the governing authority of the 26121  
chartered nonpublic school as meeting the high school curriculum 26122  
requirements. 26123

Each high school shall record on the student's high school 26124  
transcript all high school credit awarded under division (G) of 26125  
this section. In addition, if the student completed a seventh- or 26126

eighth-grade fine arts course described in division (K) of this 26127  
section and the course qualified for high school credit under that 26128  
division, the high school shall record that course on the 26129  
student's high school transcript. 26130

(H) The department shall make its individual academic career 26131  
plan available through its Ohio career information system web site 26132  
for districts and schools to use as a tool for communicating with 26133  
and providing guidance to students and families in selecting high 26134  
school courses. 26135

(I) A school district or chartered nonpublic school may 26136  
integrate academic content in a subject area for which the state 26137  
board has adopted standards under section 3301.079 of the Revised 26138  
Code into a course in a different subject area, including a 26139  
career-technical education course, in accordance with guidance for 26140  
integrated coursework developed by the department. Upon successful 26141  
completion of an integrated course, a student may receive credit 26142  
for both subject areas that were integrated into the course. Units 26143  
earned in English language arts, mathematics, science, and social 26144  
studies that are for subject area content delivered through 26145  
integrated academic and career-technical instruction are eligible 26146  
to meet the graduation requirements of division (B) or (C) of this 26147  
section. 26148

For purposes of meeting graduation requirements, if an 26149  
end-of-course examination has been prescribed under section 26150  
3301.0712 of the Revised Code for the subject area delivered 26151  
through integrated instruction, the school district or school may 26152  
administer the related subject area examinations upon the 26153  
student's completion of the integrated course. 26154

Nothing in division (I) of this section shall be construed to 26155  
excuse any school district, chartered nonpublic school, or student 26156  
from any requirement in the Revised Code related to curriculum, 26157  
assessments, or the awarding of a high school diploma. 26158

(J)(1) The state board, in consultation with the chancellor, 26159  
shall adopt a statewide plan implementing methods for students to 26160  
earn units of high school credit based on a demonstration of 26161  
subject area competency, instead of or in combination with 26162  
completing hours of classroom instruction. The state board shall 26163  
adopt the plan not later than March 31, 2009, and commence phasing 26164  
in the plan during the 2009-2010 school year. The plan shall 26165  
include a standard method for recording demonstrated proficiency 26166  
on high school transcripts. Each school district and community 26167  
school shall comply with the state board's plan adopted under this 26168  
division and award units of high school credit in accordance with 26169  
the plan. The state board may adopt existing methods for earning 26170  
high school credit based on a demonstration of subject area 26171  
competency as necessary prior to the 2009-2010 school year. 26172

(2) Not later than December 31, 2015, the state board shall 26173  
update the statewide plan adopted pursuant to division (J)(1) of 26174  
this section to also include methods for students enrolled in 26175  
seventh and eighth grade to meet curriculum requirements based on 26176  
a demonstration of subject area competency, instead of or in 26177  
combination with completing hours of classroom instruction. 26178  
Beginning with the 2017-2018 school year, each school district and 26179  
community school also shall comply with the updated plan adopted 26180  
pursuant to this division and permit students enrolled in seventh 26181  
and eighth grade to meet curriculum requirements based on subject 26182  
area competency in accordance with the plan. 26183

(3) Not later than December 31, 2017, the department shall 26184  
develop a framework for school districts and community schools to 26185  
use in granting units of high school credit to students who 26186  
demonstrate subject area competency through work-based learning 26187  
experiences, internships, or cooperative education. Beginning with 26188  
the 2018-2019 school year, each district and community school 26189  
shall comply with the framework. Each district and community 26190

school also shall review any policy it has adopted regarding the 26191  
demonstration of subject area competency to identify ways to 26192  
incorporate work-based learning experiences, internships, and 26193  
cooperative education into the policy in order to increase student 26194  
engagement and opportunities to earn units of high school credit. 26195

(K) This division does not apply to students who qualify for 26196  
graduation from high school under division (D) or (F) of this 26197  
section, or to students pursuing a career-technical instructional 26198  
track as determined by the school district board of education or 26199  
the chartered nonpublic school's governing authority. 26200  
Nevertheless, the general assembly encourages such students to 26201  
consider enrolling in a fine arts course as an elective. 26202

Beginning with students who enter ninth grade for the first 26203  
time on or after July 1, 2010, each student enrolled in a public 26204  
or chartered nonpublic high school shall complete two semesters or 26205  
the equivalent of fine arts to graduate from high school. The 26206  
coursework may be completed in any of grades seven to twelve. Each 26207  
student who completes a fine arts course in grade seven or eight 26208  
may elect to count that course toward the five units of electives 26209  
required for graduation under division (C)(8) of this section, if 26210  
the course satisfied the requirements of division (G) of this 26211  
section. In that case, the high school shall award the student 26212  
high school credit for the course and count the course toward the 26213  
five units required under division (C)(8) of this section. If the 26214  
course in grade seven or eight did not satisfy the requirements of 26215  
division (G) of this section, the high school shall not award the 26216  
student high school credit for the course but shall count the 26217  
course toward the two semesters or the equivalent of fine arts 26218  
required by this division. 26219

(L) Notwithstanding anything to the contrary in this section, 26220  
the board of education of each school district and the governing 26221  
authority of each chartered nonpublic school may adopt a policy to 26222

excuse from the high school physical education requirement each 26223  
student who, during high school, has participated in 26224  
interscholastic athletics, marching band, or cheerleading for at 26225  
least two full seasons or in the junior reserve officer training 26226  
corps for at least two full school years. If the board or 26227  
authority adopts such a policy, the board or authority shall not 26228  
require the student to complete any physical education course as a 26229  
condition to graduate. However, the student shall be required to 26230  
complete one-half unit, consisting of at least sixty hours of 26231  
instruction, in another course of study. In the case of a student 26232  
who has participated in the junior reserve officer training corps 26233  
for at least two full school years, credit received for that 26234  
participation may be used to satisfy the requirement to complete 26235  
one-half unit in another course of study. 26236

(M) It is important that high school students learn and 26237  
understand United States history and the governments of both the 26238  
United States and the state of Ohio. Therefore, beginning with 26239  
students who enter ninth grade for the first time on or after July 26240  
1, 2012, the study of American history and American government 26241  
required by divisions (B)(6) and (C)(6) of this section shall 26242  
include the study of all of the following documents: 26243

(1) The Declaration of Independence; 26244

(2) The Northwest Ordinance; 26245

(3) The Constitution of the United States with emphasis on 26246  
the Bill of Rights; 26247

(4) The Ohio Constitution. 26248

The study of each of the documents prescribed in divisions 26249  
(M)(1) to (4) of this section shall include study of that document 26250  
in its original context. 26251

The study of American history and government required by 26252  
divisions (B)(6) and (C)(6) of this section shall include the 26253

historical evidence of the role of documents such as the 26254  
Federalist Papers and the Anti-Federalist Papers to firmly 26255  
establish the historical background leading to the establishment 26256  
of the provisions of the Constitution and Bill of Rights. 26257

**Sec. 3313.608.** (A)(1) Beginning with students who enter third 26258  
grade in the school year that starts July 1, 2009, and until June 26259  
30, 2013, unless the student is excused under division (C) of 26260  
section 3301.0711 of the Revised Code from taking the assessment 26261  
described in this section, for any student who does not attain at 26262  
least the equivalent level of achievement designated under 26263  
division (A)(3) of section 3301.0710 of the Revised Code on the 26264  
assessment prescribed under that section to measure skill in 26265  
English language arts expected at the end of third grade, each 26266  
school district, in accordance with the policy adopted under 26267  
section 3313.609 of the Revised Code, shall do one of the 26268  
following: 26269

(a) Promote the student to fourth grade if the student's 26270  
principal and reading teacher agree that other evaluations of the 26271  
student's skill in reading demonstrate that the student is 26272  
academically prepared to be promoted to fourth grade; 26273

(b) Promote the student to fourth grade but provide the 26274  
student with intensive intervention services in fourth grade; 26275

(c) Retain the student in third grade. 26276

(2) Beginning with students who enter third grade in the 26277  
2013-2014 school year, unless the student is excused under 26278  
division (C) of section 3301.0711 of the Revised Code from taking 26279  
the assessment described in this section, no school district shall 26280  
promote to fourth grade any student who does not attain at least 26281  
the equivalent level of achievement designated under division 26282  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 26283  
prescribed under that section to measure skill in English language 26284

arts expected at the end of third grade, unless one of the 26285  
following applies: 26286

(a) The student is a limited English proficient student who 26287  
has been enrolled in United States schools for less than three 26288  
full school years and has had less than three years of instruction 26289  
in an English as a second language program. 26290

(b) The student is a child with a disability entitled to 26291  
special education and related services under Chapter 3323. of the 26292  
Revised Code and the student's individualized education program 26293  
exempts the student from retention under this division. 26294

(c) The student demonstrates an acceptable level of 26295  
performance on an alternative standardized reading assessment as 26296  
determined by the department of education. 26297

(d) All of the following apply: 26298

(i) The student is a child with a disability entitled to 26299  
special education and related services under Chapter 3323. of the 26300  
Revised Code. 26301

(ii) The student has taken the third grade English language 26302  
arts achievement assessment prescribed under section 3301.0710 of 26303  
the Revised Code. 26304

(iii) The student's individualized education program or plan 26305  
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 26306  
355, 29 U.S.C. 794, as amended, shows that the student has 26307  
received intensive remediation in reading for two school years but 26308  
still demonstrates a deficiency in reading. 26309

(iv) The student previously was retained in any of grades 26310  
kindergarten to three. 26311

(e)(i) The student received intensive remediation for reading 26312  
for two school years but still demonstrates a deficiency in 26313  
reading and was previously retained in any of grades kindergarten 26314

to three. 26315

(ii) A student who is promoted under division (A)(2)(e)(i) of 26316  
this section shall continue to receive intensive reading 26317  
instruction in grade four. The instruction shall include an 26318  
altered instructional day that includes specialized diagnostic 26319  
information and specific research-based reading strategies for the 26320  
student that have been successful in improving reading among 26321  
low-performing readers. 26322

(B)(1) Beginning in the 2012-2013 school year, to assist 26323  
students in meeting the third grade guarantee established by this 26324  
section, each school district board of education shall adopt 26325  
policies and procedures with which it annually shall assess the 26326  
reading skills of each student, except those students with 26327  
significant cognitive disabilities or other disabilities as 26328  
authorized by the department on a case-by-case basis, enrolled in 26329  
kindergarten to third grade and shall identify students who are 26330  
reading below their grade level. The reading skills assessment 26331  
shall be completed by the thirtieth day of September for students 26332  
in grades one to three, and by the first day of November for 26333  
students in kindergarten. Each district shall use the diagnostic 26334  
assessment to measure reading ability for the appropriate grade 26335  
level adopted under section 3301.079 of the Revised Code, or a 26336  
comparable tool approved by the department of education, to 26337  
identify such students. The policies and procedures shall require 26338  
the students' classroom teachers to be involved in the assessment 26339  
and the identification of students reading below grade level. The 26340  
assessment may be administered electronically using live, two-way 26341  
video and audio connections whereby the teacher administering the 26342  
assessment may be in a separate location from the student. 26343

(2) For each student identified by the diagnostic assessment 26344  
prescribed under this section as having reading skills below grade 26345  
level, the district shall do both of the following: 26346

- (a) Provide to the student's parent or guardian, in writing, 26347  
all of the following: 26348
- (i) Notification that the student has been identified as 26349  
having a substantial deficiency in reading; 26350
- (ii) A description of the current services that are provided 26351  
to the student; 26352
- (iii) A description of the proposed supplemental 26353  
instructional services and supports that will be provided to the 26354  
student that are designed to remediate the identified areas of 26355  
reading deficiency; 26356
- (iv) Notification that if the student attains a score in the 26357  
range designated under division (A)(3) of section 3301.0710 of the 26358  
Revised Code on the assessment prescribed under that section to 26359  
measure skill in English language arts expected at the end of 26360  
third grade, the student shall be retained unless the student is 26361  
exempt under division (A) of this section. The notification shall 26362  
specify that the assessment under section 3301.0710 of the Revised 26363  
Code is not the sole determinant of promotion and that additional 26364  
evaluations and assessments are available to the student to assist 26365  
parents and the district in knowing when a student is reading at 26366  
or above grade level and ready for promotion. 26367
- (b) Provide intensive reading instruction services and 26368  
regular diagnostic assessments to the student immediately 26369  
following identification of a reading deficiency until the 26370  
development of the reading improvement and monitoring plan 26371  
required by division (C) of this section. These intervention 26372  
services shall include research-based reading strategies that have 26373  
been shown to be successful in improving reading among 26374  
low-performing readers and instruction targeted at the student's 26375  
identified reading deficiencies. 26376
- (3) For each student retained under division (A) of this 26377

section, the district shall do all of the following: 26378

(a) Provide intense remediation services until the student is 26379  
able to read at grade level. The remediation services shall 26380  
include intensive interventions in reading that address the areas 26381  
of deficiencies identified under this section including, but not 26382  
limited to, not less than ninety minutes of reading instruction 26383  
per day, and may include any of the following: 26384

(i) Small group instruction; 26385

(ii) Reduced teacher-student ratios; 26386

(iii) More frequent progress monitoring; 26387

(iv) Tutoring or mentoring; 26388

(v) Transition classes containing third and fourth grade 26389  
students; 26390

(vi) Extended school day, week, or year; 26391

(vii) Summer reading camps. 26392

(b) Establish a policy for the mid-year promotion of a 26393  
student retained under division (A) of this section who 26394  
demonstrates that the student is reading at or above grade level; 26395

(c) Provide each student with a teacher who satisfies one or 26396  
more of the criteria set forth in division (H) of this section. 26397

The district shall offer the option for students to receive 26398  
applicable services from one or more providers other than the 26399  
district. Providers shall be screened and approved by the district 26400  
or the department of education. If the student participates in the 26401  
remediation services and demonstrates reading proficiency in 26402  
accordance with standards adopted by the department prior to the 26403  
start of fourth grade, the district shall promote the student to 26404  
that grade. 26405

(4) For each student retained under division (A) of this 26406

section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:

(1) Identification of the student's specific reading deficiencies;

(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section;

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section;

(5) A reading curriculum during regular school hours that does all of the following:

(a) Assists students to read at grade level;

(b) Provides scientifically based and reliable assessment;

(c) Provides initial and ongoing analysis of each student's

reading progress. 26437

(6) A statement that if the student does not attain at least 26438  
the equivalent level of achievement designated under division 26439  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 26440  
prescribed under that section to measure skill in English language 26441  
arts expected by the end of third grade, the student may be 26442  
retained in third grade. 26443

Each student with a reading improvement and monitoring plan 26444  
under this division who enters third grade after July 1, 2013, 26445  
shall be assigned to a teacher who satisfies one or more of the 26446  
criteria set forth in division (H) of this section. 26447

The district shall report any information requested by the 26448  
department about the reading improvement monitoring plans 26449  
developed under this division in the manner required by the 26450  
department. 26451

(D) Each school district shall report annually to the 26452  
department on its implementation and compliance with this section 26453  
using guidelines prescribed by the superintendent of public 26454  
instruction. The superintendent of public instruction annually 26455  
shall report to the governor and general assembly the number and 26456  
percentage of students in grades kindergarten through four reading 26457  
below grade level based on the diagnostic assessments administered 26458  
under division (B) of this section and the achievement assessments 26459  
administered under divisions (A)(1)(a) and (b) of section 26460  
3301.0710 of the Revised Code in English language arts, aggregated 26461  
by school district and building; the types of intervention 26462  
services provided to students; and, if available, an evaluation of 26463  
the efficacy of the intervention services provided. 26464

(E) Any summer remediation services funded in whole or in 26465  
part by the state and offered by school districts to students 26466  
under this section shall meet the following conditions: 26467

(1) The remediation methods are based on reliable educational research.	26468 26469
(2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring results of the remediation services.	26470 26471 26472
(3) The parents of participating students are involved in programming decisions.	26473 26474
(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.	26475 26476 26477
(G) This section does not create a new cause of action or a substantive legal right for any person.	26478 26479
(H)(1) Except as provided under divisions (H)(2), (3), and (4) of this section, each student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:	26480 26481 26482 26483 26484 26485
(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.	26486 26487 26488
(b) The teacher has completed a master's degree program with a major in reading.	26489 26490
(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.	26491 26492 26493 26494 26495 26496
(d) The teacher was rated "above expected value added," in	26497

reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.

(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013,

may receive reading intervention or remediation services under 26529  
this section from an individual employed as a speech-language 26530  
pathologist who holds a license issued by the state vision and 26531  
hearing professionals board of ~~speech language pathology and~~ 26532  
~~audiology~~ under Chapter 4753. of the Revised Code and a 26533  
professional pupil services license as a school speech-language 26534  
pathologist issued by the state board of education. 26535

(5) A teacher, other than a student's teacher of record, may 26536  
provide any services required under this section, so long as that 26537  
other teacher meets the requirements of division (H) of this 26538  
section and the teacher of record and the school principal agree 26539  
to the assignment. Any such assignment shall be documented in the 26540  
student's reading improvement and monitoring plan. 26541

As used in this division, "teacher of record" means the 26542  
classroom teacher to whom a student is assigned. 26543

(I) Notwithstanding division (H) of this section, a teacher 26544  
may teach reading to any student who is an English language 26545  
learner, and has been in the United States for three years or 26546  
less, or to a student who has an individualized education program 26547  
developed under Chapter 3323. of the Revised Code if that teacher 26548  
holds an alternative credential approved by the department or has 26549  
successfully completed training that is based on principles of 26550  
scientifically research-based reading instruction that has been 26551  
approved by the department. Beginning on July 1, 2014, the 26552  
alternative credentials and training described in this division 26553  
shall be aligned with the reading competencies adopted by the 26554  
state board of education under section 3301.077 of the Revised 26555  
Code. 26556

(J) If, on or after June 4, 2013, a school district or 26557  
community school cannot furnish the number of teachers needed who 26558  
satisfy one or more of the criteria set forth in division (H) of 26559  
this section for the 2013-2014 school year, the school district or 26560

community school shall develop and submit a staffing plan by June 26561  
30, 2013. The staffing plan shall include criteria that will be 26562  
used to assign a student described in division (B)(3) or (C) of 26563  
this section to a teacher, credentials or training held by 26564  
teachers currently teaching at the school, and how the school 26565  
district or community school will meet the requirements of this 26566  
section. The school district or community school shall post the 26567  
staffing plan on its web site for the applicable school year. 26568

Not later than March 1, 2014, and on the first day of March 26569  
in each year thereafter, a school district or community school 26570  
that has submitted a plan under this division shall submit to the 26571  
department a detailed report of the progress the district or 26572  
school has made in meeting the requirements under this section. 26573

A school district or community school may request an 26574  
extension of a staffing plan beyond the 2013-2014 school year. 26575  
Extension requests must be submitted to the department not later 26576  
than the thirtieth day of April prior to the start of the 26577  
applicable school year. The department may grant extensions valid 26578  
through the 2015-2016 school year. 26579

Until June 30, 2015, the department annually shall review all 26580  
staffing plans and report to the state board not later than the 26581  
thirtieth day of June of each year the progress of school 26582  
districts and community schools in meeting the requirements of 26583  
this section. 26584

(K) The department of education shall designate one or more 26585  
staff members to provide guidance and assistance to school 26586  
districts and community schools in implementing the third grade 26587  
guarantee established by this section, including any standards or 26588  
requirements adopted to implement the guarantee and to provide 26589  
information and support for reading instruction and achievement. 26590

**Sec. 3313.618.** (A) In addition to the applicable curriculum 26591

requirements, each student entering ninth grade for the first time 26592  
on or after July 1, 2014, shall satisfy at least one of the 26593  
following conditions in order to qualify for a high school 26594  
diploma: 26595

(1) Be remediation-free, in accordance with standards adopted 26596  
under division (F) of section 3345.061 of the Revised Code, on 26597  
each of the nationally standardized assessments in English, 26598  
mathematics, and reading; 26599

(2) Attain a score specified under division (B)(5)(c) of 26600  
section 3301.0712 of the Revised Code on the end-of-course 26601  
examinations prescribed under division (B) of section 3301.0712 of 26602  
the Revised Code. 26603

(3) Attain a score that demonstrates workforce readiness and 26604  
employability on a nationally recognized job skills assessment 26605  
selected by the state board of education under division (G) of 26606  
section 3301.0712 of the Revised Code and obtain either an 26607  
industry-recognized credential, as described under division 26608  
(B)(2)(d) of section 3302.03 of the Revised Code, or a license 26609  
issued by a state agency or board for practice in a vocation that 26610  
requires an examination for issuance of that license. 26611

~~The state board shall approve the industry recognized 26612  
credentials and licenses that may qualify a student for a high 26613  
school diploma under division (A)(3) of this section. The 26614  
industry-recognized credentials and licenses shall be as approved 26615  
under section 3313.6113 of the Revised Code. 26616~~

A student may choose to qualify for a high school diploma by 26617  
satisfying any of the separate requirements prescribed by 26618  
divisions (A)(1) to (3) of this section. If the student's school 26619  
district or school does not administer the examination prescribed 26620  
by one of those divisions that the student chooses to take to 26621  
satisfy the requirements of this section, the school district or 26622

school may require that student to arrange for the applicable 26623  
scores to be sent directly to the district or school by the 26624  
company or organization that administers the examination. 26625

(B) The state board of education shall not create or require 26626  
any additional assessment for the granting of any type of high 26627  
school diploma other than as prescribed by this section. Except as 26628  
provided in ~~section~~ sections 3313.6111 and 3313.6112 of the 26629  
Revised Code, the state board or the superintendent of public 26630  
instruction shall not create any endorsement or designation that 26631  
may be affiliated with a high school diploma. 26632

**Sec. 3313.6110.** (A) A person who has completed the final year 26633  
of instruction at home, as authorized under section 3321.04 of the 26634  
Revised Code, and has successfully fulfilled the high school 26635  
curriculum applicable to that person may be granted a high school 26636  
diploma by the person's parent, guardian, or other person having 26637  
charge or care of a child, as defined in division (A)(1) of 26638  
section 3321.01 of the Revised Code. 26639

(B) Beginning with diplomas issued on or after July 1, 2015, 26640  
each diploma granted under division (A) of this section shall be 26641  
accompanied by the official letter of excuse issued by the 26642  
district superintendent for the student's final year of home 26643  
education. 26644

(C) A person who has graduated from a nonchartered nonpublic 26645  
school in Ohio and who has successfully fulfilled that school's 26646  
high school curriculum may be granted a high school diploma by the 26647  
governing authority of that school. 26648

(D) Notwithstanding anything in the Revised Code to the 26649  
contrary, a diploma granted under this section shall serve as 26650  
proof of the successful completion of that person's applicable 26651  
high school curriculum and satisfactory to fulfill any legal 26652  
requirement to show such proof. 26653

(E) For the purposes of an application for employment, a diploma granted under this section shall be considered proof of completion of a high school education, regardless of whether the person to which the diploma was granted participated in the assessments prescribed by division (A)(1) or (B)(1) or (2) of section 3301.0710 and section 3301.0712 of the Revised Code.

(F) A diploma granted under division (A) of this section may include a state seal of biliteracy or an OhioMeansJobs-readiness seal that may be assigned to the student's diploma, by the parent, guardian, or other person having charge or care of the student, in the same manner as prescribed for transcripts issued by school districts and chartered nonpublic schools under ~~section~~ sections 3313.6111 and 3113.6112 of the Revised Code.

Sec. 3313.6112. (A) The superintendent of public instruction, in consultation with the chancellor of higher education and the governor's office of workforce transformation, shall establish the OhioMeansJobs-readiness seal, which may be attached or affixed to the high school diploma and transcript of a student enrolled in a public or chartered nonpublic school.

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the OhioMeansJobs-readiness seal to the diploma and transcript of a student enrolled in the school who meets the requirements prescribed under division (C)(1) of this section.

(C) The state superintendent, in consultation with the chancellor and the governor's office of workforce transformation, shall do the following:

(1) Establish the requirements and criteria for earning an

OhioMeansJobs-readiness seal, including demonstration of 26685  
work-readiness and work ethic competencies such as teamwork, 26686  
problem-solving, reliability, punctuality, and computer technology 26687  
competency; 26688

(2) Develop a standardized form for students to complete and 26689  
have validated prior to graduation by at least three individuals, 26690  
each of whom must be an employer, teacher, business mentor, 26691  
community leader, faith-based leader, school leader, or coach of 26692  
the student; 26693

(3) Prepare and deliver to all school districts, community 26694  
schools, STEM schools, college-preparatory boarding schools, and 26695  
chartered nonpublic schools an appropriate mechanism for assigning 26696  
an OhioMeansJobs-readiness seal on a student's diploma and 26697  
transcript indicating that the student has been assigned the seal; 26698

(4) Provide any other information the state superintendent 26699  
considers necessary for school districts, community schools, STEM 26700  
schools, college-preparatory boarding schools, and chartered 26701  
nonpublic schools to assign an OhioMeansJobs-readiness seal. 26702

(D) A student shall not be charged a fee to be assigned an 26703  
OhioMeansJobs-readiness seal on the student's diploma and 26704  
transcript. 26705

**Sec. 3313.6113.** (A) The superintendent of public instruction, 26706  
in collaboration with the governor's office of workforce 26707  
transformation and representatives of business organizations, 26708  
shall establish a committee to develop a list of 26709  
industry-recognized credentials and licenses that may be used to 26710  
qualify for a high school diploma under division (A)(3) of section 26711  
3313.618 of the Revised Code and shall be used for state report 26712  
card purposes under section 3302.03 of the Revised Code. The state 26713  
superintendent shall appoint the members of the committee not 26714  
later than January 1, 2018. 26715

<u>(B) The committee shall do the following:</u>	26716
<u>(1) Establish criteria for acceptable industry-recognized credentials and licenses aligned with the in-demand jobs list published by the department of job and family services;</u>	26717 26718 26719
<u>(2) Review the list of industry-recognized credentials and licenses that was in existence on January 1, 2018, and update the list as it considers necessary;</u>	26720 26721 26722
<u>(3) Review and update the list of industry-recognized credentials and licenses biannually.</u>	26723 26724
<b>Sec. 3313.89.</b> Beginning with the 2014-2015 school year, each public high school shall publish or provide, not later than the first day of April of each year, in its newsletter, high school planning guide, regular publication provided to parents and students, or in a prominent location on the school web site, information regarding the online education and career planning tool developed under section 6301.15 of the Revised Code. The information shall include the internet web site address for the planning tool and a link to that web site. The information also shall include a link to the OhioMeansJobs web site.	26725 26726 26727 26728 26729 26730 26731 26732 26733 26734
As used in this section, "OhioMeansJobs <u>web site</u> " has the same meaning as in section 6301.01 of the Revised Code.	26735 26736
<b>Sec. 3313.902.</b> (A) As used in this section:	26737
(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the chancellor of higher education.	26738 26739 26740
(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section.	26741 26742 26743
(3) "Approved program of study" means a program of study	26744

offered by an approved institution that satisfies the requirements 26745  
of division (B) of this section. 26746

(4) An eligible student's "career pathway training program 26747  
amount" means the following: 26748

(a) If the student is enrolled in a tier one career pathway 26749  
training program, \$4,800; 26750

(b) If the student is enrolled in a tier two career pathway 26751  
training program, \$3,200; 26752

(c) If the student is enrolled in a tier three career pathway 26753  
training program, \$1,600. 26754

(5) "Eligible institution" means any of the following: 26755

(a) A community college established under Chapter 3354. of 26756  
the Revised Code; 26757

(b) A technical college established under Chapter 3357. of 26758  
the Revised Code; 26759

(c) A state community college established under Chapter 3358. 26760  
of the Revised Code; 26761

(d) An Ohio technical center recognized by the chancellor 26762  
that provides post-secondary workforce education. 26763

(6) "Eligible student" means an individual who is at least 26764  
twenty-two years of age and has not received a high school diploma 26765  
or a certificate of high school equivalence, as defined in section 26766  
4109.06 of the Revised Code. 26767

(7) A "tier one career pathway training program" is a career 26768  
pathway training program that requires more than six hundred hours 26769  
of technical training, as determined by the department of 26770  
education. 26771

(8) A "tier two career pathway training program" is a career 26772  
pathway training program that requires more than three hundred 26773

hours of technical training but less than six hundred hours of 26774  
technical training, as determined by the department. 26775

(9) A "tier three career pathway training program" is a 26776  
career pathway training program that requires three hundred hours 26777  
or less of technical training, as determined by the department. 26778

(10) An eligible student's "work readiness training amount" 26779  
means the following: 26780

(a) If the student's grade level upon initial enrollment in 26781  
an approved program of study at an approved institution is below 26782  
the ninth grade, as determined in accordance with rules adopted 26783  
under division (E) of this section, \$1,500. 26784

(b) If the student's grade level upon initial enrollment in 26785  
an approved program of study at an approved institution is at or 26786  
above the ninth grade, as determined in accordance with rules 26787  
adopted under division (E) of this section, \$750. 26788

(B) The adult diploma pilot program is hereby established to 26789  
permit an eligible institution to obtain approval from the 26790  
superintendent of public instruction and the chancellor to develop 26791  
and offer a program of study that allows an eligible student to 26792  
obtain a high school diploma. A program shall be eligible for this 26793  
approval if it satisfies all of the following requirements: 26794

(1) The program allows an eligible student to complete the 26795  
requirements for obtaining a high school diploma that are 26796  
specified in rules adopted by the superintendent under division 26797  
(E) of this section while also completing requirements for an 26798  
approved industry credential or certificate. 26799

(2) The program includes career advising and outreach. 26800

(3) The program includes opportunities for students to 26801  
receive a competency-based education. 26802

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 26803

3313.614, 3313.618, and ~~3313.319~~ 3313.619 of the Revised Code, the state board of education shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section.

(D)(1) The department shall calculate the following amount for each eligible student enrolled in each approved institution's approved program of study:

(The student's career pathway training program amount + the student's work readiness training amount) X 1.2

(2) ~~The~~ Except as provided in division (D)(4) of this section, the department shall pay the amount calculated for an eligible student under division (D)(1) of this section to the approved institution in which the student is enrolled in the following manner:

(a) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the first third of the approved program of study, as determined by the department;

(b) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the second third of the approved program of study, as determined by the department;

(c) Fifty per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the final third of the approved program of study, as determined by the department.

(3) Of the amount paid to an approved institution under

division (D)(2) of this section, the institution may use the 26835  
amount that is in addition to the student's career pathway 26836  
training amount and the student's work readiness training amount 26837  
for the associated services of the approved program of study. 26838  
These services include counseling, advising, assessment, and other 26839  
services as determined or required by the department. 26840

(4) If the superintendent and the chancellor determine that 26841  
is it appropriate for an entity other than the department to make 26842  
full or partial payments for an eligible student under division 26843  
(D)(2) of this section, that entity shall make those payments and 26844  
the department shall not make those payments. 26845

(E) The superintendent, in consultation with the chancellor, 26846  
shall adopt rules for the implementation of the adult diploma 26847  
pilot program, including all of the following: 26848

(1) The requirements for applying for program approval; 26849

(2) The requirements for obtaining a high school diploma 26850  
through the program, including the requirement to obtain a passing 26851  
score on an assessment that is appropriate for the career pathway 26852  
training program that is being completed by the eligible student, 26853  
and the date on which these requirements take effect; 26854

(3) The assessment or assessments that may be used to 26855  
complete the assessment requirement for each career pathway 26856  
training program under division (E)(2) of this section and the 26857  
score that must be obtained on each assessment in order to pass 26858  
the assessment; 26859

(4) Guidelines regarding the funding of the program under 26860  
division (D) of this section, including a method of funding for 26861  
students who transfer from one approved institution to another 26862  
approved institution prior to completing an approved program of 26863  
study; 26864

(5) Circumstances under which an eligible student may be 26865

charged for tuition, supplies, or associated fees while enrolled 26866  
in an approved institution's approved program of study; 26867

(6) A requirement that an eligible student may not be charged 26868  
for tuition, supplies, or associated fees while enrolled in an 26869  
approved institution's approved program of study except in the 26870  
circumstances described under division (E)(5) of this section; 26871

(7) The payment of federal funds that are to be used by 26872  
approved programs of study at approved institutions. 26873

Sec. 3313.904. The department of education and the department 26874  
of job and family services, in consultation with the governor's 26875  
office of workforce transformation, shall establish an option for 26876  
career-technical education students to participate in 26877  
pre-apprenticeship training programs that impart the skills and 26878  
knowledge needed for successful participation in a registered 26879  
apprenticeship occupation course. 26880

**Sec. 3314.03.** A copy of every contract entered into under 26881  
this section shall be filed with the superintendent of public 26882  
instruction. The department of education shall make available on 26883  
its web site a copy of every approved, executed contract filed 26884  
with the superintendent under this section. 26885

(A) Each contract entered into between a sponsor and the 26886  
governing authority of a community school shall specify the 26887  
following: 26888

(1) That the school shall be established as either of the 26889  
following: 26890

(a) A nonprofit corporation established under Chapter 1702. 26891  
of the Revised Code, if established prior to April 8, 2003; 26892

(b) A public benefit corporation established under Chapter 26893  
1702. of the Revised Code, if established after April 8, 2003. 26894

- (2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 26895  
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- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 26899  
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- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 26902  
26903  
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- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 26906  
26907
- (6)(a) Dismissal procedures; 26908
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student. 26909  
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- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 26915  
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- (8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 26917  
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- (9) An addendum to the contract outlining the facilities to be used that contains at least the following information: 26923  
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(a) A detailed description of each facility used for instructional purposes;	26925 26926
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	26927 26928
(c) The annual mortgage principal and interest payments that are paid by the school;	26929 26930
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	26931 26932 26933
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.	26934 26935 26936 26937 26938 26939
(11) That the school will comply with the following requirements:	26940 26941
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	26942 26943 26944
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	26945 26946 26947
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	26948 26949 26950 26951
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50,	26952 26953 26954

3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 26955  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 26956  
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 26957  
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 26958  
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 26959  
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 26960  
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 26961  
3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 26962  
4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 26963  
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 26964  
as if it were a school district and will comply with section 26965  
3301.0714 of the Revised Code in the manner specified in section 26966  
3314.17 of the Revised Code. 26967

(e) The school shall comply with Chapter 102. and section 26968  
2921.42 of the Revised Code. 26969

(f) The school will comply with sections 3313.61, 3313.611, 26970  
and 3313.614 of the Revised Code, except that for students who 26971  
enter ninth grade for the first time before July 1, 2010, the 26972  
requirement in sections 3313.61 and 3313.611 of the Revised Code 26973  
that a person must successfully complete the curriculum in any 26974  
high school prior to receiving a high school diploma may be met by 26975  
completing the curriculum adopted by the governing authority of 26976  
the community school rather than the curriculum specified in Title 26977  
XXXIII of the Revised Code or any rules of the state board of 26978  
education. Beginning with students who enter ninth grade for the 26979  
first time on or after July 1, 2010, the requirement in sections 26980  
3313.61 and 3313.611 of the Revised Code that a person must 26981  
successfully complete the curriculum of a high school prior to 26982  
receiving a high school diploma shall be met by completing the 26983  
requirements prescribed in division (C) of section 3313.603 of the 26984  
Revised Code, unless the person qualifies under division (D) or 26985  
(F) of that section. Each school shall comply with the plan for 26986

awarding high school credit based on demonstration of subject area 26987  
competency, and beginning with the 2017-2018 school year, with the 26988  
updated plan that permits students enrolled in seventh and eighth 26989  
grade to meet curriculum requirements based on subject area 26990  
competency adopted by the state board of education under divisions 26991  
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 26992  
with the 2018-2019 school year, the school shall comply with the 26993  
framework for granting units of high school credit to students who 26994  
demonstrate subject area competency through work-based learning 26995  
experiences, internships, or cooperative education developed by 26996  
the department under division (J)(3) of section 3313.603 of the 26997  
Revised Code. 26998

(g) The school governing authority will submit within four 26999  
months after the end of each school year a report of its 27000  
activities and progress in meeting the goals and standards of 27001  
divisions (A)(3) and (4) of this section and its financial status 27002  
to the sponsor and the parents of all students enrolled in the 27003  
school. 27004

(h) The school, unless it is an internet- or computer-based 27005  
community school, will comply with section 3313.801 of the Revised 27006  
Code as if it were a school district. 27007

(i) If the school is the recipient of moneys from a grant 27008  
awarded under the federal race to the top program, Division (A), 27009  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 27010  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 27011  
school will pay teachers based upon performance in accordance with 27012  
section 3317.141 and will comply with section 3319.111 of the 27013  
Revised Code as if it were a school district. 27014

(j) If the school operates a preschool program that is 27015  
licensed by the department of education under sections 3301.52 to 27016  
3301.59 of the Revised Code, the school shall comply with sections 27017  
3301.50 to 3301.59 of the Revised Code and the minimum standards 27018

for preschool programs prescribed in rules adopted by the state 27019  
board under section 3301.53 of the Revised Code. 27020

(k) The school will comply with sections 3313.6021 and 27021  
3313.6023 of the Revised Code as if it were a school district 27022  
unless it is either of the following: 27023

(i) An internet- or computer-based community school; 27024

(ii) A community school in which a majority of the enrolled 27025  
students are children with disabilities as described in division 27026  
(A)(4)(b) of section 3314.35 of the Revised Code. 27027

(12) Arrangements for providing health and other benefits to 27028  
employees; 27029

(13) The length of the contract, which shall begin at the 27030  
beginning of an academic year. No contract shall exceed five years 27031  
unless such contract has been renewed pursuant to division (E) of 27032  
this section. 27033

(14) The governing authority of the school, which shall be 27034  
responsible for carrying out the provisions of the contract; 27035

(15) A financial plan detailing an estimated school budget 27036  
for each year of the period of the contract and specifying the 27037  
total estimated per pupil expenditure amount for each such year. 27038

(16) Requirements and procedures regarding the disposition of 27039  
employees of the school in the event the contract is terminated or 27040  
not renewed pursuant to section 3314.07 of the Revised Code; 27041

(17) Whether the school is to be created by converting all or 27042  
part of an existing public school or educational service center 27043  
building or is to be a new start-up school, and if it is a 27044  
converted public school or service center building, specification 27045  
of any duties or responsibilities of an employer that the board of 27046  
education or service center governing board that operated the 27047  
school or building before conversion is delegating to the 27048

governing authority of the community school with respect to all or 27049  
any specified group of employees provided the delegation is not 27050  
prohibited by a collective bargaining agreement applicable to such 27051  
employees; 27052

(18) Provisions establishing procedures for resolving 27053  
disputes or differences of opinion between the sponsor and the 27054  
governing authority of the community school; 27055

(19) A provision requiring the governing authority to adopt a 27056  
policy regarding the admission of students who reside outside the 27057  
district in which the school is located. That policy shall comply 27058  
with the admissions procedures specified in sections 3314.06 and 27059  
3314.061 of the Revised Code and, at the sole discretion of the 27060  
authority, shall do one of the following: 27061

(a) Prohibit the enrollment of students who reside outside 27062  
the district in which the school is located; 27063

(b) Permit the enrollment of students who reside in districts 27064  
adjacent to the district in which the school is located; 27065

(c) Permit the enrollment of students who reside in any other 27066  
district in the state. 27067

(20) A provision recognizing the authority of the department 27068  
of education to take over the sponsorship of the school in 27069  
accordance with the provisions of division (C) of section 3314.015 27070  
of the Revised Code; 27071

(21) A provision recognizing the sponsor's authority to 27072  
assume the operation of a school under the conditions specified in 27073  
division (B) of section 3314.073 of the Revised Code; 27074

(22) A provision recognizing both of the following: 27075

(a) The authority of public health and safety officials to 27076  
inspect the facilities of the school and to order the facilities 27077  
closed if those officials find that the facilities are not in 27078

compliance with health and safety laws and regulations; 27079

(b) The authority of the department of education as the 27080  
community school oversight body to suspend the operation of the 27081  
school under section 3314.072 of the Revised Code if the 27082  
department has evidence of conditions or violations of law at the 27083  
school that pose an imminent danger to the health and safety of 27084  
the school's students and employees and the sponsor refuses to 27085  
take such action. 27086

(23) A description of the learning opportunities that will be 27087  
offered to students including both classroom-based and 27088  
non-classroom-based learning opportunities that is in compliance 27089  
with criteria for student participation established by the 27090  
department under division (H)(2) of section 3314.08 of the Revised 27091  
Code; 27092

(24) The school will comply with sections 3302.04 and 27093  
3302.041 of the Revised Code, except that any action required to 27094  
be taken by a school district pursuant to those sections shall be 27095  
taken by the sponsor of the school. However, the sponsor shall not 27096  
be required to take any action described in division (F) of 27097  
section 3302.04 of the Revised Code. 27098

(25) Beginning in the 2006-2007 school year, the school will 27099  
open for operation not later than the thirtieth day of September 27100  
each school year, unless the mission of the school as specified 27101  
under division (A)(2) of this section is solely to serve dropouts. 27102  
In its initial year of operation, if the school fails to open by 27103  
the thirtieth day of September, or within one year after the 27104  
adoption of the contract pursuant to division (D) of section 27105  
3314.02 of the Revised Code if the mission of the school is solely 27106  
to serve dropouts, the contract shall be void. 27107

(26) Whether the school's governing authority is planning to 27108  
seek designation for the school as a STEM school equivalent under 27109

section 3326.032 of the Revised Code;	27110
(27) That the school's attendance and participation policies will be available for public inspection;	27111 27112
(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	27113 27114 27115 27116 27117 27118 27119
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	27120 27121 27122
(a) An indication of what blended learning model or models will be used;	27123 27124
(b) A description of how student instructional needs will be determined and documented;	27125 27126
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	27127 27128
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	27129 27130
(e) A statement describing how student progress will be monitored;	27131 27132
(f) A statement describing how private student data will be protected;	27133 27134
(g) A description of the professional development activities that will be offered to teachers.	27135 27136
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear	27137 27138 27139

interest at a fair market rate; 27140

(31) A provision requiring that, if the governing authority 27141  
contracts with an attorney, accountant, or entity specializing in 27142  
audits, the attorney, accountant, or entity shall be independent 27143  
from the operator with which the school has contracted. 27144

(B) The community school shall also submit to the sponsor a 27145  
comprehensive plan for the school. The plan shall specify the 27146  
following: 27147

(1) The process by which the governing authority of the 27148  
school will be selected in the future; 27149

(2) The management and administration of the school; 27150

(3) If the community school is a currently existing public 27151  
school or educational service center building, alternative 27152  
arrangements for current public school students who choose not to 27153  
attend the converted school and for teachers who choose not to 27154  
teach in the school or building after conversion; 27155

(4) The instructional program and educational philosophy of 27156  
the school; 27157

(5) Internal financial controls. 27158

When submitting the plan under this division, the school 27159  
shall also submit copies of all policies and procedures regarding 27160  
internal financial controls adopted by the governing authority of 27161  
the school. 27162

(C) A contract entered into under section 3314.02 of the 27163  
Revised Code between a sponsor and the governing authority of a 27164  
community school may provide for the community school governing 27165  
authority to make payments to the sponsor, which is hereby 27166  
authorized to receive such payments as set forth in the contract 27167  
between the governing authority and the sponsor. The total amount 27168  
of such payments for monitoring, oversight, and technical 27169

assistance of the school shall not exceed three per cent of the 27170  
total amount of payments for operating expenses that the school 27171  
receives from the state. 27172

(D) The contract shall specify the duties of the sponsor 27173  
which shall be in accordance with the written agreement entered 27174  
into with the department of education under division (B) of 27175  
section 3314.015 of the Revised Code and shall include the 27176  
following: 27177

(1) Monitor the community school's compliance with all laws 27178  
applicable to the school and with the terms of the contract; 27179

(2) Monitor and evaluate the academic and fiscal performance 27180  
and the organization and operation of the community school on at 27181  
least an annual basis; 27182

(3) Report on an annual basis the results of the evaluation 27183  
conducted under division (D)(2) of this section to the department 27184  
of education and to the parents of students enrolled in the 27185  
community school; 27186

(4) Provide technical assistance to the community school in 27187  
complying with laws applicable to the school and terms of the 27188  
contract; 27189

(5) Take steps to intervene in the school's operation to 27190  
correct problems in the school's overall performance, declare the 27191  
school to be on probationary status pursuant to section 3314.073 27192  
of the Revised Code, suspend the operation of the school pursuant 27193  
to section 3314.072 of the Revised Code, or terminate the contract 27194  
of the school pursuant to section 3314.07 of the Revised Code as 27195  
determined necessary by the sponsor; 27196

(6) Have in place a plan of action to be undertaken in the 27197  
event the community school experiences financial difficulties or 27198  
closes prior to the end of a school year. 27199

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

**Sec. 3314.08.** (A) As used in this section:

(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.

(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.

(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.

(d) "Category four career-technical student" means a student	27230
who is receiving the career-technical education services described	27231
in division (D) of section 3317.014 of the Revised Code.	27232
(e) "Category five career-technical education student" means	27233
a student who is receiving the career-technical education services	27234
described in division (E) of section 3317.014 of the Revised Code.	27235
(2)(a) "Category one limited English proficient student"	27236
means a limited English proficient student described in division	27237
(A) of section 3317.016 of the Revised Code.	27238
(b) "Category two limited English proficient student" means a	27239
limited English proficient student described in division (B) of	27240
section 3317.016 of the Revised Code.	27241
(c) "Category three limited English proficient student" means	27242
a limited English proficient student described in division (C) of	27243
section 3317.016 of the Revised Code.	27244
(3)(a) "Category one special education student" means a	27245
student who is receiving special education services for a	27246
disability specified in division (A) of section 3317.013 of the	27247
Revised Code.	27248
(b) "Category two special education student" means a student	27249
who is receiving special education services for a disability	27250
specified in division (B) of section 3317.013 of the Revised Code.	27251
(c) "Category three special education student" means a	27252
student who is receiving special education services for a	27253
disability specified in division (C) of section 3317.013 of the	27254
Revised Code.	27255
(d) "Category four special education student" means a student	27256
who is receiving special education services for a disability	27257
specified in division (D) of section 3317.013 of the Revised Code.	27258
(e) "Category five special education student" means a student	27259

who is receiving special education services for a disability	27260
specified in division (E) of section 3317.013 of the Revised Code.	27261
(f) "Category six special education student" means a student	27262
who is receiving special education services for a disability	27263
specified in division (F) of section 3317.013 of the Revised Code.	27264
(4) "Formula amount" has the same meaning as in section	27265
3317.02 of the Revised Code.	27266
(5) "IEP" has the same meaning as in section 3323.01 of the	27267
Revised Code.	27268
(6) "Resident district" means the school district in which a	27269
student is entitled to attend school under section 3313.64 or	27270
3313.65 of the Revised Code.	27271
(7) "State education aid" has the same meaning as in section	27272
5751.20 of the Revised Code.	27273
(B) The state board of education shall adopt rules requiring	27274
both of the following:	27275
(1) The board of education of each city, exempted village,	27276
and local school district to annually report the number of	27277
students entitled to attend school in the district who are	27278
enrolled in each grade kindergarten through twelve in a community	27279
school established under this chapter, and for each child, the	27280
community school in which the child is enrolled.	27281
(2) The governing authority of each community school	27282
established under this chapter to annually report all of the	27283
following:	27284
(a) The number of students enrolled in grades one through	27285
twelve and the full-time equivalent number of students enrolled in	27286
kindergarten in the school who are not receiving special education	27287
and related services pursuant to an IEP;	27288
(b) The number of enrolled students in grades one through	27289

twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	27290 27291 27292
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	27293 27294 27295 27296
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;	27297 27298 27299 27300 27301
(e) The number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;	27302 27303 27304 27305 27306 27307 27308 27309
(f) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three limited English proficient students described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;	27310 27311 27312 27313
(g) The number of students reported under divisions (B)(2)(a) and (b) <u>of this section</u> who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(2)(g) of this section based on anything other than family income.	27314 27315 27316 27317 27318
(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school	27319 27320

under section 3313.64 or 3313.65 of the Revised Code. 27321

(i) The number of students enrolled in a preschool program 27322  
operated by the school that is licensed by the department of 27323  
education under sections 3301.52 to 3301.59 of the Revised Code 27324  
who are not receiving special education and related services 27325  
pursuant to an IEP. 27326

A school district board and a community school governing 27327  
authority shall include in their respective reports under division 27328  
(B) of this section any child admitted in accordance with division 27329  
(A)(2) of section 3321.01 of the Revised Code. 27330

A governing authority of a community school shall not include 27331  
in its report under divisions (B)(2)(a) to (h) of this section any 27332  
student for whom tuition is charged under division (F) of this 27333  
section. 27334

(C)(1) Except as provided in division (C)(2) of this section, 27335  
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 27336  
section, on a full-time equivalency basis, for each student 27337  
enrolled in a community school established under this chapter, the 27338  
department of education annually shall deduct from the state 27339  
education aid of a student's resident district and, if necessary, 27340  
from the payment made to the district under sections 321.24 and 27341  
323.156 of the Revised Code and pay to the community school the 27342  
sum of the following: 27343

(a) An opportunity grant in an amount equal to the formula 27344  
amount; 27345

(b) The per pupil amount of targeted assistance funds 27346  
calculated under division (A) of section 3317.0217 of the Revised 27347  
Code for the student's resident district, as determined by the 27348  
department, X 0.25; 27349

(c) Additional state aid for special education and related 27350  
services provided under Chapter 3323. of the Revised Code as 27351

follows:	27352
(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	27353 27354 27355
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	27356 27357 27358
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	27359 27360 27361
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	27362 27363 27364
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	27365 27366 27367
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	27368 27369 27370
(d) If the student is in kindergarten through third grade, an additional amount of <del>\$305, in fiscal year 2016, and \$320, in fiscal year 2017;</del>	27371 27372 27373
(e) If the student is economically disadvantaged, an additional amount equal to the following:	27374 27375
\$272 X the resident district's economically disadvantaged index	27376 27377
(f) Limited English proficiency funds as follows:	27378
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	27379 27380 27381

(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	27382 27383 27384
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	27385 27386 27387
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	27388 27389
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	27390 27391 27392
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	27393 27394 27395
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	27396 27397 27398
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	27399 27400 27401
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	27402 27403 27404
Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.	27405 27406 27407 27408
(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such	27409 27410 27411

school under this section, the department shall make the 27412  
deductions and payments described in only divisions (C)(1)(a), 27413  
(c), and (g) of this section. 27414

No deductions or payments shall be made for a student 27415  
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 27416  
of this section. 27417

(3)(a) If a community school's costs for a fiscal year for a 27418  
student receiving special education and related services pursuant 27419  
to an IEP for a disability described in divisions (B) to (F) of 27420  
section 3317.013 of the Revised Code exceed the threshold 27421  
catastrophic cost for serving the student as specified in division 27422  
(B) of section 3317.0214 of the Revised Code, the school may 27423  
submit to the superintendent of public instruction documentation, 27424  
as prescribed by the superintendent, of all its costs for that 27425  
student. Upon submission of documentation for a student of the 27426  
type and in the manner prescribed, the department shall pay to the 27427  
community school an amount equal to the school's costs for the 27428  
student in excess of the threshold catastrophic costs. 27429

(b) The community school shall report under division 27430  
(C)(3)(a) of this section, and the department shall pay for, only 27431  
the costs of educational expenses and the related services 27432  
provided to the student in accordance with the student's 27433  
individualized education program. Any legal fees, court costs, or 27434  
other costs associated with any cause of action relating to the 27435  
student may not be included in the amount. 27436

(4) In any fiscal year, a community school receiving funds 27437  
under division (C)(1)(g) of this section shall spend those funds 27438  
only for the purposes that the department designates as approved 27439  
for career-technical education expenses. Career-technical 27440  
education expenses approved by the department shall include only 27441  
expenses connected to the delivery of career-technical programming 27442  
to career-technical students. The department shall require the 27443

school to report data annually so that the department may monitor 27444  
the school's compliance with the requirements regarding the manner 27445  
in which funding received under division (C)(1)(g) of this section 27446  
may be spent. 27447

(5) Notwithstanding anything to the contrary in section 27448  
3313.90 of the Revised Code, except as provided in division (C)(9) 27449  
of this section, all funds received under division (C)(1)(g) of 27450  
this section shall be spent in the following manner: 27451

(a) At least seventy-five per cent of the funds shall be 27452  
spent on curriculum development, purchase, and implementation; 27453  
instructional resources and supplies; industry-based program 27454  
certification; student assessment, credentialing, and placement; 27455  
curriculum specific equipment purchases and leases; 27456  
career-technical student organization fees and expenses; home and 27457  
agency linkages; work-based learning experiences; professional 27458  
development; and other costs directly associated with 27459  
career-technical education programs including development of new 27460  
programs. 27461

(b) Not more than twenty-five per cent of the funds shall be 27462  
used for personnel expenditures. 27463

(6) A community school shall spend the funds it receives 27464  
under division (C)(1)(e) of this section in accordance with 27465  
section 3317.25 of the Revised Code. 27466

(7) If the sum of the payments computed under divisions 27467  
(C)(1) and (8)(a) of this section for the students entitled to 27468  
attend school in a particular school district under sections 27469  
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 27470  
district's state education aid and its payment under sections 27471  
321.24 and 323.156 of the Revised Code, the department shall 27472  
calculate and apply a proration factor to the payments to all 27473  
community schools under that division for the students entitled to 27474

attend school in that district. 27475

(8)(a) Subject to division (C)(7) of this section, the 27476  
department annually shall pay to each community school, including 27477  
each internet- or computer-based community school, an amount equal 27478  
to the following: 27479

(The number of students reported by the community school 27480  
under division (B)(2)(e) of this section X the formula amount X 27481  
.20) 27482

(b) For each payment made to a community school under 27483  
division (C)(8)(a) of this section, the department shall deduct 27484  
from the state education aid of each city, local, and exempted 27485  
village school district and, if necessary, from the payment made 27486  
to the district under sections 321.24 and 323.156 of the Revised 27487  
Code an amount equal to the following: 27488

(The number of the district's students reported by the 27489  
community school under division (B)(2)(e) of this section X the 27490  
formula amount X .20) 27491

(9) The department may waive the requirement in division 27492  
(C)(5) of this section for any community school that exclusively 27493  
provides one or more career-technical workforce development 27494  
programs in arts and communications that are not 27495  
equipment-intensive, as determined by the department. 27496

(D) A board of education sponsoring a community school may 27497  
utilize local funds to make enhancement grants to the school or 27498  
may agree, either as part of the contract or separately, to 27499  
provide any specific services to the community school at no cost 27500  
to the school. 27501

(E) A community school may not levy taxes or issue bonds 27502  
secured by tax revenues. 27503

(F) No community school shall charge tuition for the 27504

enrollment of any student who is a resident of this state. A 27505  
community school may charge tuition for the enrollment of any 27506  
student who is not a resident of this state. 27507

(G)(1)(a) A community school may borrow money to pay any 27508  
necessary and actual expenses of the school in anticipation of the 27509  
receipt of any portion of the payments to be received by the 27510  
school pursuant to division (C) of this section. The school may 27511  
issue notes to evidence such borrowing. The proceeds of the notes 27512  
shall be used only for the purposes for which the anticipated 27513  
receipts may be lawfully expended by the school. 27514

(b) A school may also borrow money for a term not to exceed 27515  
fifteen years for the purpose of acquiring facilities. 27516

(2) Except for any amount guaranteed under section 3318.50 of 27517  
the Revised Code, the state is not liable for debt incurred by the 27518  
governing authority of a community school. 27519

(H) The department of education shall adjust the amounts 27520  
subtracted and paid under division (C) of this section to reflect 27521  
any enrollment of students in community schools for less than the 27522  
equivalent of a full school year. The state board of education 27523  
within ninety days after April 8, 2003, shall adopt in accordance 27524  
with Chapter 119. of the Revised Code rules governing the payments 27525  
to community schools under this section including initial payments 27526  
in a school year and adjustments and reductions made in subsequent 27527  
periodic payments to community schools and corresponding 27528  
deductions from school district accounts as provided under 27529  
division (C) of this section. For purposes of this section: 27530

(1) A student shall be considered enrolled in the community 27531  
school for any portion of the school year the student is 27532  
participating at a college under Chapter 3365. of the Revised 27533  
Code. 27534

(2) A student shall be considered to be enrolled in a 27535

community school for the period of time beginning on the later of 27536  
the date on which the school both has received documentation of 27537  
the student's enrollment from a parent and the student has 27538  
commenced participation in learning opportunities as defined in 27539  
the contract with the sponsor, or thirty days prior to the date on 27540  
which the student is entered into the education management 27541  
information system established under section 3301.0714 of the 27542  
Revised Code. For purposes of applying this division and divisions 27543  
(H)(3) and (4) of this section to a community school student, 27544  
"learning opportunities" shall be defined in the contract, which 27545  
shall describe both classroom-based and non-classroom-based 27546  
learning opportunities and shall be in compliance with criteria 27547  
and documentation requirements for student participation which 27548  
shall be established by the department. Any student's instruction 27549  
time in non-classroom-based learning opportunities shall be 27550  
certified by an employee of the community school. A student's 27551  
enrollment shall be considered to cease on the date on which any 27552  
of the following occur: 27553

(a) The community school receives documentation from a parent 27554  
terminating enrollment of the student. 27555

(b) The community school is provided documentation of a 27556  
student's enrollment in another public or private school. 27557

(c) The community school ceases to offer learning 27558  
opportunities to the student pursuant to the terms of the contract 27559  
with the sponsor or the operation of any provision of this 27560  
chapter. 27561

Except as otherwise specified in this paragraph, beginning in 27562  
the 2011-2012 school year, any student who completed the prior 27563  
school year in an internet- or computer-based community school 27564  
shall be considered to be enrolled in the same school in the 27565  
subsequent school year until the student's enrollment has ceased 27566  
as specified in division (H)(2) of this section. The department 27567

shall continue subtracting and paying amounts for the student 27568  
under division (C) of this section without interruption at the 27569  
start of the subsequent school year. However, if the student 27570  
without a legitimate excuse fails to participate in the first one 27571  
hundred five consecutive hours of learning opportunities offered 27572  
to the student in that subsequent school year, the student shall 27573  
be considered not to have re-enrolled in the school for that 27574  
school year and the department shall recalculate the payments to 27575  
the school for that school year to account for the fact that the 27576  
student is not enrolled. 27577

(3) The department shall determine each community school 27578  
student's percentage of full-time equivalency based on the 27579  
percentage of learning opportunities offered by the community 27580  
school to that student, reported either as number of hours or 27581  
number of days, is of the total learning opportunities offered by 27582  
the community school to a student who attends for the school's 27583  
entire school year. However, no internet- or computer-based 27584  
community school shall be credited for any time a student spends 27585  
participating in learning opportunities beyond ten hours within 27586  
any period of twenty-four consecutive hours. Whether it reports 27587  
hours or days of learning opportunities, each community school 27588  
shall offer not less than nine hundred twenty hours of learning 27589  
opportunities during the school year. 27590

(4) With respect to the calculation of full-time equivalency 27591  
under division (H)(3) of this section, the department shall waive 27592  
the number of hours or days of learning opportunities not offered 27593  
to a student because the community school was closed during the 27594  
school year due to disease epidemic, hazardous weather conditions, 27595  
law enforcement emergencies, inoperability of school buses or 27596  
other equipment necessary to the school's operation, damage to a 27597  
school building, or other temporary circumstances due to utility 27598  
failure rendering the school building unfit for school use, so 27599

long as the school was actually open for instruction with students 27600  
in attendance during that school year for not less than the 27601  
minimum number of hours required by this chapter. The department 27602  
shall treat the school as if it were open for instruction with 27603  
students in attendance during the hours or days waived under this 27604  
division. 27605

(I) The department of education shall reduce the amounts paid 27606  
under this section to reflect payments made to colleges under 27607  
section 3365.07 of the Revised Code. 27608

(J)(1) No student shall be considered enrolled in any 27609  
internet- or computer-based community school or, if applicable to 27610  
the student, in any community school that is required to provide 27611  
the student with a computer pursuant to division (C) of section 27612  
3314.22 of the Revised Code, unless both of the following 27613  
conditions are satisfied: 27614

(a) The student possesses or has been provided with all 27615  
required hardware and software materials and all such materials 27616  
are operational so that the student is capable of fully 27617  
participating in the learning opportunities specified in the 27618  
contract between the school and the school's sponsor as required 27619  
by division (A)(23) of section 3314.03 of the Revised Code; 27620

(b) The school is in compliance with division (A) of section 27621  
3314.22 of the Revised Code, relative to such student. 27622

(2) In accordance with policies adopted jointly by the 27623  
superintendent of public instruction and the auditor of state, the 27624  
department shall reduce the amounts otherwise payable under 27625  
division (C) of this section to any community school that includes 27626  
in its program the provision of computer hardware and software 27627  
materials to any student, if such hardware and software materials 27628  
have not been delivered, installed, and activated for each such 27629  
student in a timely manner or other educational materials or 27630

services have not been provided according to the contract between 27631  
the individual community school and its sponsor. 27632

The superintendent of public instruction and the auditor of 27633  
state shall jointly establish a method for auditing any community 27634  
school to which this division pertains to ensure compliance with 27635  
this section. 27636

The superintendent, auditor of state, and the governor shall 27637  
jointly make recommendations to the general assembly for 27638  
legislative changes that may be required to assure fiscal and 27639  
academic accountability for such schools. 27640

(K)(1) If the department determines that a review of a 27641  
community school's enrollment is necessary, such review shall be 27642  
completed and written notice of the findings shall be provided to 27643  
the governing authority of the community school and its sponsor 27644  
within ninety days of the end of the community school's fiscal 27645  
year, unless extended for a period not to exceed thirty additional 27646  
days for one of the following reasons: 27647

(a) The department and the community school mutually agree to 27648  
the extension. 27649

(b) Delays in data submission caused by either a community 27650  
school or its sponsor. 27651

(2) If the review results in a finding that additional 27652  
funding is owed to the school, such payment shall be made within 27653  
thirty days of the written notice. If the review results in a 27654  
finding that the community school owes moneys to the state, the 27655  
following procedure shall apply: 27656

(a) Within ten business days of the receipt of the notice of 27657  
findings, the community school may appeal the department's 27658  
determination to the state board of education or its designee. 27659

(b) The board or its designee shall conduct an informal 27660

hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, 27692  
except for veterans of the armed services whose attendance was 27693  
interrupted before completing the recognized twelve-year course of 27694  
the public schools by reason of induction or enlistment in the 27695  
armed forces and who apply for enrollment in a community school 27696  
not later than four years after termination of war or their 27697  
honorable discharge. If, however, any such veteran elects to 27698  
enroll in special courses organized for veterans for whom tuition 27699  
is paid under federal law, or otherwise, the department shall not 27700  
subtract from a school district's state aid account and shall not 27701  
pay to a community school under division (C) of this section any 27702  
amount for that veteran. 27703

**Sec. 3316.20.** (A)(1) The school district solvency assistance 27704  
fund is hereby created in the state treasury, to consist of such 27705  
amounts designated for the purposes of the fund by the general 27706  
assembly. The fund shall be used to provide assistance and grants 27707  
to school districts to enable them to remain solvent and to pay 27708  
unforeseeable expenses of a temporary or emergency nature that 27709  
they are unable to pay from existing resources. 27710

(2) There is hereby created within the fund an account known 27711  
as the school district shared resource account, which shall 27712  
consist of money appropriated to it by the general assembly. The 27713  
money in the account shall be used solely for solvency assistance 27714  
to school districts that have been declared under division (B) of 27715  
section 3316.03 of the Revised Code to be in a state of fiscal 27716  
emergency. 27717

(3) There is hereby created within the fund an account known 27718  
as the catastrophic expenditures account, which shall consist of 27719  
money appropriated to the account by the general assembly plus all 27720  
investment earnings of the fund. Money in the account shall be 27721  
used solely for the following: 27722

(a) Solvency assistance to school districts that have been 27723  
declared under division (B) of section 3316.03 of the Revised Code 27724  
to be in a state of fiscal emergency, in the event that all money 27725  
in the shared resource account is utilized for solvency 27726  
assistance; 27727

(b) Grants to school districts under division (C) of this 27728  
section. 27729

(B) Solvency assistance payments under division (A)(2) or 27730  
(3)(a) of this section shall be made from the fund by the 27731  
superintendent of public instruction in accordance with rules 27732  
adopted by the director of budget and management, after consulting 27733  
with the superintendent, specifying approval criteria and 27734  
procedures necessary for administering the fund. 27735

The fund shall be reimbursed for any solvency assistance 27736  
amounts paid under division (A)(2) or (3)(a) of this section not 27737  
later than the end of the second fiscal year following the fiscal 27738  
year in which the solvency assistance payment was made, except 27739  
that, upon the approval of the director of budget and management 27740  
and the superintendent of public instruction, the fund may be 27741  
reimbursed in another fiscal year designated by the director and 27742  
superintendent that is not later than the end of the tenth fiscal 27743  
year following the fiscal year in which the solvency assistance 27744  
payment was made. If not made directly by the school district, 27745  
such reimbursement shall be made by the director of budget and 27746  
management from the amounts the school district would otherwise 27747  
receive pursuant to Chapter 3317. of the Revised Code, or from any 27748  
other funds appropriated for the district by the general assembly. 27749  
Reimbursements shall be credited to the respective account from 27750  
which the solvency assistance paid to the district was deducted. 27751

(C) The superintendent of public instruction may make 27752  
recommendations, and the controlling board may grant money from 27753  
the catastrophic expenditures account to any school district that 27754

suffers an unforeseen catastrophic event that severely depletes 27755  
the district's financial resources. The superintendent shall make 27756  
recommendations for the grants in accordance with rules adopted by 27757  
the director of budget and management, after consulting with the 27758  
superintendent. A school district shall not be required to repay 27759  
any grant awarded to the district under this division, unless the 27760  
district receives money from this state or a third party, 27761  
including an agency of the government of the United States, 27762  
specifically for the purpose of compensating the district for 27763  
revenue lost or expenses incurred as a result of the unforeseen 27764  
catastrophic event. If a school district receives a grant from the 27765  
catastrophic expenditures account on the basis of the same 27766  
circumstances for which an adjustment or recomputation is 27767  
authorized under section 3317.025, ~~3317.026~~, ~~3317.027~~, 3317.028, 27768  
3317.0210, or 3317.0211 of the Revised Code, the department of 27769  
education shall reduce the adjustment or recomputation by an 27770  
amount not to exceed the total amount of the grant, and an amount 27771  
equal to the reduction shall be transferred, from the funding 27772  
source from which the adjustment or recomputation would be paid, 27773  
to the catastrophic expenditures account. Any adjustment or 27774  
recomputation under such sections that is in excess of the total 27775  
amount of the grant shall be paid to the school district. 27776

**Sec. 3317.01.** As used in this section, "school district," 27777  
unless otherwise specified, means any city, local, exempted 27778  
village, joint vocational, or cooperative education school 27779  
district and any educational service center. 27780

This chapter shall be administered by the state board of 27781  
education. The superintendent of public instruction shall 27782  
calculate the amounts payable to each school district and shall 27783  
certify the amounts payable to each eligible district to the 27784  
treasurer of the district as provided by this chapter. As soon as 27785  
possible after such amounts are calculated, the superintendent 27786

shall certify to the treasurer of each school district the 27787  
district's adjusted charge-off increase, as defined in section 27788  
5705.211 of the Revised Code. Certification of moneys pursuant to 27789  
this section shall include the amounts payable to each school 27790  
building, at a frequency determined by the superintendent, for 27791  
each subgroup of students, as defined in section 3317.40 of the 27792  
Revised Code, receiving services, provided for by state funding, 27793  
from the district or school. No moneys shall be distributed 27794  
pursuant to this chapter without the approval of the controlling 27795  
board. 27796

The state board of education shall, in accordance with 27797  
appropriations made by the general assembly, meet the financial 27798  
obligations of this chapter. 27799

Moneys distributed to school districts pursuant to this 27800  
chapter shall be calculated based on the annual enrollment 27801  
calculated from the three reports required under sections 3317.03 27802  
and 3317.036 of the Revised Code and paid on a fiscal year basis, 27803  
beginning with the first day of July and extending through the 27804  
thirtieth day of June. In any given fiscal year, prior to school 27805  
districts submitting the first report required under section 27806  
3317.03 of the Revised Code, enrollment for the districts shall be 27807  
calculated based on the third report submitted by the districts 27808  
for the previous fiscal year. The moneys appropriated for each 27809  
fiscal year shall be distributed periodically to each school 27810  
district unless otherwise provided for. The state board, in June 27811  
of each year, shall submit to the controlling board the state 27812  
board's year-end distributions pursuant to this chapter. 27813

Except as otherwise provided, payments under this chapter 27814  
shall be made only to those school districts in which: 27815

(A) The school district, except for any educational service 27816  
center and any joint vocational or cooperative education school 27817  
district, levies for current operating expenses at least twenty 27818

mills. Levies for joint vocational or cooperative education school 27819  
districts or county school financing districts, limited to or to 27820  
the extent apportioned to current expenses, shall be included in 27821  
this qualification requirement. School district income tax levies 27822  
under Chapter 5748. of the Revised Code, limited to or to the 27823  
extent apportioned to current operating expenses, shall be 27824  
included in this qualification requirement to the extent 27825  
determined by the tax commissioner under division ~~(D)~~(C) of 27826  
section 3317.021 of the Revised Code. 27827

(B) The school year next preceding the fiscal year for which 27828  
such payments are authorized meets the requirement of section 27829  
3313.48 of the Revised Code, with regard to the minimum number of 27830  
hours school must be open for instruction with pupils in 27831  
attendance, for individualized parent-teacher conference and 27832  
reporting periods, and for professional meetings of teachers. 27833

A school district shall not be considered to have failed to 27834  
comply with this division because schools were open for 27835  
instruction but either twelfth grade students were excused from 27836  
attendance for up to the equivalent of three school days or only a 27837  
portion of the kindergarten students were in attendance for up to 27838  
the equivalent of three school days in order to allow for the 27839  
gradual orientation to school of such students. 27840

A board of education or governing board of an educational 27841  
service center which has not conformed with other law and the 27842  
rules pursuant thereto, shall not participate in the distribution 27843  
of funds authorized by this chapter, except for good and 27844  
sufficient reason established to the satisfaction of the state 27845  
board of education and the state controlling board. 27846

All funds allocated to school districts under this chapter, 27847  
except those specifically allocated for other purposes, shall be 27848  
used to pay current operating expenses only. 27849

**Sec. 3317.013.** The amounts for the following categories of 27850  
special education programs, as these programs are defined for 27851  
purposes of Chapter 3323. of the Revised Code, are as follows: 27852

(A) An amount of ~~\$1,547, in fiscal year 2016, or \$1,578, in~~ 27853  
~~fiscal year 2017,~~ for each student whose primary or only 27854  
identified disability is a speech and language disability, as this 27855  
term is defined pursuant to Chapter 3323. of the Revised Code; 27856

(B) An amount of ~~\$3,926, in fiscal year 2016, or \$4,005, in~~ 27857  
~~fiscal year 2017,~~ for each student identified as specific learning 27858  
disabled or developmentally disabled, as these terms are defined 27859  
pursuant to Chapter 3323. of the Revised Code, identified as 27860  
having an other health impairment-minor, or identified as a 27861  
preschool child who is developmentally delayed; 27862

(C) An amount of ~~\$9,433, in fiscal year 2016, or \$9,622, in~~ 27863  
~~fiscal year 2017,~~ for each student identified as hearing disabled 27864  
or severe behavior disabled, as these terms are defined pursuant 27865  
to Chapter 3323. of the Revised Code; 27866

(D) An amount of ~~\$12,589, in fiscal year 2016, or \$12,841, in~~ 27867  
~~fiscal year 2017,~~ for each student identified as vision impaired, 27868  
as this term is defined pursuant to Chapter 3323. of the Revised 27869  
Code, or as having an other health impairment-major; 27870

(E) An amount of ~~\$17,049, in fiscal year 2016, or \$17,390, in~~ 27871  
~~fiscal year 2017,~~ for each student identified as orthopedically 27872  
disabled or as having multiple disabilities, as these terms are 27873  
defined pursuant to Chapter 3323. of the Revised Code; 27874

(F) An amount of ~~\$25,134, in fiscal year 2016, or \$25,637, in~~ 27875  
~~fiscal year 2017,~~ for each student identified as autistic, having 27876  
traumatic brain injuries, or as both visually and hearing 27877  
impaired, as these terms are defined pursuant to Chapter 3323. of 27878  
the Revised Code. 27879

**Sec. 3317.014.** The career-technical education additional 27880  
amount per pupil for each student enrolled in career-technical 27881  
education programs approved by the department of education under 27882  
section 3317.161 of the Revised Code shall be as follows: 27883

(A) An amount of ~~\$4,992, in fiscal year 2016, or \$5,192, in~~ 27884  
~~fiscal year 2017,~~ for each student enrolled in career-technical 27885  
education workforce development programs in agricultural and 27886  
environmental systems, construction technologies, engineering and 27887  
science technologies, finance, health science, information 27888  
technology, and manufacturing technologies, each of which shall be 27889  
defined by the department in consultation with the governor's 27890  
office of workforce transformation; 27891

(B) An amount of ~~\$4,732, in fiscal year 2016, or \$4,921, in~~ 27892  
~~fiscal year 2017,~~ for each student enrolled in workforce 27893  
development programs in business and administration, hospitality 27894  
and tourism, human services, law and public safety, transportation 27895  
systems, and arts and communications, each of which shall be 27896  
defined by the department in consultation with the governor's 27897  
office of workforce transformation; 27898

(C) An amount of ~~\$1,726, in fiscal year 2016, or \$1,795, in~~ 27899  
~~fiscal year 2017,~~ for students enrolled in career-based 27900  
intervention programs, which shall be defined by the department in 27901  
consultation with the governor's office of workforce 27902  
transformation; 27903

(D) An amount of ~~\$1,466, in fiscal year 2016, or \$1,525, in~~ 27904  
~~fiscal year 2017,~~ for students enrolled in workforce development 27905  
programs in education and training, marketing, workforce 27906  
development academics, public administration, and career 27907  
development, each of which shall be defined by the department of 27908  
education in consultation with the governor's office of workforce 27909  
transformation; 27910

(E) An amount of ~~\$1,258, in fiscal year 2016, or \$1,308, in~~ 27911  
~~fiscal year 2017,~~ for students enrolled in family and consumer 27912  
science programs, which shall be defined by the department of 27913  
education in consultation with the governor's office of workforce 27914  
transformation. 27915

The amount for career-technical education associated 27916  
services, as defined by the department, shall be ~~\$236, in fiscal~~ 27917  
~~year 2016, or \$245, in fiscal year 2017.~~ 27918

**Sec. 3317.017.** The department of education shall compute a 27919  
school district's state share index as follows: 27920

(A) Calculate the district's valuation index, which equals 27921  
the following quotient: 27922

(The district's three-year average valuation / the district's 27923  
total ADM) / (the statewide three-year average valuation for 27924  
school districts with a total ADM greater than zero / the 27925  
statewide total ADM) 27926

(B)(1) Calculate the district's median income index, which 27927  
equals the following quotient: 27928

(The district's median Ohio adjusted gross income / the 27929  
median of the median Ohio adjusted gross income of all districts 27930  
statewide with a total ADM greater than zero) 27931

(2) Calculate the district's income index, which equals the 27932  
following sum: 27933

(The district's median income index X 0.5) + {[the three-year 27934  
average federal adjusted gross income of the school district's 27935  
residents / the district's formula ADM for fiscal year 2017) / 27936  
(the three-year average federal adjusted gross income of all 27937  
districts statewide with a formula ADM for fiscal year 2017 27938  
greater than zero / the statewide formula ADM for fiscal year 27939  
2017)] X 0.5} 27940

(C) Determine the district's wealth index as follows: 27941

(1) If the district's income index is less than the 27942  
district's valuation index and the district's median income index 27943  
is less than or equal to 1.5, then the district's wealth index 27944  
shall be equal to [( 0.4 X the district's income index) + ( 0.6 X 27945  
the district's valuation index)]. 27946

(2) If the district's income index does not meet both of the 27947  
conditions described in division (C)(1) of this section, then the 27948  
district's wealth index shall be equal to the district's valuation 27949  
index. 27950

(D) Determine the district's state share index as follows: 27951

(1) If the district's wealth index is less than or equal to 27952  
0.35, then the district's state share index shall be equal to 27953  
0.90. 27954

(2) If the district's wealth index is greater than 0.35 but 27955  
less than or equal to 0.90, then the district's state share index 27956  
shall be equal to {0.40 X [(0.90 - the district's wealth index) / 27957  
0.55]} + 0.50. 27958

(3) If the district's wealth index is greater than 0.90 but 27959  
less than 1.8, then the district's state share index shall be 27960  
equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} + 27961  
0.05. 27962

(4) If the district's wealth index is greater than or equal 27963  
to 1.8, then the district's state share index shall be equal to 27964  
0.05. 27965

(E)(1) For each school district for which the tax-exempt 27966  
value of the district, as certified under division (A)(4) of 27967  
section 3317.021 of the Revised Code, equals or exceeds thirty per 27968  
cent of the potential value of the district, the department shall 27969  
calculate the difference between the district's tax-exempt value 27970

and thirty per cent of the district's potential value. For this 27971  
purpose, the "potential value" of a school district is the 27972  
three-year average valuation of the district plus the tax-exempt 27973  
value of the district. 27974

(2) For each school district to which division (E)(1) of this 27975  
section applies, the department shall adjust the district's 27976  
three-year average valuation used in the calculation under 27977  
division (A) of this section by subtracting from it the amount 27978  
calculated under division (E)(1) of this section. The department 27979  
shall not, however, make any adjustments to the statewide 27980  
three-year average valuation used in the calculation under 27981  
division (A) of this section. 27982

(F) When performing the calculations required under this 27983  
section, the department shall not round to fewer than four decimal 27984  
places. 27985

For purposes of these calculations for fiscal years ~~2016~~ 2018 27986  
and ~~2017~~ 2019, "total ADM" means the total ADM for fiscal year 27987  
~~2015~~ 2017; "median Ohio adjusted gross income" means the median 27988  
Ohio adjusted gross income, as that term is defined in section 27989  
5747.01 of the Revised Code, for tax year ~~2013~~ 2015; "three-year 27990  
average federal adjusted gross income" means the average of the 27991  
federal adjusted gross income for tax years ~~2011~~ 2013, ~~2012~~ 2014, 27992  
and ~~2013~~ 2015 as reported under section 3317.021 of the Revised 27993  
Code; and "tax-exempt value" means the tax-exempt value for tax 27994  
year ~~2014~~ 2016. 27995

**Sec. 3317.02.** As used in this chapter: 27996

(A)(1) "Category one career-technical education ADM" means 27997  
the enrollment of students during the school year on a full-time 27998  
equivalency basis in career-technical education programs described 27999  
in division (A) of section 3317.014 of the Revised Code and 28000  
certified under division (B)(11) or (D)(2)(h) of section 3317.03 28001

of the Revised Code. 28002

(2) "Category two career-technical education ADM" means the 28003  
enrollment of students during the school year on a full-time 28004  
equivalency basis in career-technical education programs described 28005  
in division (B) of section 3317.014 of the Revised Code and 28006  
certified under division (B)(12) or (D)(2)(i) of section 3317.03 28007  
of the Revised Code. 28008

(3) "Category three career-technical education ADM" means the 28009  
enrollment of students during the school year on a full-time 28010  
equivalency basis in career-technical education programs described 28011  
in division (C) of section 3317.014 of the Revised Code and 28012  
certified under division (B)(13) or (D)(2)(j) of section 3317.03 28013  
of the Revised Code. 28014

(4) "Category four career-technical education ADM" means the 28015  
enrollment of students during the school year on a full-time 28016  
equivalency basis in career-technical education programs described 28017  
in division (D) of section 3317.014 of the Revised Code and 28018  
certified under division (B)(14) or (D)(2)(k) of section 3317.03 28019  
of the Revised Code. 28020

(5) "Category five career-technical education ADM" means the 28021  
enrollment of students during the school year on a full-time 28022  
equivalency basis in career-technical education programs described 28023  
in division (E) of section 3317.014 of the Revised Code and 28024  
certified under division (B)(15) or (D)(2)(l) of section 3317.03 28025  
of the Revised Code. 28026

(B)(1) "Category one limited English proficient ADM" means 28027  
the full-time equivalent number of limited English proficient 28028  
students described in division (A) of section 3317.016 of the 28029  
Revised Code and certified under division (B)(16) or (D)(2)(m) of 28030  
section 3317.03 of the Revised Code. 28031

(2) "Category two limited English proficient ADM" means the 28032

full-time equivalent number of limited English proficient students 28033  
described in division (B) of section 3317.016 of the Revised Code 28034  
and certified under division (B)(17) or (D)(2)(n) of section 28035  
3317.03 of the Revised Code. 28036

(3) "Category three limited English proficient ADM" means the 28037  
full-time equivalent number of limited English proficient students 28038  
described in division (C) of section 3317.016 of the Revised Code 28039  
and certified under division (B)(18) or (D)(2)(o) of section 28040  
3317.03 of the Revised Code. 28041

(C)(1) "Category one special education ADM" means the 28042  
full-time equivalent number of children with disabilities 28043  
receiving special education services for the disability specified 28044  
in division (A) of section 3317.013 of the Revised Code and 28045  
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 28046  
the Revised Code. 28047

(2) "Category two special education ADM" means the full-time 28048  
equivalent number of children with disabilities receiving special 28049  
education services for those disabilities specified in division 28050  
(B) of section 3317.013 of the Revised Code and certified under 28051  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 28052  
Code. 28053

(3) "Category three special education ADM" means the 28054  
full-time equivalent number of students receiving special 28055  
education services for those disabilities specified in division 28056  
(C) of section 3317.013 of the Revised Code, and certified under 28057  
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 28058  
Code. 28059

(4) "Category four special education ADM" means the full-time 28060  
equivalent number of students receiving special education services 28061  
for those disabilities specified in division (D) of section 28062  
3317.013 of the Revised Code and certified under division (B)(8) 28063

or (D)(2)(e) of section 3317.03 of the Revised Code. 28064

(5) "Category five special education ADM" means the full-time 28065  
equivalent number of students receiving special education services 28066  
for the disabilities specified in division (E) of section 3317.013 28067  
of the Revised Code and certified under division (B)(9) or 28068  
(D)(2)(f) of section 3317.03 of the Revised Code. 28069

(6) "Category six special education ADM" means the full-time 28070  
equivalent number of students receiving special education services 28071  
for the disabilities specified in division (F) of section 3317.013 28072  
of the Revised Code and certified under division (B)(10) or 28073  
(D)(2)(g) of section 3317.03 of the Revised Code. 28074

(D) "Economically disadvantaged index for a school district" 28075  
means the square of the quotient of that district's percentage of 28076  
students in its total ADM who are identified as economically 28077  
disadvantaged as defined by the department of education, divided 28078  
by the percentage of students in the statewide total ADM 28079  
identified as economically disadvantaged. For purposes of this 28080  
calculation: 28081

(1) For a city, local, or exempted village school district, 28082  
the "statewide total ADM" equals the sum of the total ADM for all 28083  
city, local, and exempted village school districts combined. 28084

(2) For a joint vocational school district, the "statewide 28085  
total ADM" equals the sum of the formula ADM for all joint 28086  
vocational school districts combined. 28087

(E)(1) "Formula ADM" means, for a city, local, or exempted 28088  
village school district, the enrollment reported under division 28089  
(A) of section 3317.03 of the Revised Code, as verified by the 28090  
superintendent of public instruction and adjusted if so ordered 28091  
under division (K) of that section, and as further adjusted by the 28092  
department of education, as follows: 28093

(a) Count only twenty per cent of the number of joint 28094

vocational school district students counted under division (A)(3) 28095  
of section 3317.03 of the Revised Code; 28096

(b) Add twenty per cent of the number of students who are 28097  
entitled to attend school in the district under section 3313.64 or 28098  
3313.65 of the Revised Code and are enrolled in another school 28099  
district under a career-technical education compact. 28100

(2) "Formula ADM" means, for a joint vocational school 28101  
district, the final number verified by the superintendent of 28102  
public instruction, based on the enrollment reported and certified 28103  
under division (D) of section 3317.03 of the Revised Code, as 28104  
adjusted, if so ordered, under division (K) of that section. 28105

(F) "Formula amount" means ~~\$5,900, for fiscal year 2016, and~~ 28106  
~~\$6,000, for fiscal year 2017.~~ 28107

(G) "FTE basis" means a count of students based on full-time 28108  
equivalency, in accordance with rules adopted by the department of 28109  
education pursuant to section 3317.03 of the Revised Code. In 28110  
adopting its rules under this division, the department shall 28111  
provide for counting any student in category one, two, three, 28112  
four, five, or six special education ADM or in category one, two, 28113  
three, four, or five career-technical education ADM in the same 28114  
proportion the student is counted in formula ADM. 28115

(H) "Internet- or computer-based community school" has the 28116  
same meaning as in section 3314.02 of the Revised Code. 28117

(I) "Medically fragile child" means a child to whom all of 28118  
the following apply: 28119

(1) The child requires the services of a doctor of medicine 28120  
or osteopathic medicine at least once a week due to the 28121  
instability of the child's medical condition. 28122

(2) The child requires the services of a registered nurse on 28123  
a daily basis. 28124

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(J)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division ~~(K)~~(J)(1)(a) or (b) of this section.

(K) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(L) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

(M) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;	28156 28157 28158 28159 28160 28161 28162 28163
(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;	28164 28165 28166
(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	28167 28168 28169
(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;	28170 28171
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	28172 28173 28174
(N) "School district," unless otherwise specified, means city, local, and exempted village school districts.	28175 28176
(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	28177 28178
(P) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.	28179 28180 28181
(Q) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	28182 28183 28184 28185

(R)(1) For purposes of section 3317.017 of the Revised Code, 28186  
"three-year average valuation" means the average of total taxable 28187  
value for tax years ~~2012~~ 2014, ~~2013~~ 2015, and ~~2014~~ 2016. 28188

(2) ~~For purposes of section 3317.018 of the Revised Code,~~ 28189  
~~"three year average valuation" means the following:~~ 28190

(a) ~~For fiscal year 2016, the average of total taxable value~~ 28191  
~~for tax years 2013, 2014, and 2015:~~ 28192

(b) ~~For fiscal year 2017, the average of total taxable value~~ 28193  
~~for tax years 2014, 2015, and 2016.~~ 28194

(3) For purposes of sections 3317.0217, 3317.0218, and 28195  
3317.16 of the Revised Code, "three-year average valuation" means 28196  
the following: 28197

(a) For fiscal year ~~2016~~ 2018, the average of total taxable 28198  
value for tax years ~~2012~~ 2014, ~~2013~~ 2015, and ~~2014~~ 2016; 28199

(b) For fiscal year ~~2017~~ 2019, the average of total taxable 28200  
value for tax years ~~2013~~ 2015, ~~2014~~ 2016, and ~~2015~~ 2017. 28201

(S) "Total ADM" means, for a city, local, or exempted village 28202  
school district, the enrollment reported under division (A) of 28203  
section 3317.03 of the Revised Code, as verified by the 28204  
superintendent of public instruction and adjusted if so ordered 28205  
under division (K) of that section. 28206

(T) "Total special education ADM" means the sum of categories 28207  
one through six special education ADM. 28208

(U) "Total taxable value" means the sum of the amounts 28209  
certified for a city, local, exempted village, or joint vocational 28210  
school district under divisions (A)(1) and (2) of section 3317.021 28211  
of the Revised Code. 28212

**Sec. 3317.021.** (A) On or before the first day of June of each 28213  
year, the tax commissioner shall certify to the department of 28214

education and the office of budget and management the information 28215  
described in divisions (A)(1) to (5) of this section for each 28216  
city, exempted village, and local school district, and the 28217  
information required by divisions (A)(1) and (2) of this section 28218  
for each joint vocational school district, and it shall be used, 28219  
along with the information certified under division (B) of this 28220  
section, in making the computations for the district under this 28221  
chapter. 28222

(1) The taxable value of real and public utility real 28223  
property in the school district subject to taxation in the 28224  
preceding tax year, by class and by county of location. 28225

(2) The taxable value of tangible personal property, 28226  
including public utility personal property, subject to taxation by 28227  
the district for the preceding tax year. 28228

(3)(a) The total property tax rate and total taxes charged 28229  
and payable for the current expenses for the preceding tax year 28230  
and the total property tax rate and the total taxes charged and 28231  
payable to a joint vocational district for the preceding tax year 28232  
that are limited to or to the extent apportioned to current 28233  
expenses. 28234

(b) The portion of the amount of taxes charged and payable 28235  
reported for each city, local, and exempted village school 28236  
district under division (A)(3)(a) of this section attributable to 28237  
a joint vocational school district. 28238

(4) The value of all real and public utility real property in 28239  
the school district exempted from taxation minus both of the 28240  
following: 28241

(a) The value of real and public utility real property in the 28242  
district owned by the United States government and used 28243  
exclusively for a public purpose; 28244

(b) The value of real and public utility real property in the 28245

district exempted from taxation under Chapter 725. or 1728. or 28246  
section 3735.67, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 28247  
5709.632, 5709.73, or 5709.78 of the Revised Code. 28248

(5) The total federal adjusted gross income of the residents 28249  
of the school district, based on tax returns filed by the 28250  
residents of the district, for the most recent year for which this 28251  
information is available, and the median Ohio adjusted gross 28252  
income of the residents of the school district determined on the 28253  
basis of tax returns filed for the second preceding tax year by 28254  
the residents of the district. 28255

(B) On or before the first day of May each year, the tax 28256  
commissioner shall certify to the department of education and the 28257  
office of budget and management the total taxable real property 28258  
value of railroads and, separately, the total taxable tangible 28259  
personal property value of all public utilities for the preceding 28260  
tax year, by school district and by county of location. 28261

~~(C) If a public utility has properly and timely filed a 28262  
petition for reassessment under section 5727.47 of the Revised 28263  
Code with respect to an assessment issued under section 5727.23 of 28264  
the Revised Code affecting taxable property apportioned by the tax 28265  
commissioner to a school district, the taxable value of public 28266  
utility tangible personal property included in the certification 28267  
under divisions (A)(2) and (B) of this section for the school 28268  
district shall include only the amount of taxable value on the 28269  
basis of which the public utility paid tax for the preceding year 28270  
as provided in division (B)(1) or (2) of section 5727.47 of the 28271  
Revised Code. 28272~~

~~(D)~~ If on the basis of the information certified under 28273  
division (A) of this section, the department determines that any 28274  
district fails in any year to meet the qualification requirement 28275  
specified in division (A) of section 3317.01 of the Revised Code, 28276  
the department shall immediately request the tax commissioner to 28277

determine the extent to which any school district income tax 28278  
levied by the district under Chapter 5748. of the Revised Code 28279  
shall be included in meeting that requirement. Within five days of 28280  
receiving such a request from the department, the tax commissioner 28281  
shall make the determination required by this division and report 28282  
the quotient obtained under division ~~(D)~~(C)(3) of this section to 28283  
the department and the office of budget and management. This 28284  
quotient represents the number of mills that the department shall 28285  
include in determining whether the district meets the 28286  
qualification requirement of division (A) of section 3317.01 of 28287  
the Revised Code. 28288

The tax commissioner shall make the determination required by 28289  
this division as follows: 28290

(1) Multiply one mill times the total taxable value of the 28291  
district as determined in divisions (A)(1) and (2) of this 28292  
section; 28293

(2) Estimate the total amount of tax liability for the 28294  
current tax year under taxes levied by Chapter 5748. of the 28295  
Revised Code that are apportioned to current operating expenses of 28296  
the district, excluding any income tax receipts allocated for the 28297  
project cost, debt service, or maintenance set-aside associated 28298  
with a state-assisted classroom facilities project as authorized 28299  
by section 3318.052 of the Revised Code; 28300

(3) Divide the amount estimated under division ~~(D)~~(C)(2) of 28301  
this section by the product obtained under division ~~(D)~~(C)(1) of 28302  
this section. 28303

**Sec. 3317.022.** (A) The department of education shall compute 28304  
and distribute state core foundation funding to each eligible 28305  
school district for the fiscal year, using the information 28306  
obtained under section 3317.021 of the Revised Code in the 28307  
calendar year in which the fiscal year begins, as prescribed in 28308

the following divisions:	28309
(1) An opportunity grant calculated according to the following formula:	28310 28311
The formula amount X (formula ADM + preschool scholarship ADM) X the district's state share index	28312 28313
(2) Targeted assistance funds calculated under divisions (A) and (B) of section 3317.0217 of the Revised Code;	28314 28315
(3) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:	28316 28317 28318
(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share index;	28319 28320 28321
(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share index;	28322 28323 28324
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share index;	28325 28326 28327
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index;	28328 28329 28330
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index;	28331 28332 28333
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index.	28334 28335 28336
(4) Kindergarten through third grade literacy funds	28337

calculated according to the following formula: 28338

~~+( \$184, in fiscal year 2016, or \$193, in fiscal year 2017) X~~ 28339  
formula ADM for grades kindergarten through three X the district's 28340  
state share index~~)] + ~~+( \$121, in fiscal year 2016, or \$127, in~~ 28341  
~~fiscal year 2017) X formula ADM for grades kindergarten through~~ 28342  
~~three)]~~ 28343~~

For purposes of this calculation, the department shall 28344  
subtract from a district's formula ADM for grades kindergarten 28345  
through three the number of students reported under division 28346  
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 28347  
internet- or computer-based community school who are in grades 28348  
kindergarten through three. 28349

(5) Economically disadvantaged funds calculated according to 28350  
the following formula: 28351

\$272 X (the district's economically disadvantaged index) X 28352  
the number of students who are economically disadvantaged as 28353  
certified under division (B)(21) of section 3317.03 of the Revised 28354  
Code 28355

(6) Limited English proficiency funds calculated as the sum 28356  
of the following: 28357

(a) The district's category one limited English proficient 28358  
ADM X the amount specified in division (A) of section 3317.016 of 28359  
the Revised Code X the district's state share index; 28360

(b) The district's category two limited English proficient 28361  
ADM X the amount specified in division (B) of section 3317.016 of 28362  
the Revised Code X the district's state share index; 28363

(c) The district's category three limited English proficient 28364  
ADM X the amount specified in division (C) of section 3317.016 of 28365  
the Revised Code X the district's state share index. 28366

(7)(a) Gifted identification funds calculated according to 28367

the following formula:	28368
\$5.05 X the district's formula ADM	28369
(b) Gifted unit funding calculated under section 3317.051 of the Revised Code.	28370 28371
(8) Career-technical education funds calculated as the sum of the following:	28372 28373
(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share index;	28374 28375 28376
(b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share index;	28377 28378 28379
(c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share index;	28380 28381 28382
(d) The district's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share index;	28383 28384 28385
(e) The district's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share index.	28386 28387 28388
Payment of funds under division (A)(8) of this section is subject to approval under section 3317.161 of the Revised Code.	28389 28390
(9) Career-technical education associated services funds calculated according to the following formula:	28391 28392
The district's state share index X the amount for career-technical education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career-technical education ADM	28393 28394 28395 28396
(10) Capacity aid funds calculated under section 3317.0218 of	28397

the Revised Code; 28398

(11) A graduation bonus calculated under section 3317.0215 of 28399  
the Revised Code; 28400

(12) A third-grade reading bonus calculated under section 28401  
3317.0216 of the Revised Code. 28402

(B) In any fiscal year, a school district shall spend for 28403  
purposes that the department designates as approved for special 28404  
education and related services expenses at least the amount 28405  
calculated as follows: 28406

(The formula amount X the total special education ADM) + (the 28407  
district's category one special education ADM X the amount 28408  
specified in division (A) of section 3317.013 of the Revised Code) 28409  
+ (the district's category two special education ADM X the amount 28410  
specified in division (B) of section 3317.013 of the Revised Code) 28411  
+ (the district's category three special education ADM X the 28412  
amount specified in division (C) of section 3317.013 of the 28413  
Revised Code) + (the district's category four special education 28414  
ADM X the amount specified in division (D) of section 3317.013 of 28415  
the Revised Code) + (the district's category five special 28416  
education ADM X the amount specified in division (E) of section 28417  
3317.013 of the Revised Code) + (the district's category six 28418  
special education ADM X the amount specified in division (F) of 28419  
section 3317.013 of the Revised Code) 28420

The purposes approved by the department for special education 28421  
expenses shall include, but shall not be limited to, 28422  
identification of children with disabilities, compliance with 28423  
state rules governing the education of children with disabilities 28424  
and prescribing the continuum of program options for children with 28425  
disabilities, provision of speech language pathology services, and 28426  
the portion of the school district's overall administrative and 28427  
overhead costs that are attributable to the district's special 28428  
education student population. 28429

The scholarships deducted from the school district's account 28430  
under sections 3310.41 and 3310.55 of the Revised Code shall be 28431  
considered to be an approved special education and related 28432  
services expense for the purpose of the school district's 28433  
compliance with this division. 28434

(C) In any fiscal year, a school district receiving funds 28435  
under division (A)(8) of this section shall spend those funds only 28436  
for the purposes that the department designates as approved for 28437  
career-technical education expenses. Career-technical education 28438  
expenses approved by the department shall include only expenses 28439  
connected to the delivery of career-technical programming to 28440  
career-technical students. The department shall require the school 28441  
district to report data annually so that the department may 28442  
monitor the district's compliance with the requirements regarding 28443  
the manner in which funding received under division (A)(8) of this 28444  
section may be spent. 28445

(D) In any fiscal year, a school district receiving funds 28446  
under division (A)(9) of this section, or through a transfer of 28447  
funds pursuant to division (I) of section 3317.023 of the Revised 28448  
Code, shall spend those funds only for the purposes that the 28449  
department designates as approved for career-technical education 28450  
associated services expenses, which may include such purposes as 28451  
apprenticeship coordinators, coordinators for other 28452  
career-technical education services, career-technical evaluation, 28453  
and other purposes designated by the department. The department 28454  
may deny payment under division (A)(9) of this section to any 28455  
district that the department determines is not operating those 28456  
services or is using funds paid under division (A)(9) of this 28457  
section, or through a transfer of funds pursuant to division (I) 28458  
of section 3317.023 of the Revised Code, for other purposes. 28459

(E) All funds received under division (A)(8) of this section 28460  
shall be spent in the following manner: 28461

(1) At least seventy-five per cent of the funds shall be 28462  
spent on curriculum development, purchase, and implementation; 28463  
instructional resources and supplies; industry-based program 28464  
certification; student assessment, credentialing, and placement; 28465  
curriculum specific equipment purchases and leases; 28466  
career-technical student organization fees and expenses; home and 28467  
agency linkages; work-based learning experiences; professional 28468  
development; and other costs directly associated with 28469  
career-technical education programs including development of new 28470  
programs. 28471

(2) Not more than twenty-five per cent of the funds shall be 28472  
used for personnel expenditures. 28473

(F) A school district shall spend the funds it receives under 28474  
division (A)(5) of this section in accordance with section 3317.25 28475  
of the Revised Code. 28476

**Sec. 3317.025.** On or before the first day of June of each 28477  
year, the tax commissioner shall certify the following information 28478  
to the department of education and the office of budget and 28479  
management, for each school district in which the value of the 28480  
property described under division (A) of this section exceeds one 28481  
per cent of the taxable value of all real and tangible personal 28482  
property in the district or in which is located tangible personal 28483  
property designed for use or used in strip mining operations, 28484  
whose taxable value exceeds five million dollars, and the taxes 28485  
upon which the district is precluded from collecting by virtue of 28486  
legal proceedings to determine the value of such property: 28487

(A) The total taxable value of all property in the district 28488  
owned by a public utility or railroad that has filed a petition 28489  
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 28490  
(1898), 11 U.S.C. 205, as amended, and all tangible personal 28491  
property in the district designed for use or used in strip mining 28492

operations whose taxable value exceeds five million dollars upon 28493  
which have not been paid in full on or before the first day of 28494  
April of that calendar year all real and tangible personal 28495  
property taxes levied for the preceding calendar year and which 28496  
the district was precluded from collecting by virtue of 28497  
proceedings under section 205 of said act or by virtue of legal 28498  
proceedings to determine the tax liability of such strip mining 28499  
equipment; 28500

(B) The percentage of the total operating taxes charged and 28501  
payable for school district purposes levied against such valuation 28502  
for the preceding calendar year that have not been paid by such 28503  
date; 28504

(C) The product obtained by multiplying the value certified 28505  
under division (A) of this section by the percentage certified 28506  
under division (B) of this section. If the value certified under 28507  
division (A) of this section includes taxable property owned by a 28508  
public utility or railroad that has filed a petition for 28509  
reorganization under the bankruptcy act, the amount used in making 28510  
the calculation under this division shall be reduced by one per 28511  
cent of the total value of all real and tangible personal property 28512  
in the district or the value of the utility's or railroad's 28513  
property, whichever is less. 28514

Upon receipt of the certification, the department shall 28515  
recompute the payments required under this chapter in the manner 28516  
the payments would have been computed if: 28517

(1) The amount certified under division (C) of this section 28518  
was not subject to taxation by the district and was not included 28519  
in the certification made under division (A)(1), (A)(2), or ~~(D)~~(C) 28520  
of section 3317.021 of the Revised Code. 28521

(2) The amount of taxes charged and payable and unpaid and 28522  
used to make the computation under division (B) of this section 28523

had not been levied and had not been used in the computation 28524  
required by division (B) of section 3317.021 of the Revised Code. 28525  
The department shall pay the district that amount in the ensuing 28526  
fiscal year in lieu of the amounts computed under this chapter. 28527

If a school district received a grant from the catastrophic 28528  
expenditures account pursuant to division (C) of section 3316.20 28529  
of the Revised Code on the basis of the same circumstances for 28530  
which a recomputation is made under this section, the amount of 28531  
the recomputation shall be reduced and transferred in accordance 28532  
with division (C) of section 3316.20 of the Revised Code. 28533

**Sec. 3317.0212.** (A) As used in this section: 28534

(1) "Qualifying riders" means resident students enrolled in 28535  
regular education in grades kindergarten to twelve who are 28536  
provided school bus service by a school district and who live more 28537  
than one mile from the school they attend, including students with 28538  
dual enrollment in a joint vocational school district or a 28539  
cooperative education school district, and students enrolled in a 28540  
community school, STEM school, or nonpublic school. 28541

(2) "Qualifying ridership" means the average number of 28542  
qualifying riders who are provided school bus service by a school 28543  
district during the first full week of October. 28544

(3) "Rider density" means the total ADM per square mile of a 28545  
school district. 28546

(4) "School bus service" means a school district's 28547  
transportation of qualifying riders in any of the following types 28548  
of vehicles: 28549

(a) School buses owned or leased by the district; 28550

(b) School buses operated by a private contractor hired by 28551  
the district; 28552

(c) School buses operated by another school district or 28553

entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.

(B) Not later than the fifteenth day of October each year, each city, local, and exempted village school district shall report to the department of education its qualifying ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation

costs per mile and the ten districts with the lowest 28585  
transportation costs per mile, divide the aggregate cost for 28586  
school bus service for the remaining districts in the previous 28587  
fiscal year by the aggregate miles driven for school bus service 28588  
in those districts in the previous fiscal year. 28589

(E) The department shall calculate each city, local, and 28590  
exempted village school district's transportation payment as 28591  
follows: 28592

(1) Multiply the statewide transportation cost per student by 28593  
the district's qualifying ridership for the current fiscal year. 28594

(2) Multiply the statewide transportation cost per mile by 28595  
the district's total number of miles driven for school bus service 28596  
in the current fiscal year. 28597

(3) Multiply the greater of the amounts calculated under 28598  
divisions (E)(1) and (2) of this section by the following: 28599

(a) For fiscal year 2018, the greater of ~~fifty~~ thirty-seven 28600  
and one-half per cent or the district's state share index, as 28601  
defined in section 3317.02 of the Revised Code; 28602

(b) For fiscal year 2019, the greater of twenty-five per cent 28603  
or the district's state share index. 28604

(F) In addition to funds paid under division (E) of this 28605  
section, each city, local, and exempted village district shall 28606  
receive in accordance with rules adopted by the state board of 28607  
education a payment for students transported by means other than 28608  
school bus service and whose transportation is not funded under 28609  
division (C) of section 3317.024 of the Revised Code. The rules 28610  
shall include provisions for school district reporting of such 28611  
students. 28612

(G)(1) For purposes of division (G) of this section, a school 28613  
district's "transportation supplement percentage" means the 28614

following quotient: 28615  
~~+(35, in fiscal year 2016, or 50, in fiscal year 2017) - the~~ 28616  
district's rider density~~+) / 100~~ 28617

If the result of the calculation for a district under 28618  
division (G)(1) of this section is less than zero, the district's 28619  
transportation supplement percentage shall be zero. 28620

(2) The department shall pay each district a transportation 28621  
supplement calculated according to the following formula: 28622  
The district's transportation supplement percentage X the amount 28623  
calculated for the district under division (E)(2) of this section 28624  
X 0.55 28625

**Sec. 3317.0218.** The department of education shall annually 28626  
compute capacity aid funds to school districts, as follows: 28627

(A) For each school district, multiply the district's 28628  
three-year average valuation by 0.001; 28629

(B) Determine the median amount of all of the amounts 28630  
calculated under division (A) of this section; 28631

(C) Calculate each school district's capacity ratio, which 28632  
equals the greater of zero or the amount calculated as follows: 28633  
(The amount determined under division (B) of this section / the 28634  
amount calculated for the district under division (A) of this 28635  
section) - 1 28636

If the result of a calculation for a school district under 28637  
division (C) of this section is greater than 2.5, the district's 28638  
capacity ratio shall be 2.5. 28639

(D) Calculate the capacity aid per pupil amount, which equals 28640  
the following quotient: 28641  
(The amount determined under division (B) of this section) / (the 28642  
average of the formula ADMs of all of the districts for which the 28643  
amount calculated under division (A) of this section is less than 28644

the amount determined under division (B) of this section) 28645

(E) Calculate each school district's capacity aid, which 28646  
equals the following product: 28647  
The capacity aid per pupil amount calculated under division (D) of 28648  
this section X the district's formula ~~ADM X (2.75, for fiscal year~~ 28649  
~~2016, or 3.5, for fiscal year 2017)~~ X the district's capacity 28650  
ratio calculated under division (C) of this section 28651

**Sec. 3317.16.** (A) The department of education shall compute 28652  
and distribute state core foundation funding to each joint 28653  
vocational school district for the fiscal year as prescribed in 28654  
the following divisions: 28655

(1) An opportunity grant calculated according to the 28656  
following formula: 28657  
(The formula amount X formula ADM) - (0.0005 X the district's 28658  
three-year average valuation) 28659

However, no district shall receive an opportunity grant that 28660  
is less than 0.05 times the formula amount times formula ADM. 28661

(2) Additional state aid for special education and related 28662  
services provided under Chapter 3323. of the Revised Code 28663  
calculated as the sum of the following: 28664

(a) The district's category one special education ADM X the 28665  
amount specified in division (A) of section 3317.013 of the 28666  
Revised Code X the district's state share percentage; 28667

(b) The district's category two special education ADM X the 28668  
amount specified in division (B) of section 3317.013 of the 28669  
Revised Code X the district's state share percentage; 28670

(c) The district's category three special education ADM X the 28671  
amount specified in division (C) of section 3317.013 of the 28672  
Revised Code X the district's state share percentage; 28673

(d) The district's category four special education ADM X the 28674

amount specified in division (D) of section 3317.013 of the	28675
Revised Code X the district's state share percentage;	28676
(e) The district's category five special education ADM X the	28677
amount specified in division (E) of section 3317.013 of the	28678
Revised Code X the district's state share percentage;	28679
(f) The district's category six special education ADM X the	28680
amount specified in division (F) of section 3317.013 of the	28681
Revised Code X the district's state share percentage.	28682
(3) Economically disadvantaged funds calculated according to	28683
the following formula:	28684
\$272 X the district's economically disadvantaged index X the	28685
number of students who are economically disadvantaged as certified	28686
under division (D)(2)(p) of section 3317.03 of the Revised Code	28687
(4) Limited English proficiency funds calculated as the sum	28688
of the following:	28689
(a) The district's category one limited English proficient	28690
ADM X the amount specified in division (A) of section 3317.016 of	28691
the Revised Code X the district's state share percentage;	28692
(b) The district's category two limited English proficient	28693
ADM X the amount specified in division (B) of section 3317.016 of	28694
the Revised Code X the district's state share percentage;	28695
(c) The district's category three limited English proficient	28696
ADM X the amount specified in division (C) of section 3317.016 of	28697
the Revised Code X the district's state share percentage;	28698
(5) Career-technical education funds calculated as the sum of	28699
the following:	28700
(a) The district's category one career-technical education	28701
ADM X the amount specified in division (A) of section 3317.014 of	28702
the Revised Code X the district's state share percentage;	28703
(b) The district's category two career-technical education	28704

ADM X the amount specified in division (B) of section 3317.014 of 28705  
the Revised Code X the district's state share percentage; 28706

(c) The district's category three career-technical education 28707  
ADM X the amount specified in division (C) of section 3317.014 of 28708  
the Revised Code X the district's state share percentage; 28709

(d) The district's category four career-technical education 28710  
ADM X the amount specified in division (D) of section 3317.014 of 28711  
the Revised Code X the district's state share percentage; 28712

(e) The district's category five career-technical education 28713  
ADM X the amount specified in division (E) of section 3317.014 of 28714  
the Revised Code X the district's state share percentage. 28715

Payment of funds under division (A)(5) of this section is 28716  
subject to approval under section 3317.161 of the Revised Code. 28717

(6) Career-technical education associated services funds 28718  
calculated under the following formula: 28719

The district's state share percentage X the 28720  
amount for career-technical education associated services 28721  
specified in section 3317.014 of the Revised Code X the sum of 28722  
categories one through five career-technical 28723  
education ~~ADM X the district's state share percentage~~ 28724

(7) A graduation bonus calculated according to the following 28725  
formula: 28726

The district's graduation rate as reported on its most recent 28727  
report card issued by the department under section 3302.033 of the 28728  
Revised Code X 0.075 X the formula amount X the number of the 28729  
district's students who received high school or honors high school 28730  
diplomas as reported by the district to the department, in 28731  
accordance with the guidelines adopted under section 3301.0714 of 28732  
the Revised Code, for the same school year for which the most 28733  
recent report card was issued X the district's state share 28734  
percentage 28735

(B)(1) If a joint vocational school district's costs for a 28736  
fiscal year for a student in its categories two through six 28737  
special education ADM exceed the threshold catastrophic cost for 28738  
serving the student, as specified in division (B) of section 28739  
3317.0214 of the Revised Code, the district may submit to the 28740  
superintendent of public instruction documentation, as prescribed 28741  
by the superintendent, of all of its costs for that student. Upon 28742  
submission of documentation for a student of the type and in the 28743  
manner prescribed, the department shall pay to the district an 28744  
amount equal to the sum of the following: 28745

(a) One-half of the district's costs for the student in 28746  
excess of the threshold catastrophic cost; 28747

(b) The product of one-half of the district's costs for the 28748  
student in excess of the threshold catastrophic cost multiplied by 28749  
the district's state share percentage. 28750

(2) The district shall report under division (B)(1) of this 28751  
section, and the department shall pay for, only the costs of 28752  
educational expenses and the related services provided to the 28753  
student in accordance with the student's individualized education 28754  
program. Any legal fees, court costs, or other costs associated 28755  
with any cause of action relating to the student may not be 28756  
included in the amount. 28757

(C)(1) For each student with a disability receiving special 28758  
education and related services under an individualized education 28759  
program, as defined in section 3323.01 of the Revised Code, at a 28760  
joint vocational school district, the resident district or, if the 28761  
student is enrolled in a community school, the community school 28762  
shall be responsible for the amount of any costs of providing 28763  
those special education and related services to that student that 28764  
exceed the sum of the amount calculated for those services 28765  
attributable to that student under division (A) of this section. 28766

Those excess costs shall be calculated using a formula 28767  
approved by the department. 28768

(2) The board of education of the joint vocational school 28769  
district may report the excess costs calculated under division 28770  
(C)(1) of this section to the department of education. 28771

(3) If the board of education of the joint vocational school 28772  
district reports excess costs under division (C)(2) of this 28773  
section, the department shall pay the amount of excess cost 28774  
calculated under division (C)(2) of this section to the joint 28775  
vocational school district and shall deduct that amount as 28776  
provided in division (C)(3)(a) or (b) of this section, as 28777  
applicable: 28778

(a) If the student is not enrolled in a community school, the 28779  
department shall deduct the amount from the account of the 28780  
student's resident district pursuant to division (J) of section 28781  
3317.023 of the Revised Code. 28782

(b) If the student is enrolled in a community school, the 28783  
department shall deduct the amount from the account of the 28784  
community school pursuant to section 3314.083 of the Revised Code. 28785

(D)(1) In any fiscal year, a school district receiving funds 28786  
under division (A)(5) of this section shall spend those funds only 28787  
for the purposes that the department designates as approved for 28788  
career-technical education expenses. Career-technical education 28789  
expenses approved by the department shall include only expenses 28790  
connected to the delivery of career-technical programming to 28791  
career-technical students. The department shall require the school 28792  
district to report data annually so that the department may 28793  
monitor the district's compliance with the requirements regarding 28794  
the manner in which funding received under division (A)(5) of this 28795  
section may be spent. 28796

(2) All funds received under division (A)(5) of this section 28797

shall be spent in the following manner: 28798

(a) At least seventy-five per cent of the funds shall be 28799  
spent on curriculum development, purchase, and implementation; 28800  
instructional resources and supplies; industry-based program 28801  
certification; student assessment, credentialing, and placement; 28802  
curriculum specific equipment purchases and leases; 28803  
career-technical student organization fees and expenses; home and 28804  
agency linkages; work-based learning experiences; professional 28805  
development; and other costs directly associated with 28806  
career-technical education programs including development of new 28807  
programs. 28808

(b) Not more than twenty-five per cent of the funds shall be 28809  
used for personnel expenditures. 28810

(E) In any fiscal year, a school district receiving funds 28811  
under division (A)(6) of this section, or through a transfer of 28812  
funds pursuant to division (I) of section 3317.023 of the Revised 28813  
Code, shall spend those funds only for the purposes that the 28814  
department designates as approved for career-technical education 28815  
associated services expenses, which may include such purposes as 28816  
apprenticeship coordinators, coordinators for other 28817  
career-technical education services, career-technical evaluation, 28818  
and other purposes designated by the department. The department 28819  
may deny payment under division (A)(6) of this section to any 28820  
district that the department determines is not operating those 28821  
services or is using funds paid under division (A)(6) of this 28822  
section, or through a transfer of funds pursuant to division (I) 28823  
of section 3317.023 of the Revised Code, for other purposes. 28824

(F) A joint vocational school district shall spend the funds 28825  
it receives under division (A)(3) of this section in accordance 28826  
with section 3317.25 of the Revised Code. 28827

(G) As used in this section: 28828

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.	28829 28830
(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	28831 28832 28833
(3) "State share percentage" is equal to the following: The amount computed under division (A)(1) of this section / (the formula amount X formula ADM)	28834 28835 28836
<b>Sec. 3318.01.</b> As used in sections 3318.01 to 3318.20 of the Revised Code:	28837 28838
(A) "Ohio <del>school</del> facilities <u>construction</u> commission" means the commission created pursuant to section <del>3318.30</del> <u>123.20</u> of the Revised Code.	28839 28840 28841
(B) "Classroom facilities" means rooms in which pupils regularly assemble in public school buildings to receive instruction and education and such facilities and building improvements for the operation and use of such rooms as may be needed in order to provide a complete educational program, and may include space within which a child care facility or a community resource center is housed. "Classroom facilities" includes any space necessary for the operation of a vocational education program for secondary students in any school district that operates such a program.	28842 28843 28844 28845 28846 28847 28848 28849 28850 28851
(C) "Project" means a project to construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities, to be used for housing the applicable school district and its functions.	28852 28853 28854 28855
(D) "School district" means a local, exempted village, or city school district as such districts are defined in Chapter 3311. of the Revised Code, acting as an agency of state	28856 28857 28858

government, performing essential governmental functions of state 28859  
government pursuant to sections 3318.01 to 3318.20 of the Revised 28860  
Code. 28861

For purposes of assistance provided under sections 3318.40 to 28862  
3318.45 of the Revised Code, the term "school district" as used in 28863  
this section and in divisions (A), (C), and (D) of section 3318.03 28864  
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 28865  
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 28866  
3318.14, 3318.15, 3318.16, ~~3318.19~~, and 3318.20 of the Revised 28867  
Code means a joint vocational school district established pursuant 28868  
to section 3311.18 of the Revised Code. 28869

(E) "School district board" means the board of education of a 28870  
school district. 28871

(F) "Net bonded indebtedness" means the difference between 28872  
the sum of the par value of all outstanding and unpaid bonds and 28873  
notes which a school district board is obligated to pay and any 28874  
amounts the school district is obligated to pay under 28875  
lease-purchase agreements entered into under section 3313.375 of 28876  
the Revised Code, and the amount held in the sinking fund and 28877  
other indebtedness retirement funds for their redemption. Notes 28878  
issued for school buses in accordance with section 3327.08 of the 28879  
Revised Code, notes issued in anticipation of the collection of 28880  
current revenues, and bonds issued to pay final judgments shall 28881  
not be considered in calculating the net bonded indebtedness. 28882

"Net bonded indebtedness" does not include indebtedness 28883  
arising from the acquisition of land to provide a site for 28884  
classroom facilities constructed, acquired, or added to pursuant 28885  
to sections 3318.01 to 3318.20 of the Revised Code or the par 28886  
value of bonds that have been authorized by the electors and the 28887  
proceeds of which will be used by the district to provide any part 28888  
of its portion of the basic project cost. 28889

(G) "Board of elections" means the board of elections of the county containing the most populous portion of the school district.

(H) "County auditor" means the auditor of the county in which the greatest value of taxable property of such school district is located.

(I) "Tax duplicates" means the general tax lists and duplicates prescribed by sections 319.28 and 319.29 of the Revised Code.

(J) "Required level of indebtedness" means:

(1) In the case of school districts in the first percentile, five per cent of the district's valuation for the year preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code.

(2) In the case of school districts ranked in a subsequent percentile, five per cent of the district's valuation for the year preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project minus one)].

(K) "Required percentage of the basic project costs" means one per cent of the basic project costs times the percentile in which the school district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project.

(L) "Basic project cost" means a cost amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio ~~school~~ facilities construction commission. The basic project cost calculation shall take into consideration the

square footage and cost per square foot necessary for the grade 28921  
levels to be housed in the classroom facilities, the variation 28922  
across the state in construction and related costs, the cost of 28923  
the installation of site utilities and site preparation, the cost 28924  
of demolition of all or part of any existing classroom facilities 28925  
that are abandoned under the project, the cost of insuring the 28926  
project until it is completed, any contingency reserve amount 28927  
prescribed by the commission under section 3318.086 of the Revised 28928  
Code, and the professional planning, administration, and design 28929  
fees that a school district may have to pay to undertake a 28930  
classroom facilities project. 28931

For a joint vocational school district that receives 28932  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 28933  
the basic project cost calculation for a project under those 28934  
sections shall also take into account the types of laboratory 28935  
spaces and program square footages needed for the vocational 28936  
education programs for high school students offered by the school 28937  
district. 28938

For a district that opts to divide its entire classroom 28939  
facilities needs into segments, as authorized by section 3318.034 28940  
of the Revised Code, "basic project cost" means the cost 28941  
determined in accordance with this division of a segment. 28942

(M)(1) Except for a joint vocational school district that 28943  
receives assistance under sections 3318.40 to 3318.45 of the 28944  
Revised Code, a "school district's portion of the basic project 28945  
cost" means the amount determined under section 3318.032 of the 28946  
Revised Code. 28947

(2) For a joint vocational school district that receives 28948  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 28949  
a "school district's portion of the basic project cost" means the 28950  
amount determined under division (C) of section 3318.42 of the 28951  
Revised Code. 28952

(N) "Child care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility.

(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers.

(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates.

(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code.

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.

(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site.

**Sec. 3318.011.** For purposes of providing assistance under sections 3318.01 to 3318.20 of the Revised Code, the department of education shall annually do all of the following:

(A) Calculate the adjusted valuation per pupil of each city, local, and exempted village school district according to the following formula:

The district's valuation per pupil -	28983
[\$30,000 X (1 - the district's income factor)].	28984
For purposes of this calculation:	28985
(1) Except for a district with an open enrollment net gain	28986
that is ten per cent or more of its formula ADM, "valuation per	28987
pupil" for a district means its average taxable value, divided by	28988
its formula ADM for the previous fiscal year. "Valuation per	28989
pupil," for a district with an open enrollment net gain that is	28990
ten per cent or more of its formula ADM, means its average taxable	28991
value, divided by the sum of its formula ADM for the previous	28992
fiscal year plus its open enrollment net gain for the previous	28993
fiscal year.	28994
(2) "Average taxable value" means the average of the sum of	28995
the amounts certified for a district under divisions (A)(1) and	28996
(2) of section 3317.021 of the Revised Code in the second, third,	28997
and fourth preceding fiscal years.	28998
(3) "Entitled to attend school" means entitled to attend	28999
school in a city, local, or exempted village school district under	29000
section 3313.64 or 3313.65 of the Revised Code.	29001
(4) "Formula ADM" has the same meaning as in section 3317.02	29002
of the Revised Code.	29003
(5) "Native student" has the same meaning as in section	29004
3313.98 of the Revised Code.	29005
(6) "Open enrollment net gain" for a district means (a) the	29006
number of the students entitled to attend school in another	29007
district but who are enrolled in the schools of the district under	29008
its open enrollment policy minus (b) the number of the district's	29009
native students who are enrolled in the schools of another	29010
district under the other district's open enrollment policy, both	29011
numbers as certified to the department under section 3313.981 of	29012
the Revised Code. If the difference is a negative number, the	29013

district's "open enrollment net gain" is zero. 29014

(7) "Open enrollment policy" means an interdistrict open 29015  
enrollment policy adopted under section 3313.98 of the Revised 29016  
Code. 29017

(8) "District median income" means the median Ohio adjusted 29018  
gross income certified for a school district under section 29019  
3317.021 of the Revised Code. 29020

(9) "Statewide median income" means the median district 29021  
median income of all city, exempted village, and local school 29022  
districts in the state. 29023

(10) "Income factor" for a city, exempted village, or local 29024  
school district means the quotient obtained by dividing that 29025  
district's median income by the statewide median income. 29026

(B) Calculate for each district the three-year average of the 29027  
adjusted valuations per pupil calculated for the district for the 29028  
current and two preceding fiscal years; 29029

(C) Rank all such districts in order of adjusted valuation 29030  
per pupil from the district with the lowest three-year average 29031  
adjusted valuation per pupil to the district with the highest 29032  
three-year average adjusted valuation per pupil; 29033

(D) Divide such ranking into percentiles with the first 29034  
percentile containing the one per cent of school districts having 29035  
the lowest three-year average adjusted valuations per pupil and 29036  
the one-hundredth percentile containing the one per cent of school 29037  
districts having the highest three-year average adjusted 29038  
valuations per pupil; 29039

(E) Determine the school districts that have three-year 29040  
average adjusted valuations per pupil that are greater than the 29041  
median three-year average adjusted valuation per pupil for all 29042  
school districts in the state; 29043

(F) On or before the first day of September, certify the 29044  
information described in divisions (A) to (E) of this section to 29045  
the Ohio ~~school~~ facilities construction commission. 29046

**Sec. 3318.02.** (A) For purposes of sections 3318.01 to 3318.20 29047  
of the Revised Code, the Ohio ~~school~~ facilities construction 29048  
commission shall periodically perform an assessment of the 29049  
classroom facility needs in the state to identify school districts 29050  
in need of additional classroom facilities, or replacement or 29051  
reconstruction of existent classroom facilities, and the cost to 29052  
each such district of constructing or acquiring such additional 29053  
facilities or making such renovations. 29054

(B) Based upon the most recent assessment conducted pursuant 29055  
to division (A) of this section, the commission shall conduct 29056  
on-site visits to school districts identified as having classroom 29057  
facility needs to confirm the findings of the periodic assessment 29058  
and further evaluate the classroom facility needs of the district. 29059  
The evaluation shall assess the district's need to construct or 29060  
acquire new classroom facilities and may include an assessment of 29061  
the district's need for building additions or for the 29062  
reconstruction of existent buildings in lieu of constructing or 29063  
acquiring replacement buildings. 29064

(C)(1) Except as provided in division (C)(2) of this section, 29065  
on-site visits performed on or after May 20, 1997, shall be 29066  
performed in the order specified in this division. The first round 29067  
of on-site visits first succeeding the effective date of this 29068  
amendment, May 20, 1997, shall be limited to the school districts 29069  
in the first through fifth percentiles, excluding districts that 29070  
are ineligible for funding under this chapter pursuant to section 29071  
3318.04 of the Revised Code. The second round of on-site visits 29072  
shall be limited to the school districts in the first through 29073  
tenth percentiles, excluding districts that are ineligible for 29074

funding under this chapter pursuant to section 3318.04 of the Revised Code. Each succeeding round of on-site visits shall be limited to the percentiles included in the immediately preceding round of on-site visits plus the next five percentiles. Except for the first round of on-site visits, no round of on-site visits shall commence unless eighty per cent of the districts for which on-site visits were performed during the immediately preceding round, have had projects approved under section 3318.04 of the Revised Code.

(2) Notwithstanding division (C)(1) of this section, the commission may perform on-site visits for school districts in the next highest percentile to the percentiles included in the current round of on-site visits, and then to succeeding percentiles one at a time, not to exceed the twenty-fifth percentile, if all of the following apply:

(a) Less than eighty per cent of the districts for which on-site visits were performed in the current round, and in any percentiles for which on-site visits were performed in addition to the current round pursuant to this division, have had projects approved under section 3318.04 of the Revised Code;

(b) There are funds appropriated for the purpose of sections 3318.01 to 3318.20 of the Revised Code that are not reserved and encumbered for projects pursuant to section 3318.04 of the Revised Code;

(c) The commission makes a finding that such available funds would be more thoroughly utilized if on-site visits were extended to the next highest percentile.

(D) Notwithstanding divisions (B) and (C) of this section, in any fiscal year, the commission may limit the number of districts for which it conducts on-site visits based upon its projections of the moneys available and moneys necessary to undertake projects

under sections 3318.01 to 3318.20 of the Revised Code for that 29106  
year. 29107

**Sec. 3318.021.** Notwithstanding section 3318.02 of the Revised 29108  
Code, the Ohio ~~school~~ facilities construction commission may 29109  
conduct on-site visits to any school district whose district board 29110  
adopts a resolution certifying to the commission the board's 29111  
intent to participate in the school building assistance expedited 29112  
local partnership program under section 3318.36 of the Revised 29113  
Code. 29114

**Sec. 3318.022.** Notwithstanding anything to the contrary in 29115  
section 3318.02 of the Revised Code, within two years following 29116  
the request of the school district, the Ohio ~~school~~ facilities 29117  
construction commission shall assess the current conditions of the 29118  
classroom facilities needs of any school district that is not yet 29119  
eligible for state assistance under Chapter 3318. of the Revised 29120  
Code and that requests such an assessment. The assessment made 29121  
under this section shall not include a final agreement between the 29122  
school district and the commission as to the basic project cost of 29123  
the school district's classroom facilities needs. The commission 29124  
shall not consider any request for an assessment under this 29125  
section that is submitted sooner than ~~the effective date of this~~ 29126  
~~section~~ September 14, 2000. 29127

**Sec. 3318.024.** In the first year of a capital biennium, any 29128  
funds appropriated to the Ohio ~~school~~ facilities construction 29129  
commission for classroom facilities projects under this chapter in 29130  
the previous capital biennium that were not spent or encumbered, 29131  
or for which an encumbrance has been canceled under section 29132  
3318.05 of the Revised Code, shall be used by the commission only 29133  
for projects under sections 3318.01 to 3318.20 of the Revised 29134  
Code, subject to appropriation by the general assembly. 29135

In the second year of a capital biennium, any funds 29136  
appropriated to the Ohio ~~school~~ facilities construction commission 29137  
for classroom facilities projects under this chapter that were not 29138  
spent or encumbered in the first year of the biennium and which 29139  
are in excess of an amount equal to half of the appropriations for 29140  
the capital biennium, or for which an encumbrance has been 29141  
canceled under section 3318.05 of the Revised Code, shall be used 29142  
by the commission only for projects under sections 3318.01 to 29143  
3318.20, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, and 29144  
3318.40 to 3318.46 of the Revised Code, subject to appropriation 29145  
by the general assembly. 29146

**Sec. 3318.03.** (A) Before conducting an on-site evaluation of 29147  
a school district under section 3318.02 of the Revised Code, at 29148  
the request of the district board of education, the Ohio ~~school~~ 29149  
facilities construction commission shall examine any classroom 29150  
facilities needs assessment that has been conducted by the 29151  
district and any master plan developed for meeting the facility 29152  
needs of the district. 29153

(B) Upon conducting the on-site evaluation under section 29154  
3318.02 of the Revised Code, the Ohio ~~school~~ facilities 29155  
construction commission shall make a determination of all of the 29156  
following: 29157

(1) The needs of the school district for additional classroom 29158  
facilities; 29159

(2) The number of classroom facilities to be included in a 29160  
project and the basic project cost of constructing, acquiring, 29161  
reconstructing, or making additions to each such facility; 29162

(3) The amount of such cost that the school district can 29163  
supply from available funds, by the issuance of bonds previously 29164  
authorized by the electors of the school district the proceeds of 29165  
which can lawfully be used for the project and by the issuance of 29166

bonds under section 3318.05 of the Revised Code; 29167

(4) The remaining amount of such cost that shall be supplied 29168  
by the state; 29169

(5) The amount of the state's portion to be encumbered in 29170  
accordance with section 3318.11 of the Revised Code in the current 29171  
and subsequent fiscal years from funds appropriated for purposes 29172  
of sections 3318.01 to 3318.20 of the Revised Code. 29173

(C) The commission shall make a determination in favor of 29174  
constructing, acquiring, reconstructing, or making additions to a 29175  
classroom facility only upon evidence that the proposed project 29176  
conforms to sound educational practice, that it is in keeping with 29177  
the orderly process of school district reorganization and 29178  
consolidation, and that the actual or projected enrollment in each 29179  
classroom facility proposed to be included in the project is at 29180  
least three hundred fifty pupils. Exceptions shall be authorized 29181  
only in those districts where topography, sparsity of population, 29182  
and other factors make larger schools impracticable. 29183

If the school district board determines that an existing 29184  
facility has historical value or for other good cause determines 29185  
that an existing facility should be renovated in lieu of acquiring 29186  
a comparable facility by new construction, the commission may 29187  
approve the expenditure of project funds for the renovation of 29188  
that facility up to but not exceeding one hundred per cent of the 29189  
estimated cost of acquiring a comparable facility by new 29190  
construction, as long as the commission determines that the 29191  
facility when renovated can be operationally efficient, will be 29192  
adequate for the future needs of the district, and will comply 29193  
with the other provisions of this division. 29194

(D) Sections 125.81 and 153.04 of the Revised Code shall not 29195  
apply to classroom facilities constructed under either sections 29196  
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 29197

Code. 29198

**Sec. 3318.031.** (A) The Ohio ~~school~~ facilities construction 29199  
commission shall consider student and staff safety and health when 29200  
reviewing design plans for classroom facility construction 29201  
projects proposed under this chapter. After consulting with 29202  
appropriate education, health, and law enforcement personnel, the 29203  
commission may require as a condition of project approval under 29204  
either section 3318.03 or division (B)(1) of section 3318.41 of 29205  
the Revised Code such changes in the design plans as the 29206  
commission believes will advance or improve student and staff 29207  
safety and health in the proposed classroom facility. 29208

To carry out its duties under this division, the commission 29209  
shall review and, if necessary, amend any construction and design 29210  
standards used in its project approval process, including 29211  
standards for location and number of exits, standards for lead 29212  
safety in classroom facilities constructed before 1978 in which 29213  
services are provided to children under six years of age, and 29214  
location of restrooms, with a focus on advancing student and staff 29215  
safety and health. 29216

(B) When reviewing design standards for classroom facility 29217  
construction projects proposed under this chapter, the commission 29218  
shall also consider the extent to which the design standards 29219  
support the following: 29220

(1) Trends in educational delivery methods, including digital 29221  
access and blended learning; 29222

(2) Provision of sufficient space for training new teachers 29223  
and promotion of collaboration among teaching candidates, 29224  
experienced teachers, and teacher educators; 29225

(3) Provision of adequate space for teacher planning and 29226  
collaboration; 29227

(4) Provision of adequate space for parent involvement activities;	29228 29229
(5) Provision of sufficient space for innovative partnerships between schools and health and social service agencies.	29230 29231
<b>Sec. 3318.032.</b> (A) Except as otherwise provided in divisions (C) and (D) of this section, the portion of the basic project cost supplied by the school district shall be the greater of:	29232 29233 29234
(1) The required percentage of the basic project costs;	29235
(2)(a) For all districts except a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the required level of indebtedness;	29236 29237 29238 29239 29240 29241 29242
(b) For a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the following:	29243 29244 29245 29246 29247 29248
The required level of indebtedness X (the basic project cost of the segment as approved by the controlling board / the estimated basic project cost of the district's entire classroom facilities needs as determined jointly by the staff of the Ohio <del>school</del> facilities <u>construction</u> commission and the district)	29249 29250 29251 29252 29253 29254
(B) The amount of the district's share determined under this section shall be calculated only as of the date the controlling board approved the project, and that amount applies throughout the	29255 29256 29257

thirteen-month period permitted under section 3318.05 of the Revised Code for the district's electors to approve the propositions described in that section. If the amount reserved and encumbered for a project is released because the electors do not approve those propositions within that period, and the school district later receives the controlling board's approval for the project, subject to a new project scope and estimated costs under section 3318.054 of the Revised Code, the district's portion shall be recalculated in accordance with this section as of the date of the controlling board's subsequent approval.

(C) At no time shall a school district's portion of the basic project cost be greater than ninety-five per cent of the total basic project cost.

(D) If the controlling board approves a project under sections 3318.01 to 3318.20 of the Revised Code for a school district that previously received assistance under those sections or section 3318.37 of the Revised Code within the twenty-year period prior to the date on which the controlling board approves the new project, the district's portion of the basic project cost for the new project shall be the lesser of the following:

(1) The portion calculated under division (A) of this section;

(2) The greater of the following:

(a) The required percentage of the basic project costs for the new project;

(b) The percentage of the basic project cost paid by the district for the previous project.

**Sec. 3318.033.** (A) As used in this section:

(1) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.

(2) "Open enrollment net gain" has the same meaning as in section 3318.011 of the Revised Code. 29288  
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(B) This section applies to each school district that meets the following criteria: 29290  
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(1) The Ohio ~~school~~ facilities construction commission certified its conditional approval of the district's project under sections 3318.01 to 3318.20 of the Revised Code after July 1, 2006, and prior to September 29, 2007, and the project had not been completed as of September 29, 2007. 29292  
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(2) Within one year after the date of the commission's certification of its conditional approval, the district's electors approved a bond issue to pay the district's portion of the basic project cost or the district board of education complied with section 3318.052 of the Revised Code. 29297  
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(3) In the fiscal year prior to the fiscal year in which the district's project was conditionally approved, the district had an open enrollment net gain that was ten per cent or more of its formula ADM. 29302  
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(C) For each school district to which this section applies, the department of education shall recalculate the district's percentile ranking under section 3318.011 of the Revised Code for the fiscal year prior to the fiscal year in which the district's project was conditionally approved and shall report the recalculated percentile ranking to the commission. For this purpose, the department shall recalculate every school district's percentile ranking for that fiscal year using the district's "valuation per pupil" as that term is defined in section 3318.011 of the Revised Code on and after September 29, 2007. 29306  
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(D) For each school district to which this section applies, the commission shall use the recalculated percentile ranking reported under division (C) of this section to determine the 29316  
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district's portion of the basic project cost under section 29319  
3318.032 of the Revised Code. The commission shall not use the 29320  
recalculated percentile ranking for any other purpose, and the 29321  
recalculated ranking shall not affect any other district's portion 29322  
of the basic project cost under section 3318.032 of the Revised 29323  
Code or any district's eligibility for assistance under sections 29324  
3318.01 to 3318.20 of the Revised Code. The commission shall 29325  
revise the agreement entered into under section 3318.08 of the 29326  
Revised Code to reflect the district's new portion of the basic 29327  
project cost as determined under this division. 29328

**Sec. 3318.034.** (A) This section applies to both of the 29329  
following: 29330

(1) Any school district that has not executed an agreement 29331  
for a project under sections 3318.01 to 3318.20 of the Revised 29332  
Code prior to June 24, 2008; 29333

(2) Any school district that is eligible for additional 29334  
assistance under sections 3318.01 to 3318.20 of the Revised Code 29335  
pursuant to division (B)(2) of section 3318.04 of the Revised 29336  
Code. 29337

Notwithstanding any provision of this chapter to the 29338  
contrary, with the approval of the Ohio ~~school~~ facilities 29339  
construction commission, any school district to which this section 29340  
applies may opt to divide the district's entire classroom 29341  
facilities needs, as those needs are jointly determined by the 29342  
staff of the commission and the school district, into discrete 29343  
segments and shall comply with all of the provisions of those 29344  
sections unless otherwise provided in this section. 29345

(B) Except as provided in division (C) of this section, each 29346  
segment shall comply with both of the following: 29347

(1) The segment shall consist of the new construction of one 29348

or more entire buildings, a stand-alone segment of a building that 29349  
serves grades kindergarten through twelve, or the complete 29350  
renovation of one or more entire existing buildings, with any 29351  
necessary additions to that building. 29352

(2) The segment shall not include any construction of or 29353  
renovation or repair to any building that does not complete the 29354  
needs of the district with respect to that particular building at 29355  
the time the segment is completed. 29356

(C) A district described in division (A)(2) of this section 29357  
that has not received the additional assistance authorized under 29358  
division (B)(2) of section 3318.04 of the Revised Code may 29359  
undertake a segment, with commission approval, for the purpose of 29360  
renovating or replacing work performed on a facility under the 29361  
district's prior project. The commission may approve that segment 29362  
if the commission determines that the renovation or replacement is 29363  
necessary to protect the facility. The basic project cost of the 29364  
segment shall be allocated between the state and the district in 29365  
accordance with section 3318.032 of the Revised Code. However, the 29366  
requirements of division (B) of this section shall not apply to a 29367  
segment undertaken under this division. 29368

(D) The commission shall conditionally approve and seek 29369  
controlling board approval in accordance with division (A) of 29370  
section 3318.04 of the Revised Code of each segment. 29371

(E)(1) When undertaking a segment under this section, a 29372  
school district may elect to prorate its full maintenance amount 29373  
by setting aside for maintenance the amount calculated under 29374  
division (E)(2) of this section to maintain the classroom 29375  
facilities acquired under the segment, if the district will use 29376  
one or more of the alternative methods authorized in sections 29377  
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 29378  
the entire amount calculated under that division. If the district 29379  
so elects, the commission and the district shall include in the 29380

agreement entered into under section 3318.08 of the Revised Code a 29381  
statement specifying that the district will use the amount 29382  
calculated under that division only to maintain the classroom 29383  
facilities acquired under the segment. 29384

(2) The commission shall calculate the amount for a school 29385  
district to maintain the classroom facilities acquired under a 29386  
segment as follows: 29387

The full maintenance amount X (the school district's portion 29388  
of the basic project cost for the segment / the school district's 29389  
portion of the basic project cost for the district's entire 29390  
classroom facilities needs, as determined jointly by the staff of 29391  
the commission and the district) 29392

(3) A school district may elect to prorate its full 29393  
maintenance amount for any number of segments, provided the 29394  
district will use one or more of the alternative methods 29395  
authorized in sections 3318.051, 3318.052, and 3318.084 of the 29396  
Revised Code to generate the entire amount calculated under 29397  
division (E)(2) of this section to maintain the classroom 29398  
facilities acquired under each segment for which it so elects. If 29399  
the district cannot use one or more of those alternative methods 29400  
to generate the entire amount calculated under that division, the 29401  
district shall levy the tax described in division (B) of section 29402  
3318.05 of the Revised Code or an extension of that tax under 29403  
section 3318.061 of the Revised Code in an amount necessary to 29404  
generate the remainder of its full maintenance amount. The 29405  
commission shall calculate the remainder of the district's full 29406  
maintenance amount as follows: 29407

The full maintenance amount - the sum of the amounts 29408  
calculated for the district under division (E)(2) of this section 29409  
for each prior segment of the district's project 29410

(4) In no case shall the sum of the amounts calculated for a 29411

school district's maintenance of classroom facilities under 29412  
divisions (E)(2) and (3) of this section exceed the amount that 29413  
would have been required for maintenance if the district had 29414  
elected to undertake its project in its entirety instead of 29415  
segmenting the project under this section. 29416

(5) If a school district commenced a segment under this 29417  
section prior to September 10, 2012, but has not completed that 29418  
segment, and has not levied the tax described in division (B) of 29419  
section 3318.05 of the Revised Code or an extension of that tax 29420  
under section 3318.061 of the Revised Code, the district may 29421  
request approval from the commission to prorate its full 29422  
maintenance amount in accordance with divisions (E)(1) to (4) of 29423  
this section. If the commission approves the request, the 29424  
commission and the district shall amend the agreement entered into 29425  
under section 3318.08 of the Revised Code to reflect the change. 29426

(F) If a school district levies the tax described in division 29427  
(B) of section 3318.05 of the Revised Code or an extension of that 29428  
tax under section 3318.061 of the Revised Code, the tax shall run 29429  
for twenty-three years from the date the segment for which the tax 29430  
is initially levied is undertaken. The maintenance levy 29431  
requirement, as defined in section 3318.18 of the Revised Code, 29432  
does not apply to a segment undertaken under division (C) of this 29433  
section. 29434

(G) As used in this section, "full maintenance amount" means 29435  
the amount of total revenue that a school district likely would 29436  
generate by one-half mill of the tax described in division (B) of 29437  
section 3318.05 of the Revised Code over the entire 29438  
twenty-three-year period required under that section, as 29439  
determined by the commission in consultation with the department 29440  
of taxation. 29441

**Sec. 3318.035.** (A) This section applies only if there is a 29442

change in the assessment rates on gas pipelines imposed under 29443  
state law. 29444

(B) If at any time division (A) of this section applies and 29445  
if the change in assessment rates described in that division 29446  
affects a school district's valuation as determined under division 29447  
(P) of section 3318.01 of the Revised Code by greater than ten per 29448  
cent and if the Ohio ~~school~~ facilities construction commission had 29449  
determined the state and school district portion of the basic 29450  
project cost of such a district's project under section 3318.36 or 29451  
3318.37 of the Revised Code prior to that change in valuation, the 29452  
commission shall adjust the state and school district portions of 29453  
the basic project cost of the school district's project using the 29454  
valuation altered by the change in assessment rates described in 29455  
division (A) of this section. 29456

**Sec. 3318.036.** (A) For purposes of this section: 29457

(1) "Eligible school district" is a city, local, or exempted 29458  
village school district that satisfies both of the following 29459  
conditions: 29460

(a) The district resulted from one of the following that 29461  
became effective between July 1, 2013, and June 30, 2018: 29462

(i) A transfer of all of the territory of one school district 29463  
to another school district in accordance with section 3311.22, 29464  
3311.231, 3311.24, or 3311.38 of the Revised Code; 29465

(ii) The merger of two or more districts in accordance with 29466  
section 3311.25 of the Revised Code; 29467

(iii) The creation of a new local school district from all of 29468  
one or more local school districts in accordance with section 29469  
3311.26 of the Revised Code; 29470

(iv) The consolidation of two or more school districts under 29471

section 3311.37 of the Revised Code. 29472

(b) The district has demonstrated to the Ohio ~~school~~ 29473  
facilities construction commission an efficient use of facility 29474  
space, including a reduction in the number of buildings used by 29475  
students and administrative staff. 29476

(2) "Basic project cost" and "required percentage of the 29477  
basic project cost" have the same meanings as in section 3318.01 29478  
of the Revised Code. 29479

(B) Notwithstanding anything to the contrary in this chapter: 29480

(1) If the commission determines that a district is an 29481  
eligible school district, the commission shall give that district 29482  
first priority for funding for a project under sections 3318.01 to 29483  
3318.20 of the Revised Code as such funds become available, 29484  
regardless of the district's percentile rank under section 29485  
3318.011 of the Revised Code. If the district results from a 29486  
transfer, merger, consolidation, or creation of a new local 29487  
district that takes effect prior to ~~the effective date of this~~ 29488  
~~section~~ April 6, 2017, the district's portion of the basic project 29489  
cost shall be the required percentage of the basic project cost 29490  
based on the percentile ranking of the district that was 29491  
transferred, merged, consolidated, or existed prior to the 29492  
creation of the new district that has the lowest three-year 29493  
average adjusted valuation per pupil, as calculated under section 29494  
3318.011 of the Revised Code, on the date that the transfer, 29495  
merger, consolidation, or creation of the new district became 29496  
effective. 29497

(2) If an eligible school district is given priority under 29498  
division (B)(1) of this section, the commission may reduce that 29499  
district's portion of the basic project cost by twenty-five 29500  
percentage points from the portion determined under section 29501  
3318.032 of the Revised Code or, if the district results from a 29502

transfer, merger, consolidation, or creation of a new local 29503  
district that takes effect prior to ~~the effective date of this~~ 29504  
~~section~~ April 6, 2017, from the portion determined under division 29505  
(B)(1) of this section. At no time, however, shall that district's 29506  
portion of the basic project cost be less than five per cent. 29507

(3) If an eligible school district is given priority under 29508  
division (B)(1) of this section, the commission may reduce that 29509  
district's portion of the basic project cost by ten percentage 29510  
points from the portion determined under section 3318.032 of the 29511  
Revised Code or, if the district results from a transfer, merger, 29512  
consolidation, or creation of a new local district that takes 29513  
effect prior to ~~the effective date of this section~~ April 6, 2017, 29514  
from the portion determined under division (B)(1) of this section, 29515  
if the district's project satisfies the following conditions: 29516

(a) The project involves construction of a building on land 29517  
owned by a state institution of higher education, as that term is 29518  
defined in section 3345.011 of the Revised Code, and the 29519  
commission approves the project. 29520

(b) The district and the state institution of higher 29521  
education enter into a written agreement regarding the continued 29522  
use of the institution's land by the district, and the commission 29523  
approves the agreement. 29524

(c) On the date that the district and the state institution 29525  
of higher education enter into the written agreement described in 29526  
division (B)(3)(b) of this section, the state institution of 29527  
higher education is participating in the college credit plus 29528  
program established under Chapter 3365. of the Revised Code. 29529

At no time, however, shall that district's portion of the 29530  
basic project cost be less than five per cent. 29531

The reduction of the district's portion of the basic project 29532  
cost described in division (B)(3) of this section may be in 29533

addition to a reduction of the district's portion of the basic 29534  
project cost under division (B)(2) of this section. 29535

(C) Except as provided in division (B) of this section, a 29536  
district's project undertaken pursuant to this section shall be 29537  
subject to all other requirements in sections 3318.01 to 3318.20 29538  
of the Revised Code. 29539

**Sec. 3318.04.** (A) If the Ohio ~~school~~ facilities construction 29540  
commission makes a determination under section 3318.03 of the 29541  
Revised Code in favor of constructing, acquiring, reconstructing, 29542  
or making additions to a classroom facility, the project shall be 29543  
conditionally approved. Such conditional approval shall be 29544  
submitted to the controlling board for approval thereof. The 29545  
controlling board shall forthwith approve or reject the 29546  
commission's determination, conditional approval, the amount of 29547  
the state's portion of the basic project cost, and, the amount of 29548  
the state's portion to be encumbered in the current fiscal year. 29549  
In the event of approval thereof by the controlling board, the 29550  
commission shall certify such conditional approval to the school 29551  
district board and shall encumber from the total funds 29552  
appropriated for the purpose of sections 3318.01 to 3318.20 of the 29553  
Revised Code the amount approved under this section to be 29554  
encumbered in the current fiscal year. 29555

The basic project cost for a project approved under this 29556  
section shall not exceed the cost that would otherwise have to be 29557  
incurred if the classroom facilities to be constructed, acquired, 29558  
or reconstructed, or the additions to be made to classroom 29559  
facilities, under such project meet, but do not exceed, the 29560  
specifications for plans and materials for classroom facilities 29561  
adopted by the commission. 29562

(B)(1) No school district shall have a project conditionally 29563  
approved pursuant to this section if the school district has 29564

already received any assistance for a project funded under any 29565  
version of sections 3318.01 to 3318.20 of the Revised Code, and 29566  
the prior project was one for which the electors of such district 29567  
approved a levy within the last twenty years pursuant to any 29568  
version of section 3318.06 of the Revised Code for purposes of 29569  
qualifying for the funding of that project, unless the district 29570  
demonstrates to the satisfaction of the commission that the 29571  
district has experienced since approval of its prior project an 29572  
exceptional increase in enrollment significantly above the 29573  
district's design capacity under that prior project as determined 29574  
by rule of the commission. 29575

(2) Notwithstanding division (B)(1) of this section, any 29576  
school district that received assistance under sections 3318.01 to 29577  
3318.20 of the Revised Code, as those sections existed prior to 29578  
May 20, 1997, may receive additional assistance under those 29579  
sections, as they exist on and after May 20, 1997, prior to the 29580  
expiration of the period of time required under division (B)(1) of 29581  
this section, if the percentile in which the school district is 29582  
located, as determined under section 3318.011 of the Revised Code, 29583  
is eligible for assistance as prescribed in section 3318.02 of the 29584  
Revised Code. 29585

The commission may provide assistance under sections 3318.01 29586  
to 3318.20 of the Revised Code pursuant to this division to no 29587  
more than five school districts per fiscal year until all eligible 29588  
school districts have received the additional assistance 29589  
authorized under this division. The commission shall establish 29590  
application procedures, deadlines, and priorities for funding 29591  
projects under this division. 29592

The commission at its discretion may waive current design 29593  
specifications it has adopted for projects under sections 3318.01 29594  
to 3318.20 of the Revised Code when assessing an application for 29595  
additional assistance under this division for the renovation of 29596

classroom facilities constructed or renovated under a school 29597  
district's previous project. If the commission finds that a school 29598  
district's existing classroom facilities are adequate to meet all 29599  
of the school district's needs, the commission may determine that 29600  
no additional state assistance be awarded to a school district 29601  
under this division. 29602

In order for a school district to be eligible to receive any 29603  
additional assistance under this division, the school district 29604  
electors shall extend the school district's existing levy 29605  
dedicated for maintenance of classroom facilities under Chapter 29606  
3318. of the Revised Code, pursuant to section 3318.061 of the 29607  
Revised Code or shall provide equivalent alternative maintenance 29608  
funds as specified in division (A)(2) of section 3318.06 of the 29609  
Revised Code. 29610

(3) Notwithstanding division (B)(1) of this section, any 29611  
school district that has received assistance under sections 29612  
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 29613  
receive additional assistance if the commission decides in favor 29614  
of providing such assistance pursuant to section 3318.042 of the 29615  
Revised Code. 29616

(4) Notwithstanding division (B)(1) of this section, any 29617  
school district that has opted to divide its entire classroom 29618  
facilities needs into segments to be completed separately, as 29619  
authorized by section 3318.034 of the Revised Code, and that has 29620  
received assistance under sections 3318.01 to 3318.20 of the 29621  
Revised Code for one of those segments may receive assistance 29622  
under those sections for a subsequent segment. Assistance for any 29623  
subsequent segment shall not include any additional work on a 29624  
building included in a prior segment unless the district 29625  
demonstrates to the satisfaction of the commission that the 29626  
district has experienced since the completion of the prior segment 29627  
an exceptional increase in enrollment in the grade levels housed 29628

in that building. 29629

**Sec. 3318.041.** A school district ranked in the first through 29630  
twenty-fifth percentiles may adopt and certify to the Ohio ~~school~~ 29631  
facilities construction commission a resolution specifying a 29632  
proposed project that meets the requirements of this chapter and 29633  
the needs of the district, as confirmed through an on-site visit 29634  
pursuant to section 3318.02 of the Revised Code. The commission 29635  
shall consider such projects for conditional approval pursuant to 29636  
section 3318.03 and shall encumber funds pursuant to section 29637  
3318.04 of the Revised Code in the order in which such resolutions 29638  
are received. 29639

**Sec. 3318.042.** (A) The board of education of any school 29640  
district that is receiving assistance under sections 3318.01 to 29641  
3318.20 of the Revised Code after May 20, 1997, or under sections 29642  
3318.40 to 3318.45 of the Revised Code, and whose project is still 29643  
under construction, may request that the Ohio ~~school~~ facilities 29644  
construction commission examine whether the circumstances 29645  
prescribed in either division (B)(1) or (2) of this section exist 29646  
in the school district. If the commission so finds, the commission 29647  
shall review the school district's original assessment and 29648  
approved project and consider providing additional assistance to 29649  
the school district to correct the prescribed conditions found to 29650  
exist in the district. Additional assistance under this section 29651  
shall be limited to additions to one or more buildings, remodeling 29652  
of one or more buildings, or changes to the infrastructure of one 29653  
or more buildings. 29654

(B) Consideration of additional assistance to a school 29655  
district under this section is warranted in either of the 29656  
following circumstances: 29657

(1) Additional work is needed to correct an oversight or 29658

deficiency not identified or included in the district's initial 29659  
assessment. 29660

(2) Other conditions exist that, in the opinion of the 29661  
commission, warrant additions or remodeling of the project 29662  
facilities or changes to infrastructure associated with the 29663  
district's project that were not identified in the initial 29664  
assessment and plan. 29665

(C) If the commission decides in favor of providing 29666  
additional assistance to any school district under this section, 29667  
the school district shall be responsible for paying for its 29668  
portion of the cost of the additions, remodeling, or 29669  
infrastructure changes pursuant to section 3318.083 of the Revised 29670  
Code. If, after making a financial evaluation of the school 29671  
district, the commission determines that the school district is 29672  
unable without undue hardship, according to the guidelines adopted 29673  
by the commission, to fund the school district portion of the 29674  
increase, then the state and the school district shall enter into 29675  
an agreement whereby the state shall pay the portion of the cost 29676  
increase attributable to the school district which is determined 29677  
to be in excess of any local resources available to the district 29678  
and the district shall thereafter reimburse the state. The 29679  
commission shall establish the district's schedule for reimbursing 29680  
the state, which shall not extend beyond ten years. The commission 29681  
may lengthen the reimbursement schedule of a school district that 29682  
has entered into an agreement under this section prior to ~~the~~ 29683  
~~effective date of this amendment~~ September 26, 2003, as long as 29684  
the total term of that schedule does not extend beyond ten years. 29685  
Debt incurred under this section shall not be included in the 29686  
calculation of the net indebtedness of the school district under 29687  
section 133.06 of the Revised Code. 29688

**Sec. 3318.05.** The conditional approval of the Ohio ~~school~~ 29689

facilities construction commission for a project shall lapse and 29690  
the amount reserved and encumbered for such project shall be 29691  
released unless the school district board accepts such conditional 29692  
approval within one hundred twenty days following the date of 29693  
certification of the conditional approval to the school district 29694  
board and the electors of the school district vote favorably on 29695  
both of the propositions described in divisions (A) and (B) of 29696  
this section within thirteen months of the date of such 29697  
certification, except that a school district described in division 29698  
(C) of this section does not need to submit the proposition 29699  
described in division (B) of this section. The propositions 29700  
described in divisions (A) and (B) of this section shall be 29701  
combined in a single proposal. If the district board or the 29702  
district's electors fail to meet such requirements and the amount 29703  
reserved and encumbered for the district's project is released, 29704  
the district shall be given first priority for project funding as 29705  
such funds become available, subject to section 3318.054 of the 29706  
Revised Code. 29707

(A) On the question of issuing bonds of the school district 29708  
board, for the school district's portion of the basic project 29709  
cost, in an amount equal to the school district's portion of the 29710  
basic project cost less the amount of the proceeds of any 29711  
securities authorized or to be authorized under division (J) of 29712  
section 133.06 of the Revised Code and dedicated by the school 29713  
district board to payment of the district's portion of the basic 29714  
project cost; and 29715

(B) On the question of levying a tax the proceeds of which 29716  
shall be used to pay the cost of maintaining the classroom 29717  
facilities included in the project. Such tax shall be at the rate 29718  
of not less than one-half mill for each dollar of valuation for a 29719  
period of twenty-three years, subject to any extension approved 29720  
under section 3318.061 of the Revised Code. 29721

(C) If a school district has in place a tax levied under 29722  
section 5705.21 of the Revised Code for general permanent 29723  
improvements for a continuing period of time and the proceeds of 29724  
such tax can be used for maintenance, or if a district agrees to 29725  
the transfers described in section 3318.051 of the Revised Code, 29726  
the school district need not levy the additional tax required 29727  
under division (B) of this section, provided the school district 29728  
board includes in the agreement entered into under section 3318.08 29729  
of the Revised Code provisions either: 29730

(1) Earmarking an amount from the proceeds of that permanent 29731  
improvement tax for maintenance of classroom facilities equivalent 29732  
to the amount of the additional tax and for the equivalent number 29733  
of years otherwise required under this section; 29734

(2) Requiring the transfer of money in accordance with 29735  
section 3318.051 of the Revised Code. 29736

The district board subsequently may rescind the agreement to 29737  
make the transfers under section 3318.051 of the Revised Code only 29738  
so long as the electors of the district have approved, in 29739  
accordance with section 3318.063 of the Revised Code, the levy of 29740  
a tax for the maintenance of the classroom facilities acquired 29741  
under the district's project and that levy continues to be 29742  
collected as approved by the electors. 29743

(D) Proceeds of the tax to be used for maintenance of the 29744  
classroom facilities under either division (B) or (C)(1) of this 29745  
section, and transfers of money in accordance with section 29746  
3318.051 of the Revised Code shall be deposited into a separate 29747  
fund established by the school district for such purpose. 29748

**Sec. 3318.051.** (A) Any city, exempted village, or local 29749  
school district that commences a project under sections 3318.01 to 29750  
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 29751  
after September 5, 2006, need not levy the tax otherwise required 29752

under division (B) of section 3318.05 of the Revised Code, if the 29753  
district board of education adopts a resolution petitioning the 29754  
Ohio ~~school~~ facilities construction commission to approve the 29755  
transfer of money in accordance with this section and the 29756  
commission approves that transfer. If so approved, the commission 29757  
and the district board shall enter into an agreement under which 29758  
the board, in each of twenty-three consecutive years beginning in 29759  
the year in which the board and the commission enter into the 29760  
project agreement under section 3318.08 of the Revised Code, shall 29761  
transfer into the maintenance fund required by division (D) of 29762  
section 3318.05 of the Revised Code not less than an amount equal 29763  
to one-half mill for each dollar of the district's valuation 29764  
unless and until the agreement to make those transfers is 29765  
rescinded by the district board pursuant to division (F) of this 29766  
section. 29767

(B) On the first day of July each year, or on an alternative 29768  
date prescribed by the commission, the district treasurer shall 29769  
certify to the commission and the auditor of state that the amount 29770  
required for the year has been transferred. The auditor of state 29771  
shall include verification of the transfer as part of any audit of 29772  
the district under section 117.11 of the Revised Code. If the 29773  
auditor of state finds that less than the required amount has been 29774  
deposited into a district's maintenance fund, the auditor of state 29775  
shall notify the district board of education in writing of that 29776  
fact and require the board to deposit into the fund, within ninety 29777  
days after the date of the notice, the amount by which the fund is 29778  
deficient for the year. If the district board fails to demonstrate 29779  
to the auditor of state's satisfaction that the board has made the 29780  
deposit required in the notice, the auditor of state shall notify 29781  
the department of education. At that time, the department shall 29782  
withhold an amount equal to ten per cent of the district's funds 29783  
calculated for the current fiscal year under Chapter 3317. of the 29784  
Revised Code until the auditor of state notifies the department 29785

that the auditor of state is satisfied that the board has made the 29786  
required transfer. 29787

(C) Money transferred to the maintenance fund shall be used 29788  
for the maintenance of the facilities acquired under the 29789  
district's project. 29790

(D) The transfers to the maintenance fund under this section 29791  
does not affect a district's obligation to establish and maintain 29792  
a capital and maintenance fund under section 3315.18 of the 29793  
Revised Code. 29794

(E) Any decision by the commission to approve or not approve 29795  
the transfer of money under this section is final and not subject 29796  
to appeal. The commission shall not be responsible for errors or 29797  
miscalculations made in deciding whether to approve a petition to 29798  
make transfers under this section. 29799

(F) If the district board determines that it no longer can 29800  
continue making the transfers agreed to under this section, the 29801  
board may rescind the agreement only so long as the electors of 29802  
the district have approved, in accordance with section 3318.063 of 29803  
the Revised Code, the levy of a tax for the maintenance of the 29804  
classroom facilities acquired under the district's project and 29805  
that levy continues to be collected as approved by the electors. 29806  
That levy shall be for a number of years that is equal to the 29807  
difference between twenty-three years and the number of years that 29808  
the district made transfers under this section and shall be at the 29809  
rate of not less than one-half mill for each dollar of the 29810  
district's valuation. The district board shall continue to make 29811  
the transfers agreed to under this section until that levy has 29812  
been approved by the electors. 29813

**Sec. 3318.052.** At any time after the electors of a school 29814  
district have approved either or both a property tax levied under 29815  
section 5705.21 or 5705.218 of the Revised Code for the purpose of 29816

permanent improvements, including general permanent improvements, 29817  
or a school district income tax levied under Chapter 5748. of the 29818  
Revised Code, the proceeds of either of which, pursuant to the 29819  
ballot measures approved by the electors, are not so restricted 29820  
that they cannot be used to pay the costs of a project or 29821  
maintaining classroom facilities, the school district board may: 29822

(A) Within one year following the date of the certification 29823  
of the conditional approval of the school district's classroom 29824  
facilities project by the Ohio ~~school~~ facilities construction 29825  
commission, enter into a written agreement with the commission, 29826  
which may be part of an agreement entered into under section 29827  
3318.08 of the Revised Code, and in which the school district 29828  
board covenants and agrees to do one or both of the following: 29829

(1) Apply a specified amount of available proceeds of that 29830  
property tax levy, of that school district income tax, or of 29831  
securities issued under this section, or of proceeds from any two 29832  
or more of those sources, to pay all or part of the district's 29833  
portion of the basic project cost of its classroom facilities 29834  
project; 29835

(2) Apply available proceeds of either or both a property tax 29836  
levied under section 5705.21 or 5705.218 of the Revised Code in 29837  
effect for a continuing period of time, or of a school district 29838  
income tax levied under Chapter 5748. of the Revised Code in 29839  
effect for a continuing period of time to the payment of costs of 29840  
maintaining the classroom facilities. 29841

(B) Receive, as a credit against the amount of bonds required 29842  
under sections 3318.05 and 3318.06 of the Revised Code, to be 29843  
approved by the electors of the district and issued by the 29844  
district board for the district's portion of the basic project 29845  
cost of its classroom facilities project in order for the district 29846  
to receive state assistance for the project, an amount equal to 29847

the specified amount that the district board covenants and agrees 29848  
with the commission to apply as set forth in division (A)(1) of 29849  
this section; 29850

(C) Receive, as a credit against the amount of the tax levy 29851  
required under sections 3318.05 and 3318.06 of the Revised Code, 29852  
to be approved by the electors of the district to pay the costs of 29853  
maintaining the classroom facilities in order to receive state 29854  
assistance for the classroom facilities project, an amount 29855  
equivalent to the specified amount of proceeds the school district 29856  
board covenants and agrees with the commission to apply as 29857  
referred to in division (A)(2) of this section; 29858

(D) Apply proceeds of either or both a school district income 29859  
tax levied under Chapter 5748. of the Revised Code that may 29860  
lawfully be used to pay the costs of a classroom facilities 29861  
project or of a tax levied under section 5705.21 or 5705.218 of 29862  
the Revised Code to the payment of debt charges on and financing 29863  
costs related to securities issued under this section; 29864

(E) Issue securities to provide moneys to pay all or part of 29865  
the district's portion of the basic project cost of its classroom 29866  
facilities project in accordance with an agreement entered into 29867  
under division (A) of this section. Securities issued under this 29868  
section shall be Chapter 133. securities and may be issued as 29869  
general obligation securities or issued in anticipation of a 29870  
school district income tax or as property tax anticipation notes 29871  
under section 133.24 of the Revised Code. The district board's 29872  
resolution authorizing the issuance and sale of general obligation 29873  
securities under this section shall conform to the applicable 29874  
requirements of section 133.22 or 133.23 of the Revised Code. 29875  
Securities issued under this section shall have principal payments 29876  
during each year after the year of issuance over a period of not 29877  
more than twenty-three years and, if so determined by the district 29878  
board, during the year of issuance. Securities issued under this 29879

section shall not be included in the calculation of net 29880  
indebtedness of the district under section 133.06 of the Revised 29881  
Code, including but not limited to the limitation on unvoted 29882  
indebtedness specified in division (G) of that section, or under 29883  
section 3313.372 of the Revised Code, if the resolution of the 29884  
district board authorizing their issuance and sale includes 29885  
covenants to appropriate annually from lawfully available proceeds 29886  
of a property tax levied under section 5705.21 or 5705.218 of the 29887  
Revised Code or of a school district income tax levied under 29888  
Chapter 5748. of the Revised Code and to continue to levy and 29889  
collect the tax in amounts necessary to pay the debt charges on 29890  
and financing costs related to the securities as they become due. 29891  
No property tax levied under section 5705.21 or 5705.218 of the 29892  
Revised Code and no school district income tax levied under 29893  
Chapter 5748. of the Revised Code that is pledged, or that the 29894  
school district board has covenanted to levy, collect, and 29895  
appropriate annually, to pay the debt charges on and financing 29896  
costs related to securities issued under this section shall be 29897  
repealed while those securities are outstanding. If such a tax is 29898  
reduced by the electors of the district or by the district board 29899  
while those securities are outstanding, the school district board 29900  
shall continue to levy and collect the tax under the authority of 29901  
the original election authorizing the tax at a rate in each year 29902  
that the board reasonably estimates will produce an amount in that 29903  
year equal to the debt charges on the securities in that year, 29904  
except that in the case of a school district income tax that 29905  
amount shall be rounded up to the nearest one-fourth of one per 29906  
cent. 29907

No state moneys shall be released for a project to which this 29908  
section applies until the proceeds of the tax securities issued 29909  
under this section that are dedicated for the payment of the 29910  
district portion of the basic project cost of its classroom 29911  
facilities project are first deposited into the district's project 29912

construction fund. 29913

**Sec. 3318.054.** (A) If conditional approval of a city, 29914  
exempted village, or local school district's project lapses as 29915  
provided in section 3318.05 of the Revised Code, or if conditional 29916  
approval of a joint vocational school district's project lapses as 29917  
provided in division (D) of section 3318.41 of the Revised Code, 29918  
because the district's electors have not approved the ballot 29919  
measures necessary to generate the district's portion of the basic 29920  
project cost, and if the district board desires to seek a new 29921  
conditional approval of the project, the district board shall 29922  
request that the Ohio ~~school~~ facilities construction commission 29923  
set the scope, basic project cost, and school district portion of 29924  
the basic project cost prior to resubmitting the ballot measures 29925  
to the electors. To do so, the commission shall use the district's 29926  
current assessed tax valuation and the district's percentile for 29927  
the prior fiscal year. For a district that has entered into an 29928  
agreement under section 3318.36 of the Revised Code and desires to 29929  
proceed with a project under sections 3318.01 to 3318.20 of the 29930  
Revised Code, the district's portion of the basic project cost 29931  
shall be the percentage specified in that agreement. The project 29932  
scope and basic costs established under this division shall be 29933  
valid for thirteen months from the date the commission approves 29934  
them. 29935

(B) Upon the commission's approval under division (A) of this 29936  
section, the district board may submit the ballot measures to the 29937  
district's electors for approval of the project based on the new 29938  
project scope and estimated costs. Upon electoral approval of 29939  
those measures, the district shall be given first priority for 29940  
project funding as such funds become available. 29941

(C) When the commission determines that funds are available 29942  
for the district's project, the commission shall do all of the 29943

following:	29944
(1) Determine the school district portion of the basic project cost under section 3318.032 of the Revised Code, in the case of a city, exempted village, or local school district, or under section 3318.42 of the Revised Code, in the case of a joint vocational school district;	29945 29946 29947 29948 29949
(2) Conditionally approve the project and submit it to the controlling board for approval pursuant to section 3318.04 of the Revised Code;	29950 29951 29952
(3) Encumber funds for the project under section 3318.11 of the Revised Code;	29953 29954
(4) Enter into an agreement with the district board under section 3318.08 of the Revised Code.	29955 29956
<b>Sec. 3318.06.</b> (A) After receipt of the conditional approval of the Ohio <del>school</del> facilities <u>construction</u> commission, the school district board by a majority of all of its members shall, if it desires to proceed with the project, declare all of the following by resolution:	29957 29958 29959 29960 29961
(1) That by issuing bonds in an amount equal to the school district's portion of the basic project cost the district is unable to provide adequate classroom facilities without assistance from the state;	29962 29963 29964 29965
(2) Unless the school district board has resolved to transfer money in accordance with section 3318.051 of the Revised Code or to apply the proceeds of a property tax or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized under section 3318.052 of the Revised Code, that to qualify for such state assistance it is necessary to do either of the following:	29966 29967 29968 29969 29970 29971 29972
(a) Levy a tax outside the ten-mill limitation the proceeds	29973

of which shall be used to pay the cost of maintaining the 29974  
classroom facilities included in the project; 29975

(b) Earmark for maintenance of classroom facilities from the 29976  
proceeds of an existing permanent improvement tax levied under 29977  
section 5705.21 of the Revised Code, if such tax can be used for 29978  
maintenance, an amount equivalent to the amount of the additional 29979  
tax otherwise required under this section and sections 3318.05 and 29980  
3318.08 of the Revised Code. 29981

(3) That the question of any tax levy specified in a 29982  
resolution described in division (A)(2)(a) of this section, if 29983  
required, shall be submitted to the electors of the school 29984  
district at the next general or primary election, if there be a 29985  
general or primary election not less than ninety and not more than 29986  
one hundred ten days after the day of the adoption of such 29987  
resolution or, if not, at a special election to be held at a time 29988  
specified in the resolution which shall be not less than ninety 29989  
days after the day of the adoption of the resolution and which 29990  
shall be in accordance with the requirements of section 3501.01 of 29991  
the Revised Code. 29992

Such resolution shall also state that the question of issuing 29993  
bonds of the board shall be combined in a single proposal with the 29994  
question of such tax levy. More than one election under this 29995  
section may be held in any one calendar year. Such resolution 29996  
shall specify both of the following: 29997

(a) That the rate which it is necessary to levy shall be at 29998  
the rate of not less than one-half mill for each one dollar of 29999  
valuation, and that such tax shall be levied for a period of 30000  
twenty-three years; 30001

(b) That the proceeds of the tax shall be used to pay the 30002  
cost of maintaining the classroom facilities included in the 30003  
project. 30004

(B) A copy of a resolution adopted under division (A) of this section shall after its passage and not less than ninety days prior to the date set therein for the election be certified to the county board of elections.

The resolution of the school district board, in addition to meeting other applicable requirements of section 133.18 of the Revised Code, shall state that the amount of bonds to be issued will be an amount equal to the school district's portion of the basic project cost, and state the maximum maturity of the bonds which may be any number of years not exceeding the term calculated under section 133.20 of the Revised Code as determined by the board. In estimating the amount of bonds to be issued, the board shall take into consideration the amount of moneys then in the bond retirement fund and the amount of moneys to be collected for and disbursed from the bond retirement fund during the remainder of the year in which the resolution of necessity is adopted.

If the bonds are to be issued in more than one series, the resolution may state, in addition to the information required to be stated under division (B)(3) of section 133.18 of the Revised Code, the number of series, which shall not exceed five, the principal amount of each series, and the approximate date each series will be issued, and may provide that no series, or any portion thereof, may be issued before such date. Upon such a resolution being certified to the county auditor as required by division (C) of section 133.18 of the Revised Code, the county auditor, in calculating, advising, and confirming the estimated average annual property tax levy under that division, shall also calculate, advise, and confirm by certification the estimated average property tax levy for each series of bonds to be issued.

Notice of the election shall include the fact that the tax levy shall be at the rate of not less than one-half mill for each one dollar of valuation for a period of twenty-three years, and

that the proceeds of the tax shall be used to pay the cost of 30037  
maintaining the classroom facilities included in the project. 30038

If the bonds are to be issued in more than one series, the 30039  
board of education, when filing copies of the resolution with the 30040  
board of elections as required by division (D) of section 133.18 30041  
of the Revised Code, may direct the board of elections to include 30042  
in the notice of election the principal amount and approximate 30043  
date of each series, the maximum number of years over which the 30044  
principal of each series may be paid, the estimated additional 30045  
average property tax levy for each series, and the first calendar 30046  
year in which the tax is expected to be due for each series, in 30047  
addition to the information required to be stated in the notice 30048  
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 30049  
Code. 30050

(C)(1) Except as otherwise provided in division (C)(2) of 30051  
this section, the form of the ballot to be used at such election 30052  
shall be: 30053

"A majority affirmative vote is necessary for passage. 30054

Shall bonds be issued by the ..... (here insert name 30055  
of school district) school district to pay the local share of 30056  
school construction under the State of Ohio Classroom Facilities 30057  
Assistance Program in the principal amount of ..... (here 30058  
insert principal amount of the bond issue), to be repaid annually 30059  
over a maximum period of ..... (here insert the maximum 30060  
number of years over which the principal of the bonds may be paid) 30061  
years, and an annual levy of property taxes be made outside the 30062  
ten-mill limitation, estimated by the county auditor to average 30063  
over the repayment period of the bond issue ..... (here 30064  
insert the number of mills estimated) mills for each one dollar of 30065  
tax valuation, which amounts to ..... (rate expressed in 30066  
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 30067  
for each one hundred dollars of tax valuation to pay the annual 30068

debt charges on the bonds and to pay debt charges on any notes 30069  
issued in anticipation of the bonds?" 30070  
and, unless the additional levy 30071  
of taxes is not required pursuant 30072  
to division (C) of section 30073  
3318.05 of the Revised Code, 30074  
"Shall an additional levy of taxes be made for a period of 30075  
twenty-three years to benefit the ..... (here insert name 30076  
of school district) school district, the proceeds of which shall 30077  
be used to pay the cost of maintaining the classroom facilities 30078  
included in the project at the rate of ..... (here insert the 30079  
number of mills, which shall not be less than one-half mill) mills 30080  
for each one dollar of valuation? 30081

	FOR THE BOND ISSUE AND TAX LEVY
	AGAINST THE BOND ISSUE AND TAX LEVY

"

30082  
30083  
30084  
30085  
(2) If authority is sought to issue bonds in more than one 30086  
series and the board of education so elects, the form of the 30087  
ballot shall be as prescribed in section 3318.062 of the Revised 30088  
Code. If the board of education elects the form of the ballot 30089  
prescribed in that section, it shall so state in the resolution 30090  
adopted under this section. 30091  
(D) If it is necessary for the school district to acquire a 30092  
site for the classroom facilities to be acquired pursuant to 30093  
sections 3318.01 to 3318.20 of the Revised Code, the district 30094  
board may propose either to issue bonds of the board or to levy a 30095  
tax to pay for the acquisition of such site, and may combine the 30096  
question of doing so with the questions specified in division (B) 30097  
of this section. Bonds issued under this division for the purpose 30098  
of acquiring a site are a general obligation of the school 30099

district and are Chapter 133. securities. 30100

The form of that portion of the ballot to include the 30101  
question of either issuing bonds or levying a tax for site 30102  
acquisition purposes shall be one of the following: 30103

(1) "Shall bonds be issued by the ..... (here insert 30104  
name of the school district) school district to pay costs of 30105  
acquiring a site for classroom facilities under the State of Ohio 30106  
Classroom Facilities Assistance Program in the principal amount of 30107  
..... (here insert principal amount of the bond issue), to be 30108  
repaid annually over a maximum period of ..... (here insert 30109  
maximum number of years over which the principal of the bonds may 30110  
be paid) years, and an annual levy of property taxes be made 30111  
outside the ten-mill limitation, estimated by the county auditor 30112  
to average over the repayment period of the bond issue ..... 30113  
(here insert number of mills) mills for each one dollar of tax 30114  
valuation, which amount to ..... (here insert rate expressed 30115  
in cents or dollars and cents, such as "thirty-six cents" or 30116  
"\$0.36") for each one hundred dollars of valuation to pay the 30117  
annual debt charges on the bonds and to pay debt charges on any 30118  
notes issued in anticipation of the bonds?" 30119

(2) "Shall an additional levy of taxes outside the ten-mill 30120  
limitation be made for the benefit of the ..... (here insert 30121  
name of the school district) school district for the purpose of 30122  
acquiring a site for classroom facilities in the sum of ..... 30123  
(here insert annual amount the levy is to produce) estimated by 30124  
the county auditor to average ..... (here insert number of 30125  
mills) mills for each one hundred dollars of valuation, for a 30126  
period of ..... (here insert number of years the millage is to 30127  
be imposed) years?" 30128

Where it is necessary to combine the question of issuing 30129  
bonds of the school district and levying a tax as described in 30130  
division (B) of this section with the question of issuing bonds of 30131

the school district for acquisition of a site, the question 30132  
specified in that division to be voted on shall be "For the Bond 30133  
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 30134  
Levy." 30135

Where it is necessary to combine the question of issuing 30136  
bonds of the school district and levying a tax as described in 30137  
division (B) of this section with the question of levying a tax 30138  
for the acquisition of a site, the question specified in that 30139  
division to be voted on shall be "For the Bond Issue and the Tax 30140  
Levies" and "Against the Bond Issue and the Tax Levies." 30141

Where the school district board chooses to combine the 30142  
question in division (B) of this section with any of the 30143  
additional questions described in divisions (A) to (D) of section 30144  
3318.056 of the Revised Code, the question specified in division 30145  
(B) of this section to be voted on shall be "For the Bond Issues 30146  
and the Tax Levies" and "Against the Bond Issues and the Tax 30147  
Levies." 30148

If a majority of those voting upon a proposition hereunder 30149  
which includes the question of issuing bonds vote in favor 30150  
thereof, and if the agreement provided for by section 3318.08 of 30151  
the Revised Code has been entered into, the school district board 30152  
may proceed under Chapter 133. of the Revised Code, with the 30153  
issuance of bonds or bond anticipation notes in accordance with 30154  
the terms of the agreement. 30155

**Sec. 3318.061.** This section applies only to school districts 30156  
eligible to receive additional assistance under division (B)(2) of 30157  
section 3318.04 of the Revised Code. 30158

The board of education of a school district in which a tax 30159  
described by division (B) of section 3318.05 and levied under 30160  
section 3318.06 of the Revised Code is in effect, may adopt a 30161  
resolution by vote of a majority of its members to extend the term 30162

of that tax beyond the expiration of that tax as originally 30163  
approved under that section. The school district board may include 30164  
in the resolution a proposal to extend the term of that tax at the 30165  
rate of not less than one-half mill for each dollar of valuation 30166  
for a period of twenty-three years from the year in which the 30167  
school district board and the Ohio ~~school~~ facilities construction 30168  
commission enter into an agreement under division (B)(2) of 30169  
section 3318.04 of the Revised Code or in the following year, as 30170  
specified in the resolution. Such a resolution may be adopted at 30171  
any time before such an agreement is entered into and before the 30172  
tax levied pursuant to section 3318.06 of the Revised Code 30173  
expires. If the resolution is combined with a resolution to issue 30174  
bonds to pay the school district's portion of the basic project 30175  
cost, it shall conform with the requirements of divisions (A)(1), 30176  
(2), and (3) of section 3318.06 of the Revised Code, except that 30177  
the resolution also shall state that the tax levy proposed in the 30178  
resolution is an extension of an existing tax levied under that 30179  
section. A resolution proposing an extension adopted under this 30180  
section does not take effect until it is approved by a majority of 30181  
electors voting in favor of the resolution at a general, primary, 30182  
or special election as provided in this section. 30183

A tax levy extended under this section is subject to the same 30184  
terms and limitations to which the original tax levied under 30185  
section 3318.06 of the Revised Code is subject under that section, 30186  
except the term of the extension shall be as specified in this 30187  
section. 30188

The school district board shall certify a copy of the 30189  
resolution adopted under this section to the proper county board 30190  
of elections not later than ninety days before the date set in the 30191  
resolution as the date of the election at which the question will 30192  
be submitted to electors. The notice of the election shall conform 30193  
with the requirements of division (A)(3) of section 3318.06 of the 30194

Revised Code, except that the notice also shall state that the maintenance tax levy is an extension of an existing tax levy.

The form of the ballot shall be as follows:

"Shall the existing tax levied to pay the cost of maintaining classroom facilities constructed with the proceeds of the previously issued bonds at the rate of ..... (here insert the number of mills, which shall not be less than one-half mill) mills per dollar of tax valuation, be extended until ..... (here insert the year that is twenty-three years after the year in which the district and commission will enter into an agreement under division (B)(2) of section 3318.04 of the Revised Code or the following year)?

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	"

Section 3318.07 of the Revised Code applies to ballot questions under this section.

**Sec. 3318.07.** The board of elections shall certify the result of the election to the tax commissioner, to the auditor of the county or counties in which the school district is located, to the treasurer of the school district board, and to the Ohio ~~school~~ facilities construction commission. The necessary tax levy for debt service on the bonds shall be included in the annual tax budget that is certified to the county budget commission or, if adoption of the tax budget is waived under section 5705.281 of the Revised Code, included among the tax rates required to be provided to the budget commission under that section.

**Sec. 3318.08.** Except in the case of a joint vocational school district that receives assistance under sections 3318.40 to

3318.45 of the Revised Code, if the requisite favorable vote on 30225  
the election is obtained, or if the school district board has 30226  
resolved to apply the proceeds of a property tax levy or the 30227  
proceeds of an income tax, or a combination of proceeds from such 30228  
taxes, as authorized in section 3318.052 of the Revised Code, the 30229  
Ohio ~~school~~ facilities construction commission, upon certification 30230  
to it of either the results of the election or the resolution 30231  
under section 3318.052 of the Revised Code, shall enter into a 30232  
written agreement with the school district board for the 30233  
construction and sale of the project. In the case of a joint 30234  
vocational school district that receives assistance under sections 30235  
3318.40 to 3318.45 of the Revised Code, if the school district 30236  
board of education and the school district electors have satisfied 30237  
the conditions prescribed in division (D)(1) of section 3318.41 of 30238  
the Revised Code, the commission shall enter into an agreement 30239  
with the school district board for the construction and sale of 30240  
the project. In either case, the agreement shall include, but need 30241  
not be limited to, the following provisions: 30242

(A) The sale and issuance of bonds or notes in anticipation 30243  
thereof, as soon as practicable after the execution of the 30244  
agreement, in an amount equal to the school district's portion of 30245  
the basic project cost, including any securities authorized under 30246  
division (J) of section 133.06 of the Revised Code and dedicated 30247  
by the school district board to payment of the district's portion 30248  
of the basic project cost of the project; provided, that if at 30249  
that time the county treasurer of each county in which the school 30250  
district is located has not commenced the collection of taxes on 30251  
the general duplicate of real and public utility property for the 30252  
year in which the controlling board approved the project, the 30253  
school district board shall authorize the issuance of a first 30254  
installment of bond anticipation notes in an amount specified by 30255  
the agreement, which amount shall not exceed an amount necessary 30256

to raise the net bonded indebtedness of the school district as of 30257  
the date of the controlling board's approval to within five 30258  
thousand dollars of the required level of indebtedness for the 30259  
preceding year. In the event that a first installment of bond 30260  
anticipation notes is issued, the school district board shall, as 30261  
soon as practicable after the county treasurer of each county in 30262  
which the school district is located has commenced the collection 30263  
of taxes on the general duplicate of real and public utility 30264  
property for the year in which the controlling board approved the 30265  
project, authorize the issuance of a second and final installment 30266  
of bond anticipation notes or a first and final issue of bonds. 30267

The combined value of the first and second installment of 30268  
bond anticipation notes or the value of the first and final issue 30269  
of bonds shall be equal to the school district's portion of the 30270  
basic project cost. The proceeds of any such bonds shall be used 30271  
first to retire any bond anticipation notes. Otherwise, the 30272  
proceeds of such bonds and of any bond anticipation notes, except 30273  
the premium and accrued interest thereon, shall be deposited in 30274  
the school district's project construction fund. In determining 30275  
the amount of net bonded indebtedness for the purpose of fixing 30276  
the amount of an issue of either bonds or bond anticipation notes, 30277  
gross indebtedness shall be reduced by moneys in the bond 30278  
retirement fund only to the extent of the moneys therein on the 30279  
first day of the year preceding the year in which the controlling 30280  
board approved the project. Should there be a decrease in the tax 30281  
valuation of the school district so that the amount of 30282  
indebtedness that can be incurred on the tax duplicates for the 30283  
year in which the controlling board approved the project is less 30284  
than the amount of the first installment of bond anticipation 30285  
notes, there shall be paid from the school district's project 30286  
construction fund to the school district's bond retirement fund to 30287  
be applied against such notes an amount sufficient to cause the 30288  
net bonded indebtedness of the school district, as of the first 30289

day of the year following the year in which the controlling board 30290  
approved the project, to be within five thousand dollars of the 30291  
required level of indebtedness for the year in which the 30292  
controlling board approved the project. The maximum amount of 30293  
indebtedness to be incurred by any school district board as its 30294  
share of the cost of the project is either an amount that will 30295  
cause its net bonded indebtedness, as of the first day of the year 30296  
following the year in which the controlling board approved the 30297  
project, to be within five thousand dollars of the required level 30298  
of indebtedness, or an amount equal to the required percentage of 30299  
the basic project costs, whichever is greater. All bonds and bond 30300  
anticipation notes shall be issued in accordance with Chapter 133. 30301  
of the Revised Code, and notes may be renewed as provided in 30302  
section 133.22 of the Revised Code. 30303

(B) The transfer of such funds of the school district board 30304  
available for the project, together with the proceeds of the sale 30305  
of the bonds or notes, except premium, accrued interest, and 30306  
interest included in the amount of the issue, to the school 30307  
district's project construction fund; 30308

(C) For all school districts except joint vocational school 30309  
districts that receive assistance under sections 3318.40 to 30310  
3318.45 of the Revised Code, the following provisions as 30311  
applicable: 30312

(1) If section 3318.052 of the Revised Code applies, the 30313  
earmarking of the proceeds of a tax levied under section 5705.21 30314  
of the Revised Code for general permanent improvements or under 30315  
section 5705.218 of the Revised Code for the purpose of permanent 30316  
improvements, or the proceeds of a school district income tax 30317  
levied under Chapter 5748. of the Revised Code, or the proceeds 30318  
from a combination of those two taxes, in an amount to pay all or 30319  
part of the service charges on bonds issued to pay the school 30320  
district portion of the project and an amount equivalent to all or 30321

part of the tax required under division (B) of section 3318.05 of the Revised Code; 30322  
30323

(2) If section 3318.052 of the Revised Code does not apply, 30324  
one of the following: 30325

(a) The levy of the tax authorized at the election for the 30326  
payment of maintenance costs, as specified in division (B) of 30327  
section 3318.05 of the Revised Code; 30328

(b) If the school district electors have approved a 30329  
continuing tax for general permanent improvements under section 30330  
5705.21 of the Revised Code and that tax can be used for 30331  
maintenance, the earmarking of an amount of the proceeds from such 30332  
tax for maintenance of classroom facilities as specified in 30333  
division (B) of section 3318.05 of the Revised Code; 30334

(c) If, in lieu of the tax otherwise required under division 30335  
(B) of section 3318.05 of the Revised Code, the commission has 30336  
approved the transfer of money to the maintenance fund in 30337  
accordance with section 3318.051 of the Revised Code, a 30338  
requirement that the district board comply with the provisions of 30339  
that section. The district board may rescind the provision 30340  
prescribed under division (C)(2)(c) of this section only so long 30341  
as the electors of the district have approved, in accordance with 30342  
section 3318.063 of the Revised Code, the levy of a tax for the 30343  
maintenance of the classroom facilities acquired under the 30344  
district's project and that levy continues to be collected as 30345  
approved by the electors. 30346

(D) For joint vocational school districts that receive 30347  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 30348  
provision for deposit of school district moneys dedicated to 30349  
maintenance of the classroom facilities acquired under those 30350  
sections as prescribed in section 3318.43 of the Revised Code; 30351

(E) Dedication of any local donated contribution as provided 30352

for under section 3318.084 of the Revised Code, including a 30353  
schedule for depositing such moneys applied as an offset of the 30354  
district's obligation to levy the tax described in division (B) of 30355  
section 3318.05 of the Revised Code as required under division 30356  
(D)(2) of section 3318.084 of the Revised Code; 30357

(F) Ownership of or interest in the project during the period 30358  
of construction, which shall be divided between the commission and 30359  
the school district board in proportion to their respective 30360  
contributions to the school district's project construction fund; 30361

(G) Maintenance of the state's interest in the project until 30362  
any obligations issued for the project under section 3318.26 of 30363  
the Revised Code are no longer outstanding; 30364

(H) The insurance of the project by the school district from 30365  
the time there is an insurable interest therein and so long as the 30366  
state retains any ownership or interest in the project pursuant to 30367  
division (F) of this section, in such amounts and against such 30368  
risks as the commission shall require; provided, that the cost of 30369  
any required insurance until the project is completed shall be a 30370  
part of the basic project cost; 30371

(I) The certification by the director of budget and 30372  
management that funds are available and have been set aside to 30373  
meet the state's share of the basic project cost as approved by 30374  
the controlling board pursuant to either section 3318.04 or 30375  
division (B)(1) of section 3318.41 of the Revised Code; 30376

(J) Authorization of the school district board to advertise 30377  
for and receive construction bids for the project, for and on 30378  
behalf of the commission, and to award contracts in the name of 30379  
the state subject to approval by the commission; 30380

(K) Provisions for the disbursement of moneys from the school 30381  
district's project account upon issuance by the commission or the 30382  
commission's designated representative of vouchers for work done 30383

to be certified to the commission by the treasurer of the school district board; 30384  
30385

(L) Disposal of any balance left in the school district's project construction fund upon completion of the project; 30386  
30387

(M) Limitations upon use of the project or any part of it so long as any obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding; 30388  
30389  
30390

(N) Provision for vesting the state's interest in the project to the school district board when the obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding; 30391  
30392  
30393  
30394

(O) Provision for deposit of an executed copy of the agreement in the office of the commission; 30395  
30396

(P) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval, if the proceeds of the sale of the bonds of the school district board are not paid into the school district's project construction fund and if bids for the construction of the project have not been taken within such period after the execution of the agreement as may be fixed by the commission; 30397  
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(Q) Provision for the school district to maintain the project in accordance with a plan approved by the commission; 30404  
30405

(R) Provision that all state funds reserved and encumbered to pay the state share of the cost of the project and the funds provided by the school district to pay for its share of the project cost, including the respective shares of the cost of a segment if the project is divided into segments, be spent on the construction and acquisition of the project or segment simultaneously in proportion to the state's and the school district's respective shares of that basic project cost as determined under section 3318.032 of the Revised Code or, if the 30406  
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district is a joint vocational school district, under section 30415  
3318.42 of the Revised Code. However, if the school district 30416  
certifies to the commission that expenditure by the school 30417  
district is necessary to maintain the federal tax status or 30418  
tax-exempt status of notes or bonds issued by the school district 30419  
to pay for its share of the project cost or to comply with 30420  
applicable temporary investment periods or spending exceptions to 30421  
rebate as provided for under federal law in regard to those notes 30422  
or bonds, the school district may commit to spend, or spend, a 30423  
greater portion of the funds it provides during any specific 30424  
period than would otherwise be required under this division. 30425

(S) A provision stipulating that the commission may prohibit 30426  
the district from proceeding with any project if the commission 30427  
determines that the site is not suitable for construction 30428  
purposes. The commission may perform soil tests in its 30429  
determination of whether a site is appropriate for construction 30430  
purposes. 30431

(T) A provision stipulating that, unless otherwise authorized 30432  
by the commission, any contingency reserve portion of the 30433  
construction budget prescribed by the commission shall be used 30434  
only to pay costs resulting from unforeseen job conditions, to 30435  
comply with rulings regarding building and other codes, to pay 30436  
costs related to design clarifications or corrections to contract 30437  
documents, and to pay the costs of settlements or judgments 30438  
related to the project as provided under section 3318.086 of the 30439  
Revised Code; 30440

(U) A provision stipulating that for continued release of 30441  
project funds the school district board shall comply with sections 30442  
3313.41, 3313.411, and 3313.413 of the Revised Code throughout the 30443  
project and shall notify the department of education and the Ohio 30444  
community school association when the board plans to dispose of 30445  
facilities by sale under that section; 30446

(V) A provision stipulating that the commission shall not 30447  
approve a contract for demolition of a facility until the school 30448  
district board has complied with sections 3313.41, 3313.411, and 30449  
3313.413 of the Revised Code relative to that facility, unless 30450  
demolition of that facility is to clear a site for construction of 30451  
a replacement facility included in the district's project; 30452

(W) A requirement for the school district to adhere to a 30453  
facilities maintenance plan approved by the commission. 30454

**Sec. 3318.081.** If the board of education of a school district 30455  
authorized to impose a tax pursuant to section 3318.06 of the 30456  
Revised Code determines that taxable value of property subject to 30457  
the tax has increased to the extent it will not be necessary to 30458  
impose such tax for twenty-three years in order to generate an 30459  
amount equal to the amount of the project cost supplied by the 30460  
state, it may request the county auditor to determine the amount 30461  
remaining to be paid and the estimated rate of taxation required 30462  
each year to pay such remainder in equal installments over the 30463  
maximum number of remaining years the tax may be in effect. The 30464  
auditor shall make such determination upon request and certify the 30465  
results thereof to the board of education. 30466

Upon receipt of the auditor's determination, the board of 30467  
education may request the Ohio ~~school~~ facilities construction 30468  
commission to enter into a supplemental agreement under which the 30469  
district may pay the remainder of the amount in annual amounts 30470  
equal to the quotient obtained by dividing the amount remaining to 30471  
be paid by the maximum number of remaining years the tax may be in 30472  
effect. If such an agreement is entered into, the commission shall 30473  
certify a copy thereof to the county auditor and the tax 30474  
authorized by section 3318.06 of the Revised Code thereafter shall 30475  
be levied at the rate required to make the annual payments 30476  
required by the supplemental agreement rather than the rate 30477

required by such section. 30478

**Sec. 3318.082.** The board of education of any school district 30479  
imposing a tax for the purpose of paying the state pursuant to 30480  
section 3318.06 of the Revised Code prior to the effective date of 30481  
the amendments to that section by Amended Substitute House Bill 30482  
No. 748 of the 121st ~~General Assembly~~ general assembly, may enter 30483  
into a supplemental agreement with the Ohio ~~school~~ facilities 30484  
construction commission under which the proceeds of such tax shall 30485  
be distributed in accordance with the requirements of section 30486  
3318.06 of the Revised Code, as amended by Amended Substitute 30487  
House Bill No. 748 of the 121st general assembly. 30488

**Sec. 3318.083.** If, after the Ohio ~~school~~ facilities 30489  
construction commission and a school district enter into a written 30490  
agreement under section 3318.08 of the Revised Code for the 30491  
construction of a classroom facilities project, the commission 30492  
approves an increase in the basic project cost above the amount 30493  
budgeted plus any interest earned and available in the project 30494  
construction fund, the state and the school district shall share 30495  
the increased cost in proportion to their respective contributions 30496  
to the district's project construction fund. 30497

**Sec. 3318.084.** (A) Notwithstanding anything to the contrary 30498  
in Chapter 3318. of the Revised Code, a school district board may 30499  
apply any local donated contribution toward any of the following: 30500

(1) The district's portion of the basic project cost of a 30501  
project under either sections 3318.01 to 3318.20 or sections 30502  
3318.40 to 3318.45 of the Revised Code to reduce the amount of 30503  
bonds the district otherwise must issue in order to receive state 30504  
assistance under those sections; 30505

(2) If the school district is not a joint vocational school 30506  
district proceeding under sections 3318.40 to 3318.45 of the 30507

Revised Code, an offset of all or part of a district's obligation 30508  
to levy the tax described in division (B) of section 3318.05 of 30509  
the Revised Code, which shall be applied only in the manner 30510  
prescribed in division (B) of this section; 30511

(3) If the school district is a joint vocational school 30512  
district proceeding under sections 3318.40 to 3318.45 of the 30513  
Revised Code, all or part of the amount the school district is 30514  
obligated to set aside for maintenance of the classroom facilities 30515  
acquired under that project pursuant to section 3318.43 of the 30516  
Revised Code. 30517

(B) No school district board shall apply any local donated 30518  
contribution under division (A)(2) of this section unless the Ohio 30519  
~~school~~ facilities construction commission first approves that 30520  
application. 30521

Upon the request of the school district board to apply local 30522  
donated contribution under division (A)(2) of this section, the 30523  
commission in consultation with the department of taxation shall 30524  
determine the amount of total revenue that likely would be 30525  
generated by one-half mill of the tax described in division (B) of 30526  
section 3318.05 of the Revised Code over the entire 30527  
twenty-three-year period required under that section and shall 30528  
deduct from that amount any amount of local donated contribution 30529  
that the board has committed to apply under division (A)(2) of 30530  
this section. The commission then shall determine in consultation 30531  
with the department of taxation the rate of tax over twenty-three 30532  
years necessary to generate the amount of a one-half mill tax not 30533  
offset by the local donated contribution. Notwithstanding anything 30534  
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 30535  
Revised Code, the rate determined by the commission shall be the 30536  
rate for which the district board shall seek elector approval 30537  
under those sections to meet its obligation under division (B) of 30538  
section 3318.05 of the Revised Code. In the case of a complete 30539

offset of the district's obligation under division (B) of section 30540  
3318.05 of the Revised Code, the district shall not be required to 30541  
levy the tax otherwise required under that section. At the end of 30542  
the twenty-three-year period of the tax required under division 30543  
(B) of section 3318.05 of the Revised Code, whether or not the tax 30544  
is actually levied, the commission in consultation of the 30545  
department of taxation shall recalculate the amount that would 30546  
have been generated by the tax if it had been levied at one-half 30547  
mill. If the total amount actually generated over that period from 30548  
both the tax that was actually levied and any local donated 30549  
contribution applied under division (A)(2) of this section is less 30550  
than the amount that would have been raised by a one-half mill 30551  
tax, the district shall pay any difference. If the total amount 30552  
actually raised in such manner is greater than the amount that 30553  
would have been raised by a one-half mill tax the difference shall 30554  
be zero and no payments shall be made by either the district or 30555  
the commission. 30556

(C) As used in this section, "local donated contribution" 30557  
means any of the following: 30558

(1) Any moneys irrevocably donated or granted to a school 30559  
district board by a source other than the state which the board 30560  
has the authority to apply to the school district's project under 30561  
sections 3318.01 to 3318.20 of the Revised Code and which the 30562  
board has pledged for that purpose by resolution adopted by a 30563  
majority of its members; 30564

(2) Any irrevocable letter of credit issued on behalf of a 30565  
school district which the school district board has encumbered for 30566  
payment of the school district's share of its project under 30567  
sections 3318.01 to 3318.20 of the Revised Code that has been 30568  
approved by the commission in consultation with the department of 30569  
education; 30570

(3) Any cash a school district has on hand that the school 30571

district board has encumbered for payment of the school district's 30572  
share of its project under sections 3318.01 to 3318.20 of the 30573  
Revised Code that has been approved by the commission in 30574  
consultation with the department of education, including the 30575  
following: 30576

(a) Any year-end operating fund balances that can be spent 30577  
for classroom facilities; 30578

(b) Any cash resulting from a lease-purchase agreement that 30579  
the school district board has entered into under section 3313.375 30580  
of the Revised Code, provided that the agreement and the related 30581  
financing documents contain provisions protecting the state's 30582  
superior interest in the project. 30583

(4) Any moneys spent by a source other than the school 30584  
district or the state for construction or renovation of specific 30585  
classroom facilities that have been approved by the commission as 30586  
part of the basic project cost of the district's project. The 30587  
school district, the commission, and the entity providing the 30588  
local donated contribution under division (C)(4) of this section 30589  
shall enter into an agreement identifying the classroom facilities 30590  
to be acquired by the expenditures made by that entity. The 30591  
agreement shall include, but not be limited to, stipulations that 30592  
require an audit by the commission of such expenditures made on 30593  
behalf of the district and that specify the maximum amount of 30594  
credit to be allowed for those expenditures. Upon completion of 30595  
the construction or renovation, the commission shall determine the 30596  
actual amount that the commission will credit, at the request of 30597  
the district board, toward the district's portion of the basic 30598  
project cost, any project cost overruns, or the basic project cost 30599  
of future segments if the project has been divided into segments 30600  
under section 3318.38 of the Revised Code. The actual amount of 30601  
the credit shall not exceed the lesser of the amount specified in 30602  
the agreement or the actual cost of the construction or 30603

renovation. 30604

(D) No state moneys shall be released for a project to which 30605  
this section applies until: 30606

(1) Any local donated contribution authorized under division 30607  
(A)(1) of this section is first deposited into the school 30608  
district's project construction fund. 30609

(2) The school district board and the commission have 30610  
included a stipulation in their agreement entered into under 30611  
section 3318.08 of the Revised Code under which the board will 30612  
deposit into a fund approved by the commission according to a 30613  
schedule that does not extend beyond the anticipated completion 30614  
date of the project the total amount of any local donated 30615  
contribution authorized under division (A)(2) or (3) of this 30616  
section and dedicated by the board for that purpose. 30617

However, if any local donated contribution as described in 30618  
division (C)(4) of this section has been approved under this 30619  
section, the state moneys may be released even if the entity 30620  
providing that local donated contribution has not spent the moneys 30621  
so dedicated as long as the agreement required under that section 30622  
has been executed. 30623

**Sec. 3318.086.** The construction budget for any project under 30624  
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 30625  
Revised Code shall contain a contingency reserve in an amount 30626  
prescribed by the Ohio ~~school~~ facilities construction commission, 30627  
which unless otherwise authorized by the commission, shall be used 30628  
only to pay costs resulting from unforeseen job conditions, to 30629  
comply with rulings regarding building and other codes, to pay 30630  
costs related to design clarifications or corrections to contract 30631  
documents, and to pay the costs of settlements or judgments 30632  
related to the project. 30633

**Sec. 3318.091.** (A) Promptly after the written agreement 30634  
between the school district board and the Ohio ~~school~~ facilities 30635  
construction commission has been entered into, the school district 30636  
board shall proceed with the issuance of its bonds or notes in 30637  
anticipation thereof pursuant to the provision of such agreement 30638  
required by division (A) of section 3318.08 of the Revised Code 30639  
and the deposit of the proceeds thereof in the school district's 30640  
project construction fund pursuant to the provision of such 30641  
agreement required by division (B) of section 3318.08 of the 30642  
Revised Code, and the school district board, with the approval of 30643  
the commission shall employ a qualified professional person or 30644  
firm to prepare preliminary plans, working drawings, 30645  
specifications, estimates of cost, and such data as the school 30646  
district board and the commission consider necessary for the 30647  
project. When the preliminary plans and preliminary estimates of 30648  
cost have been prepared, and approved by the school district 30649  
board, they shall be submitted to the commission for approval, 30650  
modification, or rejection. The commission shall ensure that the 30651  
plans and materials proposed for use in the project comply with 30652  
specifications for plans and materials that shall be established 30653  
by the commission. When such preliminary plans and preliminary 30654  
estimates of cost and any modifications thereof have been approved 30655  
by the commission and the school district board, the school 30656  
district board shall cause such qualified professional person or 30657  
firm to prepare the working drawings, specifications, and 30658  
estimates of cost. 30659

(B) Whenever project plans submitted to the commission for 30660  
approval under division (A) of this section propose to locate a 30661  
facility on a state route or United States highway or within one 30662  
mile of a state route or United States highway, the commission 30663  
shall send a copy of the plans to the director of transportation. 30664  
The director of transportation shall review the plans to determine 30665

the feasibility of the proposed ingress and egress to the 30666  
facility, the traffic circulation pattern on roadways around the 30667  
facility, and any improvements that would be necessary to conform 30668  
the roadways to provisions of the manual adopted by the department 30669  
of transportation pursuant to section 4511.09 of the Revised Code 30670  
or state or federal law. The director of transportation shall 30671  
provide a written summary of the director's findings to the 30672  
commission in a timely manner. The commission shall consider the 30673  
findings in deciding whether to approve the plans. 30674

**Sec. 3318.10.** When such working drawings, specifications, and 30675  
estimates of cost have been approved by the school district board 30676  
and the Ohio ~~school~~ facilities construction commission, the 30677  
treasurer of the school district board shall advertise for 30678  
construction bids in accordance with section 3313.46 of the 30679  
Revised Code. Such notices shall state that plans and 30680  
specifications for the project are on file in the office of the 30681  
commission and such other place as may be designated in such 30682  
notice, and the time and place when and where bids therefor will 30683  
be received. 30684

The form of proposal to be submitted by bidders shall be 30685  
supplied by the commission. Bidders may be permitted to bid upon 30686  
all the branches of work and materials to be furnished and 30687  
supplied, upon any branch thereof, or upon all or any thereof. 30688

When the construction bids for all branches of work and 30689  
materials have been tabulated, the commission shall cause to be 30690  
prepared a revised estimate of the basic project cost based upon 30691  
the lowest responsible bids received. If such revised estimate 30692  
exceeds the estimated basic project cost as approved by the 30693  
controlling board pursuant to section 3318.04 or division (B)(1) 30694  
of section 3318.41 of the Revised Code, no contracts may be 30695  
entered into pursuant to this section unless such revised estimate 30696

is approved by the commission and by the controlling board. When 30697  
such revised estimate has been prepared, and after such approvals 30698  
are given, if necessary, and if the school district board has 30699  
caused to be transferred to the project construction fund the 30700  
proceeds from the sale of the first or first and final installment 30701  
of its bonds or bond anticipation notes pursuant to the provision 30702  
of the written agreement required by division (B) of section 30703  
3318.08 of the Revised Code, and when the director of budget and 30704  
management has certified that there is a balance in the 30705  
appropriation, not otherwise obligated to pay precedent 30706  
obligations, pursuant to which the state's share of such revised 30707  
estimate is required to be paid, the contract for all branches of 30708  
work and materials to be furnished and supplied, or for any branch 30709  
thereof as determined by the school district board, shall be 30710  
awarded by the school district board to the lowest responsible 30711  
bidder subject to the approval of the commission. Such award shall 30712  
be made within sixty days after the date on which the bids are 30713  
opened, and the successful bidder shall enter into a contract 30714  
within ten days after the successful bidder is notified of the 30715  
award of the contract. 30716

Subject to the approval of the commission, the school 30717  
district board may reject all bids and readvertise. Any contract 30718  
made under this section shall be made in the name of the state and 30719  
executed on its behalf by the president and treasurer of the 30720  
school district board. 30721

The provisions of sections 9.312 and 3313.46 of the Revised 30722  
Code, which are applicable to construction contracts of boards of 30723  
education, shall apply to construction contracts for the project. 30724

The remedies afforded to any subcontractor, materials 30725  
supplier, laborer, mechanic, or persons furnishing material or 30726  
machinery for the project under sections 1311.26 to 1311.32 of the 30727  
Revised Code, shall apply to contracts entered into under this 30728

section and the itemized statement required by section 1311.26 of 30729  
the Revised Code shall be filed with the school district board. 30730

Notwithstanding any other requirement of this section, a 30731  
school district, with the approval of the commission, may utilize 30732  
any otherwise lawful alternative construction delivery method for 30733  
the construction of the project. 30734

**Sec. 3318.11.** For any project undertaken with financial 30735  
assistance from the state under this chapter, the amount of state 30736  
appropriations to be encumbered for the project in each fiscal 30737  
year shall be determined by the Ohio ~~school~~ facilities 30738  
construction commission based on the project's estimated 30739  
construction schedule for that year. In each fiscal year 30740  
subsequent to the first year in which state appropriations are 30741  
encumbered for the project, the project has priority for state 30742  
funds over projects for which initial state funding is sought. 30743

**Sec. 3318.112.** (A) As used in this section, "solar\_ready" 30744  
means capable of accommodating the eventual installation of roof 30745  
top, solar photovoltaic energy equipment. 30746

(B) The Ohio ~~school~~ facilities construction commission shall 30747  
adopt rules prescribing standards for solar\_ready equipment in 30748  
school buildings under their jurisdiction. The rules shall 30749  
include, but not be limited to, standards regarding roof space 30750  
limitations, shading and obstruction, building orientation, roof 30751  
loading capacity, and electric systems. 30752

(C) A school district may seek, and the commission may grant 30753  
for good cause shown, a waiver from part or all of the standards 30754  
prescribed under division (B) of this section. 30755

**Sec. 3318.12.** (A) The Ohio ~~school~~ facilities construction 30756  
commission shall cause to be transferred to the school district's 30757

project construction fund the necessary amounts from amounts 30758  
appropriated by the general assembly and set aside for such 30759  
purpose, from time to time as may be necessary to pay obligations 30760  
chargeable to such fund when due. All investment earnings of a 30761  
school district's project construction fund shall be credited to 30762  
the fund. 30763

(B)(1) The treasurer of the school district board shall 30764  
disburse funds from the school district's project construction 30765  
fund, including investment earnings credited to the fund, only 30766  
upon the approval of the commission or the commission's designated 30767  
representative. The commission or the commission's designated 30768  
representative shall issue vouchers against such fund, in such 30769  
amounts, and at such times as required by the contracts for 30770  
construction of the project. 30771

(2) Notwithstanding anything to the contrary in division 30772  
(B)(1) of this section, the school district board may, by a duly 30773  
adopted resolution, choose to use all or part of the investment 30774  
earnings of the district's project construction fund that are 30775  
attributable to the district's contribution to the fund to pay the 30776  
cost of classroom facilities or portions or components of 30777  
classroom facilities that are not included in the district's basic 30778  
project cost but that are related to the district's project. If 30779  
the district board adopts a resolution in favor of using those 30780  
investment earnings as authorized under division (B)(2) of this 30781  
section, the treasurer shall disburse the amount as designated and 30782  
directed by the board. However, if the district board chooses to 30783  
use any part of the investment earnings for classroom facilities 30784  
or portions or components of classroom facilities that are not 30785  
included in the basic project cost, as authorized under division 30786  
(B)(2) of this section, and, subsequently, the cost of the project 30787  
exceeds the amount in the project construction fund, the district 30788  
board shall restore to the project construction fund the full 30789

amount of the investment earnings used under division (B)(2) of 30790  
this section before any additional state moneys shall be released 30791  
for the project. 30792

(C) After a certificate of completion has been issued for a 30793  
project under section 3318.48 of the Revised Code: 30794

(1) At the discretion of the school district board, any 30795  
investment earnings remaining in the project construction fund 30796  
that are attributable to the school district's contribution to the 30797  
fund shall be: 30798

(a) Retained in the project construction fund for future 30799  
projects; 30800

(b) Transferred to the district's maintenance fund required 30801  
by division (B) of section 3318.05 or section 3318.43 of the 30802  
Revised Code, and the money so transferred shall be used solely 30803  
for maintaining the classroom facilities included in the project; 30804

(c) Transferred to the district's permanent improvement fund. 30805

(2) Any investment earnings remaining in the project 30806  
construction fund that are attributable to the state's 30807  
contribution to the fund shall be transferred to the commission 30808  
for expenditure pursuant to sections 3318.01 to 3318.20 or 30809  
sections 3318.40 to 3318.45 of the Revised Code. 30810

(3) Any other surplus remaining in the school district's 30811  
project construction fund shall be transferred to the commission 30812  
and the school district board in proportion to their respective 30813  
contributions to the fund. The commission shall use the money 30814  
transferred to it under this division for expenditure pursuant to 30815  
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 30816  
Revised Code. 30817

(D) Pursuant to appropriations of the general assembly, any 30818  
moneys transferred to the commission under division (C)(2) or (3) 30819

of this section from a project construction fund for a project 30820  
under sections 3318.40 to 3318.45 of the Revised Code may be used 30821  
for future expenditures for projects under sections 3318.40 to 30822  
3318.45 of the Revised Code, notwithstanding the two per cent 30823  
annual limit specified in division (B) of section 3318.40 of the 30824  
Revised Code. 30825

**Sec. 3318.121.** As used in this section, "big-eight school 30826  
district" has the same meaning as in section 3314.02 of the 30827  
Revised Code. 30828

Notwithstanding any provision to the contrary in section 30829  
3318.12 or Chapter 5705. of the Revised Code, a big-eight school 30830  
district receiving assistance for a project under this chapter, 30831  
that has opted with the approval of the Ohio ~~school~~ facilities 30832  
construction commission to divide the project into discrete 30833  
segments to be completed sequentially, or otherwise, may, with the 30834  
approval of the commission or the commission's designated 30835  
representative, and pursuant to a resolution adopted by the school 30836  
district board, transfer to a special construction fund investment 30837  
earnings credited to the project construction fund that are 30838  
attributable to the district's contribution to that fund, if the 30839  
school district board and the commission, or its designated 30840  
representative, determine that the unspent amount of the 30841  
district's contribution to the project construction fund, 30842  
including any investment earnings on that contribution that are 30843  
not to be transferred to the special construction fund, together 30844  
with the principal amount of any additional securities authorized 30845  
by the voters of the district to be issued to pay the local share 30846  
of the basic project cost of the entire project that have not yet 30847  
been issued by the district, are projected at the time of the 30848  
transfer to be not less than one hundred ten per cent of the 30849  
amount required to provide for the entire remaining local share of 30850  
the basic project cost because of reductions in the scope and 30851

estimated cost of the project that have been incorporated in the 30852  
district's approved master facilities plan. The money in that 30853  
special construction fund, including investment earnings 30854  
attributable to money in that fund, shall be used by the district 30855  
solely to pay costs of classroom facilities (A) in later segments 30856  
of the project that are consistent with the specifications for 30857  
plans and materials for classroom facilities adopted by the 30858  
commission and those specifications used by the district for 30859  
classroom facilities included in one or more prior segments, but 30860  
which would cause the cost of the facilities in one or more later 30861  
segments to be in excess of the approved budgeted basic project 30862  
cost for the segment to be shared by the state and the district in 30863  
proportion to the state's and the school district's respective 30864  
shares of the basic project cost as determined under section 30865  
3318.032 of the Revised Code, or (B) that were included in the 30866  
master facilities plan prior to the reduction in scope. All 30867  
investment earnings on a district's special construction fund 30868  
shall be credited to the fund. After the entire project has been 30869  
completed, any investment earnings remaining in the special 30870  
construction fund shall be transferred to the district's 30871  
maintenance fund required by division (B) of section 3318.05 of 30872  
the Revised Code, and used solely for maintaining the classroom 30873  
facilities included in the project. 30874

**Sec. 3318.13.** Notwithstanding any provision of sections 30875  
5705.27 to 5705.50 of the Revised Code, the tax to be levied on 30876  
all taxable property within a school district for the purpose of 30877  
paying the cost of maintaining the classroom facilities included 30878  
in the project under the agreement provided in section 3318.08 of 30879  
the Revised Code or the supplemental agreement provided in section 30880  
3318.081 of the Revised Code shall be included in the budget of 30881  
the school district for each year upon the certification to the 30882  
county budget commission or commissions of the county or counties 30883

in which said school district is located, by the Ohio ~~school~~ 30884  
facilities construction commission of the balance due the state 30885  
under said agreement or supplemental agreement. Such certification 30886  
shall be made on or before the fifteenth day of July in each year. 30887  
Thereafter, the respective county budget commissions shall treat 30888  
such certification as an additional item on the tax budget for the 30889  
school district as to which such certification has been made and 30890  
shall provide for the levy therefor in the manner provided in 30891  
sections 5705.27 to 5705.50 of the Revised Code for tax levies 30892  
included directly in the budgets of the subdivisions. 30893

The levy of taxes shall be included in the next annual tax 30894  
budget that is certified to the county budget commission after the 30895  
execution of the agreement for the project. 30896

**Sec. 3318.15.** There is hereby created the public school 30897  
building fund within the state treasury consisting of any moneys 30898  
transferred or appropriated to the fund by the general assembly, 30899  
moneys paid into or transferred in accordance with section 3318.47 30900  
of the Revised Code, and any grants, gifts, or contributions 30901  
received by the Ohio ~~school~~ facilities construction commission to 30902  
be used for the purposes of the fund. All investment earnings of 30903  
the fund shall be credited to the fund. 30904

Moneys transferred or appropriated to the fund by the general 30905  
assembly and moneys in the fund from grants, gifts, and 30906  
contributions shall be used for the purposes of Chapter 3318. of 30907  
the Revised Code as prescribed by the general assembly. 30908

**Sec. 3318.16.** The Ohio ~~school~~ facilities construction 30909  
commission shall have an interest in real property purchased with 30910  
moneys in the school district's project construction fund. 30911

Once obligations issued to finance a project under section 30912  
3318.26 of the Revised Code are no longer outstanding, any 30913

interest held by the commission shall be transferred to the school district. 30914  
30915

**Sec. 3318.18.** (A) As used in this section: 30916

(1) "Valuation" of a school district means the sum of the 30917  
amounts described in divisions (A)(1) and (2) of section 3317.021 30918  
of the Revised Code as most recently certified for the district 30919  
before the annual computation is made under division (B) of this 30920  
section. 30921

(2) "Valuation per pupil" of a school district means the 30922  
district's valuation divided by the district's formula ADM as most 30923  
recently calculated under section 3317.03 of the Revised Code 30924  
before the annual computation is made under division (B) of this 30925  
section. 30926

(3) "Statewide average valuation per pupil" means the total 30927  
of the valuations of all school districts divided by the total of 30928  
the formula ADMs of all school districts as most recently 30929  
calculated under section 3317.03 of the Revised Code before the 30930  
annual computation is made under division (C) of this section. 30931

(4) "Maintenance levy requirement" means the tax required to 30932  
be levied pursuant to division (C)(2)(a) of section 3318.08 and 30933  
division (B) of section 3318.05 of the Revised Code or the 30934  
application of proceeds of another levy to paying the costs of 30935  
maintaining classroom facilities pursuant to division (A)(2) of 30936  
section 3318.052, division (C)(1) or (C)(2)(b) of section 3318.08, 30937  
or division (D)(2) of section 3318.36 of the Revised Code, or a 30938  
combination thereof. 30939

(5) "Project agreement" means an agreement between a school 30940  
district and the Ohio ~~school~~ facilities construction commission 30941  
under section 3318.08 or division (B)(1) of section 3318.36 of the 30942  
Revised Code. 30943

(B) On or before July 1, 2006, the department of education 30944  
shall compute the statewide average valuation per pupil and the 30945  
valuation per pupil of each school district, and provide them to 30946  
the Ohio ~~school~~ facilities construction commission. On or before 30947  
the first day of July each year beginning in 2007, the department 30948  
of education shall compute the statewide average valuation per 30949  
pupil and the valuation per pupil of each school district that has 30950  
not already entered into a project agreement, and provide the 30951  
results of those computations to the commission. 30952

(C)(1) At the time the Ohio ~~school~~ facilities construction 30953  
commission enters into a project agreement with a school district, 30954  
the commission shall compute the difference between the district's 30955  
valuation per pupil and the statewide average valuation per pupil 30956  
as most recently provided to the commission under division (B) of 30957  
this section. If the school district's valuation per pupil is less 30958  
than the average statewide valuation per pupil, the commission 30959  
shall multiply the difference between those amounts by one-half 30960  
mill times the formula ADM of the district as most recently 30961  
reported to the department of education for October under division 30962  
(A) of section 3317.03 of the Revised Code. The commission shall 30963  
certify the resulting product to the department of education, 30964  
along with the date on which the maintenance levy requirement 30965  
terminates as provided in the project agreement between the school 30966  
district board and the commission. 30967

(2) In the case of a school district that entered into a 30968  
project agreement after July 1, 1997, but before July 1, 2006, the 30969  
commission shall make the computation described in division (C)(1) 30970  
of this section on the basis of the district's valuation per pupil 30971  
and the statewide average valuation per pupil computed as of 30972  
September 1, 2006, and the district's formula ADM reported for 30973  
October 2005. 30974

(3) The amount computed for a school district under division 30975

(C)(1) or (2) of this section shall not change for the period 30976  
during which payments are made to the district under division (D) 30977  
of this section. 30978

(4) A computation need not be made under division (C)(1) or 30979  
(2) of this section for a school district that certified a 30980  
resolution to the commission under division (D)(3) of section 30981  
3318.36 of the Revised Code until the district becomes eligible 30982  
for state assistance as provided in that division. 30983

(D) In the fourth quarter of each fiscal year, for each 30984  
school district for which a computation has been made under 30985  
division (C) of this section, the department of education shall 30986  
pay the amount computed to each such school district. Payments 30987  
shall be made to a school district each year until and including 30988  
the tax year in which the district's maintenance levy requirement 30989  
terminates. Payments shall be paid from the half-mill equalization 30990  
fund, subject to appropriation by the general assembly. However, 30991  
the department shall make no payments under this section to any 30992  
district that elects the procedure authorized by section 3318.051 30993  
of the Revised Code. 30994

(E) Payments made to a school district under this section 30995  
shall be credited to the district's classroom facilities 30996  
maintenance fund and shall be used only for the purpose of 30997  
maintaining facilities constructed or renovated under the project 30998  
agreement. 30999

(F) There is hereby created in the state treasury the 31000  
half-mill equalization fund. The fund shall receive transfers 31001  
pursuant to section 5727.85 of the Revised Code. The fund shall be 31002  
used first to make annual payments under division (D) of this 31003  
section. If a balance remains in the fund after such payments are 31004  
made in full for a year, the Ohio ~~school~~ facilities construction 31005  
commission may request the controlling board to transfer a 31006  
reasonable amount from such remaining balance to the public school 31007

building fund created under section 3318.15 of the Revised Code 31008  
for the purposes of this chapter. 31009

All investment earnings arising from investment of money in 31010  
the half-mill equalization fund shall be credited to the fund. 31011

**Sec. 3318.22.** (A) The general assembly finds that many school 31012  
districts are prevented by their size, tax base, or other 31013  
conditions from performing their essential functions as agencies 31014  
of state government to provide adequate classroom facilities and 31015  
issuing securities under Chapter 133. of the Revised Code at 31016  
favorable interest rates or charges. Accordingly, the Ohio ~~school~~ 31017  
facilities construction commission is invested with the powers and 31018  
duties provided in sections 3318.21 to 3318.29 of the Revised Code 31019  
in order to provide deserved assistance and materially contribute 31020  
to the educational revitalization of such school districts and 31021  
result in improving the education and welfare of all the people of 31022  
the state. 31023

(B) Sections 3318.21 to 3318.29 of the Revised Code do not 31024  
authorize the commission or the issuing authority to incur bonded 31025  
indebtedness of the state or any political subdivision of the 31026  
state, or to obligate or pledge moneys raised by taxation for the 31027  
payment of any bonds or notes issued pursuant to sections 3318.21 31028  
to 3318.29 of the Revised Code. 31029

**Sec. 3318.25.** There is hereby created in the state treasury 31030  
the school building program assistance fund. The fund shall 31031  
consist of the proceeds of obligations issued for the purposes of 31032  
such fund pursuant to section 3318.26 of the Revised Code that are 31033  
payable from moneys in the lottery profits education fund created 31034  
in section 3770.06 of the Revised Code or pursuant to section 31035  
151.03 of the Revised Code. All investment earnings of the fund 31036  
shall be credited to the fund. Moneys in the fund shall be used as 31037

directed by the Ohio ~~school~~ facilities construction commission for 31038  
the cost to the state of constructing classroom facilities under 31039  
Chapter 3318. of the Revised Code as prescribed by the general 31040  
assembly. 31041

**Sec. 3318.26.** (A) The provisions of this section apply only 31042  
to obligations issued by the issuing authority prior to December 31043  
1, 1999. 31044

(B) Subject to the limitations provided in section 3318.29 of 31045  
the Revised Code, the issuing authority, upon the certification by 31046  
the Ohio ~~school~~ facilities construction commission to the issuing 31047  
authority of the amount of moneys or additional moneys needed in 31048  
the school building program assistance fund for the purposes of 31049  
sections 3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the 31050  
Revised Code, or needed for capitalized interest, for funding 31051  
reserves, and for paying costs and expenses incurred in connection 31052  
with the issuance, carrying, securing, paying, redeeming, or 31053  
retirement of the obligations or any obligations refunded thereby, 31054  
including payment of costs and expenses relating to letters of 31055  
credit, lines of credit, insurance, put agreements, standby 31056  
purchase agreements, indexing, marketing, remarketing and 31057  
administrative arrangements, interest swap or hedging agreements, 31058  
and any other credit enhancement, liquidity, remarketing, renewal, 31059  
or refunding arrangements, all of which are authorized by this 31060  
section, shall issue obligations of the state under this section 31061  
in the required amount. The proceeds of such obligations, except 31062  
for obligations issued to provide moneys for the school building 31063  
program assistance fund shall be deposited by the treasurer of 31064  
state in special funds, including reserve funds, as provided in 31065  
the bond proceedings. The issuing authority may appoint trustees, 31066  
paying agents, and transfer agents and may retain the services of 31067  
financial advisors and accounting experts and retain or contract 31068  
for the services of marketing, remarketing, indexing, and 31069

administrative agents, other consultants, and independent 31070  
contractors, including printing services, as are necessary in the 31071  
issuing authority's judgment to carry out this section. The costs 31072  
of such services are payable from the school building program 31073  
assistance fund or any special fund determined by the issuing 31074  
authority. 31075

(C) The holders or owners of such obligations shall have no 31076  
right to have moneys raised by taxation obligated or pledged, and 31077  
moneys raised by taxation shall not be obligated or pledged, for 31078  
the payment of bond service charges. Such holders or owners shall 31079  
have no rights to payment of bond service charges from any money 31080  
or property received by the commission, treasurer of state, or the 31081  
state, or from any other use of the proceeds of the sale of the 31082  
obligations, and no such moneys may be used for the payment of 31083  
bond service charges, except for accrued interest, capitalized 31084  
interest, and reserves funded from proceeds received upon the sale 31085  
of the obligations and except as otherwise expressly provided in 31086  
the applicable bond proceedings pursuant to written directions by 31087  
the treasurer of state. The right of such holders and owners to 31088  
payment of bond service charges shall be limited to all or that 31089  
portion of the pledged receipts and those special funds pledged 31090  
thereto pursuant to the bond proceedings in accordance with this 31091  
section, and each such obligation shall bear on its face a 31092  
statement to that effect. 31093

(D) Obligations shall be authorized by resolution or order of 31094  
the issuing authority and the bond proceedings shall provide for 31095  
the purpose thereof and the principal amount or amounts, and shall 31096  
provide for or authorize the manner or agency for determining the 31097  
principal maturity or maturities, not exceeding the limits 31098  
specified in section 3318.29 of the Revised Code, the interest 31099  
rate or rates or the maximum interest rate, the date of the 31100  
obligations and the dates of payment of interest thereon, their 31101

denomination, and the establishment within or without the state of 31102  
a place or places of payment of bond service charges. Sections 31103  
9.98 to 9.983 of the Revised Code are applicable to obligations 31104  
issued under this section, subject to any applicable limitation 31105  
under section 3318.29 of the Revised Code. The purpose of such 31106  
obligations may be stated in the bond proceedings in terms 31107  
describing the general purpose or purposes to be served. The bond 31108  
proceedings shall also provide, subject to the provisions of any 31109  
other applicable bond proceedings, for the pledge of all, or such 31110  
part as the issuing authority may determine, of the pledged 31111  
receipts and the applicable special fund or funds to the payment 31112  
of bond service charges, which pledges may be made either prior or 31113  
subordinate to other expenses, claims, or payments, and may be 31114  
made to secure the obligations on a parity with obligations 31115  
theretofore or thereafter issued, if and to the extent provided in 31116  
the bond proceedings. The pledged receipts and special funds so 31117  
pledged and thereafter received by the state are immediately 31118  
subject to the lien of such pledge without any physical delivery 31119  
thereof or further act, and the lien of any such pledges is valid 31120  
and binding against all parties having claims of any kind against 31121  
the state or any governmental agency of the state, irrespective of 31122  
whether such parties have notice thereof, and shall create a 31123  
perfected security interest for all purposes of Chapter 1309. of 31124  
the Revised Code, without the necessity for separation or delivery 31125  
of funds or for the filing or recording of the bond proceedings by 31126  
which such pledge is created or any certificate, statement or 31127  
other document with respect thereto; and the pledge of such 31128  
pledged receipts and special funds is effective and the money 31129  
therefrom and thereof may be applied to the purposes for which 31130  
pledged without necessity for any act of appropriation, except as 31131  
required by section 3770.06 of the Revised Code. Every pledge, and 31132  
every covenant and agreement made with respect thereto, made in 31133  
the bond proceedings may therein be extended to the benefit of the 31134

owners and holders of obligations authorized by this section, and 31135  
to any trustee therefor, for the further security of the payment 31136  
of the bond service charges. 31137

(E) The bond proceedings may contain additional provisions as 31138  
to: 31139

(1) The redemption of obligations prior to maturity at the 31140  
option of the issuing authority at such price or prices and under 31141  
such terms and conditions as are provided in the bond proceedings; 31142

(2) Other terms of the obligations; 31143

(3) Limitations on the issuance of additional obligations; 31144

(4) The terms of any trust agreement or indenture securing 31145  
the obligations or under which the same may be issued; 31146

(5) The deposit, investment and application of special funds, 31147  
and the safeguarding of moneys on hand or on deposit, without 31148  
regard to Chapter 131., 133., or 135. of the Revised Code, but 31149  
subject to any special provisions of sections 3318.21 to 3318.29 31150  
of the Revised Code, with respect to particular funds or moneys, 31151  
provided that any bank or trust company that acts as depository of 31152  
any moneys in the special funds may furnish such indemnifying 31153  
bonds or may pledge such securities as required by the issuing 31154  
authority; 31155

(6) Any or every provision of the bond proceedings being 31156  
binding upon such officer, board, commission, authority, agency, 31157  
department, or other person or body as may from time to time have 31158  
the authority under law to take such actions as may be necessary 31159  
to perform all or any part of the duty required by such provision; 31160

(7) Any provision that may be made in a trust agreement or 31161  
indenture; 31162

(8) The lease or sublease of any interest of the school 31163  
district or the state in one or more projects as defined in 31164

division (C) of section 3318.01 of the Revised Code, or in one or 31165  
more permanent improvements, to or from the issuing authority, as 31166  
provided in one or more lease or sublease agreements between the 31167  
school or the state and the issuing authority; 31168

(9) Any other or additional agreements with the holders of 31169  
the obligations, or the trustee therefor, relating to the 31170  
obligations or the security therefor. 31171

(F) The obligations may have the great seal of the state or a 31172  
facsimile thereof affixed thereto or printed thereon. The 31173  
obligations and any coupons pertaining to obligations shall be 31174  
signed or bear the facsimile signature of the issuing authority. 31175  
Any obligations or coupons may be executed by the person who, on 31176  
the date of execution, is the proper issuing authority although on 31177  
the date of such bonds or coupons such person was not the issuing 31178  
authority. In case the issuing authority whose signature or a 31179  
facsimile of whose signature appears on any such obligation or 31180  
coupon ceases to be the issuing authority before delivery thereof, 31181  
such signature or facsimile is nevertheless valid and sufficient 31182  
for all purposes as if the issuing authority had remained the 31183  
issuing authority until such delivery; and in case the seal to be 31184  
affixed to obligations has been changed after a facsimile of the 31185  
seal has been imprinted on such obligations, such facsimile seal 31186  
shall continue to be sufficient as to such obligations and 31187  
obligations issued in substitution or exchange therefor. 31188

(G) All obligations are negotiable instruments and securities 31189  
under Chapter 1308. of the Revised Code, subject to the provisions 31190  
of the bond proceedings as to registration. The obligations may be 31191  
issued in coupon or in registered form, or both, as the issuing 31192  
authority determines. Provision may be made for the registration 31193  
of any obligations with coupons attached thereto as to principal 31194  
alone or as to both principal and interest, their exchange for 31195  
obligations so registered, and for the conversion or reconversion 31196

into obligations with coupons attached thereto of any obligations 31197  
registered as to both principal and interest, and for reasonable 31198  
charges for such registration, exchange, conversion, and 31199  
reconversion. 31200

(H) Obligations may be sold at public sale or at private 31201  
sale, as determined in the bond proceedings. 31202

(I) Pending preparation of definitive obligations, the 31203  
issuing authority may issue interim receipts or certificates which 31204  
shall be exchanged for such definitive obligations. 31205

(J) In the discretion of the issuing authority, obligations 31206  
may be secured additionally by a trust agreement or indenture 31207  
between the issuing authority and a corporate trustee which may be 31208  
any trust company or bank having a place of business within the 31209  
state. Any such agreement or indenture may contain the resolution 31210  
or order authorizing the issuance of the obligations, any 31211  
provisions that may be contained in any bond proceedings, and 31212  
other provisions that are customary or appropriate in an agreement 31213  
or indenture of such type, including, but not limited to: 31214

(1) Maintenance of each pledge, trust agreement, indenture, 31215  
or other instrument comprising part of the bond proceedings until 31216  
the state has fully paid the bond service charges on the 31217  
obligations secured thereby, or provision therefor has been made; 31218

(2) In the event of default in any payments required to be 31219  
made by the bond proceedings, or any other agreement of the 31220  
issuing authority made as a part of the contract under which the 31221  
obligations were issued, enforcement of such payments or agreement 31222  
by mandamus, the appointment of a receiver, suit in equity, action 31223  
at law, or any combination of the foregoing; 31224

(3) The rights and remedies of the holders of obligations and 31225  
of the trustee, and provisions for protecting and enforcing them, 31226  
including limitations on rights of individual holders of 31227

obligations;	31228
(4) The replacement of any obligations that become mutilated	31229
or are destroyed, lost, or stolen;	31230
(5) Such other provisions as the trustee and the issuing	31231
authority agree upon, including limitations, conditions, or	31232
qualifications relating to any of the foregoing.	31233
(K) Any holder of obligations or a trustee under the bond	31234
proceedings, except to the extent that the holder's or trustee's	31235
rights are restricted by the bond proceedings, may by any suitable	31236
form of legal proceedings, protect and enforce any rights under	31237
the laws of this state or granted by such bond proceedings. Such	31238
rights include the right to compel the performance of all duties	31239
of the issuing authority, the commission, or the director of	31240
budget and management required by sections 3318.21 to 3318.29 of	31241
the Revised Code or the bond proceedings; to enjoin unlawful	31242
activities; and in the event of default with respect to the	31243
payment of any bond service charges on any obligations or in the	31244
performance of any covenant or agreement on the part of the	31245
issuing authority, the commission, or the director of budget and	31246
management in the bond proceedings, to apply to a court having	31247
jurisdiction of the cause to appoint a receiver to receive and	31248
administer the pledged receipts and special funds, other than	31249
those in the custody of the treasurer of state or the commission,	31250
which are pledged to the payment of the bond service charges on	31251
such obligations or which are the subject of the covenant or	31252
agreement, with full power to pay, and to provide for payment of	31253
bond service charges on, such obligations, and with such powers,	31254
subject to the direction of the court, as are accorded receivers	31255
in general equity cases, excluding any power to pledge additional	31256
revenues or receipts or other income or moneys of the issuing	31257
authority or the state or governmental agencies of the state to	31258
the payment of such principal and interest and excluding the power	31259

to take possession of, mortgage, or cause the sale or otherwise 31260  
dispose of any permanent improvement. 31261

Each duty of the issuing authority and the issuing 31262  
authority's officers and employees, and of each governmental 31263  
agency and its officers, members, or employees, undertaken 31264  
pursuant to the bond proceedings or any agreement or loan made 31265  
under authority of sections 3318.21 to 3318.29 of the Revised 31266  
Code, and in every agreement by or with the issuing authority, is 31267  
hereby established as a duty of the issuing authority, and of each 31268  
such officer, member, or employee having authority to perform such 31269  
duty, specifically enjoined by the law resulting from an office, 31270  
trust, or station within the meaning of section 2731.01 of the 31271  
Revised Code. 31272

The person who is at the time the issuing authority, or the 31273  
issuing authority's officers or employees, are not liable in their 31274  
personal capacities on any obligations issued by the issuing 31275  
authority or any agreements of or with the issuing authority. 31276

(L) Obligations issued under this section are lawful 31277  
investments for banks, societies for savings, savings and loan 31278  
associations, deposit guarantee associations, trust companies, 31279  
trustees, fiduciaries, insurance companies, including domestic for 31280  
life and domestic not for life, trustees or other officers having 31281  
charge of sinking and bond retirement or other special funds of 31282  
political subdivisions and taxing districts of this state, the 31283  
commissioners of the sinking fund of the state, the administrator 31284  
of workers' compensation, the state teachers retirement system, 31285  
the public employees retirement system, the school employees 31286  
retirement system, and the Ohio police and fire pension fund, 31287  
notwithstanding any other provisions of the Revised Code or rules 31288  
adopted pursuant thereto by any governmental agency of the state 31289  
with respect to investments by them, and also are acceptable as 31290  
security for the deposit of public moneys. 31291

(M) Unless otherwise provided in any applicable bond 31292  
proceedings, moneys to the credit of or in the special funds 31293  
established by or pursuant to this section may be invested by or 31294  
on behalf of the issuing authority only in notes, bonds, or other 31295  
obligations of the United States, or of any agency or 31296  
instrumentality of the United States, obligations guaranteed as to 31297  
principal and interest by the United States, obligations of this 31298  
state or any political subdivision of this state, and certificates 31299  
of deposit of any national bank located in this state and any 31300  
bank, as defined in section 1101.01 of the Revised Code, subject 31301  
to inspection by the superintendent of financial institutions. If 31302  
the law or the instrument creating a trust pursuant to division 31303  
(J) of this section expressly permits investment in direct 31304  
obligations of the United States or an agency of the United 31305  
States, unless expressly prohibited by the instrument, such moneys 31306  
also may be invested in no front end load money market mutual 31307  
funds consisting exclusively of obligations of the United States 31308  
or an agency of the United States and in repurchase agreements, 31309  
including those issued by the fiduciary itself, secured by 31310  
obligations of the United States or an agency of the United 31311  
States; and in collective investment funds established in 31312  
accordance with section 1111.14 of the Revised Code and consisting 31313  
exclusively of any such securities, notwithstanding division 31314  
(B)(1)(c) of that section. The income from such investments shall 31315  
be credited to such funds as the issuing authority determines, and 31316  
such investments may be sold at such times as the issuing 31317  
authority determines or authorizes. 31318

(N) Provision may be made in the applicable bond proceedings 31319  
for the establishment of separate accounts in the bond service 31320  
fund and for the application of such accounts only to the 31321  
specified bond service charges on obligations pertinent to such 31322  
accounts and bond service fund and for other accounts therein 31323  
within the general purposes of such fund. Unless otherwise 31324

provided in any applicable bond proceedings, moneys to the credit 31325  
of or in the several special funds established pursuant to this 31326  
section shall be disbursed on the order of the treasurer of state, 31327  
provided that no such order is required for the payment from the 31328  
bond service fund when due of bond service charges on obligations. 31329

(O) The issuing authority may pledge all, or such portion as 31330  
the issuing authority determines, of the pledged receipts to the 31331  
payment of bond service charges on obligations issued under this 31332  
section, and for the establishment and maintenance of any 31333  
reserves, as provided in the bond proceedings, and make other 31334  
provisions therein with respect to pledged receipts as authorized 31335  
by this chapter, which provisions shall be controlling 31336  
notwithstanding any other provisions of law pertaining thereto. 31337

(P) The issuing authority may covenant in the bond 31338  
proceedings, and any such covenants shall be controlling 31339  
notwithstanding any other provision of law, that the state and 31340  
applicable officers and governmental agencies of the state, 31341  
including the general assembly, so long as any obligations are 31342  
outstanding, shall: 31343

(1) Maintain statutory authority for and cause to be operated 31344  
the state lottery, including the transfers to and from the lottery 31345  
profits education fund created in section 3770.06 of the Revised 31346  
Code so that the pledged receipts shall be sufficient in amount to 31347  
meet bond service charges, and the establishment and maintenance 31348  
of any reserves and other requirements provided for in the bond 31349  
proceedings; 31350

(2) Take or permit no action, by statute or otherwise, that 31351  
would impair the exclusion from gross income for federal income 31352  
tax purposes of the interest on any obligations designated by the 31353  
bond proceeding as tax-exempt obligations. 31354

(Q) There is hereby created the school building program bond 31355

service fund, which shall be in the custody of the treasurer of 31356  
state but shall be separate and apart from and not a part of the 31357  
state treasury. All moneys received by or on account of the 31358  
issuing authority or state agencies and required by the applicable 31359  
bond proceedings, consistent with this section, to be deposited, 31360  
transferred, or credited to the school building program bond 31361  
service fund, and all other moneys transferred or allocated to or 31362  
received for the purposes of the fund, shall be deposited and 31363  
credited to such fund and to any separate accounts therein, 31364  
subject to applicable provisions of the bond proceedings, but 31365  
without necessity for any act of appropriation, except as required 31366  
by section 3770.06 of the Revised Code. During the period 31367  
beginning with the date of the first issuance of obligations and 31368  
continuing during such time as any such obligations are 31369  
outstanding, and so long as moneys in the school building program 31370  
bond service fund are insufficient to pay all bond service charges 31371  
on such obligations becoming due in each year, a sufficient amount 31372  
of the moneys from the lottery profits education fund included in 31373  
pledged receipts, subject to appropriation for such purpose as 31374  
provided in section 3770.06 of the Revised Code, are committed and 31375  
shall be paid to the school building program bond service fund in 31376  
each year for the purpose of paying the bond service charges 31377  
becoming due in that year. The school building program bond 31378  
service fund is a trust fund and is hereby pledged to the payment 31379  
of bond service charges solely on obligations issued to provide 31380  
moneys for the school building program assistance fund to the 31381  
extent provided in the applicable bond proceedings, and payment 31382  
thereof from such fund shall be made or provided for by the 31383  
treasurer of state in accordance with such bond proceedings 31384  
without necessity for any act of appropriation except as required 31385  
by section 3770.06 of the Revised Code. 31386

(R) The obligations, the transfer thereof, and the income 31387  
therefrom, including any profit made on the sale thereof, at all 31388

times shall be free from taxation within the state. 31389

**Sec. 3318.311.** ~~Not later than six months after September 14,~~ 31390  
~~2000,~~ the The Ohio ~~school~~ facilities construction commission shall 31391  
establish design specifications for classroom facilities that are 31392  
appropriate for joint vocational education programs. The 31393  
specifications shall provide standards for appropriate pupil 31394  
instruction space but shall not include standards for any 31395  
vocational education furnishings or equipment that is not 31396  
comparable to, or the vocational education equivalent of, the 31397  
furnishings or equipment for which assistance is available to 31398  
other school districts under sections 3318.01 to 3318.20 of the 31399  
Revised Code. 31400

Beginning September 1, 2003, from time to time the commission 31401  
may amend the specifications as determined necessary by the 31402  
commission; however, any project under sections 3318.40 to 3318.45 31403  
of the Revised Code approved by the commission prior to the most 31404  
recent amendment to the specifications shall not be subject to the 31405  
provisions of such amendment. 31406

**Sec. 3318.351.** (A) As used in this section: 31407

(1) "Classroom facilities" has the same meaning as in section 31408  
3318.01 of the Revised Code. 31409

(2) "Emergency project" means reconstruction or renovation of 31410  
or repair to any classroom facilities made necessary because of 31411  
damage due to an act of God. 31412

(3) "Eligible school district" means any school district in 31413  
the first through one-hundredth percentiles as determined under 31414  
section 3318.011 of the Revised Code. 31415

(B)(1) There is hereby established the school building 31416  
emergency assistance program, under which the Ohio ~~school~~ 31417  
facilities construction commission shall distribute grants to 31418

eligible school districts from moneys specifically appropriated by 31419  
the general assembly for the purposes of this section to assist in 31420  
emergency projects. Any assistance under this section shall be 31421  
used to pay the cost of only the portion of an emergency project 31422  
that is not covered by insurance or other public or private 31423  
emergency assistance received by or payable to the school 31424  
district. Any damage to classroom facilities caused by age of the 31425  
facilities or by lack of timely maintenance to the facilities 31426  
shall not constitute damage that is subject to assistance under 31427  
this section. 31428

(2) The commission shall establish procedures and deadlines 31429  
for eligible school districts to follow in applying for assistance 31430  
under this section. The commission shall consider such 31431  
applications on a case-by-case basis taking into account the 31432  
amount of moneys available under this section. 31433

(3) Every effort shall be made to conform an emergency 31434  
project to design specifications adopted by the commission, 31435  
including minimum capacity requirements adopted under section 31436  
3318.03 of the Revised Code, unless in the judgment of the 31437  
commission it is not possible to conform the project to such 31438  
specifications. 31439

**Sec. 3318.36.** (A)(1) As used in this section: 31440

(a) "Ohio ~~school~~ facilities construction commission," 31441  
"classroom facilities," "school district," "school district 31442  
board," "net bonded indebtedness," "required percentage of the 31443  
basic project costs," "basic project cost," "valuation," and 31444  
"percentile" have the same meanings as in section 3318.01 of the 31445  
Revised Code. 31446

(b) "Required level of indebtedness" means five per cent of 31447  
the school district's valuation for the year preceding the year in 31448  
which the commission and school district enter into an agreement 31449

under division (B) of this section, plus [two one-hundredths of 31450  
one per cent multiplied by (the percentile in which the district 31451  
ranks minus one)]. 31452

(c) "Local resources" means any moneys generated in any 31453  
manner permitted for a school district board to raise the school 31454  
district portion of a project undertaken with assistance under 31455  
sections 3318.01 to 3318.20 of the Revised Code. 31456

(2) For purposes of determining the required level of 31457  
indebtedness, the required percentage of the basic project costs 31458  
under division (C)(1) of this section, and priority for assistance 31459  
under sections 3318.01 to 3318.20 of the Revised Code, the 31460  
percentile ranking of a school district with which the commission 31461  
has entered into an agreement under this section between the first 31462  
day of July and the thirty-first day of August in each fiscal year 31463  
is the percentile ranking calculated for that district for the 31464  
immediately preceding fiscal year, and the percentile ranking of a 31465  
school district with which the commission has entered into such 31466  
agreement between the first day of September and the thirtieth day 31467  
of June in each fiscal year is the percentile ranking calculated 31468  
for that district for the current fiscal year. 31469

(B)(1) There is hereby established the school building 31470  
assistance expedited local partnership program. Under the program, 31471  
the Ohio ~~school~~ facilities construction commission may enter into 31472  
an agreement with the board of any school district under which the 31473  
board may proceed with the new construction or major repairs of a 31474  
part of the district's classroom facilities needs, as determined 31475  
under sections 3318.01 to 3318.20 of the Revised Code, through the 31476  
expenditure of local resources prior to the school district's 31477  
eligibility for state assistance under those sections, and may 31478  
apply that expenditure toward meeting the school district's 31479  
portion of the basic project cost of the total of the district's 31480  
classroom facilities needs, as recalculated under division (E) of 31481

this section, when the district becomes eligible for state 31482  
assistance under sections 3318.01 to 3318.20 or section 3318.364 31483  
of the Revised Code. Any school district that is reasonably 31484  
expected to receive assistance under sections 3318.01 to 3318.20 31485  
of the Revised Code within two fiscal years from the date the 31486  
school district adopts its resolution under division (B) of this 31487  
section shall not be eligible to participate in the program 31488  
established under this section. 31489

(2) To participate in the program, a school district board 31490  
shall first adopt a resolution certifying to the commission the 31491  
board's intent to participate in the program. 31492

The resolution shall specify the approximate date that the 31493  
board intends to seek elector approval of any bond or tax measures 31494  
or to apply other local resources to use to pay the cost of 31495  
classroom facilities to be constructed under this section. The 31496  
resolution may specify the application of local resources or 31497  
elector-approved bond or tax measures after the resolution is 31498  
adopted by the board, and in such case the board may proceed with 31499  
a discrete portion of its project under this section as soon as 31500  
the commission and the controlling board have approved the basic 31501  
project cost of the district's classroom facilities needs as 31502  
specified in division (D) of this section. The board shall submit 31503  
its resolution to the commission not later than ten days after the 31504  
date the resolution is adopted by the board. 31505

The commission shall not consider any resolution that is 31506  
submitted pursuant to division (B)(2) of this section, as amended 31507  
by this amendment, sooner than September 14, 2000. 31508

(3) For purposes of determining when a district that enters 31509  
into an agreement under this section becomes eligible for 31510  
assistance under sections 3318.01 to 3318.20 of the Revised Code 31511  
or priority for assistance under section 3318.364 of the Revised 31512  
Code, the commission shall use the district's percentile ranking 31513

determined at the time the district entered into the agreement 31514  
under this section, as prescribed by division (A)(2) of this 31515  
section. 31516

(4) Any project under this section shall comply with section 31517  
3318.03 of the Revised Code and with any specifications for plans 31518  
and materials for classroom facilities adopted by the commission 31519  
under section 3318.04 of the Revised Code. 31520

(5) If a school district that enters into an agreement under 31521  
this section has not begun a project applying local resources as 31522  
provided for under that agreement at the time the district is 31523  
notified by the commission that it is eligible to receive state 31524  
assistance under sections 3318.01 to 3318.20 of the Revised Code, 31525  
all assessment and agreement documents entered into under this 31526  
section are void. 31527

(6) Only construction of or repairs to classroom facilities 31528  
that have been approved by the commission and have been therefore 31529  
included as part of a district's basic project cost qualify for 31530  
application of local resources under this section. 31531

(C) Based on the results of on-site visits and assessment, 31532  
the commission shall determine the basic project cost of the 31533  
school district's classroom facilities needs. The commission shall 31534  
determine the school district's portion of such basic project 31535  
cost, which shall be the greater of: 31536

(1) The required percentage of the basic project costs, 31537  
determined based on the school district's percentile ranking; 31538

(2) An amount necessary to raise the school district's net 31539  
bonded indebtedness, as of the fiscal year the commission and the 31540  
school district enter into the agreement under division (B) of 31541  
this section, to within five thousand dollars of the required 31542  
level of indebtedness. 31543

(D)(1) When the commission determines the basic project cost 31544

of the classroom facilities needs of a school district and the 31545  
school district's portion of that basic project cost under 31546  
division (C) of this section, the project shall be conditionally 31547  
approved. Such conditional approval shall be submitted to the 31548  
controlling board for approval thereof. The controlling board 31549  
shall forthwith approve or reject the commission's determination, 31550  
conditional approval, and the amount of the state's portion of the 31551  
basic project cost; however, no state funds shall be encumbered 31552  
under this section. Upon approval by the controlling board, the 31553  
school district board may identify a discrete part of its 31554  
classroom facilities needs, which shall include only new 31555  
construction of or additions or major repairs to a particular 31556  
building, to address with local resources. Upon identifying a part 31557  
of the school district's basic project cost to address with local 31558  
resources, the school district board may allocate any available 31559  
school district moneys to pay the cost of that identified part, 31560  
including the proceeds of an issuance of bonds if approved by the 31561  
electors of the school district. 31562

All local resources utilized under this division shall first 31563  
be deposited in the project construction account required under 31564  
section 3318.08 of the Revised Code. 31565

(2) Unless the school district board exercises its option 31566  
under division (D)(3) of this section, for a school district to 31567  
qualify for participation in the program authorized under this 31568  
section, one of the following conditions shall be satisfied: 31569

(a) The electors of the school district by a majority vote 31570  
shall approve the levy of taxes outside the ten-mill limitation 31571  
for a period of twenty-three years at the rate of not less than 31572  
one-half mill for each dollar of valuation to be used to pay the 31573  
cost of maintaining the classroom facilities included in the basic 31574  
project cost as determined by the commission. The form of the 31575  
ballot to be used to submit the question whether to approve the 31576

tax required under this division to the electors of the school 31577  
district shall be the form for an additional levy of taxes 31578  
prescribed in section 3318.361 of the Revised Code, which may be 31579  
combined in a single ballot question with the questions prescribed 31580  
under section 5705.218 of the Revised Code. 31581

(b) As authorized under division (C) of section 3318.05 of 31582  
the Revised Code, the school district board shall earmark from the 31583  
proceeds of a permanent improvement tax levied under section 31584  
5705.21 of the Revised Code, an amount equivalent to the 31585  
additional tax otherwise required under division (D)(2)(a) of this 31586  
section for the maintenance of the classroom facilities included 31587  
in the basic project cost as determined by the commission. 31588

(c) As authorized under section 3318.051 of the Revised Code, 31589  
the school district board shall, if approved by the commission, 31590  
annually transfer into the maintenance fund required under section 31591  
3318.05 of the Revised Code the amount prescribed in section 31592  
3318.051 of the Revised Code in lieu of the tax otherwise required 31593  
under division (D)(2)(a) of this section for the maintenance of 31594  
the classroom facilities included in the basic project cost as 31595  
determined by the commission. 31596

(d) If the school district board has rescinded the agreement 31597  
to make transfers under section 3318.051 of the Revised Code, as 31598  
provided under division (F) of that section, the electors of the 31599  
school district, in accordance with section 3318.063 of the 31600  
Revised Code, first shall approve the levy of taxes outside the 31601  
ten-mill limitation for the period specified in that section at a 31602  
rate of not less than one-half mill for each dollar of valuation. 31603

(e) The school district board shall apply the proceeds of a 31604  
tax to leverage bonds as authorized under section 3318.052 of the 31605  
Revised Code or dedicate a local donated contribution in the 31606  
manner described in division (B) of section 3318.084 of the 31607  
Revised Code in an amount equivalent to the additional tax 31608

otherwise required under division (D)(2)(a) of this section for 31609  
the maintenance of the classroom facilities included in the basic 31610  
project cost as determined by the commission. 31611

(3) A school district board may opt to delay taking any of 31612  
the actions described in division (D)(2) of this section until the 31613  
school district becomes eligible for state assistance under 31614  
sections 3318.01 to 3318.20 of the Revised Code. In order to 31615  
exercise this option, the board shall certify to the commission a 31616  
resolution indicating the board's intent to do so prior to 31617  
entering into an agreement under division (B) of this section. 31618

(4) If pursuant to division (D)(3) of this section a district 31619  
board opts to delay levying an additional tax until the district 31620  
becomes eligible for state assistance, it shall submit the 31621  
question of levying that tax to the district electors as follows: 31622

(a) In accordance with section 3318.06 of the Revised Code if 31623  
it will also be necessary pursuant to division (E) of this section 31624  
to submit a proposal for approval of a bond issue; 31625

(b) In accordance with section 3318.361 of the Revised Code 31626  
if it is not necessary to also submit a proposal for approval of a 31627  
bond issue pursuant to division (E) of this section. 31628

(5) No state assistance under sections 3318.01 to 3318.20 of 31629  
the Revised Code shall be released until a school district board 31630  
that adopts and certifies a resolution under division (D) of this 31631  
section also demonstrates to the satisfaction of the commission 31632  
compliance with the provisions of division (D)(2) of this section. 31633

Any amount required for maintenance under division (D)(2) of 31634  
this section shall be deposited into a separate fund as specified 31635  
in division (B) of section 3318.05 of the Revised Code. 31636

(E)(1) If the school district becomes eligible for state 31637  
assistance under sections 3318.01 to 3318.20 of the Revised Code 31638  
based on its percentile ranking under division (B)(3) of this 31639

section or is offered assistance under section 3318.364 of the Revised Code, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost recalculated under this division shall include the amount of expenditures made by the school district board under division (D)(1) of this section. The commission shall then recalculate the school district's portion of the new basic project cost, which shall be the percentage of the original basic project cost assigned to the school district as its portion under division (C) of this section. The commission shall deduct the expenditure of school district moneys made under division (D)(1) of this section from the school district's portion of the basic project cost as recalculated under this division. If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is less than the total amount of such portion as recalculated under this division, the school district board by a majority vote of all of its members shall, if it desires to seek state assistance under sections 3318.01 to 3318.20 of the Revised Code, adopt a resolution as specified in section 3318.06 of the Revised Code to submit to the electors of the school district the question of approval of a bond issue in order to pay any additional amount of school district portion required for state assistance. Any tax levy approved under division (D) of this section satisfies the requirements to levy the additional tax under section 3318.06 of the Revised Code.

(2) If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is more than the total amount of such portion as recalculated under this division, within one year after the school district's portion is recalculated under division (E)(1) of this section the commission may grant to the

school district the difference between the two calculated 31673  
portions, but at no time shall the commission expend any state 31674  
funds on a project in an amount greater than the state's portion 31675  
of the basic project cost as recalculated under this division. 31676

Any reimbursement under this division shall be only for local 31677  
resources the school district has applied toward construction cost 31678  
expenditures for the classroom facilities approved by the 31679  
commission, which shall not include any financing costs associated 31680  
with that construction. 31681

The school district board shall use any moneys reimbursed to 31682  
the district under this division to pay off any debt service the 31683  
district owes for classroom facilities constructed under its 31684  
project under this section before such moneys are applied to any 31685  
other purpose. However, the district board first may deposit 31686  
moneys reimbursed under this division into the district's general 31687  
fund or a permanent improvement fund to replace local resources 31688  
the district withdrew from those funds, as long as, and to the 31689  
extent that, those local resources were used by the district for 31690  
constructing classroom facilities included in the district's basic 31691  
project cost. 31692

**Sec. 3318.362.** This section applies only to a school district 31693  
that participates in the school building assistance expedited 31694  
local partnership program under section 3318.36 of the Revised 31695  
Code. 31696

A school district board that enters into an agreement with 31697  
the Ohio ~~school~~ facilities construction commission under division 31698  
(B) of section 3318.36 of the Revised Code may propose for 31699  
issuance any bonds necessary for its participation in the program 31700  
under section 3318.36 of the Revised Code for any number of years 31701  
not exceeding the term calculated pursuant to section 133.20 of 31702  
the Revised Code. Any moneys received from the state under 31703

division (E)(2) of section 3318.36 of the Revised Code shall be 31704  
applied, as agreed in writing by the school district board and the 31705  
commission, to pay debt service on outstanding bonds or bond 31706  
anticipation notes issued by the school district board for its 31707  
participation in the expedited local partnership program, 31708  
including by placing those moneys in an applicable escrow fund 31709  
under division (D) of section 133.34 of the Revised Code. 31710

**Sec. 3318.363.** (A) This section applies beginning in fiscal 31711  
year 2003 and only to a school district participating in the 31712  
school building assistance expedited local partnership program 31713  
under section 3318.36 of the Revised Code. 31714

(B) If there is a decrease in the tax valuation of a school 31715  
district to which this section applies by ten per cent or greater 31716  
from one tax year to the next due to a decrease in the assessment 31717  
rate of the taxable property of an electric company that owns 31718  
property in the district, as provided for in section 5727.111 of 31719  
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 31720  
General Assembly, the Ohio ~~school~~ facilities construction 31721  
commission shall calculate or recalculate the state and school 31722  
district portions of the basic project cost of the school 31723  
district's project by determining the percentile rank in which the 31724  
district would be located if such ranking were made using the 31725  
adjusted valuation per pupil calculated under division (C) of this 31726  
section rather than the three-year average adjusted valuation per 31727  
pupil, calculated under division (B) of section 3318.011 of the 31728  
Revised Code. For such district, the required percentage of the 31729  
basic project cost used to determine the state and school district 31730  
shares of that cost under division (C) of section 3318.36 of the 31731  
Revised Code shall be based on the percentile rank as calculated 31732  
under this section rather than as otherwise provided in division 31733  
(C)(1) of section 3318.36 of the Revised Code. If the commission 31734  
has determined the state and school district portion of the basic 31735

project cost of such a district's project under section 3318.36 of 31736  
the Revised Code prior to that decrease in tax valuation, the 31737  
commission shall adjust the state and school district shares of 31738  
the basic project cost of such project in accordance with this 31739  
section. 31740

(C)(1) As used in divisions (C) and (D) of this section, 31741  
"total taxable value" and "formula ADM" have the same meanings as 31742  
in section 3317.02 of the Revised Code, and "income factor" has 31743  
the same meaning as in section 3318.011 of the Revised Code. 31744

(2) The adjusted valuation per pupil for a school district to 31745  
which this section applies shall be calculated using the following 31746  
formula: 31747

(The district's total taxable value for the tax year 31748  
preceding the calendar year in which the current fiscal year 31749  
begins / the district's formula ADM for the previous fiscal year) 31750  
- [\$30,000 x (1 - the district's income factor)]. 31751

(D) At the request of the Ohio ~~school~~ facilities construction 31752  
commission, the department of education shall report a district's 31753  
total taxable value for the tax year preceding the calendar year 31754  
in which the current fiscal year begins for any district to which 31755  
this section applies as that information has been certified to the 31756  
department by the tax commissioner pursuant to section 3317.021 of 31757  
the Revised Code. 31758

**Sec. 3318.364.** In any fiscal year, the Ohio ~~school~~ facilities 31759  
construction commission may, at its discretion, provide assistance 31760  
under sections 3318.01 to 3318.20 of the Revised Code to a school 31761  
district that has entered into an expedited local partnership 31762  
agreement under section 3318.36 of the Revised Code before the 31763  
district is otherwise eligible for that assistance based on its 31764  
percentile rank, if the commission determines all of the 31765  
following: 31766

(A) The district has made an expenditure of local resources	31767
under its expedited local partnership agreement on a discrete part	31768
of its district-wide project.	31769
(B) The district is ready to complete its district-wide	31770
project or a segment of the project, in accordance with section	31771
3318.034 of the Revised Code.	31772
(C) The district is in compliance with division (D)(2) of	31773
section 3318.36 of the Revised Code.	31774
(D) Sufficient state funds have been appropriated for	31775
classroom facilities projects for the fiscal year to pay the state	31776
share of the district's project or segment after paying the state	31777
share of projects for all of the following:	31778
(1) Districts that previously had their conditional approval	31779
lapse pursuant to section 3318.05 of the Revised Code;	31780
(2) Districts eligible for assistance under division (B)(2)	31781
of section 3318.04 of the Revised Code;	31782
(3) Districts participating in the exceptional needs school	31783
facilities assistance program under section 3318.37 or 3318.371 of	31784
the Revised Code;	31785
(4) Districts participating in the accelerated urban school	31786
building assistance program under section 3318.38 of the Revised	31787
Code.	31788
Assistance under this section shall be offered to eligible	31789
districts in the order of their percentile rankings at the time	31790
they entered into their expedited local partnership agreements,	31791
from lowest to highest percentile. In the event that more than one	31792
district has the same percentile ranking, those districts shall be	31793
offered assistance in the order of the date they entered into	31794
their expedited local partnership agreements, from earliest to	31795
latest date.	31796

As used in this section, "local resources" and "percentile" 31797  
have the same meanings as in section 3318.36 of the Revised Code. 31798

**Sec. 3318.37.** (A)(1) As used in this section: 31799

(a) "Full maintenance amount" has the same meaning as in 31800  
section 3318.034 of the Revised Code. 31801

(b) A "school district with an exceptional need for immediate 31802  
classroom facilities assistance" means a school district with an 31803  
exceptional need for new facilities in order to protect the health 31804  
and safety of all or a portion of its students. 31805

(2) No school district that participates in the school 31806  
building assistance expedited local partnership program under 31807  
section 3318.36 of the Revised Code shall receive assistance under 31808  
the program established under this section unless the following 31809  
conditions are satisfied: 31810

(a) The district board adopted a resolution certifying its 31811  
intent to participate in the school building assistance expedited 31812  
local partnership program under section 3318.36 of the Revised 31813  
Code prior to September 14, 2000. 31814

(b) The district was selected by the Ohio ~~school~~ facilities 31815  
construction commission for participation in the school building 31816  
assistance expedited local partnership program under section 31817  
3318.36 of the Revised Code in the manner prescribed by the 31818  
commission under that section as it existed prior to September 14, 31819  
2000. 31820

(B)(1) There is hereby established the exceptional needs 31821  
school facilities assistance program. Under the program, the Ohio 31822  
~~school~~ facilities construction commission may set aside from the 31823  
moneys annually appropriated to it for classroom facilities 31824  
assistance projects up to twenty-five per cent for assistance to 31825  
school districts with exceptional needs for immediate classroom 31826

facilities assistance. 31827

(2)(a) After consulting with education and construction 31828  
experts, the commission shall adopt guidelines for identifying 31829  
school districts with an exceptional need for immediate classroom 31830  
facilities assistance. 31831

(b) The guidelines shall include application forms and 31832  
instructions for school districts to use in applying for 31833  
assistance under this section. 31834

(3) The commission shall evaluate the classroom facilities, 31835  
and the need for replacement classroom facilities from the 31836  
applications received under this section. The commission, 31837  
utilizing the guidelines adopted under division (B)(2)(a) of this 31838  
section, shall prioritize the school districts to be assessed. 31839

Notwithstanding section 3318.02 of the Revised Code, the 31840  
commission may conduct on-site evaluation of the school districts 31841  
prioritized under this section and approve and award funds until 31842  
such time as all funds set aside under division (B)(1) of this 31843  
section have been encumbered. However, the commission need not 31844  
conduct the evaluation of facilities if the commission determines 31845  
that a district's assessment conducted under section 3318.36 of 31846  
the Revised Code is sufficient for purposes of this section. 31847

(4) Notwithstanding division (A) of section 3318.05 of the 31848  
Revised Code, the school district's portion of the basic project 31849  
cost under this section shall be the "required percentage of the 31850  
basic project costs," as defined in division (K) of section 31851  
3318.01 of the Revised Code. 31852

(5) Except as otherwise specified in this section, any 31853  
project undertaken with assistance under this section shall comply 31854  
with all provisions of sections 3318.01 to 3318.20 of the Revised 31855  
Code. A school district may receive assistance under sections 31856  
3318.01 to 3318.20 of the Revised Code for the remainder of the 31857

district's classroom facilities needs as assessed under this 31858  
section when the district is eligible for such assistance pursuant 31859  
to section 3318.02 of the Revised Code, but any classroom facility 31860  
constructed with assistance under this section shall not be 31861  
included in a district's project at that time unless the 31862  
commission determines the district has experienced the increased 31863  
enrollment specified in division (B)(1) of section 3318.04 of the 31864  
Revised Code. 31865

(C) No school district shall receive assistance under this 31866  
section for a classroom facility that has been included in the 31867  
discrete part of the district's classroom facilities needs 31868  
identified and addressed in the district's project pursuant to an 31869  
agreement entered into under section 3318.36 of the Revised Code, 31870  
unless the district's entire classroom facilities plan consists of 31871  
only a single building designed to house grades kindergarten 31872  
through twelve. 31873

(D)(1) When undertaking a project under this section, a 31874  
school district may elect to prorate its full maintenance amount 31875  
by setting aside for maintenance the amount calculated under 31876  
division (D)(2) of this section to maintain the classroom 31877  
facilities acquired under the project, if the district will use 31878  
one or more of the alternative methods authorized in sections 31879  
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 31880  
the entire amount calculated under that division. If the district 31881  
so elects, the commission and the district shall include in the 31882  
agreement entered into under section 3318.08 of the Revised Code a 31883  
statement specifying that the district will use the amount 31884  
calculated under that division only to maintain the classroom 31885  
facilities acquired under the project under this section. 31886

(2) The commission shall calculate the amount for a school 31887  
district to maintain the classroom facilities acquired under a 31888  
project under this section as follows: 31889

The full maintenance amount X (the school district's portion of the basic project cost under this section / the school district's portion of the basic project cost for the district's entire classroom facilities needs, as determined jointly by the staff of the commission and the district)

(3) A school district may elect to prorate its full maintenance amount for any number of projects under this section, provided the district will use one or more of the alternative methods authorized in sections 3318.051, 3318.052, and 3318.084 of the Revised Code to generate the entire amount calculated under division (D)(2) of this section to maintain the classroom facilities acquired under each project for which it so elects. If the district cannot use one or more of those alternative methods to generate the entire amount calculated under that division, the district shall levy the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code in an amount necessary to generate the remainder of its full maintenance amount. The commission shall calculate the remainder of the district's full maintenance amount as follows:

The full maintenance amount - the sum of the amounts calculated for the district under division (D)(2) of this section for each of the district's prior projects under this section

(4) In no case shall the sum of the amounts calculated for a school district's maintenance of classroom facilities under divisions (D)(2) and (3) of this section exceed the amount that would have been required for maintenance if the district had elected to meet its entire classroom facilities needs with a project under sections 3318.01 to 3318.20 of the Revised Code and had not undertaken one or more projects under this section.

(5) If a school district commenced a project under this section prior to ~~the effective date of this amendment~~ September

10, 2012, but has not completed that project, and has not levied 31922  
the tax described in division (B) of section 3318.05 of the 31923  
Revised Code or an extension of that tax under section 3318.061 of 31924  
the Revised Code, the district may request approval from the 31925  
commission to prorate its full maintenance amount in accordance 31926  
with divisions (D)(1) to (4) of this section. If the commission 31927  
approves the request, the commission and the district shall amend 31928  
the agreement entered into under section 3318.08 of the Revised 31929  
Code to reflect the change. 31930

**Sec. 3318.371.** The Ohio ~~school~~ facilities construction 31931  
commission may provide assistance under the exceptional needs 31932  
school facilities program established by section 3318.37 of the 31933  
Revised Code to any school district for the purpose of the 31934  
relocation or replacement of classroom facilities required as a 31935  
result of any contamination of air, soil, or water that impacts 31936  
the occupants of the facility. 31937

The commission shall make a determination in accordance with 31938  
guidelines adopted by the commission regarding eligibility and 31939  
funding for projects under this section. The commission may 31940  
contract with an independent environmental consultant to conduct a 31941  
study to assist the commission in making the determination. 31942

If the federal government or other public or private entity 31943  
provides funds for restitution of costs incurred by the state or 31944  
school district in the relocation or replacement of the classroom 31945  
facilities, the school district shall use such funds in excess of 31946  
the school district's share to refund the state for the state's 31947  
contribution to the environmental contamination portion of the 31948  
project. The school district may apply an amount of such 31949  
restitution funds up to an amount equal to the school district's 31950  
portion of the project, as defined by the commission, toward 31951  
paying its portion of that project to reduce the amount of bonds 31952

the school district otherwise must issue to receive state 31953  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 31954

**Sec. 3318.38.** (A) As used in this section, "big-eight school 31955  
district" has the same meaning as in section 3314.02 of the 31956  
Revised Code. 31957

(B) There is hereby established the accelerated urban school 31958  
building assistance program. Under the program, notwithstanding 31959  
section 3318.02 of the Revised Code, any big-eight school district 31960  
that has not been approved to receive assistance under sections 31961  
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may 31962  
beginning on that date apply for approval of and be approved for 31963  
such assistance. Except as otherwise provided in this section, any 31964  
project approved and undertaken pursuant to this section shall 31965  
comply with all provisions of sections 3318.01 to 3318.20 of the 31966  
Revised Code. 31967

The Ohio ~~school~~ facilities construction commission shall 31968  
provide assistance to any big-eight school district eligible for 31969  
assistance under this section in the following manner: 31970

(1) Notwithstanding section 3318.02 of the Revised Code: 31971

(a) Not later than June 30, 2002, the commission shall 31972  
conduct an on-site visit and shall assess the classroom facilities 31973  
needs of each big-eight school district eligible for assistance 31974  
under this section; 31975

(b) Beginning July 1, 2002, any big-eight school district 31976  
eligible for assistance under this section may apply to the 31977  
commission for conditional approval of its project as determined 31978  
by the assessment conducted under division (B)(1)(a) of this 31979  
section. The commission may conditionally approve that project and 31980  
submit it to the controlling board for approval pursuant to 31981  
section 3318.04 of the Revised Code. 31982

(2) If the controlling board approves the project of a big-eight school district eligible for assistance under this section, the commission and the school district shall enter into an agreement as prescribed in section 3318.08 of the Revised Code. Any agreement executed pursuant to this division shall include any applicable segmentation provisions as approved by the commission under division (B)(3) of this section.

(3) Notwithstanding any provision to the contrary in sections 3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight school district eligible for assistance under this section may with the approval of the commission opt to divide the project as approved under division (B)(1)(b) of this section into discrete segments to be completed sequentially. Any project divided into segments shall comply with all other provisions of sections 3318.05, 3318.06, and 3318.08 of the Revised Code except as otherwise specified in this division.

If a project is divided into segments under this division:

(a) The school district need raise only the amount equal to its proportionate share, as determined under section 3318.032 of the Revised Code, of each segment at any one time and may seek voter approval of each segment separately;

(b) The state's proportionate share, as determined under section 3318.032 of the Revised Code, of only the segment which has been approved by the school district electors or for which the district has applied a local donated contribution under section 3318.084 of the Revised Code shall be encumbered in accordance with section 3318.11 of the Revised Code. Encumbrance of additional amounts to cover the state's proportionate share of later segments shall be approved separately as they are approved by the school district electors or as the district applies a local donated contribution to the segments under section 3318.084 of the Revised Code.

(c) The school district's maintenance levy requirement, as 32015  
defined in section 3318.18 of the Revised Code, shall run for 32016  
twenty-three years from the date the first segment is undertaken. 32017

(C) In accordance with division (R) of section 3318.08 of the 32018  
Revised Code, the state funds reserved and encumbered and the 32019  
funds provided by the school district to pay the basic project 32020  
cost of any segment of the project under this section, or of the 32021  
entire project if it is not divided into segments, shall be spent 32022  
on the construction and acquisition of the project simultaneously 32023  
in proportion to the state's and the school district's respective 32024  
shares of that basic project cost as determined under section 32025  
3318.032 of the Revised Code. 32026

**Sec. 3318.40.** (A)(1) Sections 3318.40 to 3318.45 of the 32027  
Revised Code apply only to joint vocational school districts. 32028

(2) As used in sections 3318.40 to 3318.45 of the Revised 32029  
Code: 32030

(a) "Ohio ~~school~~ facilities construction commission," 32031  
"classroom facilities," "project," and "basic project cost" have 32032  
the same meanings as in section 3318.01 of the Revised Code. 32033

(b) "Acquisition of classroom facilities" means constructing, 32034  
reconstructing, repairing, or making additions to classroom 32035  
facilities. 32036

(B) There is hereby established the vocational school 32037  
facilities assistance program. Under the program, the Ohio ~~school~~ 32038  
facilities construction commission shall provide assistance to 32039  
joint vocational school districts for the acquisition of classroom 32040  
facilities suitable to the vocational education programs of the 32041  
districts in accordance with sections 3318.40 to 3318.45 of the 32042  
Revised Code. For purposes of the program, beginning July 1, 2003, 32043  
the commission annually may set aside up to two per cent of the 32044

aggregate amount appropriated to it for classroom facilities 32045  
assistance projects in the public school building fund, 32046  
established under section 3318.15 of the Revised Code, and the 32047  
school building program assistance fund, established under section 32048  
3318.25 of the Revised Code. 32049

(C) The commission shall not provide assistance for any 32050  
distinct part of a project under sections 3318.40 to 3318.45 of 32051  
the Revised Code that when completed will be used exclusively for 32052  
an adult education program or exclusively for operation of a 32053  
driver training school for instruction leading to the issuance of 32054  
a commercial driver's license under Chapter 4506. of the Revised 32055  
Code, except for life safety items and basic building components 32056  
necessary for complete and continuous construction or renovation 32057  
of a classroom facility as determined by the commission. 32058

(D) The commission shall not provide assistance under 32059  
sections 3318.40 to 3318.45 of the Revised Code to acquire 32060  
classroom facilities for vocational educational instruction at a 32061  
location under the control of a school district that is a member 32062  
of a joint vocational school district. Any assistance to acquire 32063  
classroom facilities for vocational educational instruction at 32064  
such location shall be provided to the school district that is a 32065  
member of the joint vocational school district through other 32066  
provisions of this chapter when that member school district is 32067  
eligible for assistance under those provisions. 32068

(E) By September 1, 2003, the commission shall assess the 32069  
classroom facilities needs of at least five joint vocational 32070  
school districts, according to the order of priority prescribed in 32071  
division (B) of section 3318.42 of the Revised Code, and based on 32072  
the results of those assessments shall determine the extent to 32073  
which amendments to the specifications adopted under section 32074  
3318.311 of the Revised Code are warranted. The commission, 32075  
thereafter, may amend the specifications as provided in that 32076

section. 32077

(F) After the commission has conducted the assessments 32078  
prescribed in division (E) of this section, the commission shall 32079  
establish, by rule adopted in accordance with section 111.15 of 32080  
the Revised Code, guidelines for the commission to use in deciding 32081  
whether to waive compliance with the design specifications adopted 32082  
under section 3318.311 of the Revised Code when determining the 32083  
number of facilities and the basic project cost of projects as 32084  
prescribed in division (A)(1)(a) of section 3318.41 of the Revised 32085  
Code. The guidelines shall address the following situations: 32086

(1) Under what circumstances, if any, particular classroom 32087  
facilities are adequate to meet the needs of the school district 32088  
even though the facilities do not comply with the specifications 32089  
adopted under section 3318.311 of the Revised Code; 32090

(2) Under what circumstances, if any, particular classroom 32091  
facilities will be renovated or repaired rather than replaced by 32092  
construction of new facilities. 32093

**Sec. 3318.41.** (A)(1) The Ohio ~~school~~ facilities construction 32094  
commission annually shall assess the classroom facilities needs of 32095  
the number of joint vocational school districts that the 32096  
commission reasonably expects to be able to provide assistance to 32097  
in a fiscal year, based on the amount set aside for that fiscal 32098  
year under division (B) of section 3318.40 of the Revised Code and 32099  
the order of priority prescribed in division (B) of section 32100  
3318.42 of the Revised Code, except that in fiscal year 2004 the 32101  
commission shall conduct at least the five assessments prescribed 32102  
in division (E) of section 3318.40 of the Revised Code. 32103

Upon conducting an assessment of the classroom facilities 32104  
needs of a school district, the commission shall make a 32105  
determination of all of the following: 32106

(a) The number of classroom facilities to be included in a project and the basic project cost of acquiring the classroom facilities included in the project. The number of facilities and basic project cost shall be determined in accordance with the specifications adopted under section 3318.311 of the Revised Code except to the extent that compliance with such specifications is waived by the commission pursuant to the rule of the commission adopted under division (F) of section 3318.40 of the Revised Code. 32107  
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(b) The school district's portion of the basic project cost as determined under division (C) of section 3318.42 of the Revised Code; 32115  
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(c) The remaining portion of the basic project cost that shall be supplied by the state; 32118  
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(d) The amount of the state's portion of the basic project cost to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal years from funds set aside under division (B) of section 3318.40 of the Revised Code. 32120  
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(2) Divisions (A), (C), and (D) of section 3318.03 of the Revised Code apply to any project under sections 3318.40 to 3318.45 of the Revised Code. 32125  
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(B)(1) If the commission makes a determination under division (A) of this section in favor of the acquisition of classroom facilities for a project under sections 3318.40 to 3318.45 of the Revised Code, such project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval. The controlling board shall immediately approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and the amount of the state's portion of the basic project cost to be encumbered in the current fiscal year. In the event of approval by 32128  
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the controlling board, the commission shall certify the 32138  
conditional approval to the joint vocational school district board 32139  
of education and shall encumber the approved funds for the current 32140  
fiscal year. 32141

(2) No school district that receives assistance under 32142  
sections 3318.40 to 3318.45 of the Revised Code shall have another 32143  
such project conditionally approved until the expiration of twenty 32144  
years after the school district's prior project was conditionally 32145  
approved, unless the school district board demonstrates to the 32146  
satisfaction of the commission that the school district has 32147  
experienced since conditional approval of its prior project an 32148  
exceptional increase in enrollment or program requirements 32149  
significantly above the school district's design capacity under 32150  
that prior project as determined by rule of the commission. Any 32151  
rule adopted by the commission to implement this division shall be 32152  
tailored to address the classroom facilities needs of joint 32153  
vocational school districts. 32154

(C) In addition to generating the amount of the school 32155  
district's portion of the basic project cost as determined under 32156  
division (C) of section 3318.42 of the Revised Code, in order for 32157  
a school district to receive assistance under sections 3318.40 to 32158  
3318.45 of the Revised Code, the school district board shall set 32159  
aside school district moneys for the maintenance of the classroom 32160  
facilities included in the school district's project in the amount 32161  
and manner prescribed in section 3318.43 of the Revised Code. 32162

(D)(1) The conditional approval for a project certified under 32163  
division (B)(1) of this section shall lapse and the amount 32164  
reserved and encumbered for such project shall be released unless 32165  
both of the following conditions are satisfied: 32166

(a) Within one hundred twenty days following the date of 32167  
certification of the conditional approval to the joint vocational 32168  
school district board, the school district board accepts the 32169

conditional approval and certifies to the commission the school 32170  
district board's plan to generate the school district's portion of 32171  
the basic project cost, as determined under division (C) of 32172  
section 3318.42 of the Revised Code, and to set aside moneys for 32173  
maintenance of the classroom facilities acquired under the 32174  
project, as prescribed in section 3318.43 of the Revised Code. 32175

(b) Within thirteen months following the date of 32176  
certification of the conditional approval to the school district 32177  
board, the electors of the school district vote favorably on any 32178  
ballot measures proposed by the school district board to generate 32179  
the school district's portion of the basic project cost. 32180

(2) If the school district board or electors fail to satisfy 32181  
the conditions prescribed in division (D)(1) of this section and 32182  
the amount reserved and encumbered for the school district's 32183  
project is released, the school district shall be given first 32184  
priority over other joint vocational school districts for project 32185  
funding under sections 3318.40 to 3318.45 of the Revised Code as 32186  
such funds become available, subject to section 3318.054 of the 32187  
Revised Code. 32188

(E) If the conditions prescribed in division (D)(1) of this 32189  
section are satisfied, the commission and the school district 32190  
board shall enter into an agreement as prescribed in section 32191  
3318.08 of the Revised Code and shall proceed with the development 32192  
of plans, cost estimates, designs, drawings, and specifications as 32193  
prescribed in section 3318.091 of the Revised Code. 32194

(F) Costs in excess of those approved by the commission under 32195  
section 3318.091 of the Revised Code shall be payable only as 32196  
provided in sections 3318.042 and 3318.083 of the Revised Code. 32197

(G) Advertisement for bids and the award of contracts for 32198  
construction of any project under sections 3318.40 to 3318.45 of 32199  
the Revised Code shall be conducted in accordance with section 32200

3318.10 of the Revised Code. 32201

(H) In accordance with division (R) of section 3318.08 of the Revised Code, the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of a project under sections 3318.40 to 3318.45 of the Revised Code shall be spent simultaneously in proportion to the state's and the school district's respective portions of that basic project cost. 32202  
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(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised Code apply to projects under sections 3318.40 to 3318.45 of the Revised Code. 32209  
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**Sec. 3318.42.** (A) Not later than the sixty-first day after March 14, 2003, and subsequently not later than the sixty-first day after the first day of each ensuing fiscal year, the department of education shall do all of the following: 32212  
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(1) Calculate the valuation per pupil of each joint vocational school district according to the following formula: 32216  
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The school district's average taxable value divided by the school district's formula ADM calculated under section 3317.03 of the Revised Code for the previous fiscal year. 32218  
32219  
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For purposes of this calculation: 32221

(a) "Average taxable value" means the average of the amounts certified for a school district in the second, third, and fourth preceding tax years under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 32222  
32223  
32224  
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(b) "Formula ADM" has the same meaning as defined in section 3317.02 of the Revised Code. 32226  
32227

(2) Calculate for each school district the three-year average of the valuations per pupil calculated for the school district for the current and two preceding fiscal years; 32228  
32229  
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(3) Rank all joint vocational school districts in order from the school district with the lowest three-year average valuation per pupil to the school district with the highest three-year average valuation per pupil;

(4) Divide the ranking under division (A)(3) of this section into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average valuations per pupil;

(5) Certify the information described in divisions (A)(1) to (4) of this section to the Ohio ~~school~~ facilities construction commission.

(B) The commission annually shall select school districts for assistance under sections 3318.40 to 3318.45 of the Revised Code in the order of the school districts' three-year average valuations per pupil such that the school district with the lowest three-year average valuation per pupil shall be given the highest priority for assistance.

(C) Each joint vocational school district's portion of the basic project cost of the school district's project under sections 3318.40 to 3318.45 of the Revised Code shall be one per cent times the percentile in which the district ranks, except that no school district's portion shall be less than twenty-five per cent or greater than ninety-five per cent of the basic project cost.

**Sec. 3318.43.** Each year for twenty-three successive years after the commencement of a joint vocational school district's project under sections 3318.40 to 3318.45 of the Revised Code, the board of education of that school district shall deposit into a separate maintenance account or into the school district's capital and maintenance fund established under section 3315.18 of the

Revised Code, school district moneys dedicated to maintenance of 32262  
the classroom facilities acquired under sections 3318.40 to 32263  
3318.45 of the Revised Code in an amount equal to one and one-half 32264  
of one per cent of the current insurance value of the classroom 32265  
facilities acquired under the project, which value shall be 32266  
subject to the approval of the Ohio ~~school~~ facilities construction 32267  
commission. 32268

**Sec. 3318.46.** By rule adopted in accordance with section 32269  
111.15 of the Revised Code, the Ohio ~~school~~ facilities 32270  
construction commission shall establish a program whereby the 32271  
board of education of any joint vocational school district may 32272  
enter into an agreement with the commission under which the board 32273  
may proceed with the new construction or major repairs of a part 32274  
of the school district's classroom facilities needs, as determined 32275  
under sections 3318.40 to 3318.45 of the Revised Code, through the 32276  
expenditure of local resources prior to the school district's 32277  
eligibility for state assistance under sections 3318.40 to 3318.45 32278  
of the Revised Code. The program shall be structured in a manner 32279  
similar to the program established under section 3318.36 of the 32280  
Revised Code. The program shall be operational on July 1, 2004. 32281

**Sec. 3318.48.** (A) When all of the following have occurred, a 32282  
project undertaken by a school district pursuant to this chapter 32283  
shall be considered complete and the Ohio ~~school~~ facilities 32284  
construction commission shall issue a certificate of completion to 32285  
the district board of education: 32286

(1) All facilities to be constructed under the project, as 32287  
specified in the project agreement entered into under section 32288  
3318.08 of the Revised Code, have been completed and the board has 32289  
received a permanent certificate of occupancy for each of those 32290  
facilities. 32291

(2) The commission has issued certificates of contract completion on all prime construction contracts entered into by the board under section 3318.10 of the Revised Code.	32292 32293 32294
(3) The commission has completed a final accounting of the district's project construction fund and has determined that all payments from the fund were made in compliance with all policies of the commission.	32295 32296 32297 32298
(4) Any litigation concerning the project has been finally resolved with no chance of appeal.	32299 32300
(5) All construction management services typically provided by the commission to school districts have been delivered and the commission has canceled any remaining encumbrance of funds for those services.	32301 32302 32303 32304
(B) The commission may issue a certificate of completion to a district board prior to all of the conditions described in division (A) of this section being satisfied, if the commission determines that the circumstances preventing the conditions from being satisfied are so minor in nature that the project should be considered complete. When issuing a certificate of completion under this division, the commission may specify any of the following:	32305 32306 32307 32308 32309 32310 32311 32312
(1) Any construction or work that has yet to be completed and the manner in which the board shall oversee its completion, which may include procedures for reporting progress to the commission and for accounting of expenditures;	32313 32314 32315 32316
(2) Terms and conditions for the resolution of any pending litigation;	32317 32318
(3) Any remaining responsibilities of the construction manager regarding the project.	32319 32320
(C) The commission may issue a certificate of completion to a	32321

district board that does not voluntarily participate in the 32322  
process of closing out the district's project, if the construction 32323  
manager for the project verifies that all facilities to be 32324  
constructed under the project, as specified in the project 32325  
agreement entered into under section 3318.08 of the Revised Code, 32326  
have been completed and the commission determines that those 32327  
facilities have been occupied for at least one year. In that case, 32328  
all funds due to the commission under division (C) of section 32329  
3318.12 of the Revised Code shall be returned to the commission 32330  
not later than thirty days after receipt of the certificate of 32331  
completion. If the funds due to the commission have not been 32332  
returned within sixty days after receipt of the certificate of 32333  
completion, the auditor of state shall issue a finding for 32334  
recovery against the school district and shall request legal 32335  
action under section 117.42 of the Revised Code. 32336

(D) Upon issuance of a certificate of completion under this 32337  
section, the commission's ownership of and interest in the 32338  
project, as specified in division (F) of section 3318.08 of the 32339  
Revised Code, shall cease. This cessation shall not alter or 32340  
otherwise affect the state's or commission's interest in the 32341  
project or any limitations on the use of the project as specified 32342  
in the project agreement pursuant to divisions (G), (M), and (N) 32343  
of that section or as specified in section 3318.16 of the Revised 32344  
Code. 32345

**Sec. 3318.49.** (A) The corrective action program is hereby 32346  
established to provide funding for the correction of work, in 32347  
connection with a project funded under sections 3318.01 to 3318.20 32348  
or sections 3318.40 to 3318.45 of the Revised Code, that is found 32349  
after occupancy of the facility to be defective or to have been 32350  
omitted. 32351

(B) The Ohio ~~school~~ facilities construction commission may 32352

provide funding under this section only if the school district 32353  
notifies the executive director of the commission of the defective 32354  
or omitted work within five years after occupancy of the facility 32355  
for which the district seeks the funding. 32356

(C) The commission shall establish procedures and deadlines 32357  
for school districts to follow in applying for assistance under 32358  
this section. The procedures shall include definitions of 32359  
"defective" and "omitted," and shall require that remediation 32360  
efforts focus first on engaging the respective contractors that 32361  
designed and constructed the areas that have design or 32362  
construction-related issues. The commission shall consider 32363  
applications on a case-by-case basis, taking into account the 32364  
amount of money appropriated and available for purposes of this 32365  
section. 32366

(D) The commission may provide funding assistance necessary 32367  
to take corrective measures after evaluating the defective or 32368  
omitted work. 32369

(1) If the work to be corrected or remediated is part of a 32370  
project not yet completed, the commission may amend the project 32371  
agreement to increase the project budget and use corrective action 32372  
funding to provide the state portion of the amendment. If the work 32373  
to be corrected or remediated is part of a completed project and 32374  
funds were retained or transferred pursuant to division (C) of 32375  
section 3318.12 of the Revised Code, the commission may enter into 32376  
a new agreement to address the corrective action. 32377

(2) Whether or not the project is completed, the district 32378  
shall contribute a portion of the cost of the corrective action, 32379  
to be determined in accordance with section 3318.032 of the 32380  
Revised Code or, if the district is a joint vocational school 32381  
district, section 3318.42 of the Revised Code. A district that is 32382  
unable to provide its portion so that remediation can proceed may 32383  
apply to the commission for additional assistance under section 32384

3318.042 of the Revised Code. 32385

(E) The commission shall assess responsibility for the 32386  
defective or omitted work and seek cost recovery from responsible 32387  
parties, if applicable. Any recovery of the expense of remediation 32388  
shall be applied first to the district portion of the cost of the 32389  
corrective action. Any remaining funds shall be applied to the 32390  
state portion and deposited into the school building program 32391  
assistance fund established under section 3318.25 of the Revised 32392  
Code. 32393

**Sec. 3318.50.** (A) As used in this section and in section 32394  
3318.52 of the Revised Code, "classroom facilities" means 32395  
buildings, land, grounds, equipment, and furnishings used by a 32396  
community school in furtherance of its mission and contract 32397  
entered into by the school's governing authority under Chapter 32398  
3314. of the Revised Code. 32399

(B) There is hereby established the community school 32400  
classroom facilities loan guarantee program. Under the program, 32401  
the Ohio ~~school~~ facilities construction commission may guarantee 32402  
for up to fifteen years up to eighty-five per cent of the sum of 32403  
the principal and interest on a loan made to the governing 32404  
authority of a community school established under Chapter 3314. of 32405  
the Revised Code for the sole purpose of assisting the governing 32406  
authority in acquiring, improving, or replacing classroom 32407  
facilities for the community school by lease, purchase, remodeling 32408  
of existing facilities, or any other means including new 32409  
construction. 32410

The commission shall not make any loan guarantee under this 32411  
section unless the commission has determined both that the 32412  
applicant is creditworthy and that the classroom facilities that 32413  
have been acquired, improved, or replaced under the loan meet 32414  
applicable health and safety standards established by law for 32415

school buildings or those facilities that will be acquired, 32416  
improved, or replaced under the loan will meet such standards. 32417

The commission shall not guarantee any loan under this 32418  
section unless the loan is obtained from a financial institution 32419  
regulated by the United States or this state. 32420

(C) At no time shall the commission exceed an aggregate 32421  
liability of ten million dollars to repay loans guaranteed under 32422  
this section. 32423

(D) Any payment made to a lending institution as a result of 32424  
default on a loan guaranteed under this section shall be made from 32425  
moneys in the community school classroom facilities loan guarantee 32426  
fund established under section 3318.52 of the Revised Code. 32427

(E) The commission may assess a fee of up to five hundred 32428  
dollars for each loan guaranteed under this section. 32429

(F) Not later than ninety days after September 5, 2001, the 32430  
commission shall adopt rules that prescribe loan standards and 32431  
procedures consistent with this section that are designed to 32432  
protect the state's interest in any loan guaranteed by this 32433  
section and to ensure that the state has a reasonable chance of 32434  
recovering any payments made by the state in the event of a 32435  
default on any such loan. 32436

**Sec. 3318.60.** (A) As used in this section and section 3318.61 32437  
of the Revised Code: 32438

(1) "Acquisition of classroom facilities" means constructing, 32439  
reconstructing, repairing, or making additions to classroom 32440  
facilities. 32441

(2) "Ohio ~~school~~ facilities construction commission" and 32442  
"classroom facilities" have the same meanings as in section 32443  
3318.01 of the Revised Code. 32444

(B) There is hereby established the college-preparatory 32445

boarding school facilities program. Under the program, the Ohio 32446  
~~school~~ facilities construction commission shall provide assistance 32447  
to the boards of trustees of college-preparatory boarding schools 32448  
established under Chapter 3328. of the Revised Code for the 32449  
acquisition of classroom facilities. 32450

(C) The program shall comply with sections 3318.01 to 3318.20 32451  
of the Revised Code, except as follows: 32452

(1) The commission, in consultation with the board of 32453  
trustees of a college-preparatory boarding school, shall determine 32454  
the basic project cost based on all campus facilities needed for 32455  
the school's programs and operations and shall take into account 32456  
any unique spaces or square footages needed for such facilities 32457  
when calculating the basic project cost. Regardless of the 32458  
inclusion of nonclassroom facilities in the calculation of the 32459  
basic project cost, state funds provided under the program shall 32460  
be used only to pay for the acquisition of classroom facilities 32461  
that do not exceed the construction and design standards 32462  
established by the commission. 32463

(2) To be eligible for assistance under the program, the 32464  
board of trustees of a college-preparatory boarding school shall 32465  
secure at least twenty million dollars of private money to satisfy 32466  
its share of the basic project cost. Funds provided by the board 32467  
may be used for any type of facility. 32468

(3) A college-preparatory boarding school shall not be 32469  
included in the ranking required by section 3318.011 of the 32470  
Revised Code. The commission shall initiate procedures for the 32471  
school's project when the contract required by section 3328.12 of 32472  
the Revised Code has been executed. 32473

(4) No requirement related to the issuance of bonds or 32474  
securities or the levying of taxes by a school district shall 32475  
apply to a college-preparatory boarding school or its board of 32476

trustees. 32477

(5) The agreement entered into by the commission with the 32478  
board of trustees of a college-preparatory boarding school under 32479  
section 3318.08 of the Revised Code shall provide for termination 32480  
of the contract and release of the funds encumbered at the time of 32481  
the project's conditional approval, if the board fails to secure 32482  
the amount specified in division (C)(2) of this section within 32483  
such period after the execution of the agreement as may be fixed 32484  
by the commission. 32485

(D) Within the ninety-day period immediately following ~~the~~ 32486  
~~effective date of this section~~ September 29, 2011, the commission 32487  
shall adopt rules necessary for the implementation and 32488  
administration of the program. 32489

**Sec. 3318.61.** (A) In lieu of participating in the 32490  
college-preparatory boarding school facilities program under 32491  
section 3318.60 of the Revised Code, if the board of trustees of a 32492  
college-preparatory boarding school established under Chapter 32493  
3328. of the Revised Code has leased, purchased, or otherwise 32494  
acquired a site for the school, the board of trustees may request 32495  
approval from the Ohio ~~school~~ facilities construction commission 32496  
for the board of trustees and the commission to enter into an 32497  
agreement with a person or entity for the development of the site, 32498  
under which agreement all of the following shall occur: 32499

(1) The board of trustees will lease the site and any 32500  
facilities located on that site to the person or entity for the 32501  
purpose of enabling the person or entity to provide the campus 32502  
facilities needed for the school's programs and operations by 32503  
constructing new facilities on the site; reconstructing, 32504  
repairing, or making additions to the existing facilities on the 32505  
site; or both. 32506

(2) The person or entity will lease the site and any new or 32507

existing facilities located on that site back to the board of 32508  
trustees for use by the school. 32509

(3) The commission will pay the board of trustees state funds 32510  
for the cost of acquisition of classroom facilities on the site 32511  
and the board of trustees will use those funds to make rent 32512  
payments on the lease provided by the person or entity. As agreed 32513  
to by the commission and the board of trustees, the commission may 32514  
pay the state funds to the board of trustees in periodic 32515  
installments or as one lump sum in an amount equal to the 32516  
outstanding balance on the lease for classroom facilities. 32517

(B) The commission shall approve the request of the board of 32518  
trustees under division (A) of this section only if the following 32519  
conditions are satisfied: 32520

(1) The person or entity that would be party to the agreement 32521  
submits to the board of trustees and the commission a plan for 32522  
developing the site that includes the following: 32523

(a) Provision for installation of site utilities that meet 32524  
the requirements of all applicable laws; 32525

(b) A description of the facilities that will be constructed, 32526  
reconstructed, repaired, or added to and their total square 32527  
footage; 32528

(c) A description of how the facilities will enable the board 32529  
of trustees to provide the educational program described in 32530  
section 3328.22 of the Revised Code; 32531

(d) Provision for securing property and liability insurance 32532  
for the facilities; 32533

(e) A description of how the development of the site will be 32534  
financed by the person or entity; 32535

(f) The length of the lease that the person or entity will 32536  
offer the board of trustees, which shall not exceed forty years, 32537

and the monthly rent that will be owed to the person or entity for 32538  
that lease. 32539

(2) The commission determines that the plan submitted under 32540  
division (B)(1) of this section is satisfactory and will meet the 32541  
needs of the students enrolled in the school and that the 32542  
classroom facilities described in the plan do not exceed the 32543  
construction and design standards established by the commission. 32544

(3) The person or entity that would be party to the agreement 32545  
has demonstrated financial responsibility to the satisfaction of 32546  
the commission. 32547

(4) The commission, in consultation with the board of 32548  
trustees, determines that it is in the best interest of the school 32549  
for the board of trustees and the commission to enter into the 32550  
agreement. 32551

(C) Upon approval of the commission, the board of trustees 32552  
and the commission may enter into an agreement with the person or 32553  
entity for development of the site in accordance with this 32554  
section. The agreement shall include the following: 32555

(1) A requirement that development of the site begin not 32556  
later than eighteen months after the agreement is executed and 32557  
proceed according to a schedule specified in the agreement; 32558

(2) A stipulation that failure of the person or entity 32559  
developing the site to comply with the schedule shall be grounds 32560  
for termination of the agreement; 32561

(3) A provision specifying which party to the agreement owns 32562  
the facilities located on the site if the school closes prior to 32563  
the expiration of the agreement and a provision indicating the 32564  
period of time after the school's closure, if any, during which 32565  
rent payments will continue to be paid to the person or entity 32566  
developing the site. 32567

**Sec. 3318.62.** Any agreement between the Ohio ~~school~~ 32568  
facilities construction commission and the board of trustees of a 32569  
college-preparatory boarding school to provide facilities 32570  
assistance under section 3318.60 or 3318.61 of the Revised Code 32571  
shall include the following stipulations: 32572

(A) If the school ceases its operations, the school's board 32573  
of trustees may permit the classroom facilities to be used for 32574  
only an alternative public purpose, including, but not limited to, 32575  
primary, secondary, vocational, or higher education services. 32576

(B) If the school ceases its operations due to either the 32577  
failure of the school's operator to comply with any of the 32578  
requirements of the contract prescribed under section 3328.12 of 32579  
the Revised Code or the default by the school's board of trustees 32580  
on an underlying leasehold or mortgage agreement, the school's 32581  
board of trustees shall return to the commission the unamortized 32582  
portion of the state funds provided to the board of trustees under 32583  
this chapter, based on a straight-line depreciation over the first 32584  
eighteen years of occupancy. However, if, within twenty-four 32585  
months after the school's cessation from operation, the classroom 32586  
facilities of a college-preparatory boarding school are used for 32587  
an alternative public purpose as prescribed by division (A) of 32588  
this section, no return of funds by the board of trustees under 32589  
this division shall be required. 32590

**Sec. 3318.70.** (A) As used in this section: 32591

(1) "Acquisition of classroom facilities" has the same 32592  
meaning as in section 3318.40 of the Revised Code. 32593

(2) "Classroom facilities" has the same meaning as in section 32594  
3318.01 of the Revised Code. 32595

(3) "STEM school" means a science, technology, engineering, 32596  
and mathematics school established under Chapter 3326. of the 32597

Revised Code that is not governed by a single school district 32598  
board of education, as prescribed by section 3326.51 of the 32599  
Revised Code. 32600

(B) The Ohio ~~school~~ facilities construction commission shall 32601  
establish guidelines for assisting STEM schools in the acquisition 32602  
of classroom facilities. 32603

(C) Upon receipt of a written proposal by the governing body 32604  
of a STEM school, the commission, subject to approval of the 32605  
controlling board, shall provide funding to assist that STEM 32606  
school in the acquisition of classroom facilities. The proposal of 32607  
the governing body shall be submitted in a form and in the manner 32608  
prescribed by the commission. The proposal shall indicate both the 32609  
total amount of funding requested from the commission and the 32610  
amount of other funding pledged for the acquisition of the 32611  
classroom facilities, the latter of which shall not be less than 32612  
the total amount of funding requested from the commission. Once 32613  
the commission determines a proposal meets its established 32614  
guidelines and if the controlling board approves that funding, the 32615  
commission shall enter into an agreement with the governing body 32616  
for the acquisition of the classroom facilities and shall 32617  
encumber, in accordance with section 3318.11 of the Revised Code, 32618  
the approved funding from the amounts appropriated to the 32619  
commission for classroom facilities assistance projects. The 32620  
agreement shall include a stipulation of the ownership of the 32621  
classroom facilities in the event the STEM school permanently 32622  
closes at any time. 32623

(D) In the case of the governing body of a group of STEM 32624  
schools, as prescribed by section 3326.031 of the Revised Code, 32625  
the governing body shall submit a proposal for each school under 32626  
its direction separately, and the commission shall consider each 32627  
proposal separately. 32628

**Sec. 3318.71.** (A) As used in this section: 32629

(1) "Acquisition of classroom facilities" has the same 32630  
meaning as in section 3318.40 of the Revised Code. 32631

(2) "Classroom facilities" has the same meaning as in section 32632  
3318.01 of the Revised Code. 32633

(3) "Qualifying partnership" means a group of city, exempted 32634  
village, or local school districts that are part of a 32635  
career-technical education compact and have entered into an 32636  
agreement for joint or cooperative establishment and operation of 32637  
a science, technology, engineering, and mathematics education 32638  
program under section 3313.842 of the Revised Code. The aggregate 32639  
territory of the school districts composing a qualifying 32640  
partnership shall be located in two adjacent counties, each having 32641  
a population greater than forty thousand, but less than fifty 32642  
thousand, and at least one of which borders another state. 32643

(B) The Ohio ~~school~~ facilities construction commission shall 32644  
establish guidelines for assisting a qualifying partnership in the 32645  
acquisition of classroom facilities to be used for a joint 32646  
science, technology, engineering, and mathematics education 32647  
program. 32648

(C) Upon receipt of a written proposal from a qualifying 32649  
partnership, the commission, subject to approval of the 32650  
controlling board, shall provide funding to assist that qualifying 32651  
partnership in the acquisition of classroom facilities described 32652  
in division (B) of this section. The proposal of the qualifying 32653  
partnership shall be submitted in a form and in the manner 32654  
prescribed by the commission. The proposal shall indicate both the 32655  
total amount of funding requested from the commission and the 32656  
amount of other funding pledged for the acquisition of the 32657  
classroom facilities, the latter of which shall not be less than 32658  
the total amount of funding requested from the commission. Once 32659

the commission determines a proposal meets its established 32660  
guidelines, and if the controlling board approves that funding, 32661  
the commission shall enter into an agreement with the qualifying 32662  
partnership for the acquisition of the classroom facilities and 32663  
shall encumber, in accordance with section 3318.11 of the Revised 32664  
Code, the approved funding from the amounts appropriated to the 32665  
commission for classroom facilities assistance projects. The 32666  
agreement shall include a stipulation of the ownership of the 32667  
classroom facilities in the event the qualifying partnership 32668  
ceases to exist. 32669

(D) A qualifying partnership may levy taxes and issue bonds 32670  
under section 5705.2112 or 5705.2113 of the Revised Code to use 32671  
for all or part of the funding pledged for the acquisition of 32672  
classroom facilities under division (C) of this section. If a 32673  
qualifying partnership chooses to levy taxes or issue bonds for 32674  
this purpose, it shall select one of the districts that is a 32675  
member of the qualifying partnership to be the fiscal agent of the 32676  
qualifying partnership for purposes of those sections. 32677

Sec. 3319.229. (A)(1) Notwithstanding the repeal of former 32678  
section 3319.229 of the Revised Code by this act, the state board 32679  
of education shall accept applications for new, and for renewal 32680  
of, professional career-technical teaching licenses through June 32681  
30, 2018, and issue them on the basis of the applications received 32682  
by that date in accordance with the rules described in that former 32683  
section. Except as otherwise provided in divisions (A)(2) and (3) 32684  
of this section, beginning July 1, 2018, the state board shall 32685  
issue career-technical educator licenses only under this section. 32686

(2) An individual who, on July 1, 2018, holds a professional 32687  
career-technical teaching license issued under the rules described 32688  
in former section 3319.229 of the Revised Code, may continue to 32689  
renew that license in accordance with those rules for the 32690

remainder of the individual's teaching career. However, nothing in 32691  
this division shall be construed to prohibit the individual from 32692  
applying to the state board for a career-technical educator 32693  
license under this section. 32694

(3) An individual who, on July 1, 2018, holds an alternative 32695  
resident educator license for teaching career-technical education 32696  
issued under section 3319.26 of the Revised Code may, upon the 32697  
expiration of the license, apply for a professional 32698  
career-technical teaching license issued under the rules described 32699  
in former section 3319.229 of the Revised Code. Such an individual 32700  
may continue to renew the professional license in accordance with 32701  
those rules for the remainder of the individual's teaching career. 32702  
However, nothing in this division shall be construed to prohibit 32703  
the individual from applying to the state board for a 32704  
career-technical educator license under this section. 32705

(B) The state board, in collaboration with the chancellor of 32706  
higher education, shall adopt rules establishing standards and 32707  
requirements for obtaining a two-year career-technical educator 32708  
level I license and a five-year career-technical educator level II 32709  
license. Each license shall be valid for teaching career-technical 32710  
education or workforce development programs in grades seven 32711  
through twelve. The rules shall require applicants for either 32712  
license to have a high school diploma. 32713

(C)(1) The state board shall issue a career-technical 32714  
educator level I license to an applicant upon request from the 32715  
superintendent of a school district that has agreed to employ the 32716  
applicant. In making the request, the superintendent shall provide 32717  
documentation showing that the applicant has at least five years 32718  
of work experience in the subject area in which the applicant will 32719  
teach. If the applicant will teach any course that is part of a 32720  
program resulting in an industry-recognized credential for 32721  
students completing the program, the superintendent also shall 32722

provide verification that the applicant holds the applicable 32723  
credential. The license shall be valid for teaching only in the 32724  
requesting district. 32725

(2) The holder of a career-technical educator level I 32726  
license, as a condition of continuing to hold the license, shall 32727  
participate in a program offered by an institution of higher 32728  
education that meets all of the following criteria: 32729

(a) Is approved by the chancellor and the department of 32730  
education to provide instruction in teaching methods and 32731  
principles; 32732

(b) Provides classroom support to the license holder; 32733

(c) Includes at least three semester hours of coursework in 32734  
the teaching of reading in the subject area; 32735

(d) Is aligned with career-technical education and workforce 32736  
development competencies developed by the department; 32737

(e) Uses a summative performance-based assessment developed 32738  
by the program and aligned to the competencies described in 32739  
division (C)(2)(d) of this section to evaluate the license 32740  
holder's knowledge and skills. 32741

(3) The state board shall renew a career-technical educator 32742  
level I license if the supervisor of the program described in 32743  
division (C)(2) of this section and the superintendent of the 32744  
employing school district indicate that the applicant is making 32745  
sufficient progress in both the program and the teaching position. 32746

(D) The state board shall issue a career-technical educator 32747  
level II license to an applicant who has successfully completed 32748  
the program described in division (C)(2) of this section, as 32749  
indicated by the supervisor of the program, and who demonstrates 32750  
mastery of the career-technical education and workforce 32751  
development competencies described in division (C)(2)(d) of this 32752

section in the teaching position, as indicated by the 32753  
superintendent of the employing school district. 32754

(E) The holder of a career-technical educator level II 32755  
license shall work with a local professional development committee 32756  
established under section 3319.22 of the Revised Code in meeting 32757  
requirements for renewal of the license. 32758

Sec. 3319.236. Beginning September 1, 2018, the state board 32759  
of education's rules for the renewal of educator licenses shall 32760  
require each applicant for renewal of a license to complete an 32761  
on-site work experience with a local business or chamber of 32762  
commerce as a condition of renewal. Work experience obtained 32763  
pursuant to this section shall count toward any required 32764  
continuing education. Each local professional development 32765  
committee established under section 3319.22 of the Revised Code 32766  
shall work with its teachers to identify local work experience 32767  
opportunities that meet the requirements of this section. 32768

**Sec. 3319.271.** (A) The superintendent of public instruction 32769  
shall appoint three incorporators who are knowledgeable about the 32770  
administration of public schools and about the operation of 32771  
nonprofit corporations in Ohio. 32772

(B) The incorporators shall do whatever is necessary and 32773  
proper to set up a nonprofit corporation under Chapter 1702. of 32774  
the Revised Code. The articles of incorporation, in addition to 32775  
meeting the requirements of section 1702.04 of the Revised Code, 32776  
shall set forth the following provisions: 32777

(1) That the nonprofit corporation is to create and implement 32778  
a pilot program that provides an alternative path for individuals 32779  
to receive training and development in the administration of 32780  
primary and secondary education and leadership, that will enable 32781  
these individuals to earn a degree in public school 32782

administration, that will enable these individuals to obtain 32783  
licenses in public school administration, and that promotes the 32784  
placement of these individuals in public schools that have a 32785  
poverty percentage greater than fifty per cent; 32786

(2) That the board of directors are to establish criteria for 32787  
program costs, participant selection, and continued participation, 32788  
and metrics to document and measure pilot program activities; 32789

(3) That the name of the nonprofit corporation is "bright new 32790  
leaders for Ohio schools;" 32791

(4) That the board of directors is to consist of the 32792  
following ~~eleven~~ eight directors: 32793

~~(a) The governor or the governor's designee;~~ 32794

~~(b) The superintendent of public instruction, or the 32795  
superintendent's designee;~~ 32796

~~(c) The chancellor of higher education, or the chancellor's 32797  
designee;~~ 32798

~~(d)~~ Four individuals to represent major business enterprises 32799  
in Ohio; 32800

~~(e)~~ (b) Two individuals appointed by the speaker of the house 32801  
of representatives, one of whom shall be an active duty or retired 32802  
military officer; 32803

~~(f)~~ (c) Two individuals appointed by the president of the 32804  
senate, one of whom shall be a current or retired teacher or 32805  
principal. 32806

The dean of the Ohio state university fisher college of 32807  
business and the dean of the Ohio state university college of 32808  
education and human ecology are to serve as ex-officio nonvoting 32809  
members of the board. 32810

The individuals on the board who represent major business 32811  
enterprises in Ohio are to be appointed by a statewide 32812

organization selected by the governor. The organization is to be 32813  
nonpartisan and consist of chief executive officers of major 32814  
corporations organized in Ohio. 32815

(5) That the board is to elect a chairperson from among its 32816  
members, and is to appoint a president of the corporation; 32817

(6) That the president of the corporation, subject to the 32818  
approval of the board, is to enter into a contract with the Ohio 32819  
state university fisher college of business. Under the contract, 32820  
the college is to provide oversight to the corporation and is to 32821  
provide the corporation with office space, and with office 32822  
furniture and equipment, as is necessary for the corporation 32823  
successfully to fulfill its duties. 32824

(7) That the overhead expenses of the corporation are not to 32825  
exceed fifteen per cent of the annual budget of the corporation; 32826

(8) That the president is to apply for, and is to receive and 32827  
accept, grants, gifts, bequests, and contributions from private 32828  
sources; 32829

(9) That the corporation is to submit an annual report to the 32830  
general assembly and governor beginning December 31, 2013; 32831

(10) That state financial support for the corporation shall 32832  
cease on June 30, 2018. 32833

**Sec. 3326.01. (A)** As used in this chapter: 32834

(1) "STEM" is an abbreviation of "science, technology, 32835  
engineering, and mathematics." 32836

(2) "STEAM" is an abbreviation of "science, technology, 32837  
engineering, arts, and mathematics." 32838

(B)(1) A science, technology, engineering, arts, and 32839  
mathematics school shall be considered a type of science, 32840  
technology, engineering, and mathematics school. 32841

(2) A STEAM school equivalent shall be considered to be a 32842  
type of STEM school equivalent. 32843

(3) A STEAM program of excellence shall be considered to be a 32844  
type of STEM program of excellence. 32845

(C)(1) Any reference to a STEM school or science, technology, 32846  
engineering, and mathematics school in the Revised Code shall be 32847  
considered to include a STEAM school, unless the context 32848  
specifically indicates a different meaning or intent. All 32849  
provisions of the Revised Code applicable to a STEM school shall 32850  
apply to a STEAM school in the same manner, except as otherwise 32851  
provided in this chapter. 32852

(2) Any reference to a STEM school equivalent in the Revised 32853  
Code shall be considered to include a STEAM school equivalent, 32854  
unless the context specifically indicates a different meaning or 32855  
intent. All provisions of the Revised Code applicable to a STEM 32856  
school equivalent shall apply to a STEAM school equivalent in the 32857  
same manner, except as otherwise provided in this chapter. 32858

(3) Any reference to a STEM program of excellence in the 32859  
Revised Code shall be considered to include a STEAM program of 32860  
excellence, unless the context specifically indicates a different 32861  
meaning or intent. All provisions of the Revised Code applicable 32862  
to a STEM program of excellence shall apply to a STEAM program of 32863  
excellence in the same manner, except as otherwise provided in 32864  
this chapter. 32865

**Sec. 3326.03.** (A) The STEM committee shall authorize the 32866  
establishment of and award grants to science, technology, 32867  
engineering, and mathematics schools based on proposals submitted 32868  
to the committee. 32869

The committee shall determine the criteria for proposals, 32870  
establish procedures for the submission of proposals, accept and 32871

evaluate proposals, and choose which proposals to approve to 32872  
become a STEM school. In approving proposals for STEM schools, the 32873  
committee shall consider locating the schools in diverse 32874  
geographic regions of the state so that all students have access 32875  
to a STEM school. 32876

The committee shall seek technical assistance from the Ohio 32877  
STEM learning network, or its successor, throughout the process of 32878  
accepting and evaluating proposals and choosing which proposals to 32879  
approve. In approving proposals for STEM schools, the committee 32880  
shall consider the recommendations of the Ohio STEM learning 32881  
network, or its successor. 32882

The committee may authorize the establishment of a group of 32883  
multiple STEM schools to operate from multiple facilities located 32884  
in one or more school districts under the direction of a single 32885  
governing body in the manner prescribed by section 3326.031 of the 32886  
Revised Code. The committee shall consider the merits of each of 32887  
the proposed STEM schools within a group and shall authorize each 32888  
school separately. Anytime after authorizing a group of STEM 32889  
schools to be under the direction of a single governing body, upon 32890  
a proposal from the governing body, the committee may authorize 32891  
one or more additional schools to operate as part of that group. 32892

The STEM committee may approve one or more STEM schools to 32893  
serve only students identified as gifted under Chapter 3324. of 32894  
the Revised Code. 32895

(B) Proposals may be submitted only by a partnership of 32896  
public and private entities consisting of at least all of the 32897  
following: 32898

(1) A city, exempted village, local, or joint vocational 32899  
school district or an educational service center; 32900

(2) Higher education entities; 32901

(3) Business organizations. 32902

A community school established under Chapter 3314. of the Revised Code, a chartered nonpublic school, or both may be part of the partnership.

(C) Each proposal shall include at least the following:

(1) Assurances that the STEM school or group of STEM schools will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;

(2) Assurances that each STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the committee;

(3) Evidence that each school will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades kindergarten through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

(b) Incorporates scientific inquiry and technological design;

(c) Includes the arts and humanities. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

(d) Emphasizes personalized learning and teamwork skills.

(4) Evidence that each school will attract school leaders who support the curriculum principles of division (C)(3) of this section;

(5) A description of how each school's curriculum will be

developed and approved in accordance with section 3326.09 of the Revised Code;

(6) Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor;

(7) Evidence that each school will operate in collaboration with a partnership that includes institutions of higher education and businesses~~+~~. If the proposal is for a STEAM school, it also shall include evidence that this partnership will include arts organizations.

(8) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities~~+~~. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.

(9) A description of how each school's assets will be distributed if the school closes for any reason.

(D) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit the revised proposal to the STEM committee for approval.

**Sec. 3326.032.** (A) The STEM committee may grant a designation of STEM school equivalent to a community school established under Chapter 3314. of the Revised Code or to a chartered nonpublic school. In order to be eligible for this designation, a community school or chartered nonpublic school shall submit a proposal that satisfies the requirements of this section.

The committee shall determine the criteria for proposals, 32963  
establish procedures for the submission of proposals, accept and 32964  
evaluate proposals, and choose which proposals warrant a community 32965  
school or chartered nonpublic school to be designated as a STEM 32966  
school equivalent. 32967

(B) A proposal for designation as a STEM school equivalent 32968  
shall include at least the following: 32969

(1) Assurances that the community school or chartered 32970  
nonpublic school submitting the proposal has a working partnership 32971  
with both public and private entities, including higher education 32972  
entities and business organizations~~†~~. If the proposal is for a 32973  
STEAM school equivalent, it also shall include evidence that this 32974  
partnership includes arts organizations. 32975

(2) Assurances that the school submitting the proposal will 32976  
operate in compliance with this section and the provisions of the 32977  
proposal as accepted by the committee; 32978

(3) Evidence that the school submitting the proposal will 32979  
offer a rigorous, diverse, integrated, and project-based 32980  
curriculum to students in any of grades kindergarten through 32981  
twelve, with the goal to prepare those students for college, the 32982  
workforce, and citizenship, and that does all of the following: 32983

(a) Emphasizes the role of science, technology, engineering, 32984  
and mathematics in promoting innovation and economic progress; 32985

(b) Incorporates scientific inquiry and technological design; 32986

(c) Includes the arts and humanities~~†~~. If the proposal is for 32987  
a STEAM school equivalent, it also shall include evidence that the 32988  
curriculum will integrate arts and design into the study of 32989  
science, technology, engineering, and mathematics to foster 32990  
creative thinking, problem-solving, and new approaches to 32991  
scientific invention. 32992

(d) Emphasizes personalized learning and teamwork skills.	32993
(4) Evidence that the school submitting the proposal will attract school leaders who support the curriculum principles of division (B)(3) of this section;	32994 32995 32996
(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;	32997 32998 32999
(6) Evidence that the school submitting the proposal will utilize an established capacity to capture and share knowledge for best practices and innovative professional development;	33000 33001 33002
(7) Assurances that the school submitting the proposal has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. <u>If the proposal is for a STEAM school equivalent, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.</u>	33003 33004 33005 33006 33007 33008 33009
(C)(1) A community school or chartered nonpublic school that is designated as a STEM school equivalent under this section shall not be subject to the requirements of Chapter 3326. of the Revised Code, except that the school shall be subject to the requirements of this section and to the curriculum requirements of section 3326.09 of the Revised Code.	33010 33011 33012 33013 33014 33015
Nothing in this section, however, shall relieve a community school of the applicable requirements of Chapter 3314. of the Revised Code. Nor shall anything in this section relieve a chartered nonpublic school of any provisions of law outside of this chapter that are applicable to chartered nonpublic schools.	33016 33017 33018 33019 33020
(2) A community school or chartered nonpublic school that is designated as a STEM school equivalent under this section shall not be eligible for operating funding under sections 3326.31 to	33021 33022 33023

3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised Code. 33024

(3) A community school or chartered nonpublic school that is 33025  
designated as a STEM school equivalent under this section may 33026  
apply for any of the grants and additional funds described in 33027  
section 3326.38 of the Revised Code for which the school is 33028  
eligible. 33029

(D) If a community school or chartered nonpublic school that 33030  
is designated as a STEM school equivalent under this section 33031  
intends to close or intends to no longer be designated as a STEM 33032  
school equivalent, it shall notify the STEM committee of that 33033  
fact. 33034

(E) If a community school or chartered nonpublic school that 33035  
is designated as a STEM school equivalent wishes to be designated 33036  
as a STEAM school equivalent, it may change its existing proposal 33037  
to include the items required under divisions (B)(1), (B)(3)(c), 33038  
and (B)(7) of this section and submit the revised proposal to the 33039  
STEM committee for approval. 33040

**Sec. 3326.04.** (A) The STEM committee shall award grants to 33041  
support the operation of STEM programs of excellence to serve 33042  
students in any of grades kindergarten through ~~eight~~ twelve 33043  
through a request for proposals. 33044

(B) Proposals may be submitted by any of the following: 33045

(1) The board of education of a city, exempted village, or 33046  
local school district; 33047

(2) The governing authority of a community school established 33048  
under Chapter 3314. of the Revised Code; 33049

(3) The governing authority of a chartered nonpublic school. 33050

(C) Each proposal shall demonstrate to the satisfaction of 33051  
the STEM committee that the program meets at least the following 33052  
standards: 33053

(1) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will serve all students enrolled in the district or school in the grades for which the program is designed.

(2) The program will offer a rigorous and diverse curriculum that is based on scientific inquiry and technological design, that emphasizes personalized learning and teamwork skills, and that will expose students to advanced scientific concepts within and outside the classroom. If the proposal is for a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the curriculum to foster creative thinking, problem-solving, and new approaches to scientific invention.

(3) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.

(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.

(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.

(6) The program will include teacher professional development strategies that are augmented by community and business partners.

(D) The STEM committee shall give priority to proposals for new or expanding innovative programs.

(E) If a STEM program of excellence wishes to become a STEAM program of excellence, it may change its existing proposal to

include the items required under divisions (C)(2) and (C)(5) of 33085  
this section and submit the revised proposal to the STEM committee 33086  
for approval. 33087

**Sec. 3326.09.** Subject to approval by its governing body or 33088  
governing authority, the curriculum of each science, technology, 33089  
engineering, and mathematics school and of each community school 33090  
or chartered nonpublic school that is designated as a STEM school 33091  
equivalent under section 3326.032 of the Revised Code shall be 33092  
developed by a team that consists of at least the school's chief 33093  
administrative officer, a teacher, a representative of the higher 33094  
education institution that is a collaborating partner in the STEM 33095  
school or school designated as a STEM school equivalent, and a 33096  
member of the public with expertise in the application of science, 33097  
technology, engineering, or mathematics. In the case of a STEAM 33098  
school or a STEAM school equivalent, the team also shall include 33099  
an expert in the integration of arts and design into the STEM 33100  
fields. 33101

**Sec. 3326.11.** Each science, technology, engineering, and 33102  
mathematics school established under this chapter and its 33103  
governing body shall comply with sections 9.90, 9.91, 109.65, 33104  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 33105  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 33106  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 33107  
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 33108  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 33109  
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 33110  
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 33111  
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 33112  
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 33113  
3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 33114  
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 33115

3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 33116  
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 33117  
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 33118  
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 33119  
Revised Code as if it were a school district. 33120

**Sec. 3326.33.** For each student enrolled in a science, 33121  
technology, engineering, and mathematics school established under 33122  
this chapter, on a full-time equivalency basis, the department of 33123  
education annually shall deduct from the state education aid of a 33124  
student's resident school district and, if necessary, from the 33125  
payment made to the district under sections 321.24 and 323.156 of 33126  
the Revised Code and pay to the school the sum of the following: 33127

(A) An opportunity grant in an amount equal to the formula 33128  
amount; 33129

(B) The per pupil amount of targeted assistance funds 33130  
calculated under division (A) of section 3317.0217 of the Revised 33131  
Code for the student's resident district, as determined by the 33132  
department, X 0.25; 33133

(C) Additional state aid for special education and related 33134  
services provided under Chapter 3323. of the Revised Code as 33135  
follows: 33136

(1) If the student is a category one special education 33137  
student, the amount specified in division (A) of section 3317.013 33138  
of the Revised Code; 33139

(2) If the student is a category two special education 33140  
student, the amount specified in division (B) of section 3317.013 33141  
of the Revised Code; 33142

(3) If the student is a category three special education 33143  
student, the amount specified in division (C) of section 3317.013 33144  
of the Revised Code; 33145

(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	33146 33147 33148
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	33149 33150 33151
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	33152 33153 33154
(D) If the student is in kindergarten through third grade, <del>\$305, in fiscal year 2016, or \$320, in fiscal year 2017;</del>	33155 33156
(E) If the student is economically disadvantaged, an amount equal to the following:	33157 33158
\$272 X the resident district's economically disadvantaged index	33159
(F) Limited English proficiency funds, as follows:	33160
(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	33161 33162 33163
(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	33164 33165 33166
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	33167 33168 33169
(G) Career-technical education funds as follows:	33170
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	33171 33172 33173
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section	33174 33175

3317.014 of the Revised Code;	33176
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	33177 33178 33179
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	33180 33181 33182
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	33183 33184 33185
Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.	33186 33187 33188
<b>Sec. 3326.41.</b> (A) For purposes of this section:	33189
(1) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	33190 33191
(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code.	33192 33193
<u>(3) A science, technology, engineering, and mathematics school's "third-grade reading proficiency percentage" means the percentage of the school's students scoring at a proficient level of skill or higher on the third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code for the immediately preceding school year, as reported on the school's report card under section 3302.03 of the Revised Code.</u>	33194 33195 33196 33197 33198 33199 33200 33201
(B) In addition to the payments made under section 3326.33 of the Revised Code, the department of education shall annually pay to each science, technology, engineering, and mathematics school <u>a both of the following:</u>	33202 33203 33204 33205

(1) A graduation bonus calculated according to the following 33206  
formula: 33207  
The school's four-year adjusted cohort graduation rate on its most 33208  
recent report card issued by the department under section 3302.03 33209  
of the Revised Code X 0.075 X the formula amount X the number of 33210  
the school's graduates reported to the department, in accordance 33211  
with the guidelines adopted under section 3301.0714 of the Revised 33212  
Code, for the same school year for which the most recent report 33213  
card was issued 33214

(2) A third-grade reading bonus calculated according to the 33215  
following formula: 33216  
The school's third-grade reading proficiency percentage X 0.075 X 33217  
the formula amount X the number of the school's students scoring 33218  
at a proficient level or higher on the third-grade English 33219  
language arts assessment prescribed under division (A)(1)(a) of 33220  
section 3301.0710 of the Revised Code for the immediately 33221  
preceding school year 33222

**Sec. 3333.0414.** (A) In accordance with Chapter 119. of the 33223  
Revised Code, the chancellor of higher education shall adopt rules 33224  
that require education preparation programs approved under section 33225  
3333.048 of the Revised Code to include instruction in opioid and 33226  
other substance abuse prevention. The instruction shall be for all 33227  
educator and other school personnel preparation programs for all 33228  
content areas and grade levels. 33229

(B) Instruction shall include all of the following: 33230

(1) Information on the magnitude of opioid and other 33231  
substance abuse; 33232

(2) The role educators and other school personnel can play in 33233  
educating students about the adverse effects of opioid and other 33234  
substance abuse; 33235

(3) Resources available to teach students about the consequences of opioid and substance abuse; 33236  
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(4) Resources available to help fight and treat opioid abuse. 33238

Sec. 3333.0415. Beginning in 2018, the chancellor of higher education, in collaboration with the department of education, shall prepare an annual report regarding the progress the state is making in increasing the percentage of adults in the state with a college degree, industry certificate, or other postsecondary credential to sixty-five per cent by the year 2025. The chancellor shall submit an electronic copy of the report to the governor, the president and minority leader of the senate, and speaker and minority leader of the house of representatives. 33239  
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Sec. 3333.051. (A) The chancellor of higher education shall establish a program under which a community college established under Chapter 3354., technical college established under Chapter 3357., or state community college established under Chapter 3358. of the Revised Code may apply to the chancellor for authorization to offer applied bachelor's degree programs. 33248  
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The chancellor may approve programs under this section that demonstrate all of the following: 33254  
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(1) Evidence of an agreement between the college and a regional business or industry to train students in an in-demand field and to employ students upon their successful completion of the program; 33256  
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(2) That the workforce need of the regional business or industry is in an in-demand field with long-term sustainability based upon data provided by the governor's office of workforce transformation; 33260  
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(3) Supporting data that identifies the specific workforce need the program will address; 33264  
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(4) The absence of a bachelor's degree program that meets the workforce need addressed by the proposed program that is offered by a state university or private college or university located within a thirty-mile radius of the proposed program as determined by the chancellor; 33266  
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(5) Willingness of an industry partner to offer workplace-based learning and employment opportunities to students enrolled in the proposed program. 33271  
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(B) Before approving a program under this section, the chancellor shall consult with the governor's office of workforce transformation, the inter-university council of Ohio, the Ohio association of community colleges, and the association of independent colleges and universities of Ohio, or any successor to those organizations. 33274  
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(C) As used in this section: 33280

(1) "Applied bachelor's degree" shall be defined by the chancellor. 33281  
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(2) "Private college or university" means a nonprofit institution that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code. 33283  
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(3) "State university" has the same meaning as in section 3345.011 of the Revised Code. 33286  
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**Sec. 3333.121.** There is hereby established in the state treasury the state ~~need-based~~ financial aid reconciliation fund, which shall consist of refunds of ~~instructional grant payments made pursuant to section 3333.12 of the Revised Code and refunds of state need-based financial aid payments made pursuant to section 3333.122 of the Revised Code~~ state financial aid payments originally disbursed by the department of higher education for programs that the department is responsible for administering. 33288  
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Revenues credited to the fund shall be used by the chancellor of 33296  
higher education to pay to higher education institutions any 33297  
outstanding obligations ~~from the prior year owed for the Ohio~~ 33298  
~~instructional grant program and the Ohio college opportunity grant~~ 33299  
~~program~~ state financial aid programs that are identified through 33300  
the annual reconciliation and financial audit or through other 33301  
means. Any amount in the fund that is in excess of the amount 33302  
certified to the director of budget and management by the 33303  
chancellor of higher education as necessary to reconcile ~~prior~~ 33304  
~~year~~ payments under the program shall be transferred to the 33305  
general revenue fund. 33306

**Sec. 3333.122.** (A) The chancellor of higher education shall 33307  
adopt rules to carry out this section and as authorized under 33308  
section 3333.123 of the Revised Code. The rules shall include 33309  
definitions of the terms "resident," "expected family 33310  
contribution," "full-time student," "three-quarters-time student," 33311  
"half-time student," "one-quarter-time student," "state cost of 33312  
attendance," and "accredited" for the purpose of those sections. 33313

(B) Only an Ohio resident who meets both of the following is 33314  
eligible for a grant awarded under this section: 33315

(1) The resident has an expected family contribution of two 33316  
thousand one hundred ninety or less; 33317

(2) The resident enrolls in one of the following: 33318

(a) An undergraduate program, or a nursing diploma program 33319  
approved by the board of nursing under division (A)(5) of section 33320  
4723.06 of the Revised Code, at a state-assisted state institution 33321  
of higher education, as defined in section 3345.12 of the Revised 33322  
Code, that meets the requirements of Title VI of the Civil Rights 33323  
Act of 1964; 33324

(b) An undergraduate program, or a nursing diploma program 33325

approved by the board of nursing under division (A)(5) of section 33326  
4723.06 of the Revised Code, at a private, nonprofit institution 33327  
in this state holding a certificate of authorization pursuant to 33328  
Chapter 1713. of the Revised Code; 33329

(c) An undergraduate program, or a nursing diploma program 33330  
approved by the board of nursing under division (A)(5) of section 33331  
4723.06 of the Revised Code, at a career college in this state 33332  
that holds a certificate of registration from the state board of 33333  
career colleges and schools under Chapter 3332. of the Revised 33334  
Code or at a private institution exempt from regulation under 33335  
Chapter 3332. of the Revised Code as prescribed in section 33336  
3333.046 of the Revised Code, if the program has a certificate of 33337  
authorization pursuant to Chapter 1713. of the Revised Code. 33338

(C)(1) The chancellor shall establish and administer a 33339  
needs-based financial aid grants program based on the United 33340  
States department of education's method of determining financial 33341  
need. The program shall be known as the Ohio college opportunity 33342  
grant program. The general assembly shall support the needs-based 33343  
financial aid program by such sums and in such manner as it may 33344  
provide, but the chancellor also may receive funds from other 33345  
sources to support the program. If, for any academic year, the 33346  
amounts available for support of the program are inadequate to 33347  
provide grants to all eligible students, the chancellor shall do 33348  
one of the following: 33349

(a) Give preference in the payment of grants based upon 33350  
expected family contribution, beginning with the lowest expected 33351  
family contribution category and proceeding upward by category to 33352  
the highest expected family contribution category; 33353

(b) Proportionately reduce the amount of each grant to be 33354  
awarded for the academic year under this section; 33355

(c) Use an alternate formula for such grants that addresses 33356

the shortage of available funds and has been submitted to and 33357  
approved by the controlling board. 33358

(2) The needs-based financial aid grant shall be paid to the 33359  
eligible student through the institution in which the student is 33360  
enrolled, except that no needs-based financial aid grant shall be 33361  
paid to any person serving a term of imprisonment. Applications 33362  
for the grants shall be made as prescribed by the chancellor, and 33363  
such applications may be made in conjunction with and upon the 33364  
basis of information provided in conjunction with student 33365  
assistance programs funded by agencies of the United States 33366  
government or from financial resources of the institution of 33367  
higher education. The institution shall certify that the student 33368  
applicant meets the requirements set forth in division (B) of this 33369  
section. Needs-based financial aid grants shall be provided to an 33370  
eligible student only as long as the student is making appropriate 33371  
progress toward a nursing diploma or an associate or bachelor's 33372  
degree. No student shall be eligible to receive a grant for more 33373  
than ten semesters, fifteen quarters, or the equivalent of five 33374  
academic years. A grant made to an eligible student on the basis 33375  
of less than full-time enrollment shall be based on the number of 33376  
credit hours for which the student is enrolled and shall be 33377  
computed in accordance with a formula adopted by rule issued by 33378  
the chancellor. No student shall receive more than one grant on 33379  
the basis of less than full-time enrollment. 33380

(D)(1) Except as provided in ~~division~~ divisions (D)(4) and 33381  
(5) of this section, no grant awarded under this section shall 33382  
exceed the total state cost of attendance. 33383

(2) Subject to divisions (D)(1), (3), ~~and~~ (4), and (5) of 33384  
this section, the amount of a grant awarded to a student under 33385  
this section shall equal the student's remaining state cost of 33386  
attendance after the student's Pell grant and expected family 33387  
contribution are applied to the instructional and general charges 33388

for the undergraduate program. However, for students enrolled in a state university or college as defined in section 3345.12 of the Revised Code or a university branch, the chancellor may provide that the grant amount shall equal the student's remaining instructional and general charges for the undergraduate program after the student's Pell grant and expected family contribution have been applied to those charges, but, in no case, shall the grant amount for such a student exceed any maximum that the chancellor may set by rule.

(3) For a student enrolled for a semester or quarter in addition to the portion of the academic year covered by a grant under this section, the maximum grant amount shall be a percentage of the maximum specified in any table established in rules adopted by the chancellor as provided in division (A) of this section. The maximum grant for a fourth quarter shall be one-third of the maximum amount so prescribed. The maximum grant for a third semester shall be one-half of the maximum amount so prescribed.

(4) If a student is enrolled in a two-year institution of higher education and is eligible for an education and training voucher through the Ohio education and training voucher program that receives federal funding under the John H. Chafee foster care independence program, 42 U.S.C. 677, the amount of a grant awarded under this section may exceed the total state cost of attendance to additionally cover housing costs.

(5) For a student who is receiving federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, the amount of a grant awarded under this section shall be applied toward the total state cost of attendance and the student's housing costs and living expenses. Living expenses shall include reasonable costs for room and board.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply in the case of either of the following:

(a) The institution pursuant to federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances that the institution may continue to participate in federal financial aid programs. The chancellor shall adopt rules requiring any such appellant to provide information to the chancellor regarding an appeal.

(b) Any student who has previously received a grant pursuant to any provision of this section, including prior to the section's amendment by H.B. 1 of the 128th general assembly, effective July 17, 2009, and who meets all other eligibility requirements of this section.

(3) The chancellor shall adopt rules for the notification of all institutions whose students will be ineligible to participate

in the grant program pursuant to division (F)(1) of this section. 33452

(4) A student's attendance at any institution whose students 33453  
are ineligible for grants due to division (F)(1) of this section 33454  
shall not affect that student's eligibility to receive a grant 33455  
when enrolled in another institution. 33456

(G) Institutions of higher education that enroll students 33457  
receiving needs-based financial aid grants under this section 33458  
shall report to the chancellor all students who have received such 33459  
needs-based financial aid grants but are no longer eligible for 33460  
all or part of those grants and shall refund any moneys due the 33461  
state within thirty days after the beginning of the quarter or 33462  
term immediately following the quarter or term in which the 33463  
student was no longer eligible to receive all or part of the 33464  
student's grant. There shall be an interest charge of one per cent 33465  
per month on all moneys due and payable after such thirty-day 33466  
period. The chancellor shall immediately notify the office of 33467  
budget and management and the legislative service commission of 33468  
all refunds so received. 33469

Sec. 3333.45. (A) For purposes of this section, "eligible 33470  
institution of higher education" means an institution of higher 33471  
education that is created by the governors of several states. At 33472  
least one of the governors of these states shall also be a member 33473  
of the institution's board of trustees. 33474

(B) The chancellor of higher education may enter into a 33475  
partnership with an eligible institution of higher education for 33476  
the purpose of providing competency-based education programs. The 33477  
terms of the partnership may specify all of the following: 33478

(1) The approval process for programs offered by the 33479  
institution; 33480

(2) The eligibility of students enrolled in the institution 33481

for state student financial aid programs; 33482

(3) Any articulation and transfer policies of the chancellor that apply to the institution; 33483  
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(4) The reporting requirements for the institution; 33485

(5) Any other requirements that the chancellor determines to be in the best interests of the state. 33486  
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(C) Notwithstanding anything to the contrary in the Revised Code, an eligible institution of higher education that enters into a partnership with the chancellor under this section shall be designated as a state institution of higher education for the purpose of providing competency-based education programs. However, the institution shall not receive any state share of instruction funds appropriated to the department of higher education by the general assembly. 33488  
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**Sec. 3333.91.** ~~Not later than December 31, 2014, the~~ The 33496  
governor's office of workforce transformation, in collaboration 33497  
with the chancellor of higher education, the superintendent of 33498  
public instruction, and the department of job and family services, 33499  
shall develop and submit to the appropriate federal agency a 33500  
single, state unified plan required under the "Workforce 33501  
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., which 33502  
shall include the information required for the adult basic and 33503  
literacy education program administered by the United States 33504  
secretary of education, and the "Carl D. Perkins Vocational and 33505  
Technical Education Act," 20 U.S.C. 2301, et seq., as amended, ~~and~~ 33506  
~~the "Workforce Investment Act of 1998," 29 U.S.C. 2801, et seq.,~~ 33507  
~~as amended.~~ Following the plan's initial submission to the 33508  
appropriate federal agency, the governor's office of workforce 33509  
transformation may update it as necessary. If the plan is updated, 33510  
the governor's office of workforce transformation shall submit the 33511  
updated plan to the appropriate federal agency. 33512

**Sec. 3333.92.** (A) As used in this section, "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code. 33513  
33514  
33515

(B)(1) ~~Beginning January 1, 2016, each~~ Each participant in an adult basic and literacy education funded training or education program shall create an account with the OhioMeansJobs web site at the twelfth week of the program. 33516  
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(2) ~~Beginning January 1, 2016, each~~ Each participant in an Ohio technical center funded training or education program shall create an account with the OhioMeansJobs web site at the time of enrollment in the program. 33520  
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(C) Division (B) of this section does not apply to any individual who is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which the OhioMeansJobs web site is available. 33524  
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**Sec. 3333.94.** (A) As used in this section: 33530

(1) "In-demand job" has the same meaning as in section 3333.93 of the Revised Code. 33531  
33532

(2) "Ohio technical center" means a center that provides adult technical education services and is recognized by the chancellor of higher education. 33533  
33534  
33535

(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 33536  
33537

(B) Not later than January 1, 2018, the chancellor of higher education shall create an inventory of non-credit certificate programs and industry-recognized credentials offered at state institutions of higher education and Ohio technical centers that 33538  
33539  
33540  
33541

align with in-demand jobs in the state. 33542

When awarding funds from the OhioMeansJobs workforce 33543  
development revolving loan fund established under section 6301.14 33544  
of the Revised Code, the chancellor shall give preference to 33545  
non-credit certificate programs that support adult learners and 33546  
are included in the inventory. 33547

**Sec. 3333.951.** (A) As used in this section, "state 33548  
institution of higher education" has the same meaning as in 33549  
section 3345.011 of the Revised Code. 33550

(B) Each state institution of higher education that is 33551  
co-located with another state institution of higher education 33552  
annually shall review best practices and shared services in order 33553  
to improve academic and other services and reduce costs for 33554  
students. Each state institution shall report its findings to the 33555  
efficiency advisory committee established under section 3333.95 of 33556  
the Revised Code. The committee shall include the information 33557  
reported under this section in the committee's annual report. 33558

**Sec. 3333.98.** (A) The college-ready program is hereby created 33559  
to provide high school students with college-ready transitional 33560  
courses. The college-ready program shall approve public and 33561  
chartered nonpublic schools to provide courses for students who do 33562  
not meet the remediation-free thresholds developed in division 33563  
(B)(1) of this section and who need additional coursework to 33564  
qualify to take courses to earn college credit while enrolled in 33565  
high school and/or to be prepared for college upon graduation. The 33566  
chancellor of higher education, in consultation with the 33567  
superintendent of public instruction, shall administer the 33568  
program. 33569

(B) Not later than December 31, 2017, the chancellor and the 33570  
superintendent of public instruction, or their designees, shall 33571

convene a workgroup of faculty and administrators from both 33572  
secondary schools and higher education institutions to develop one 33573  
or more models for a college-ready program in mathematics. 33574

The workgroup shall develop and make recommendations for the 33575  
creation and implementation of the college-ready plan, including, 33576  
but not limited to, the following: 33577

(1) Recommend upper and lower score thresholds for student 33578  
eligibility to participate in the program, based on national 33579  
standardized test scores and state assessments required under 33580  
section 3301.0712 of the Revised Code. In creating the thresholds, 33581  
the workgroup shall use the remediation-free standards established 33582  
under section 3345.061 of the Revised Code as a guide. 33583

(2) Develop one or more additional instructional models for 33584  
the program; 33585

(3) Establish criteria for approving participating schools 33586  
and institutions to provide instruction under the program; 33587

(4) Recommend data collection and evaluation requirements; 33588

(5) Recommend a timeline to develop models for additional 33589  
subject areas, so that the models will be completed in time to 33590  
meet the deadline prescribed by division (C) of this section. 33591

(6) Develop an application and approval process for schools 33592  
and institutions to offer college-ready courses using the models 33593  
developed under this section. 33594

(C) Not later than February 1, 2018, the chancellor, in 33595  
consultation with the state superintendent, shall develop and 33596  
publish all program requirements, deadlines, guidance, forms, 33597  
documents, and procedures necessary to establish and administer 33598  
the program. 33599

(D) Public and chartered nonpublic schools with approved 33600  
programs may offer college-ready courses beginning with the 33601

2018-2019 school year. 33602

(E) As used in this section: 33603

(1) "Chartered nonpublic school" has the same meaning as in 33604  
section 3310.01 of the Revised Code; 33605

(2) "Public school" includes a school district or a school 33606  
operated by a school district, a community school established 33607  
under Chapter 3314., a STEM school established under Chapter 33608  
3326., and a college-preparatory boarding school established under 33609  
Chapter 3328. of the Revised Code. 33610

**Sec. 3335.02.** (A) The government of the Ohio state university 33611  
shall be vested in a board of ~~fourteen trustees in 2005, and~~ 33612  
seventeen trustees ~~beginning in 2006~~, who shall be appointed by 33613  
the governor, with the advice and consent of the senate. Two of 33614  
the seventeen trustees shall be students at the Ohio state 33615  
university, and their selection and terms shall be in accordance 33616  
with division (B) of this section. Except as provided in division 33617  
(D) of this section and except for the terms of student members, 33618  
terms of office shall be for ~~nine~~ six years, commencing on the 33619  
fourteenth day of May and ending on the thirteenth day of May. 33620  
Each trustee shall hold office from the date of appointment until 33621  
the end of the term for which the trustee was appointed. Any 33622  
trustee appointed to fill a vacancy occurring prior to the 33623  
expiration of the term for which the trustee's predecessor was 33624  
appointed shall hold office for the remainder of such term. Any 33625  
trustee shall continue in office subsequent to the expiration date 33626  
of the trustee's term until the trustee's successor takes office, 33627  
or until a period of sixty days has elapsed, whichever occurs 33628  
first. No person who has served a full ~~nine-year~~ term as a 33629  
nonstudent member or more than ~~six years~~ two-thirds of such a term 33630  
shall be eligible for reappointment until a period of four years 33631  
has elapsed since the last day of the term for which the person 33632

previously served. The 33633

The trustees shall not receive compensation for their 33634  
services, but shall be paid their reasonable necessary expenses 33635  
while engaged in the discharge of their official duties. 33636

(B) The student members of the board of trustees of the Ohio 33637  
state university shall be students at the Ohio state university. 33638  
Unless student members have been granted voting power under 33639  
division (C) of this section, they shall have no voting power on 33640  
the board, shall not be considered as members of the board in 33641  
determining whether a quorum is present, and shall not be entitled 33642  
to attend executive sessions of the board. The student members of 33643  
the board shall be appointed by the governor, with the advice and 33644  
consent of the senate, from a group of five candidates selected 33645  
pursuant to a procedure adopted by the university's student 33646  
governments and approved by the university's board of trustees. 33647  
~~The initial term of office of one of the student members shall~~ 33648  
~~commence on May 14, 1988, and shall expire on May 13, 1989, and~~ 33649  
~~the initial term of office of the other student member shall~~ 33650  
~~commence on May 14, 1988, and expire on May 13, 1990. Thereafter,~~ 33651  
~~terms~~ Terms of office of student members shall be for two years, 33652  
~~each term ending on the same day of the same month of the year as~~ 33653  
~~the term it succeeds~~ commencing on the fourteenth day of May and 33654  
ending on the thirteenth day of May. In the event a student member 33655  
cannot fulfill a two-year term, a replacement shall be selected to 33656  
fill the unexpired term in the same manner used to make the 33657  
original selection. 33658

(C) Not later than ~~ninety days after the effective date of~~ 33659  
~~this amendment~~ December 28, 2015, the board of trustees shall 33660  
adopt a resolution that does one of the following: 33661

(1) Grants the student members of the board voting power on 33662  
the board. If so granted, in addition to having voting power, the 33663  
student members shall be considered as members of the board in 33664

determining whether a quorum is present and shall be entitled to attend executive sessions of the board.

(2) Declares that student members do not have voting power on the board.

Thereafter, the board may change the voting status of student trustees by adopting a subsequent resolution. Each resolution adopted under this division shall take effect on the fourteenth day of May following the adoption of the resolution. All members with voting power at the time of the adoption of a resolution may vote on the resolution.

If student members are granted voting power under this division, no student shall be disqualified from membership on the board of trustees because the student receives a scholarship, grant, loan, or any other financial assistance payable out of the state treasury or a university fund, or because the student is employed by the university in a position pursuant to a work-study program or other student employment, including as a graduate teaching assistant, graduate administrative assistant, or graduate research assistant, the compensation for which is payable out of the state treasury or a university fund.

Acceptance of such financial assistance or employment by a student trustee shall not be considered a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code.

~~(D)(1) The initial terms of office for the three additional trustees appointed in 2005 shall commence on a date in 2005 that is selected by the governor with one term of office expiring on May 13, 2009, one term of office expiring on May 13, 2010, and one term of office expiring on May 13, 2011, as designated by the governor upon appointment. Thereafter terms of office shall be for nine years, as provided in division (A) of this section.~~

~~(2) The initial terms of office for the three additional~~

~~trustees appointed in 2006 shall commence on May 14, 2006, with~~ 33696  
~~one term of office expiring on May 13, 2012, one term of office~~ 33697  
~~expiring on May 13, 2013, and one term of office expiring on May~~ 33698  
~~13, 2014, as designated by the governor upon appointment.~~ 33699  
~~Thereafter terms of office shall be for nine years, as provided in~~ 33700  
~~division (A) of this section. A nonstudent trustee who was~~ 33701  
~~appointed under this section as it existed prior to the effective~~ 33702  
~~date of this amendment shall serve for a nine-year term. A trustee~~ 33703  
~~appointed to fill the vacancy of a nine-year term shall serve for~~ 33704  
~~the remainder of that unexpired nine-year term. Except for a~~ 33705  
~~nonstudent trustee appointed to fill a vacancy for an unexpired~~ 33706  
~~nine-year term, terms of office for a nonstudent trustee appointed~~ 33707  
~~on and after the effective date of this amendment shall be for six~~ 33708  
~~years, as provided in division (A) of this section.~~ 33709

**Sec. 3337.01.** (A) The body politic and corporate by the name 33710  
and style of "The President and Trustees of the Ohio University" 33711  
now in the university instituted and established in Athens by the 33712  
name and style of "The Ohio University" shall consist of a board 33713  
of trustees composed of eleven members, who shall be appointed by 33714  
the governor, with the advice and consent of the senate. At least 33715  
five of the trustees who are not students shall be graduates of 33716  
Ohio university. Two of the trustees shall be students at Ohio 33717  
university, and their selection and terms shall be in accordance 33718  
with division (B) of this section. A majority of the board 33719  
constitutes a quorum. ~~Except~~ 33720

~~Except as provided in division (C) of this section and except~~ 33721  
~~for the terms of student members, terms of office shall be for~~ 33722  
~~nine six years, commencing on the fourteenth day of May and ending~~ 33723  
~~on the thirteenth day of May, ~~except that upon expiration of the~~~~ 33724  
~~~~term ending on May 14, 1978, the new term which succeeds it shall~~~~ 33725  
~~~~commence on May 15, 1978 and end on May 13, 1987. Each member~~~~ 33726  
shall hold office from the date of appointment until the end of 33727

the term for which the member was appointed. Any member appointed 33728  
to fill a vacancy occurring prior to the expiration of the term 33729  
for which the member's predecessor was appointed shall hold office 33730  
for the remainder of such term. Any member shall continue in 33731  
office subsequent to the expiration date of the member's term 33732  
until the member's successor takes office, or until a period of 33733  
sixty days has elapsed, whichever occurs first. No person who has 33734  
served a full ~~nine-year~~ term as a nonstudent member or more than 33735  
~~six years~~ two-thirds of such a term shall be eligible for 33736  
reappointment until a period of four years has elapsed since the 33737  
last day of the term for which the person previously served. Such 33738  
trustees shall receive no compensation for their services, but 33739  
shall be paid their actual and necessary expenses while engaged in 33740  
the discharge of their official duties. 33741

(B) The student members of the board of trustees of the Ohio 33742  
university have no voting power on the board. Student members 33743  
shall not be considered as members of the board in determining 33744  
whether a quorum is present. Student members shall not be entitled 33745  
to attend executive sessions of the board. The student members of 33746  
the board shall be appointed by the governor, with the advice and 33747  
consent of the senate, from a group of five candidates selected 33748  
pursuant to a procedure adopted by the university's student 33749  
governments and approved by the university's board of trustees. 33750  
~~The initial term of office of one of the student members shall~~ 33751  
~~commence on May 14, 1988 and shall expire on May 13, 1989, and the~~ 33752  
~~initial term of office of the other student member shall commence~~ 33753  
~~on May 14, 1988 and expire on May 13, 1990. Thereafter, terms~~ 33754  
Terms of office of student members shall be for two years, each 33755  
~~term ending on the same day of the same month of the year as the~~ 33756  
~~term it succeeds~~ commencing on the fourteenth day of May and 33757  
ending on the thirteenth day of May. In the event that a student 33758  
member cannot fulfill the student member's two-year term, a 33759  
replacement shall be selected to fill the unexpired term in the 33760

same manner used to make the original selection. 33761

(C) A nonstudent trustee who was appointed under this section 33762  
as it existed prior to the effective date of this amendment shall 33763  
serve for a nine-year term. A trustee appointed to fill the 33764  
vacancy of a nine-year term shall serve for the remainder of that 33765  
unexpired nine-year term. Except for a nonstudent trustee 33766  
appointed to fill a vacancy for an unexpired nine-year term, terms 33767  
of office for a nonstudent trustee appointed on and after the 33768  
effective date of this amendment shall be for six years, as 33769  
provided in division (A) of this section. 33770

**Sec. 3339.01.** (A) The government of Miami university shall be 33771  
vested in eleven trustees, who shall be appointed by the governor 33772  
with the advice and consent of the senate. Two of the trustees 33773  
shall be students at Miami university, and their selection and 33774  
terms shall be in accordance with division (B) of this section. A 33775  
majority of the board constitutes a quorum. ~~Except~~ 33776

Except as provided in division (C) of this section and except 33777  
for the terms of student members, terms of office shall be for 33778  
~~nine~~ six years, commencing on the first day of March and ending on 33779  
the last day of February, ~~except that upon expiration of the~~ 33780  
~~trustee term ending on March 1, 1974, the trustee term which~~ 33781  
~~succeeds it shall commence on March 2, 1974 and end on February~~ 33782  
~~28, 1983; upon expiration of the trustee term ending on March 1,~~ 33783  
~~1977, the trustee term which succeeds it shall commence on March~~ 33784  
~~2, 1977 and end on February 28, 1986; upon expiration of the~~ 33785  
~~trustee term ending on March 1, 1978, the trustee term which~~ 33786  
~~succeeds it shall commence on March 2, 1978 and end on February~~ 33787  
~~28, 1987; and upon expiration of the trustee term ending on March~~ 33788  
~~1, 1979, the trustee term which succeeds it shall commence on~~ 33789  
March 2, 1979 and end on February 29, 1988. Each trustee shall 33790  
hold office from the date of appointment until the end of the term 33791

for which the trustee was appointed. Any trustee appointed to fill 33792  
a vacancy occurring prior to the end of the term for which the 33793  
trustee's predecessor was appointed shall hold office for the 33794  
remainder of such term. Any trustee shall continue in office 33795  
subsequent to the expiration date of the trustee's term until a 33796  
successor takes office, or until a period of sixty days has 33797  
elapsed, whichever occurs first. No person who has served a full 33798  
~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 33799  
two-thirds of such a term shall be eligible for reappointment 33800  
until a period of four years has elapsed since the last day of the 33801  
term for which the person previously served. The trustees shall 33802  
receive no compensation for their services but shall be paid their 33803  
reasonable necessary expenses while engaged in the discharge of 33804  
their official duties. 33805

(B) The student members of the board of trustees of Miami 33806  
university have no voting power on the board. Student members 33807  
shall not be considered as members of the board in determining 33808  
whether a quorum is present. Student members shall not be entitled 33809  
to attend executive sessions of the board. The student members of 33810  
the board shall be appointed by the governor, with the advice and 33811  
consent of the senate, from a group of five candidates selected 33812  
pursuant to a procedure adopted by the university's student 33813  
governments and approved by the university's board of trustees. 33814  
~~The initial term of office of one of the student members shall~~ 33815  
~~commence on March 1, 1988 and shall expire on February 28, 1989,~~ 33816  
~~and the initial term of office of the other student member shall~~ 33817  
~~commence on March 1, 1988 and expire on February 28, 1990.~~ 33818  
~~Thereafter, terms~~ Terms of office of student members shall be for 33819  
two years, each term commencing on the first day of March and 33820  
ending on the last day of February. In the event that a student 33821  
member cannot fulfill the student member's two-year term, a 33822  
replacement shall be selected to fill the unexpired term in the 33823  
same manner used to make the original selection. 33824

(C) A nonstudent trustee who was appointed under this section 33825  
as it existed prior to the effective date of this amendment shall 33826  
serve for a nine-year term. A trustee appointed to fill the 33827  
vacancy of a nine-year term shall serve for the remainder of that 33828  
unexpired nine-year term. Except for a nonstudent trustee 33829  
appointed to fill a vacancy for an unexpired nine-year term, terms 33830  
of office for a nonstudent trustee appointed on and after the 33831  
effective date of this amendment shall be for six years, as 33832  
provided in division (A) of this section. 33833

**Sec. 3341.02.** (A) The government of Bowling Green state 33834  
university is vested in a board of eleven trustees, who shall be 33835  
appointed by the governor, with the advice and consent of the 33836  
senate. Two of the trustees shall be students at Bowling Green 33837  
state university, and their selection and terms shall be in 33838  
accordance with division (B) of this section. A majority of the 33839  
board constitutes a quorum. ~~Except~~ 33840

Except as provided in division (G) of this section and except 33841  
for the terms of student members, terms of office shall be for 33842  
~~nine~~ six years, commencing on the seventeenth day of May and 33843  
ending on the sixteenth day of May. No person who has served a 33844  
full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 33845  
two-thirds of such a term shall be eligible for reappointment 33846  
until a period of four years has elapsed since the last day of the 33847  
term for which the person previously served. 33848

(B) The student members of the board of trustees of Bowling 33849  
Green state university have no voting power on the board. Student 33850  
members shall not be considered as members of the board in 33851  
determining whether a quorum is present. Student members shall not 33852  
be entitled to attend executive sessions of the board. The student 33853  
members of the board shall be appointed by the governor, with the 33854  
advice and consent of the senate, from a group of five candidates 33855

selected pursuant to a procedure adopted by the university's 33856  
student governments and approved by the university's board of 33857  
trustees. ~~The initial term of office of one of the student members~~ 33858  
~~shall commence on March 17, 1988, and shall expire on March 16,~~ 33859  
~~1989, and the initial term of office of the other student member~~ 33860  
~~shall commence on March 17, 1988, and expire on March 16, 1990.~~ 33861  
~~After September 22, 2000, terms~~ Terms of office shall commence on 33862  
the seventeenth day of May and shall end on the sixteenth day of 33863  
May. Terms of office of student members shall be for two years, 33864  
each term ending on the same day of the same month of the year as 33865  
the term it succeeds. In the event that a student member cannot 33866  
fulfill the student member's two-year term, a replacement shall be 33867  
selected in the manner used for the original selection to fill the 33868  
unexpired term. 33869

(C) The government of Kent state university is vested in a 33870  
board of eleven trustees, who shall be appointed by the governor, 33871  
with the advice and consent of the senate. Two of the trustees 33872  
shall be students at Kent state university, and their selection 33873  
and terms shall be in accordance with division (D) of this 33874  
section. A majority of the board constitutes a quorum. ~~Except~~ 33875

Except as provided in division (G) of this section and except 33876  
for the terms of student members, terms of office shall be for 33877  
~~nine~~ six years, commencing on the seventeenth day of May and 33878  
ending on the sixteenth day of May. No person who has served a 33879  
full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 33880  
two-thirds of such a term shall be eligible for reappointment 33881  
until a period of four years has elapsed since the last day of the 33882  
term for which the person previously served. 33883

(D) The student members of the board of trustees of Kent 33884  
state university have no voting power on the board. Student 33885  
members shall not be considered as members of the board in 33886  
determining whether a quorum is present. Student members shall not 33887

be entitled to attend executive sessions of the board. The student 33888  
members of the board shall be appointed by the governor, with the 33889  
advice and consent of the senate, from a group of five candidates 33890  
selected pursuant to a procedure adopted by the university's 33891  
student governments and approved by the university's board of 33892  
trustees. ~~The initial term of office of one of the student members~~ 33893  
~~shall commence on May 17, 1988, and shall expire on May 16, 1989,~~ 33894  
~~and the initial term of office of the other student member shall~~ 33895  
~~commence on May 17, 1988, and expire on May 16, 1990. Thereafter,~~ 33896  
~~terms~~ Terms of office of student members shall be for two years, 33897  
each term ending on the same day of the same month of the year as 33898  
the term it succeeds commencing on the seventeenth day of May and 33899  
ending on the sixteenth day of May. In the event that a student 33900  
member cannot fulfill the student member's two-year term, a 33901  
replacement shall be selected to fill the unexpired term in the 33902  
same manner used to make the original selection. 33903

(E) The trustees shall receive no compensation for their 33904  
services but shall be paid their reasonable necessary expenses 33905  
while engaged in the discharge of their official duties. 33906

(F) Each trustee shall hold office from the date of 33907  
appointment until the end of the term for which the trustee was 33908  
appointed. Any trustee appointed to fill a vacancy occurring prior 33909  
to the expiration of the term for which the trustee's predecessor 33910  
was appointed shall hold office for the remainder of such term. 33911  
Any trustee shall continue in office subsequent to the expiration 33912  
date of the trustee's term until a successor takes office, or 33913  
until a period of sixty days has elapsed, whichever occurs first. 33914

(G) A nonstudent trustee who was appointed to the board of 33915  
trustees of either university under this section as it existed 33916  
prior to the effective date of this amendment shall serve for a 33917  
nine-year term. A trustee appointed to fill the vacancy of a 33918  
nine-year term shall serve for the remainder of that unexpired 33919

nine-year term. Except for a nonstudent trustee appointed to fill 33920  
a vacancy for an unexpired nine-year term, terms of office for a 33921  
nonstudent trustee appointed on and after the effective date of 33922  
this amendment shall be for six years, as provided in division (A) 33923  
of this section. 33924

**Sec. 3343.02.** (A) The government of Central state university 33925  
shall be vested in a board of trustees to be known as "the board 33926  
of trustees of the Central state university." Such board shall 33927  
consist of eleven members who shall be appointed by the governor, 33928  
with the advice and consent of the senate. Two of the trustees 33929  
shall be students at Central state university, and their selection 33930  
and terms shall be in accordance with division (B) of this 33931  
section. A majority of the board constitutes a quorum. ~~Except~~ 33932

Except as provided in division (C) of this section and except 33933  
for the student members, terms of office shall be for ~~nine~~ six 33934  
years, commencing on the first day of July and ending on the 33935  
thirtieth day of June. Each member shall hold office from the date 33936  
of appointment until the end of the term for which the member was 33937  
appointed. Any member appointed to fill a vacancy occurring prior 33938  
to the expiration of the term for which the member's predecessor 33939  
was appointed shall hold office for the remainder of such term. 33940  
Any member shall continue in office subsequent to the expiration 33941  
date of the member's term until the member's successor takes 33942  
office, or until a period of sixty days has elapsed, whichever 33943  
occurs first. No person who has served a full ~~nine-year~~ term as a 33944  
nonstudent member or more than ~~six years~~ two-thirds of such a term 33945  
shall be eligible for reappointment until a period of four years 33946  
has elapsed since the last day of the term for which the person 33947  
previously served. 33948

(B) The student members of the board of trustees of Central 33949  
state university have no voting power on the board. Student 33950

members shall not be considered as members of the board in 33951  
determining whether a quorum is present. Student members shall not 33952  
be entitled to attend executive sessions of the board. The student 33953  
members of the board shall be appointed by the governor, with the 33954  
advice and consent of the senate, from a group of five candidates 33955  
selected pursuant to a procedure adopted by the university's 33956  
student governments and approved by the university's board of 33957  
trustees. ~~The initial term of office of one of the student members~~ 33958  
~~shall commence on July 1, 1988 and shall expire on June 30, 1989,~~ 33959  
~~and the initial term of office of the other student member shall~~ 33960  
~~commence on July 1, 1988 and expire on June 30, 1990. Thereafter,~~ 33961  
~~terms~~ Terms of office of student members shall be for two years, 33962  
each ~~term ending on the same day of the same month of the year as~~ 33963  
~~the term it succeeds~~ commencing on the first day of July and 33964  
ending on the thirtieth day of June. In the event that a student 33965  
member cannot fulfill a two-year term, a replacement shall be 33966  
selected to fill the unexpired term in the same manner used to 33967  
make the original selection. 33968

(C) A nonstudent trustee who was appointed under this section 33969  
as it existed prior to the effective date of this amendment shall 33970  
serve for a nine-year term. A trustee appointed to fill the 33971  
vacancy of a nine-year term shall serve for the remainder of that 33972  
unexpired nine-year term. Except for a nonstudent trustee 33973  
appointed to fill a vacancy for an unexpired nine-year term, terms 33974  
of office for a nonstudent trustee appointed on and after the 33975  
effective date of this amendment shall be for six years, as 33976  
provided in division (A) of this section. 33977

**Sec. 3344.01.** (A) There is hereby created the Cleveland state 33978  
university. The government of the Cleveland state university is 33979  
vested in a board of eleven trustees, who shall be appointed by 33980  
the governor, with the advice and consent of the senate. Two of 33981  
the trustees shall be students at the Cleveland state university, 33982

and their selection and terms shall be in accordance with division 33983  
(B) of this section. ~~Except~~ 33984

Except as provided in division (C) of this section and except 33985  
for the student members, terms of office shall be for ~~nine~~ six 33986  
years, commencing on the second day of May and ending on the first 33987  
day of May. Each trustee shall hold office from the date of 33988  
appointment until the end of the term for which the trustee was 33989  
appointed. Any trustee appointed to fill a vacancy occurring prior 33990  
to the expiration of the term for which the trustee's predecessor 33991  
was appointed shall hold office for the remainder of such term. 33992  
Any trustee shall continue in office subsequent to the expiration 33993  
date of the trustee's term until the trustee's successor takes 33994  
office, or until a period of sixty days has elapsed, whichever 33995  
occurs first. No person who has served a full ~~nine-year~~ as a 33996  
nonstudent member or more than ~~six years~~ two-thirds of such a term 33997  
shall be eligible for reappointment until a period of four years 33998  
has elapsed since the last day of the term for which the person 33999  
previously served. The trustees shall receive no compensation for 34000  
their services but shall be paid their reasonable necessary 34001  
expenses while engaged in the discharge of their official duties. 34002  
A majority of the board constitutes a quorum. 34003

(B) The student members of the board of trustees of the 34004  
Cleveland state university have no voting power on the board. 34005  
Student members shall not be considered as members of the board in 34006  
determining whether a quorum is present. Student members shall not 34007  
be entitled to attend executive sessions of the board. The student 34008  
members of the board shall be appointed by the governor, with the 34009  
advice and consent of the senate, from a group of five candidates 34010  
selected pursuant to a procedure adopted by the university's 34011  
student governments and approved by the university's board of 34012  
trustees. ~~The initial term of office of one of the student members~~ 34013  
~~shall commence on May 2, 1988 and shall expire on May 1, 1989, and~~ 34014

~~the initial term of office of the other student member shall~~ 34015  
~~commence on May 2, 1988 and expire on May 1, 1990. Thereafter,~~ 34016  
~~terms~~ Terms of office of student members shall be for two years, 34017  
each term ending on the same day of the same month of the year as 34018  
the term it succeeds commencing on the second day of May and 34019  
ending on the first day of May. In the event that a student member 34020  
cannot fulfill a two-year term, a replacement shall be selected to 34021  
fill the unexpired term in the same manner used to make the 34022  
original selection. 34023

(C) A nonstudent trustee who was appointed under this section 34024  
as it existed prior to the effective date of this amendment shall 34025  
serve for a nine-year term. A trustee appointed to fill the 34026  
vacancy of a nine-year term shall serve for the remainder of that 34027  
unexpired nine-year term. Except for a nonstudent trustee 34028  
appointed to fill a vacancy for an unexpired nine-year term, terms 34029  
of office for a nonstudent trustee appointed on and after the 34030  
effective date of this amendment shall be for six years, as 34031  
provided in division (A) of this section. 34032

**Sec. 3345.061.** (A) Ohio's two-year institutions of higher 34033  
education are respected points of entry for students embarking on 34034  
post-secondary careers and courses completed at those institutions 34035  
are transferable to state universities in accordance with 34036  
articulation and transfer agreements developed under sections 34037  
3333.16, 3333.161, and 3333.162 of the Revised Code. 34038

(B) Beginning with undergraduate students who commence 34039  
undergraduate studies in the 2014-2015 academic year, no state 34040  
university listed in section 3345.011 of the Revised Code, except 34041  
Central state university, Shawnee state university, and Youngstown 34042  
state university, shall receive any state operating subsidies for 34043  
any academic remedial or developmental courses for undergraduate 34044  
students, including courses prescribed in division (C) of section 34045

3313.603 of the Revised Code, offered at its main campus, except 34046  
as provided in divisions (B)(1) to (4) of this section. 34047

(1) In the 2014-2015 and 2015-2016 academic years, a state 34048  
university may receive state operating subsidies for academic 34049  
remedial or developmental courses completed at the main campus for 34050  
not more than three per cent of the total undergraduate credit 34051  
hours provided by the university at its main campus. 34052

(2) In the 2016-2017 academic year, a state university may 34053  
receive state operating subsidies for academic remedial or 34054  
developmental courses completed at the main campus for not more 34055  
than fifteen per cent of the first-year students who have 34056  
graduated from high school within the previous twelve months and 34057  
who are enrolled in the university at its main campus, as 34058  
calculated on a full-time-equivalent basis. 34059

(3) In the 2017-2018 academic year, a state university may 34060  
receive state operating subsidies for academic remedial or 34061  
developmental courses completed at the main campus for not more 34062  
than ten per cent of the first-year students who have graduated 34063  
from high school within the previous twelve months and who are 34064  
enrolled in the university at its main campus, as calculated on a 34065  
full-time-equivalent basis. 34066

(4) In the 2018-2019 academic year, a state university may 34067  
receive state operating subsidies for academic remedial or 34068  
developmental courses completed at the main campus for not more 34069  
than five per cent of the first-year students who have graduated 34070  
from high school within the previous twelve months and who are 34071  
enrolled in the university at its main campus, as calculated on a 34072  
full-time-equivalent basis. 34073

Each state university may continue to offer academic remedial 34074  
and developmental courses at its main campus beyond the extent for 34075  
which state operating subsidies may be paid under this division 34076

and may continue to offer such courses beyond the 2018-2019 34077  
academic year. However, the main campus of a state university 34078  
shall not receive any state operating subsidies for such courses 34079  
above the maximum amounts permitted in this division. 34080

(C) Except as otherwise provided in division (B) of this 34081  
section, beginning with students who commence undergraduate 34082  
studies in the 2014-2015 academic year, state operating subsidies 34083  
for academic remedial or developmental courses offered by state 34084  
institutions of higher education may be paid only to Central state 34085  
university, Shawnee state university, Youngstown state university, 34086  
any university branch, any community college, any state community 34087  
college, or any technical college. 34088

(D) Each state university shall grant credit for academic 34089  
remedial or developmental courses successfully completed at an 34090  
institution described in division (C) of this section pursuant to 34091  
any applicable articulation and transfer agreements the university 34092  
has entered into in accordance with policies and procedures 34093  
adopted under section 3333.16, 3333.161, or 3333.162 of the 34094  
Revised Code. 34095

(E) The chancellor of higher education shall do all of the 34096  
following: 34097

(1) Withhold state operating subsidies for academic remedial 34098  
or developmental courses provided by a main campus of a state 34099  
university as required in order to conform to divisions (B) and 34100  
(C) of this section; 34101

(2) Adopt uniform statewide standards for academic remedial 34102  
and developmental courses offered by all state institutions of 34103  
higher education; 34104

(3) Encourage and assist in the design and establishment of 34105  
academic remedial and developmental courses by institutions of 34106  
higher education; 34107

(4) Define "academic year" for purposes of this section and section 3345.06 of the Revised Code; 34108  
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(5) Encourage and assist in the development of articulation and transfer agreements between state universities and other institutions of higher education in accordance with policies and procedures adopted under sections 3333.16, 3333.161, and 3333.162 of the Revised Code. 34110  
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(F) Not later than December 31, 2012, the presidents, or equivalent position, of all state institutions of higher education, or their designees, jointly shall establish uniform statewide standards in mathematics, science, reading, and writing each student enrolled in a state institution of higher education must meet to be considered in remediation-free status. The presidents also shall establish assessments, if they deem necessary, to determine if a student meets the standards adopted under this division. Each institution is responsible for assessing the needs of its enrolled students in the manner adopted by the presidents. The board of trustees or managing authority of each state institution of higher education shall adopt the remediation-free status standard, and any related assessments, into the institution's policies. 34115  
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The chancellor shall assist in coordinating the work of the presidents under this division. The chancellor shall monitor the standards in mathematics, science, reading, and writing established under division (F) of this section to ensure that the standards adequately demonstrate a student's remediation-free status. 34129  
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(G) Each year, not later than a date established by the chancellor, each state institution of higher education shall report to the governor, the general assembly, the chancellor, and the superintendent of public instruction all of the following for the prior academic year: 34135  
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| (1) The institution's aggregate costs for providing academic remedial or developmental courses;   | 34140<br>34141                                     |
| (2) The amount of those costs disaggregated according to the city, local, or exempted village school districts from which the students taking those courses received their high school diplomas;  | 34142<br>34143<br>34144                            |
| (3) Any other information with respect to academic remedial and developmental courses that the chancellor considers appropriate.  | 34145<br>34146<br>34147                            |
| (H) Not later than December 31, 2011, and the thirty-first day of each December thereafter, the chancellor and the superintendent of public instruction shall issue a report recommending policies and strategies for reducing the need for academic remediation and developmental courses at state institutions of higher education. | 34148<br>34149<br>34150<br>34151<br>34152<br>34153 |
| (I) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.   | 34154<br>34155<br>34156                            |
| <u>Sec. 3345.062. (A) Not later than December 31, 2017, and each thirty-first day of December thereafter, the president, or equivalent position, of each state university shall issue a report regarding the remediation of students that includes all of the following:</u>  | 34157<br>34158<br>34159<br>34160<br>34161          |
| <u>(1) The number of enrolled students that require remedial education;</u>   | 34162<br>34163                                     |
| <u>(2) The cost of remedial coursework the state university provides;</u>   | 34164<br>34165                                     |
| <u>(3) The specific areas of remediation provided by the state university;</u>  | 34166<br>34167                                     |
| <u>(4) Causes for remediation.</u>  | 34168  |

(B) Each president, or equivalent, shall present the findings of the report to the state university's board of trustees and shall submit a copy of the report to the chancellor of higher education and the superintendent of public instruction.

(C) As used in this section, "state university" has the same meaning as in section 3345.011 of the Revised Code.

**Sec. 3345.14.** (A) As used in this section, "state college or university" means any state university or college defined in division (A)(1) of section 3345.12 of the Revised Code, and any other institution of higher education defined in division (A)(2) of that section.

(B) All rights to and interests in discoveries, inventions, or patents which result from research or investigation conducted in any experiment station, bureau, laboratory, research facility, or other facility of any state college or university, or by employees of any state college or university acting within the scope of their employment or with funding, equipment, or infrastructure provided by or through any state college or university, shall be the sole property of that college or university. No person, firm, association, corporation, or governmental agency which uses the facilities of such college or university in connection with such research or investigation and no faculty member, employee, or student of such college or university participating in or making such discoveries or inventions, shall have any rights to or interests in such discoveries or inventions, including income therefrom, except as may, by determination of the board of trustees of such college or university, be assigned, licensed, transferred, or paid to such persons or entities in accordance with division (C) of this section or in accordance with rules adopted under division (D) of this section.

(C) As may be determined from time to time by the board of trustees of any state college or university, the college or university may retain, assign, license, transfer, sell, or otherwise dispose of, in whole or in part and upon such terms as the board of trustees may direct, any and all rights to, interests in, or income from any such discoveries, inventions, or patents which the college or university owns or may acquire. Such dispositions may be to any individual, firm, association, corporation, or governmental agency, or to any faculty member, employee, or student of the college or university as the board of trustees may direct. Any and all income or proceeds derived or retained from such dispositions shall be applied to the general or special use of the college or university as determined by the board of trustees of such college or university.

(D)(1) Notwithstanding any provision of the Revised Code to the contrary, including but not limited to sections 102.03, 102.04, 2921.42, and 2921.43 of the Revised Code, the board of trustees of any state college or university ~~may~~ shall adopt rules in accordance with section 111.15 of the Revised Code that set forth circumstances under which an employee of the college or university may solicit or accept, and under which a person may give or promise to give to such an employee, a financial interest in any firm, corporation, or other association to which the board has assigned, licensed, transferred, or sold the college or university's interests in its intellectual property, including discoveries or inventions made or created by that employee or in patents issued to that employee.

(2) Rules established under division (D)(1) of this section shall include the following:

(a) A requirement that each college or university employee disclose to the college or university board of trustees any financial interest the employee holds in a firm, corporation, or

other association as described in division (D)(1) of this section; 34232

(b) A requirement that all disclosures made under division 34233  
(D)(2)(a) of this section are reviewed by officials designated by 34234  
the college or university board of trustees. The officials 34235  
designated under this division shall determine the information 34236  
that shall be disclosed and safeguards that shall be applied in 34237  
order to manage, reduce, or eliminate any actual or potential 34238  
conflict of interest. 34239

(c) A requirement that in implementing division (D) of this 34240  
section all members of the college or university board of trustees 34241  
shall be governed by Chapter 102. and sections 2921.42 and 2921.43 34242  
of the Revised Code. 34243

(d) Guidelines to ensure that any financial interest held by 34244  
any employee of the college or university does not result in 34245  
misuse of the students, employees, or resources of the college or 34246  
university for the benefit of the firm, corporation, or other 34247  
association in which such interest is held or does not otherwise 34248  
interfere with the duties and responsibilities of the employee who 34249  
holds such an interest. 34250

(3) Rules established under division (D)(1) of this section 34251  
may include other provisions at the discretion of the college or 34252  
university board of trustees. 34253

(E) Notwithstanding division (D) of this section, the Ohio 34254  
ethics commission retains authority to provide assistance to a 34255  
college or university board of trustees in the implementation of 34256  
division (D)(2) of this section and to address any matter that is 34257  
outside the scope of the exception to division (B) of this section 34258  
as set forth in division (D) of this section or as set forth in 34259  
rules established under division (D) of this section. 34260

**Sec. 3345.35.** Not later than ~~January 1, 2016~~ December 31, 34261

2017, and by the first day of ~~January~~ September of every fifth 34262  
year thereafter, the board of trustees of each state institution 34263  
of higher education, as defined in section 3345.011 of the Revised 34264  
Code, shall evaluate all courses and programs the institution 34265  
offers based on enrollment and ~~student performance in each course~~ 34266  
~~or program~~ duplication of its courses and programs with those of 34267  
other state institutions of higher education within a geographic 34268  
region, as determined by the chancellor of higher education. For 34269  
courses and programs with low enrollment, as defined by the 34270  
chancellor ~~of higher education~~, the board of trustees shall 34271  
provide a summary of recommended actions, including consideration 34272  
of collaboration with other state institutions of higher 34273  
education. For duplicative programs, as defined by the chancellor, 34274  
the board of trustees shall evaluate the benefits of collaboration 34275  
with other institutions of higher education, ~~based on geographic~~ 34276  
~~region,~~ to deliver the ~~course~~ program. 34277

Each board of trustees shall submit its findings under this 34278  
section to the chancellor not later than thirty days after the 34279  
completion of the evaluations or as part of submitting the annual 34280  
efficiency report required pursuant to section 3333.95 of the 34281  
Revised Code. For the findings required to be submitted by 34282  
December 31, 2017, a board of trustees may submit the additional 34283  
information required under this section as amended by this act, as 34284  
an addendum to the findings the board submitted prior to January 34285  
1, 2016, under former law. 34286

**Sec. 3345.45.** (A) On or before January 1, 1994, the 34287  
chancellor of higher education jointly with all state 34288  
universities, as defined in section 3345.011 of the Revised Code, 34289  
shall develop standards for instructional workloads for full-time 34290  
and part-time faculty in keeping with the universities' missions 34291  
and with special emphasis on the undergraduate learning 34292

experience. The standards shall contain clear guidelines for 34293  
institutions to determine a range of acceptable undergraduate 34294  
teaching by faculty. 34295

(B) On or before June 30, 1994, the board of trustees of each 34296  
state university shall take formal action to adopt a faculty 34297  
workload policy consistent with the standards developed under this 34298  
section. Notwithstanding section 4117.08 of the Revised Code, the 34299  
policies adopted under this section are not appropriate subjects 34300  
for collective bargaining. Notwithstanding division (A) of section 34301  
4117.10 of the Revised Code, any policy adopted under this section 34302  
by a board of trustees prevails over any conflicting provisions of 34303  
any collective bargaining agreement between an employees 34304  
organization and that board of trustees. 34305

(C)(1) The board of trustees of each state institution of 34306  
higher education shall review the institution's policy on faculty 34307  
tenure and update that policy to promote excellence in 34308  
instruction, research, service, and commercialization. 34309

(2) Beginning on January 1, 2018, as a condition for a state 34310  
institution of higher education to receive any state funds for 34311  
research that are allocated to the department of higher education 34312  
under the appropriation line items referred to as either "research 34313  
incentive third frontier fund" or "research incentive third 34314  
frontier-tax," the chancellor shall require the state institution 34315  
to include a commercialization pathway for faculty tenure in its 34316  
policy. 34317

**Sec. 3345.59.** (A) As used in this section: 34318

(1) "Information technology center" means a center 34319  
established under section 3301.075 of the Revised Code. 34320

(2) "State institution of higher education" and "state 34321  
university" have the same meanings as in section 3345.011 of the 34322

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| <u>Revised Code.</u>  | 34323                                     |
| <u>(B) Not later than June 30, 2018, all state institutions of higher education that are located in the same region of the state, as defined by the chancellor of higher education, shall enter into an agreement providing for the creation of a compact. Under that agreement, the compact shall do all of the following:</u> | 34324<br>34325<br>34326<br>34327<br>34328 |
| <u>(1) Examine whether unnecessary duplication of academic programming exists;</u>  | 34329<br>34330                            |
| <u>(2) Develop strategies to address the workforce education needs of the region;</u>   | 34331<br>34332                            |
| <u>(3) Enhance the sharing of resources between institutions to align educational pathways and to increase access within the region. For these purposes, the compact shall do all of the following:</u>   | 34333<br>34334<br>34335<br>34336          |
| <u>(a) Provide and share resources and programming to improve academic performance and opportunities to address the workforce needs of the region;</u>  | 34337<br>34338<br>34339                   |
| <u>(b) Identify, develop, and implement shared curriculum and resources to promote educational pathways that minimize the time required to earn a degree. This may include, but is not limited to, curriculum delivered using open educational resources and online formats.</u>  | 34340<br>34341<br>34342<br>34343<br>34344 |
| <u>(c) Analyze operational costs and implement cost-effective procedures that support greater access and opportunities for students in the region.</u>  | 34345<br>34346<br>34347                   |
| <u>(4) Reduce operational and administrative costs to provide more learning opportunities and collaboration in the region;</u>  | 34348<br>34349                            |
| <u>(5) Enhance career counseling and experiential learning opportunities for students;</u>  | 34350<br>34351                            |
| <u>(6) Expand alternative education delivery models such as</u>   | 34352                                     |

competency-based and project-based learning; 34353

(7) Develop a strategy to increase collaboration and pathways with information technology centers, adult basic and literacy education programs, and school districts in the region; 34354  
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(8) Develop strategies to enhance the sharing of resources between institutions to improve and expand the capacity and capability for research and development; 34357  
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(9) Identify and implement the best use of university regional campuses to reflect the goals described in division (B) of this section. 34360  
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(C) Nothing in this section shall prohibit a state institution of higher education from entering into multiple agreements under division (B) of this section. Additionally, there is no limit to the number, or the number of each type, of state institutions of higher education that may enter into an agreement under that division. 34363  
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(D) In addition to any agreement entered into pursuant to division (B) of this section, each state institution of higher education that is designated a land grant college under the federal "Morrill Act of 1862," 7 U.S.C. 301 et seq., or the "Agricultural College Act of 1890," 7 U.S.C. 321 et seq., or any subsequent act of congress, also shall to enter into an agreement providing for the creation of a compact that enhances collaboration between state institutions designated as land grant colleges. 34369  
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(E) Each state institution of higher education shall include in its annual efficiency report to the chancellor the efficiencies produced as a result of each compact to which the institution belongs. 34378  
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**Sec. 3350.10.** (A) There is hereby created the northeast Ohio 34382

medical university. The principal goal of the medical university 34383  
shall be to collaborate with the university of Akron, Cleveland 34384  
state university, Kent state university, and Youngstown state 34385  
university to graduate physicians oriented to the practice of 34386  
medicine at the community level, especially family physicians. To 34387  
accomplish this goal, the medical university may incorporate in 34388  
the clinical experience provided its students the several 34389  
community hospitals in the cities and areas served by the medical 34390  
university; utilize practicing physicians as teachers; and to the 34391  
fullest extent possible utilize the basic science capabilities of 34392  
the university of Akron, Cleveland state university, Kent state 34393  
university, and Youngstown state university. 34394

~~(1) Until December 22, 2008, the government of the northeast 34395  
Ohio medical university is vested in a nine member board of 34396  
trustees consisting of the presidents of the university of Akron, 34397  
Kent state university, and Youngstown state university; one member 34398  
each of the boards of trustees of the university of Akron, Kent 34399  
state university, and Youngstown state university, to be appointed 34400  
by their respective boards of trustees for a term of six years 34401  
ending on the first day of May or until the trustee's term on the 34402  
respective university board of trustees expires, whichever occurs 34403  
first; and one person each to be appointed by the boards of 34404  
trustees of the university of Akron, Kent state university, and 34405  
Youngstown state university, for a term of nine years ending on 34406  
the first day of May; except that the term of those first 34407  
appointed by the several boards of trustees shall expire on the 34408  
first day of May next following their appointment. Vacancies shall 34409  
be filled for the unexpired term in the manner provided for 34410  
original appointment. The trustees shall receive no compensation 34411  
for their services but shall be paid their reasonable necessary 34412  
expenses while engaged in the discharge of their official duties. 34413  
A majority of the board constitutes a quorum. 34414~~

~~(2) Beginning December 22, 2008, the~~ The government of the 34415  
northeast Ohio medical university is vested in a board of eleven 34416  
trustees, who shall be appointed by the governor, with the advice 34417  
and consent of the senate. Two of the trustees shall be current 34418  
students of the medical university, and their selection and terms 34419  
shall be in accordance with division (B) of this section. ~~Except~~ 34420

Except as provided in division (A)~~(3)~~(2) of this section and 34421  
except for the student members, terms of office shall be for ~~nine~~ 34422  
six years commencing on the second day of May and ending on the 34423  
first day of May. Each trustee shall hold office from the date of 34424  
appointment until the end of the term for which the trustee was 34425  
appointed. Any trustee appointed to fill a vacancy occurring prior 34426  
to the expiration of the term for which the trustee's predecessor 34427  
was appointed shall hold office for the remainder of such term. 34428  
Any trustee shall continue in office subsequent to the expiration 34429  
date of the trustee's term until the trustee's successor takes 34430  
office, or until a period of sixty days has elapsed, whichever 34431  
occurs first. No person who has served a full ~~nine-year~~ term as a 34432  
nonstudent member or more than ~~six years~~ two-thirds of such a term 34433  
shall be eligible for reappointment until a period of four years 34434  
has elapsed since the last day of the term for which the person 34435  
previously served. The trustees shall receive no compensation for 34436  
their services but shall be paid their reasonable necessary 34437  
expenses while engaged in the discharge of their official duties. 34438  
A majority of the board constitutes a quorum. 34439

~~(3) Not later than December 22, 2008, the governor, with the~~ 34440  
~~advice and consent of the senate, shall appoint the two student~~ 34441  
~~trustees and successors for the trustees serving under division~~ 34442  
~~(A)(1) of this section. Except for the student trustees, who shall~~ 34443  
~~serve terms pursuant to division (B) of this section, the initial~~ 34444  
~~terms of office for trustees appointed under division (A)(2) of~~ 34445  
~~this section shall be as follows: one term ending September 23,~~ 34446

~~2009; one term ending September 23, 2010; one term ending 34447  
September 23, 2011; one term ending September 23, 2012; one term 34448  
ending September 23, 2013; one term ending September 23, 2014; one 34449  
term ending September 23, 2015; one term ending September 23, 34450  
2016; one term ending September 23, 2017. Thereafter, terms of 34451  
office shall be for nine years, as provided in division (A)(2) of 34452  
this section. 34453~~

(2) A nonstudent trustee who was appointed under this section 34454  
as it existed prior to the effective date of this amendment shall 34455  
serve for a nine-year term. A trustee appointed to fill the 34456  
vacancy of a nine-year term shall serve for the remainder of that 34457  
unexpired nine-year term. Except for a nonstudent trustee 34458  
appointed to fill a vacancy for an unexpired nine-year term, terms 34459  
of office for a nonstudent trustee appointed on and after the 34460  
effective date of this amendment shall be for six years, as 34461  
provided in division (A)(1) of this section. 34462

(B) The student members of the board of trustees of the 34463  
northeast Ohio medical university have no voting power on the 34464  
board. Student members shall not be considered as members of the 34465  
board in determining whether a quorum is present. Student members 34466  
shall not be entitled to attend executive sessions of the board. 34467  
The student members of the board shall be appointed by the 34468  
governor, with the advice and consent of the senate, from a group 34469  
of five candidates selected pursuant to a procedure adopted by the 34470  
university's student governments and approved by the university's 34471  
board of trustees. ~~The initial term of office of one of the 34472  
student members shall commence December 22, 2008, and shall expire 34473  
on June 30, 2009, and the initial term of office of the other 34474  
student member shall commence December 22, 2008, and shall expire 34475  
on June 30, 2010. Thereafter, terms~~ Terms of office of student 34476  
members shall be for two years, each term ending on the same day 34477  
of the same month of the year as the term it succeeds commencing 34478

on the first day of July and ending on the thirtieth day of June. 34479  
In the event that a student member cannot fulfill a two-year term, 34480  
a replacement shall be selected to fill the unexpired term in the 34481  
same manner used to make the original selection. 34482

**Sec. 3352.01.** (A) There is hereby created a state university 34483  
to be known as "Wright state university." The government of Wright 34484  
state university is vested in a board of eleven trustees, who 34485  
shall be appointed by the governor, with the advice and consent of 34486  
the senate. Two of the trustees shall be students at Wright state 34487  
university, and their selection and terms shall be in accordance 34488  
with division (B) of this section. ~~Except~~ 34489

Except as provided in division (C) of this section and except 34490  
for the terms of student members, terms of office shall be for 34491  
~~nine~~ six years, commencing on the first day of July and ending on 34492  
the thirtieth day of June. Each trustee shall hold office from the 34493  
date of appointment until the end of the term for which the 34494  
trustee was appointed. Any trustee appointed to fill a vacancy 34495  
occurring prior to the expiration of the term for which the 34496  
trustee's predecessor was appointed shall hold office for the 34497  
remainder of such term. Any trustee shall continue in office 34498  
subsequent to the expiration date of the trustee's term until the 34499  
trustee's successor takes office, or until a period of sixty days 34500  
has elapsed, whichever occurs first. No person who has served a 34501  
full ~~nine-year~~ term as a nonstudent member or more than ~~six-years~~ 34502  
two-thirds of such a term shall be eligible for reappointment 34503  
until a period of four years has elapsed since the last day of the 34504  
term for which the person previously served. The trustees shall 34505  
receive no compensation for their services but shall be paid their 34506  
reasonable necessary expenses while engaged in the discharge of 34507  
their official duties. A majority of the board constitutes a 34508  
quorum. 34509

(B) The student members of the board of trustees of Wright state university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. ~~The initial term of office of one of the student members shall commence on July 1, 1988 and shall expire on June 30, 1989, and the initial term of office of the other student member shall commence on July 1, 1988 and shall expire on June 30, 1990.~~ Thereafter, terms Terms of office of student members shall be for two years, ~~each term ending on the same day of the same month of the year as the term it succeeds~~ commencing on the first day of July and ending on the thirtieth day of June. In the event that a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

(C) A nonstudent trustee who was appointed under this section as it existed prior to the effective date of this amendment shall serve for a nine-year term. A trustee appointed to fill the vacancy of a nine-year term shall serve for the remainder of that unexpired nine-year term. Except for a nonstudent trustee appointed to fill a vacancy for an unexpired nine-year term, terms of office for a nonstudent trustee appointed on and after the effective date of this amendment shall be for six years, as provided in division (A) of this section.

**Sec. 3354.01.** As used in sections 3354.01 to 3354.18 of the Revised Code:

(A) "Community college district" means a political 34541  
subdivision of the state and a body corporate with all the powers 34542  
of a corporation, comprised of the territory of one or more 34543  
contiguous counties having together a total population of not less 34544  
than seventy-five thousand preceding the establishment of such 34545  
district, and organized for the purpose of establishing, owning, 34546  
and operating a community college within the territory of such 34547  
district. 34548

(B) "Contiguous counties" means counties so located that each 34549  
such county shares at least one boundary in common with at least 34550  
one other such county in the group of counties referred to as 34551  
being "contiguous." 34552

(C) "Community college" means a public institution of 34553  
education beyond the high school organized for the principal 34554  
purpose of providing for the people of the community college 34555  
district wherein such college is situated the instructional 34556  
programs defined in this section as "arts and sciences" and 34557  
"technical," or either, and may include the "adult-education" 34558  
program as defined in this section. Except for applied bachelor's 34559  
degree programs ~~offered~~ approved by the chancellor of higher 34560  
education under section ~~3354.071~~ 3333.051 of the Revised Code, 34561  
instructional programs shall not exceed two years in duration. 34562

A university maintained and operated by a municipality 34563  
located in a county having a total population equal to the 34564  
requirement for a community college district as set forth in 34565  
division (A) of section 3354.01 of the Revised Code and is found 34566  
by the chancellor of higher education to offer instructional 34567  
programs which are needed in the community and which are 34568  
equivalent to those required of community colleges shall be, for 34569  
the purposes of receiving state or federal financial aid only, 34570  
considered a community college and shall receive the same state 34571  
financial assistance granted to community colleges but only in 34572

respect to students enrolled in their first and second year of 34573  
post high school education in the kinds of instructional programs 34574  
offered by the municipal university. 34575

(D) "Arts and sciences program" means both of the following: 34576

(1) A curricular program of two years or less duration, 34577  
provided within a community college, planned and intended to 34578  
enable students to gain academic credit for courses generally 34579  
comparable to courses offered in the first two years in accredited 34580  
colleges and universities in the state, and designed either to 34581  
enable students to transfer to such colleges and universities for 34582  
the purpose of earning baccalaureate degrees or to enable students 34583  
to terminate academic study after two years with a proportionate 34584  
recognition of academic achievement. 34585

(2) ~~A~~ An applied bachelor's degree program approved and 34586  
offered under section ~~3354.071~~ 3333.051 of the Revised Code. 34587

(E) "Adult-education program" means the dissemination of post 34588  
high school educational service and knowledge, by a community 34589  
college, for the occupational, cultural, or general educational 34590  
benefit of adult persons, such educational service and knowledge 34591  
not being offered for the primary purpose of enabling such persons 34592  
to obtain academic credit or other formal academic recognition. 34593

(F) "Charter amendment" means a change in the official plan 34594  
of a community college for the purpose of acquiring additional 34595  
lands or structures, disposing of or transferring lands or 34596  
structures, erection of structures, or creating or abolishing of 34597  
one or more academic departments corresponding to generally 34598  
recognized fields of academic study. 34599

(G) "Technical program" means a post high school curricular 34600  
program of two years or less duration, provided within a community 34601  
college, planned and intended to enable students to gain academic 34602  
credit for courses designed to prepare such students to meet the 34603

occupational requirements of the community. 34604

(H) "Operating costs" means all expenses for all purposes of 34605  
the community college district except expenditures for permanent 34606  
improvements having an estimated life of usefulness of five years 34607  
or more as certified by the fiscal officer of the community 34608  
college district. 34609

(I) "Applied bachelor's degree" has the same meaning as in 34610  
section 3333.051 of the Revised Code. 34611

**Sec. 3354.09.** The board of trustees of a community college 34612  
district may: 34613

(A) Own and operate a community college, pursuant to an 34614  
official plan prepared and approved in accordance with section 34615  
3354.07 of the Revised Code, or enter into a contract with a 34616  
generally accredited public university or college for operation of 34617  
such community college by such university or college pursuant to 34618  
an official plan prepared and approved in accordance with section 34619  
3354.07 of the Revised Code; 34620

(B) Hold, encumber, control, acquire by donation, purchase, 34621  
or condemnation, construct, own, lease, use, and sell real and 34622  
personal property as is necessary for the conduct of the program 34623  
of the community college on whatever terms and for whatever 34624  
consideration may be appropriate for the purpose of the college; 34625

(C) Accept gifts, grants, bequests, and devises absolutely or 34626  
in trust for support of the college during the existence of the 34627  
college; 34628

(D) Appoint the administrative officers, faculty, and staff, 34629  
necessary and proper for such community college, and fix their 34630  
compensation except in instances in which the board of trustees 34631  
has delegated such powers to a college or university operating 34632  
such community college pursuant to a contract entered into by the 34633

board of trustees of the district; 34634

(E) Provide for a community college necessary lands, 34635  
buildings or other structures, equipment, means, and appliances; 34636

(F) Develop and adopt, pursuant to the official plan, the 34637  
curricular programs identified in section 3354.01 of the Revised 34638  
Code as arts and sciences programs and technical programs, or 34639  
either. Such programs may include adult-education programs. 34640

(G) Except as provided in sections 3333.17 and 3333.32 of the 34641  
Revised Code, establish schedules of fees and tuition for students 34642  
who are residents of the district, residents of Ohio but not of 34643  
the district, and students who are nonresidents of Ohio. The 34644  
establishment of rules governing the determination of residence 34645  
shall be subject to approval of the ~~Ohio board of regents~~ 34646  
chancellor of higher education. Students who are nonresidents of 34647  
Ohio shall be required to pay higher rates of fees and tuition 34648  
than the rates required of students who are residents of Ohio but 34649  
not of the district, and students who are residents of the 34650  
district shall pay a smaller tuition and fee rate than the rate 34651  
for either category of nonresident students. 34652

(H) Authorize, approve, ratify, or confirm any agreement 34653  
relating to any such community college with the United States 34654  
government, acting through any agency of such government 34655  
designated or created to aid in the financing of such projects, or 34656  
with any person or agency offering grants in aid in financing such 34657  
educational facilities or the operation of such facilities except 34658  
as prohibited in division (K) of this section. 34659

Such agreement may include a provision for repayment of 34660  
advances, grants, or loans made to any community college district 34661  
from funds which may become available to it. 34662

When the United States government or its agent makes a grant 34663  
of money to any community college district to aid in paying the 34664

cost of any projects of such district, or enters into an agreement 34665  
with the community college district for the making of any such 34666  
grant of money, the amount thereof is deemed appropriated for such 34667  
purpose by the community college district and is deemed in process 34668  
of collection within the meaning of section 5705.41 of the Revised 34669  
Code. 34670

(I) Grant appropriate certificates of achievement or degrees 34671  
to students successfully completing the community college 34672  
programs; 34673

(J) Prescribe rules for the effective operation of a 34674  
community college and exercise such other powers as are necessary 34675  
for the efficient management of such college; 34676

(K) Receive and expend gifts or grants from the state for the 34677  
payment of operating costs, for the acquisition, construction, or 34678  
improvement of buildings or other structures, or for the 34679  
acquisition or use of land. In no event shall state gifts or 34680  
grants be expended for the support of adult-education programs. 34681  
Gifts or grants from the state for operating costs shall not in 34682  
any biennium exceed the amount recommended by the Ohio board of 34683  
regents to the governor as provided in Chapter 3333. of the 34684  
Revised Code. Such gifts or grants shall be distributed to such 34685  
districts in equal quarter-annual payments, unless otherwise 34686  
provided or authorized in any act appropriating moneys for such 34687  
purposes, on or before the last day of February, May, August, and 34688  
November in each year. 34689

(L) Retain consultants in the fields of education, planning, 34690  
architecture, law, engineering, or other fields of professional 34691  
skill; 34692

(M) Purchase: 34693

(1) A policy or policies of insurance insuring the district 34694  
against loss of or damage to property, whether real, personal, or 34695

mixed, which is owned by the district or leased by it as lessee or 34696  
which is in the process of construction by or for the district; 34697

(2) A policy or policies of fidelity insurance in such 34698  
amounts and covering such trustees, officers, and employees of the 34699  
district as it considers necessary or desirable; 34700

(3) A policy or policies of liability insurance from an 34701  
insurer or insurers licensed to do business in this state insuring 34702  
its members, officers, and employees against all civil liability 34703  
arising from an act or omission by the member, officer, or 34704  
employee when the member, officer, or employee is not acting 34705  
manifestly outside the scope of employment or official 34706  
responsibilities with the institution, with malicious purpose or 34707  
bad faith, or in a wanton or reckless manner, or may otherwise 34708  
provide for the indemnification of such persons against such 34709  
liability. All or any portion of the cost, premium, or charge for 34710  
such a policy or policies or indemnification payment may be paid 34711  
from any funds under the institution's control. The policy or 34712  
policies of liability insurance or the indemnification policy of 34713  
the institution may cover any risks including, but not limited to, 34714  
damages resulting from injury to property or person, professional 34715  
liability, and other special risks, including legal fees and 34716  
expenses incurred in the defense or settlement of claims for such 34717  
damages. 34718

(4) A policy or policies of insurance insuring the district 34719  
against any liabilities to which it may be subject on account of 34720  
damage or injury to persons or property, including liability for 34721  
wrongful death. 34722

(N) Designate one or more employees of the institution as 34723  
state university law enforcement officers, to serve and have 34724  
duties as prescribed in section 3345.04 of the Revised Code. 34725

Any instrument by which real property is acquired pursuant to 34726

this section shall identify the agency of the state that has the 34727  
use and benefit of the real property as specified in section 34728  
5301.012 of the Revised Code. 34729

**Sec. 3356.01.** (A) There is hereby created Youngstown state 34730  
university. The government of Youngstown state university is 34731  
vested in a board of eleven trustees, who shall be appointed by 34732  
the governor, with the advice and consent of the senate. Two of 34733  
the trustees shall be students at Youngstown state university, and 34734  
their selection and terms shall be in accordance with division (B) 34735  
of this section. ~~Except~~ 34736

Except as provided in division (C) of this section and except 34737  
for the terms of student members, terms of office shall be for 34738  
~~nine~~ six years, commencing on the second day of May and ending on 34739  
the first day of May. Each trustee shall hold office from the date 34740  
of appointment until the end of the term for which the trustee was 34741  
appointed. Any trustee appointed to fill a vacancy occurring prior 34742  
to the expiration of the term for which the trustee's predecessor 34743  
was appointed shall hold office for the remainder of such term. 34744  
Any trustee shall continue in office subsequent to the expiration 34745  
date of the trustee's term until the trustee's successor takes 34746  
office, or until a period of sixty days has elapsed, whichever 34747  
occurs first. No person who has served a full ~~nine-year~~ term as a 34748  
nonstudent member or more than ~~six years~~ two-thirds of such a term 34749  
shall be eligible to reappointment until a period of four years 34750  
has elapsed since the last day of the term for which the person 34751  
previously served. The trustees shall receive no compensation for 34752  
their services but shall be paid their reasonable necessary 34753  
expenses while engaged in the discharge of their duties. A 34754  
majority of the board constitutes a quorum. 34755

(B) The student members of the board of trustees of 34756  
Youngstown state university have no voting power on the board. 34757

Student members shall not be considered as members of the board in 34758  
determining whether a quorum is present. Student members shall not 34759  
be entitled to attend executive sessions of the board. The student 34760  
members of the board shall be appointed by the governor, with the 34761  
advice and consent of the senate, from a group of five candidates 34762  
selected pursuant to a procedure adopted by the university's 34763  
student governments and approved by the university's board of 34764  
trustees. ~~The initial term of office of one of the student members~~ 34765  
~~shall commence on May 2, 1988 and shall expire on May 1, 1989, and~~ 34766  
~~the initial term of office of the other student member shall~~ 34767  
~~commence on May 2, 1988 and expire on May 1, 1990. Thereafter,~~ 34768  
~~terms~~ Terms of office of student members shall be for two years, 34769  
each ~~term ending on the same day of the same month of the year as~~ 34770  
~~the term it succeeds~~ commencing on the second day of May and 34771  
ending on the first day of May. In the event that a student member 34772  
cannot fulfill a two-year term, a replacement shall be selected to 34773  
fill the unexpired term in the same manner used to make the 34774  
original selection. 34775

(C) A nonstudent trustee who was appointed under this section 34776  
as it existed prior to the effective date of this amendment shall 34777  
serve for a nine-year term. A trustee appointed to fill the 34778  
vacancy of a nine-year term shall serve for the remainder of that 34779  
unexpired nine-year term. Except for a nonstudent trustee 34780  
appointed to fill a vacancy for an unexpired nine-year term, terms 34781  
of office for a nonstudent trustee appointed on and after the 34782  
effective date of this amendment shall be for six years, as 34783  
provided in division (A) of this section. 34784

**Sec. 3357.01.** As used in this chapter: 34785

(A) "Technical college" means an institution of education 34786  
beyond the high school, including an institution of higher 34787  
education, organized for the principal purpose of providing for 34788

the residents of the technical college district, wherein such 34789  
college is situated, any one or more of the instructional programs 34790  
defined in this section as "technical college," or 34791  
"adult-education technical programs," normally not exceeding two 34792  
years' duration and not leading to a baccalaureate degree, except 34793  
as provided in section 3333.051 of the Revised Code. 34794

(B) "Technical college district" means a political 34795  
subdivision of the state and a body corporate with all the powers 34796  
of a corporation, comprised of the territory of a city school 34797  
district or a county, or two or more contiguous school districts 34798  
or counties, which meets the standards prescribed by the ~~Ohio~~ 34799  
~~board of regents~~ chancellor of higher education pursuant to 34800  
section 3357.02 of the Revised Code, and which is organized for 34801  
the purpose of establishing, owning, and operating one or more 34802  
technical colleges within the territory of such district. 34803

(C) "Contiguous school districts or counties" means school 34804  
districts or counties so located that each such school district or 34805  
county shares at least one boundary or a portion thereof in common 34806  
with at least one other such school district or county in the 34807  
group of school districts or counties referred to as being 34808  
"contiguous." 34809

(D) "Technical college program" means a post high school 34810  
curricular program provided within a technical college, planned 34811  
and intended to qualify students, after satisfactory completion of 34812  
such a program normally two years in duration, to pursue careers 34813  
in which they provide immediate technical assistance to 34814  
professional or managerial persons generally required to hold 34815  
baccalaureate or higher academic degrees in technical or 34816  
professional fields. The technical and professional fields 34817  
referred to in this section include, but are not limited to, 34818  
engineering and physical, medical, or other sciences. 34819

(E) "Adult-education technical program" means the 34820

dissemination of post high school technical education service and 34821  
knowledge, for the occupational, or general educational benefit of 34822  
adult persons. 34823

(F) "Charter amendment" means a change in the official plan 34824  
of a technical college for the purpose of acquiring additional 34825  
lands or structures, disposing of or transferring lands or 34826  
structures, erecting structures, creating or abolishing technical 34827  
college or adult education technical curricular programs. 34828

(G) "Baccalaureate-oriented associate degree program" means a 34829  
curricular program of not more than two years' duration that is 34830  
planned and intended to enable students to gain academic credit 34831  
for courses comparable to first- and second-year courses offered 34832  
by accredited colleges and universities. The purpose of 34833  
baccalaureate-oriented associate degree coursework in technical 34834  
colleges is to enable students to transfer to colleges and 34835  
universities and earn baccalaureate degrees or to enable students 34836  
to terminate academic study after two years with a proportionate 34837  
recognition of academic achievement through receipt of an 34838  
associate degree. 34839

(H) "Applied bachelor's degree" has the same meaning as in 34840  
section 3333.051 of the Revised Code. 34841

**Sec. 3357.09.** The board of trustees of a technical college 34842  
district may: 34843

(A) Own and operate a technical college, pursuant to an 34844  
official plan prepared and approved in accordance with section 34845  
3357.07 of the Revised Code; 34846

(B) Hold, encumber, control, acquire by donation, purchase, 34847  
or condemnation, construct, own, lease, use, and sell, real and 34848  
personal property as necessary for the conduct of the program of 34849  
the technical college on whatever terms and for whatever 34850

consideration may be appropriate for the purposes of the 34851  
institution; 34852

(C) Accept gifts, grants, bequests, and devises absolutely or 34853  
in trust for support of the technical college; 34854

(D) Appoint the president, faculty, and such other employees 34855  
as necessary and proper for such technical college, and fix their 34856  
compensation; 34857

(E) Provide for a technical college necessary lands, 34858  
buildings or other structures, equipment, means, and appliances; 34859

(F) Develop and adopt, pursuant to the official plan, any one 34860  
or more of the curricular programs identified in section 3357.01 34861  
of the Revised Code as technical-college programs, or 34862  
adult-education technical programs, and applied bachelor's degree 34863  
programs under section 3333.051 of the Revised Code; 34864

(G) Except as provided in sections 3333.17 and 3333.32 of the 34865  
Revised Code, establish schedules of fees and tuition for: 34866  
students who are residents of the district; students who are 34867  
residents of Ohio but not of the district; students who are 34868  
nonresidents of Ohio. The establishment of rules governing the 34869  
determination of residence shall be subject to approval of the 34870  
~~Ohio board of regents~~ chancellor of higher education. Students who 34871  
are nonresidents of Ohio shall be required to pay higher rates of 34872  
fees and tuition than the rates required of students who are 34873  
residents of Ohio but not of the district, and students who are 34874  
residents of the district shall pay smaller tuition and fee rates 34875  
than the rates for either of the above categories of nonresident 34876  
students, except that students who are residents of Ohio but not 34877  
of the district shall be required to pay higher fees and tuition 34878  
than students who are residents of the district only when a 34879  
district tax levy has been adopted and is in effect under the 34880  
authority of section 3357.11, 5705.19, or 5705.191 of the Revised 34881

Code. 34882

(H) Authorize, approve, ratify, or confirm, with approval of 34883  
the ~~Ohio board of regents~~ chancellor, any agreement with the 34884  
United States government, acting through any agency designated to 34885  
aid in the financing of technical college projects, or with any 34886  
person, organization, or agency offering grants-in-aid for 34887  
technical college facilities or operation; 34888

(I) Receive assistance for the cost of equipment and for the 34889  
operation of such technical colleges from moneys appropriated for 34890  
technical education or for matching of Title VIII of the "National 34891  
Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. 34892  
Moneys shall be distributed by the ~~Ohio board of regents~~ 34893  
chancellor in accordance with rules which the board shall 34894  
establish governing its allocations to technical colleges 34895  
chartered under section 3357.07 of the Revised Code. 34896

(J) Grant appropriate associate degrees to students 34897  
successfully completing the technical college programs, 34898  
appropriate applied bachelor's degrees to students successfully 34899  
completing applied bachelor's degree programs, and certificates of 34900  
achievement to those students who complete other programs; 34901

(K) Prescribe rules for the effective operation of a 34902  
technical college, and exercise such other powers as are necessary 34903  
for the efficient management of such college; 34904

(L) Enter into contracts and conduct technical college 34905  
programs or technical courses outside the technical college 34906  
district; 34907

(M) Enter into contracts with the board of education of any 34908  
local, exempted village, or city school district or the governing 34909  
board of any educational service center to permit the school 34910  
district or service center to use the facilities of the technical 34911  
college district; 34912

(N) Designate one or more employees of the institution as state university law enforcement officers, to serve and have duties as prescribed in section 3345.04 of the Revised Code;

(O) Subject to the approval of the ~~Ohio board of regents~~ chancellor, offer technical college programs or technical courses for credit at locations outside the technical college district. For purposes of computing state aid, students enrolled in such courses shall be deemed to be students enrolled in programs and courses at off-campus locations in the district.

(P) Purchase a policy or policies of liability insurance from an insurer or insurers licensed to do business in this state insuring its members, officers, and employees against all civil liability arising from an act or omission by the member, officer, or employee, when the member, officer, or employee is not acting manifestly outside the scope of the member's, officer's, or employee's employment or official responsibilities with the institution, with malicious purpose or bad faith, or in a wanton or reckless manner, or may otherwise provide for the indemnification of such persons against such liability. All or any portion of the cost, premium, or charge for such a policy or policies or indemnification payment may be paid from any funds under the institution's control. The policy or policies of liability insurance or the indemnification policy of the institution may cover any risks including, but not limited to, damages resulting from injury to property or person, professional liability, and other special risks, including legal fees and expenses incurred in the defense or settlement of claims for such damages.

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

**Sec. 3357.19.** The ~~Ohio board of regents~~ chancellor of higher 34945  
education shall: 34946

(A) Promulgate rules, regulations, and standards in 34947  
conformity with Chapter 119. of the Revised Code relative to the 34948  
qualifications of teaching personnel in technical colleges, and 34949  
require conformity to all such rules, regulations, and standards 34950  
as a condition upon the issuance of a charter to any technical 34951  
college and upon the continued operation of such colleges; 34952

(B) Promulgate rules, regulations, and standards relative to 34953  
the quality and content of instructional courses in technical 34954  
colleges, and relative to the awarding of certificates of 34955  
achievement or ~~associate~~ degrees to students in such colleges, and 34956  
require conformity to all such rules, regulations, and standards 34957  
as a condition upon the issuance of a charter to any technical 34958  
college and upon the continued operation of such college; 34959

(C) Conduct studies and examinations of the operation and 34960  
facilities of technical colleges, and require reports from such 34961  
colleges, from time to time as the ~~board~~ chancellor deems 34962  
necessary, and revoke or suspend pursuant to Chapter 119. of the 34963  
Revised Code, the charter of any technical college found to be in 34964  
substantial violation of law, of rules, regulations, or standards 34965  
of the ~~board~~ chancellor, or of the approved official plan of such 34966  
college; 34967

(D) Employ such professional, administrative, clerical, or 34968  
secretarial personnel as may be found necessary to assist the 34969  
~~board~~ chancellor in the performance of ~~its~~ the chancellor's 34970  
duties; 34971

(E) Perform biennial examinations of the budget requirements 34972  
of the technical colleges in the state, and present 34973  
recommendations to the governor with respect to such budget 34974  
requirements; 34975

(F) Perform research studies relative to technical college education. 34976  
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**Sec. 3358.01.** As used in sections 3358.01 to 3358.10 of the Revised Code: 34978  
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(A) "State community college district" means a political subdivision composed of the territory of a county, or of two or more contiguous counties, in either case having a total population of at least one hundred fifty thousand, and organized for the purpose of establishing, owning, and operating a state community college within the district or a political subdivision created pursuant to division (A) of section 3358.02 of the Revised Code. 34980  
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(B) "State community college" means a two-year institution, offering a baccalaureate-oriented program, technical education program, or an adult continuing education program. The extent to which the college offers baccalaureate-oriented and technical programs shall be determined in its charter. However, a state community college may offer applied bachelor's degree programs pursuant to section 3333.051 of the Revised Code. 34987  
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(C) "Baccalaureate-oriented program" means a curricular program of not more than two years' duration that is planned and intended to enable students to gain academic credit for courses comparable to first- and second-year courses offered by accredited colleges and universities. The purpose of baccalaureate-oriented coursework in state community colleges is to enable students to transfer to colleges and universities and earn baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement through receipt of an associate degree. 34994  
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(D) "Technical education program" means a post high school program of not more than two years' duration that is planned and intended to prepare students to pursue employment or improve 35004  
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technical knowledge in careers generally but not exclusively at 35007  
the semiprofessional level. Technical education programs include, 35008  
but are not limited to, programs in the technologies of business, 35009  
engineering, health, natural science, and public service and are 35010  
programs which, after two years of academic study, result in 35011  
proportionate recognition of academic achievement through receipt 35012  
of an associate degree. 35013

(E) "Adult continuing education program" means the offering 35014  
of short courses, seminars, workshops, exhibits, performances, and 35015  
other educational activities for the general educational or 35016  
occupational benefit of adults. 35017

(F) "Applied bachelor's degree" has the same meaning as in 35018  
section 3333.051 of the Revised Code. 35019

**Sec. 3358.08.** The board of trustees of a state community 35020  
college district may: 35021

(A) Own and operate a state community college; 35022

(B) Hold, encumber, control, acquire by donation, purchase or 35023  
condemn, construct, own, lease, use, and sell, real and personal 35024  
property as necessary for the conduct of the program of the state 35025  
community college on whatever terms and for whatever consideration 35026  
may be appropriate for the purpose of the institution; 35027

(C) Accept gifts, grants, bequests, and devises absolute or 35028  
in trust for support of the state community college; 35029

(D) Employ a president, and appoint or approve the 35030  
appointment of other necessary administrative officers, full-time 35031  
faculty members, and operating staff. The board may delegate the 35032  
appointment of operating staff and part-time faculty members to 35033  
the college president. The board shall fix the rate of 35034  
compensation of the president and all officers and full-time 35035  
employees as are necessary and proper for state community 35036

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| colleges.   | 35037  |
| (E) Provide for the state community college necessary lands, buildings, or other structures, equipment, means, and appliances;  | 35038<br>35039                                     |
| (F) Establish within the maximum amounts permitted by law, schedules of fees and tuition for students who are Ohio residents and students who are not;  | 35040<br>35041<br>35042                            |
| (G) Grant appropriate <del>associate</del> degrees to students successfully completing the state community college's programs, and certificates of achievement to students who complete other programs;   | 35043<br>35044<br>35045<br>35046                   |
| (H) Prescribe policies for the effective operation of the state community college and exercise such other powers as are necessary for the efficient management of the college;  | 35047<br>35048<br>35049                            |
| (I) Enter into contracts with neighboring colleges and universities for the conduct of state community college programs or technical courses outside the state community college district;  | 35050<br>35051<br>35052                            |
| (J) Purchase:   | 35053  |
| (1) A policy or policies of insurance insuring the district against loss or damage to property, whether real, personal, or mixed, which is owned by the district or leased by it as lessee or which is in the process of construction by or for the district;   | 35054<br>35055<br>35056<br>35057                   |
| (2) A policy or policies of fidelity insurance in such amounts and covering such trustees, officers, and employees of the district as the board may consider necessary or desirable;  | 35058<br>35059<br>35060                            |
| (3) A policy or policies of liability insurance from an insurer or insurers licensed to do business in this state insuring its members, officers, and employees against all civil liability arising from an act or omission by the member, officer, or employee, when the member, officer, or employee is not acting manifestly outside the scope of employment or official | 35061<br>35062<br>35063<br>35064<br>35065<br>35066 |

responsibilities with the institution, with malicious purpose or 35067  
bad faith, or in a wanton or reckless manner, or may otherwise 35068  
provide for the indemnification of such persons against such 35069  
liability. All or any portion of the cost, premium, or charge for 35070  
such a policy or policies or indemnification payment may be paid 35071  
from any funds under the institution's control. The policy or 35072  
policies of liability insurance or the indemnification policy of 35073  
the institution may cover any risks including, but not limited to, 35074  
damages resulting from injury to property or person, professional 35075  
liability, and other special risks, including legal fees and 35076  
expenses incurred in the defense or settlement claims of such 35077  
damages. 35078

(4) A policy or policies of insurance insuring the district 35079  
against any liabilities to which it may be subject on account of 35080  
damage or injury to persons or property, including liability for 35081  
wrongful death. 35082

Any instrument by which real property is acquired pursuant to 35083  
this section shall identify the agency of the state that has the 35084  
use and benefit of the real property as specified in section 35085  
5301.012 of the Revised Code. 35086

**Sec. 3359.01.** (A) There is hereby created a state university 35087  
to be known as "The University of Akron." The government of the 35088  
university of Akron is vested in a board of eleven trustees who 35089  
shall be appointed by the governor, with the advice and consent of 35090  
the senate. Two of the trustees shall be students at the 35091  
university of Akron, and their selection and terms shall be in 35092  
accordance with division (B) of this section. ~~Except~~ 35093

Except as provided in division (C) of this section and except 35094  
for the terms of student members, terms of office shall be for 35095  
~~nine~~ six years, commencing on the second day of July and ending on 35096  
the first day of July. Each trustee shall hold office from the 35097

date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person who has served a full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ two-thirds of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person previously served. The trustees shall receive no compensation for their services but shall be paid their reasonable necessary expenses while engaged in the discharge of their official duties. A majority of the board constitutes a quorum.

(B) The student members of the board of trustees of the university of Akron have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. ~~The initial term of office of one of the student members shall commence on July 2, 1988 and shall expire on July 1, 1989, and the initial term of office of the other student member shall commence on July 2, 1988 and expire on July 1, 1990. Thereafter,~~ Terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as ~~the term it succeeds~~ commencing on the second day of July and ending on the first day of July. In the event that a student

member cannot fulfill a two-year term, a replacement shall be 35131  
selected to fill the unexpired term in the same manner used to 35132  
make the original selection. 35133

(C) A nonstudent trustee who was appointed under this section 35134  
as it existed prior to the effective date of this amendment shall 35135  
serve for a nine-year term. A trustee appointed to fill the 35136  
vacancy of a nine-year term shall serve for the remainder of that 35137  
unexpired nine-year term. Except for a nonstudent trustee 35138  
appointed to fill a vacancy for an unexpired nine-year term, terms 35139  
of office for a nonstudent trustee appointed on and after the 35140  
effective date of this amendment shall be for six years, as 35141  
provided in division (A) of this section. 35142

**Sec. 3361.01.** (A) There is hereby created a state university 35143  
to be known as the "university of Cincinnati." The government of 35144  
the university of Cincinnati is vested in a board of eleven 35145  
trustees who shall be appointed by the governor with the advice 35146  
and consent of the senate. Two of the trustees shall be students 35147  
at the university of Cincinnati, and their selection and terms 35148  
shall be in accordance with division (B) of this section. The 35149  
terms of the first nine members of the board of trustees shall 35150  
commence upon the effective date of the transfer of assets of the 35151  
state-affiliated university of Cincinnati to the university of 35152  
Cincinnati hereby created. ~~One of such trustees shall be appointed 35153~~  
~~for a term ending on the first day of January occurring at least 35154~~  
~~twelve months after such date of transfer, and each of the other 35155~~  
~~trustees shall be appointed for respective terms ending on each 35156~~  
~~succeeding first day of January, so that one term will expire on 35157~~  
~~each first day of January after expiration of the shortest term. 35158~~  
~~Except 35159~~

Except as provided in division (C) of this section and except 35160  
for the two student trustees, each successor trustee shall be 35161

appointed for a term ending on the first day of January, ~~nine~~ six 35162  
years from the expiration date of the term the trustee succeeds, 35163  
except that any person appointed to fill a vacancy shall be 35164  
appointed to serve only for the unexpired term. 35165

Any trustee shall continue in office subsequent to the 35166  
expiration date of the trustee's term until the trustee's 35167  
successor takes office, or until a period of sixty days has 35168  
elapsed, whichever occurs first. 35169

No person who has served a full ~~nine-year~~ term as a 35170  
nonstudent member or longer or more than ~~six years~~ two-thirds of 35171  
such a term shall be eligible to reappointment until a period of 35172  
four years has elapsed since the last day of the term for which 35173  
the person previously served. 35174

The trustees shall receive no compensation for their services 35175  
but shall be paid their reasonable necessary expenses while 35176  
engaged in the discharge of their official duties. A majority of 35177  
the board constitutes a quorum. 35178

(B) The student members of the board of trustees of the 35179  
university of Cincinnati have no voting power on the board. 35180  
Student members shall not be considered as members of the board in 35181  
determining whether a quorum is present. Student members shall not 35182  
be entitled to attend executive sessions of the board. The student 35183  
members of the board shall be appointed by the governor, with the 35184  
advice and consent of the senate, from a group of five candidates 35185  
selected pursuant to a procedure adopted by the university's 35186  
student governments and approved by the university's board of 35187  
trustees. ~~The initial term of office of one of the student members~~ 35188  
~~shall commence on May 14, 1988 and shall expire on May 13, 1989,~~ 35189  
~~and the initial term of office of the other student member shall~~ 35190  
~~commence on May 14, 1988 and expire on May 13, 1990. Thereafter,~~ 35191  
~~terms~~ Terms of office of student members shall be for two years, 35192  
~~each term ending on the same day of the same month of the year as~~ 35193

~~the term it succeeds~~ commencing on the fourteenth day of May and 35194  
ending on the thirteenth day of May. In the event that a student 35195  
cannot fulfill a two-year term, a replacement shall be selected to 35196  
fill the unexpired term in the same manner used to make the 35197  
original selection. 35198

(C) A nonstudent trustee who was appointed under this section 35199  
as it existed prior to the effective date of this amendment shall 35200  
serve for a nine-year term. A trustee appointed to fill the 35201  
vacancy of a nine-year term shall serve for the remainder of that 35202  
unexpired nine-year term. Except for a nonstudent trustee 35203  
appointed to fill a vacancy for an unexpired nine-year term, terms 35204  
of office for a nonstudent trustee appointed on and after the 35205  
effective date of this amendment shall be for six years, as 35206  
provided in division (A) of this section. 35207

**Sec. 3362.01.** (A) There is hereby created a state university 35208  
to be known as "Shawnee state university." The government of 35209  
Shawnee state university is vested in a board of eleven trustees 35210  
who shall be appointed by the governor with the advice and consent 35211  
of the senate. Two of the trustees shall be students at Shawnee 35212  
state university, and their selection and terms shall be in 35213  
accordance with division (B) of this section. ~~The remaining~~ 35214  
~~trustees shall be appointed as follows: one for a term of one~~ 35215  
~~year, one for a term of two years, one for a term of three years,~~ 35216  
~~one for a term of four years, one for a term of five years, one~~ 35217  
~~for a term of six years, one for a term of seven years, one for a~~ 35218  
~~term of eight years, and one for a term of nine years. Thereafter~~ 35219

Except as provided in division (C) of this section and except 35220  
for the terms of student members, terms shall be for ~~nine~~ six 35221  
years. All terms of office shall commence on the first day of July 35222  
and end on the thirtieth day of June. 35223

Each trustee shall hold office from the date of appointment 35224

until the end of the term for which the trustee was appointed. Any 35225  
trustee appointed to fill a vacancy occurring prior to the 35226  
expiration of the term for which the trustee's predecessor was 35227  
appointed shall hold office for the remainder of such term. Any 35228  
trustee shall continue in office subsequent to the expiration date 35229  
of the trustee's term until the trustee's successor takes office, 35230  
or until a period of sixty days has elapsed, whichever occurs 35231  
first. No person who has served a full ~~nine-year~~ term as a 35232  
nonstudent member or more than ~~six years~~ two-thirds of such a term 35233  
shall be eligible for reappointment until a period of four years 35234  
has elapsed since the last day of the term for which the person 35235  
previously served. 35236

The trustees shall receive no compensation for their services 35237  
but shall be paid their reasonable and necessary expenses while 35238  
engaged in the discharge of their official duties. 35239

A majority of the board constitutes a quorum. 35240

(B) The student members of the board of trustees of Shawnee 35241  
state university have no voting power on the board. Student 35242  
members shall not be considered as members of the board in 35243  
determining whether a quorum is present. Student members shall not 35244  
be entitled to attend executive sessions of the board. The student 35245  
members of the board shall be appointed by the governor, with the 35246  
advice and consent of the senate, from a group of five candidates 35247  
selected pursuant to a procedure adopted by the university's 35248  
student governments and approved by the university's board of 35249  
trustees. ~~The initial term of office of one of the student members~~ 35250  
~~shall commence on July 1, 1988, and shall expire on June 30, 1989,~~ 35251  
~~and the initial term of office of the other student member shall~~ 35252  
~~commence on July 1, 1988, and expire on June 30, 1990. Thereafter,~~ 35253  
~~terms~~ Terms of office of student members shall be for two years, 35254  
each term ending on the same day of the same month of the year as 35255  
the term it succeeds commencing on the first day of July and 35256

ending on the thirtieth day of June. In the event a student member 35257  
cannot fulfill a two-year term, a replacement shall be selected to 35258  
fill the unexpired term in the same manner used to make the 35259  
original selection. 35260

(C) A nonstudent trustee who was appointed under this section 35261  
as it existed prior to the effective date of this amendment shall 35262  
serve for a nine-year term. A trustee appointed to fill the 35263  
vacancy of a nine-year term shall serve for the remainder of that 35264  
unexpired nine-year term. Except for a nonstudent trustee 35265  
appointed to fill a vacancy for an unexpired nine-year term, terms 35266  
of office for a nonstudent trustee appointed on and after the 35267  
effective date of this amendment shall be for six years, as 35268  
provided in division (A) of this section. 35269

**Sec. 3364.01.** (A) The university of Toledo, as authorized 35270  
under former Chapter 3360. of the Revised Code, and the medical 35271  
university of Ohio at Toledo, as authorized under former sections 35272  
3350.01 to 3350.05 of the Revised Code, shall be combined as one 35273  
state university to be known as the "university of Toledo." 35274

(B)(1) The government of the ~~combined~~ university of Toledo is 35275  
vested in a board of eleven trustees ~~which, except as prescribed~~ 35276  
~~in division (B)(2) of this section, who~~ shall be appointed by the 35277  
governor with the advice and consent of the senate. The ~~initial~~ 35278  
~~board of trustees of the combined university shall be as~~ 35279  
~~prescribed in division (B)(2) of this section. After the~~ 35280  
~~abolishment of offices as prescribed in division (B)(2)(a) of this~~ 35281  
~~section, the~~ board of trustees of the ~~combined~~ university shall 35282  
consist of nine voting members, who except as provided in division 35283  
(C) of this section shall serve for terms of ~~nine~~ six years, ~~and,~~ 35284  
The board also shall consist of two nonvoting members, who shall 35285  
be students of the combined university and who shall serve for 35286  
terms of two years. Terms of office of trustees shall begin on the 35287

second day of July and end on the first day of July. 35288

~~(2) The initial board of trustees of the combined university 35289  
shall consist of seventeen voting members who are the eight 35290  
members who made up the board of trustees of the medical 35291  
university of Ohio at Toledo prior to May 1, 2006, under former 35292  
section 3350.01 of the Revised Code, and whose terms would expire 35293  
under that section after May 1, 2006; the eight voting members who 35294  
made up the board of trustees of the university of Toledo, under 35295  
former section 3360.01 of the Revised Code, and whose terms would 35296  
expire under that section after July 1, 2006; and one additional 35297  
member appointed by the governor with the advice and consent of 35298  
the senate. The terms of office, abolishment of office, and 35299  
succession of the voting members of the initial board shall be as 35300  
prescribed in division (B)(2)(a) of this section. The initial 35301  
board also shall consist of two nonvoting members who are students 35302  
of the combined university, as prescribed in division (B)(2)(b) of 35303  
this section. 35304~~

~~(a) The term of office of the voting member of the initial 35305  
board of trustees of the combined university who was not formerly 35306  
a member of either the board of trustees of the medical university 35307  
of Ohio at Toledo or the board of trustees of the university of 35308  
Toledo shall be for nine years, beginning on July 2, 2006, and 35309  
ending on July 1, 2015. 35310~~

~~The terms of office of the sixteen other voting members of 35311  
the initial board of trustees shall expire on July 1 of the year 35312  
they otherwise would expire under former section 3350.01 or 35313  
3360.01 of the Revised Code. 35314~~

~~The office of one voting member whose term expires on July 1, 35315  
2007, shall be abolished on that date. The governor, with the 35316  
advice and consent of the senate, shall appoint a successor to the 35317  
office of the other voting member whose term expires on that date 35318  
to a nine year term beginning on July 2, 2007. 35319~~

~~The office of one voting member whose term expires on July 1, 2008, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2008.~~

~~The office of one voting member whose term expires on July 1, 2009, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2009.~~

~~The office of one voting member whose term expires on July 1, 2010, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2010.~~

~~The office of one voting member whose term expires on July 1, 2011, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2011.~~

~~The office of one voting member whose term expires on July 1, 2012, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2012.~~

~~The office of one voting member whose term expires on July 1, 2013, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2013.~~

~~The office of one voting member whose term expires on July 1,~~

~~2014, shall be abolished on that date. The governor, with the  
advice and consent of the senate, shall appoint a successor to the  
office of the other voting member whose term expires on that date  
to a nine year term beginning on July 2, 2014.~~

~~The governor, with the advice and consent of the senate,  
shall appoint a successor to the office of the voting member whose  
term expires on July 1, 2015, to a nine year term beginning on  
July 2, 2015.~~

~~Thereafter the terms of office of all subsequent voting  
members of the board of trustees shall be for nine years beginning  
on the second day of July and ending on the first day of July.~~

~~(b) One of the student members of the initial board of  
trustees shall be the student member of the former university of  
Toledo board of trustees, appointed under former section 3360.01  
of the Revised Code, whose term would expire under that section on  
July 1, 2007. The term of that student member shall expire on July  
1, 2007. The other student member shall be a new appointee,  
representing the portion of the combined university that made up  
the former medical university of Ohio at Toledo, appointed to a  
two year term beginning on July 2, 2006, and ending on July 1,  
2008. That student trustee shall be appointed by the governor,  
with the advice and consent of the senate, from a group of three  
candidates selected pursuant to a procedure adopted by the  
university's student governments and approved by the university's  
board of trustees. Thereafter appointment and terms of office of  
student members of the board of trustees shall be as prescribed by  
division (B)(3) of this section.~~

~~(3) The student members of the board of trustees of the  
combined university shall be appointed by the governor, with the  
advice and consent of the senate, from a group of six candidates  
selected pursuant to a procedure adopted by the university's  
student governments and approved by the university's board of~~

trustees. Terms of office of student members shall be for two 35383  
years, each term ending on the same day of the same month of the 35384  
year as the term it succeeds. In the event that a student member 35385  
cannot fulfill a two-year term, a replacement shall be selected to 35386  
fill the unexpired term in the same manner used to make the 35387  
original selection. 35388

~~(4)~~(3) Each trustee shall hold office from the date of 35389  
appointment until the end of the term for which the trustee was 35390  
appointed. Any trustee appointed to fill a vacancy occurring prior 35391  
to the expiration of the term for which the trustee's predecessor 35392  
was appointed shall hold office for the remainder of such term. 35393  
Any trustee shall continue in office subsequent to the expiration 35394  
date of the trustee's term until the trustee's successor takes 35395  
office, or until a period of sixty days has elapsed, whichever 35396  
occurs first. 35397

~~(5)~~(4) No person who has served as a voting member of the 35398  
board of trustees for a full ~~nine-year~~ term as a nonstudent member 35399  
or more than ~~six years~~ two-thirds of such a term and no person who 35400  
is a voting member of the initial board of trustees as prescribed 35401  
in division (B)(2)(a) of this section as it existed before the 35402  
effective date of this amendment is eligible for reappointment to 35403  
the board until a period of four years has elapsed since the last 35404  
day of the term for which the person previously served. 35405

No person who served as a voting member of the board of 35406  
trustees of the former university of Toledo, as authorized under 35407  
former Chapter 3360. of the Revised Code, for a full nine-year 35408  
term or more than six years of such a term, and no person who 35409  
served on the board of trustees of the former medical university 35410  
of Ohio at Toledo, as authorized under former sections 3350.01 to 35411  
3350.05 of the Revised Code, for a full nine-year term or more 35412  
than six years of such a term is eligible for appointment to the 35413  
board of trustees of the combined university until a period of 35414

four years has elapsed since the last day of the term for which 35415  
the person previously served. 35416

(C) A nonstudent trustee who was appointed under this section 35417  
as it existed prior to the effective date of this amendment shall 35418  
serve for a nine-year term. A trustee appointed to fill the 35419  
vacancy of a nine-year term shall serve for the remainder of that 35420  
unexpired nine-year term. Except for a nonstudent trustee 35421  
appointed to fill a vacancy for an unexpired nine-year term, terms 35422  
of office for a nonstudent trustee appointed after the effective 35423  
date of this amendment shall be for six years, as provided in 35424  
division (B) of this section. 35425

(D) The trustees shall receive no compensation for their 35426  
services but shall be paid their reasonable necessary expenses 35427  
while engaged in the discharge of their official duties. A 35428  
majority of the board constitutes a quorum. The student members of 35429  
the board have no voting power on the board. Student members shall 35430  
not be considered as members of the board in determining whether a 35431  
quorum is present. Student members shall not be entitled to attend 35432  
executive sessions of the board. 35433

**Sec. 3365.01.** As used in this chapter: 35434

(A) "Articulated credit" means post-secondary credit that is 35435  
reflected on the official record of a student at an institution of 35436  
higher education only upon enrollment at that institution after 35437  
graduation from a secondary school. 35438

(B) "Default ceiling amount" means one of the following 35439  
amounts, whichever is applicable: 35440

(1) For a participant enrolled in a college operating on a 35441  
semester schedule, the amount calculated according to the 35442  
following formula: 35443

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|  |       |
|--|-------|
| ((0.83 X formula amount) / 30)                                     | 35445 |
| X number of enrolled credit hours                                  | 35446 |
| (2) For a participant enrolled in a college operating on a         | 35447 |
| quarter schedule, the amount calculated according to the following | 35448 |
| formula:   | 35449 |
|  | 35450 |
| ((0.83 X formula amount) / 45)                                     | 35451 |
| X number of enrolled credit hours                                  | 35452 |
| (C) "Default floor amount" means twenty-five per cent of the       | 35453 |
| default ceiling amount.  | 35454 |
| (D) "Eligible out-of-state college" means any institution of       | 35455 |
| higher education that is located outside of Ohio and is approved   | 35456 |
| by the chancellor of the Ohio board of regents to participate in   | 35457 |
| the college credit plus program.                                   | 35458 |
| (E) "Fee" means any course-related fee and any other fee           | 35459 |
| imposed by the college, but not included in tuition, for           | 35460 |
| participation in the program established by this chapter.          | 35461 |
| (F) "Formula amount" has the same meaning as in section            | 35462 |
| 3317.02 of the Revised Code.                                       | 35463 |
| (G) "Governing entity" means a board of education of a school      | 35464 |
| district, a governing authority of a community school established  | 35465 |
| under Chapter 3314., a governing body of a STEM school established | 35466 |
| under Chapter 3326., or a board of trustees of a                   | 35467 |
| college-preparatory boarding school established under Chapter      | 35468 |
| 3328. of the Revised Code.   | 35469 |
| (H) "Home-instructed participant" means a student who has          | 35470 |
| been excused from the compulsory attendance law for the purpose of | 35471 |
| home instruction under section 3321.04 of the Revised Code, and is | 35472 |
| participating in the program established by this chapter.          | 35473 |
| (I) "Maximum per participant charge amount" means one of the       | 35474 |

|  |       |
|--|-------|
| following amounts, whichever is applicable:  | 35475 |
| (1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:  | 35476 |
|  | 35477 |
|  | 35478 |
| ((formula amount / 30)   | 35479 |
| X number of enrolled credit hours)   | 35480 |
| (2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:   | 35481 |
|  | 35482 |
|  | 35483 |
|  | 35484 |
| ((formula amount / 45)   | 35485 |
| X number of enrolled credit hours)   | 35485 |
| (J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.  | 35486 |
|  | 35487 |
|  | 35488 |
|  | 35489 |
| (K) "Number of enrolled credit hours" means the number of credit hours for a course in which a participant is enrolled during the previous term after the date on which a withdrawal from a course would have negatively affected the participant's transcribed grade, as prescribed by the college's established withdrawal policy. | 35490 |
|  | 35491 |
|  | 35492 |
|  | 35493 |
|  | 35494 |
|  | 35495 |
| (L) "Parent" has the same meaning as in section 3313.64 of the Revised Code.   | 35496 |
|  | 35497 |
| (M) "Participant" means any student enrolled in a college under the program established by this chapter.   | 35498 |
|  | 35499 |
| (N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.  | 35500 |
|  | 35501 |
|  | 35502 |
| (O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an  | 35503 |
|  | 35504 |

agreement in order to offer the program established by this chapter. 35505  
35506

(P) "Private college" means any of the following: 35507

(1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 35508  
35509

(2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code; 35510  
35511  
35512  
35513

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. 35514  
35515  
35516

(Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university. 35517  
35518  
35519

(R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code. 35520  
35521  
35522  
35523  
35524  
35525

(S) "School year" has the same meaning as in section 3313.62 of the Revised Code. 35526  
35527

(T) "Secondary grade" means any of grades nine through twelve. 35528  
35529

(U) "Standard rate" means the amount per credit hour assessed by the college for an in-state student who is enrolled in an undergraduate course at that college, but who is not participating in the college credit plus program, as prescribed by the college's established tuition policy. 35530  
35531  
35532  
35533  
35534

(V) "Textbook" means any paper, electronic, or other 35535  
purchased coursework material. 35536

(W) "Transcribed credit" means post-secondary credit that is 35537  
conferred by an institution of higher education and is reflected 35538  
on a student's official record at that institution upon completion 35539  
of a course. 35540

**Sec. 3365.03.** (A) A student enrolled in a public or nonpublic 35541  
secondary school during the student's ninth, tenth, eleventh, or 35542  
twelfth grade school year; a student enrolled in a nonchartered 35543  
nonpublic secondary school in the student's ninth, tenth, 35544  
eleventh, or twelfth grade school year; or a student who has been 35545  
excused from the compulsory attendance law for the purpose of home 35546  
instruction under section 3321.04 of the Revised Code and is the 35547  
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 35548  
may apply to and enroll in a college under the college credit plus 35549  
program. 35550

(1) In order for a public secondary school student to 35551  
participate in the program, all of the following criteria shall be 35552  
met: 35553

(a) The student or the student's parent shall inform the 35554  
principal, or equivalent, of the student's school by the first day 35555  
of April of the student's intent to participate in the program 35556  
during the following school year. Any student who fails to provide 35557  
the notification by the required date may not participate in the 35558  
program during the following school year without the written 35559  
consent of the principal, or equivalent. If a student seeks 35560  
consent from the principal after failing to provide notification 35561  
by the required date, the principal shall notify the department of 35562  
education of the student's intent to participate within ten days 35563  
of the date on which the student seeks consent. If the principal 35564  
does not provide written consent, the student may appeal the 35565

principal's decision to the ~~state board of education~~ governing 35566  
entity of the school, except for a student who is enrolled in a 35567  
school district, who may appeal the decision to the district 35568  
superintendent. Not later than thirty days after the notification 35569  
of the appeal, the ~~state board~~ district superintendent or 35570  
governing entity shall hear the appeal and shall make a decision 35571  
to either grant or deny that student's participation in the 35572  
program. The decision of the district superintendent or governing 35573  
entity shall be final. 35574

(b) The student shall ~~both~~: 35575

(i) Apply to a public or a participating private college, or 35576  
an eligible out-of-state college participating in the program, in 35577  
accordance with the college's established procedures for 35578  
admission, pursuant to section 3365.05 of the Revised Code; 35579

(ii) As a condition of eligibility, be remediation-free, in 35580  
accordance with one of the assessments established under division 35581  
(F) of section 3345.061 of the Revised Code. However, a student 35582  
who scores within one standard error of measurement below the 35583  
remediation-free threshold for one of those assessments shall be 35584  
considered to have met this requirement if the student also 35585  
either: 35586

(I) Has a cumulative high school grade point average of at 35587  
least 3.0. If the student is seeking to participate under section 35588  
3365.033 of the Revised Code, the student must have an equivalent 35589  
cumulative grade point average in the applicable grade levels. 35590

(II) Receives a recommendation from a school counselor, 35591  
principal, or career-technical program advisor. 35592

(iii) Meet the college's and relevant academic program's 35593  
established standards for admission, enrollment, and ~~for~~ course 35594  
placement, including course-specific capacity limitations, 35595  
pursuant to section 3365.05 of the Revised Code. 35596

(c) The student shall elect at the time of enrollment to participate under either division (A) or (B) of section 3365.06 of the Revised Code for each course under the program.

(d) The student and the student's parent shall sign a form, provided by the school, stating that they have received the counseling required under division (B) of section 3365.04 of the Revised Code and that they understand the responsibilities they must assume in the program.

(2) In order for a nonpublic secondary school student, a nonchartered nonpublic secondary school student, or a home-instructed student to participate in the program, both of the following criteria shall be met:

(a) The student shall meet the criteria in divisions (A)(1)(b) and (c) of this section.

(b)(i) If the student is enrolled in a nonpublic secondary school, that student shall send to the department of education a copy of the student's acceptance from a college and an application. The application shall be made on forms provided by the state board of education and shall include information about the student's proposed participation, including the school year in which the student wishes to participate; and the semesters or terms the student wishes to enroll during such year. The department shall mark each application with the date and time of receipt.

(ii) If the student is enrolled in a nonchartered nonpublic secondary school or is home-instructed, the parent or guardian of that student shall notify the department by the first day of April prior to the school year in which the student wishes to participate.

(B) Except as provided for in division (C) of this section and in sections 3365.031 and 3365.032 of the Revised Code:

(1) No public secondary school shall prohibit a student 35628  
enrolled in that school from participating in the program if that 35629  
student meets all of the criteria in division (A)(1) of this 35630  
section. 35631

(2) No participating nonpublic secondary school shall 35632  
prohibit a student enrolled in that school from participating in 35633  
the program if the student meets all of the criteria in division 35634  
(A)(2) of this section and, if the student is enrolled under 35635  
division (B) of section 3365.06 of the Revised Code, the student 35636  
is awarded funding from the department in accordance with rules 35637  
adopted by the chancellor of the Ohio board of regents, in 35638  
consultation with the superintendent of public instruction, 35639  
pursuant to section 3365.071 of the Revised Code. 35640

(C) For purposes of this section, during the period of an 35641  
expulsion imposed by a public secondary school, a student is 35642  
ineligible to apply to enroll in a college under this section, 35643  
unless the student is admitted to another public secondary or 35644  
participating nonpublic secondary school. If a student is enrolled 35645  
in a college under this section at the time the student is 35646  
expelled, the student's status for the remainder of the college 35647  
term in which the expulsion is imposed shall be determined under 35648  
section 3365.032 of the Revised Code. 35649

(D) Upon a student's graduation from high school, 35650  
participation in the college credit plus program shall not affect 35651  
the student's eligibility at any public college for scholarships 35652  
or for other benefits or opportunities that are available to 35653  
first-time college students and are awarded by that college, 35654  
regardless of the number of credit hours that the student 35655  
completed under the program. 35656

**Sec. 3365.04.** Each public and participating nonpublic 35657  
secondary school shall do all of the following with respect to the 35658

|   |  |
|---|--|
| college credit plus program:  | 35659  |
| (A) Provide information about the program prior to the first day of <del>March</del> <u>February</u> of each year to all students enrolled in grades six through eleven;  | 35660<br>35661<br>35662                            |
| (B) Provide counseling services to students in grades six through eleven and to their parents before the students participate in the program under this chapter to ensure that students and parents are fully aware of the possible consequences and benefits of participation. Counseling information shall include: | 35663<br>35664<br>35665<br>35666<br>35667<br>35668 |
| (1) Program eligibility;  | 35669  |
| (2) The process for granting academic credits;  | 35670  |
| (3) Any necessary financial arrangements for tuition, textbooks, and fees;  | 35671<br>35672                                     |
| (4) Criteria for any transportation aid;  | 35673  |
| (5) Available support services;   | 35674  |
| (6) Scheduling;   | 35675  |
| (7) Communicating the possible consequences and benefits of participation, including all of the following:  | 35676<br>35677                                     |
| (a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;   | 35678<br>35679<br>35680                            |
| (b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;  | 35681<br>35682<br>35683                            |
| (c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the overall costs of, and the amount of time required for, a college education.   | 35684<br>35685<br>35686<br>35687                   |

|  |   |
|--|---|
| (8) The academic and social responsibilities of students and parents under the program;  | 35688<br>35689  |
| (9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;  | 35690<br>35691  |
| (10) The standard packet of information for the program developed by the chancellor of the Ohio board of regents pursuant to section 3365.15 of the Revised Code;  | 35692<br>35693<br>35694   |
| For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so.   | 35695<br>35696<br>35697<br>35698  |
| (C) Promote the program on the school's web site, including the details of the school's current agreements with partnering colleges;   | 35699<br>35700<br>35701   |
| (D) Schedule at least one informational session per school year to allow each partnering college that is located within thirty miles of the school to meet with interested students and parents. The session shall include the benefits and consequences of participation and shall outline any changes or additions to the requirements of the program. If there are no partnering colleges located within thirty miles of the school, the school shall coordinate with the closest partnering college to offer an informational session. | 35702<br>35703<br>35704<br>35705<br>35706<br>35707<br>35708<br>35709<br>35710 |
| (E) Implement a policy for the awarding of grades and the calculation of class standing for courses taken under division (A)(2) or (B) of section 3365.06 of the Revised Code. The policy adopted under this division shall be equivalent to the school's policy for courses taken under the advanced standing programs described in divisions (A)(2) and (3) of section 3313.6013 of the Revised Code or for other courses designated as honors courses by the school. If the policy includes awarding a weighted grade or                | 35711<br>35712<br>35713<br>35714<br>35715<br>35716<br>35717<br>35718          |

enhancing a student's class standing for these courses, the policy 35719  
adopted under this section shall also provide for these procedures 35720  
to be applied to courses taken under the college credit plus 35721  
program. 35722

(F) Develop model course pathways, pursuant to section 35723  
3365.13 of the Revised Code, and publish the course pathways among 35724  
the school's official list of course offerings for the program. 35725

(G) Annually collect, report, and track specified data 35726  
related to the program according to data reporting guidelines 35727  
adopted by the chancellor and the superintendent of public 35728  
instruction pursuant to section 3365.15 of the Revised Code. 35729

**Sec. 3365.05.** Each public and participating private college 35730  
shall do all of the following with respect to the college credit 35731  
plus program: 35732

(A) Apply established standards and procedures for admission 35733  
to the college and for course placement for participants. When 35734  
determining admission and course placement, the college shall do 35735  
all of the following: 35736

(1) Consider all available student data that may be an 35737  
indicator of college readiness, including grade point average and 35738  
end-of-course examination scores, if applicable; 35739

(2) Give priority to its current students regarding 35740  
enrollment in courses. However, once a participant has been 35741  
accepted into a course, the college shall not displace the 35742  
participant for another student. 35743

(3) Adhere to any capacity limitations that the college has 35744  
established for specified courses. 35745

(B) Send written notice to a the participant, the 35746  
participant's parent, and the participant's secondary school, ~~and~~ 35747  
~~the superintendent of public instruction,~~ not later than fourteen 35748

calendar days prior to the first day of classes for that term, of 35749  
the participant's admission to the college and to specified 35750  
courses under the program. 35751

(C) Provide both of the following, not later than twenty-one 35752  
calendar days after the first day of classes for that term, to 35753  
each participant, and the participant's secondary school, ~~and the~~ 35754  
~~superintendent of public instruction:~~ 35755

(1) The courses and hours of enrollment of the participant; 35756

(2) The option elected by the participant under division (A) 35757  
or (B) of section 3365.06 of the Revised Code for each course. 35758

The college shall also provide to each partnering school a 35759  
roster of participants from that school that are enrolled in the 35760  
college and a list of course assignments for each participant. 35761

(D) Promote the program on the college's web site, including 35762  
the details of the college's current agreements with partnering 35763  
secondary schools. 35764

(E) Coordinate with each partnering secondary school that is 35765  
located within thirty miles of the college to present at least one 35766  
informational session per school year for interested students and 35767  
parents. The session shall include the benefits and consequences 35768  
of participation and shall outline any changes or additions to the 35769  
requirements of the program. If there are no partnering schools 35770  
located within thirty miles of the college, the college shall 35771  
coordinate with the closest partnering school to offer an 35772  
informational session. 35773

(F) Assign an academic advisor that is employed by the 35774  
college to each participant enrolled in that college. Prior to the 35775  
date on which a withdrawal from a course would negatively affect a 35776  
participant's transcribed grade, as prescribed by the college's 35777  
established withdrawal policy, the college shall ensure that the 35778  
academic advisor and the participant meet at least once to discuss 35779

the program and the courses in which the participant is enrolled. 35780

(G) Do both of the following with regard to high school 35781  
teachers that are teaching courses for the college at a secondary 35782  
school under the program: 35783

(1) Provide at least one professional development session per 35784  
school year; 35785

(2) Conduct at least one classroom observation per school 35786  
year for each course that is authorized by the college and taught 35787  
by a high school teacher to ensure that the course meets the 35788  
quality of a college-level course. 35789

(H) Annually collect, report, and track specified data 35790  
related to the program according to data reporting guidelines 35791  
adopted by the chancellor and the superintendent of public 35792  
instruction pursuant to section 3365.15 of the Revised Code. 35793

(I) With the exception of divisions (D) and (E) of this 35794  
section, any eligible out-of-state college participating in the 35795  
college credit plus program shall be subject to the same 35796  
requirements as a participating private college under this 35797  
section. 35798

**Sec. 3365.06.** The rules adopted under section 3365.02 of the 35799  
Revised Code shall provide for participants to enroll in courses 35800  
under either of the ~~following~~ options: prescribed by division (A) 35801  
or (B) of this section. 35802

(A) The participant may elect at the time of enrollment to be 35803  
responsible for payment of all tuition and the cost of all 35804  
textbooks, materials, and fees associated with the course. The 35805  
college shall notify the participant about payment of tuition and 35806  
fees in the customary manner followed by the college. A 35807  
participant electing this option also shall elect, at the time of 35808  
enrollment, whether to receive only college credit or high school 35809

credit and college credit for the course. 35810

(1) The participant may elect to receive only college credit 35811  
for the course. Except as provided in section 3365.032 of the 35812  
Revised Code, if the participant successfully completes the 35813  
course, the college shall award the participant full credit for 35814  
the course, but the governing entity of a public secondary school 35815  
or the governing body of a participating nonpublic secondary 35816  
school shall not award the high school credit. 35817

(2) The participant may elect to receive both high school 35818  
credit and college credit for the course. Except as provided in 35819  
section 3365.032 of the Revised Code, if the participant 35820  
successfully completes the course, the college shall award the 35821  
participant full credit for the course and the governing entity of 35822  
a public school or the governing body of a participating nonpublic 35823  
school shall award the participant high school credit. 35824

(B) The If a course is eligible for funding under rules 35825  
adopted pursuant to division (C)(1) of this section, the 35826  
participant may elect at the time of enrollment for ~~each~~ the 35827  
course to have the college reimbursed under section 3365.07 of the 35828  
Revised Code. Except as provided in section 3365.032 of the 35829  
Revised Code, if the participant successfully completes the 35830  
course, the college shall award the participant full credit for 35831  
the course and the governing entity of a public school or the 35832  
governing body of a participating nonpublic school shall award the 35833  
participant high school credit. If the participant elects to have 35834  
the college reimbursed under this division, the department shall 35835  
reimburse the college for the number of enrolled credit hours in 35836  
accordance with section 3365.07 of the Revised Code. 35837

(C)(1) The chancellor of higher education, in consultation 35838  
with the superintendent of public instruction, shall adopt rules 35839  
specifying which courses are eligible for funding under section 35840  
3365.07 of the Revised Code. 35841

The rules shall address at least the following: 35842

(a) Whether courses must be taken in a specified sequence; 35843

(b) Whether to restrict funding and limit eligibility to 35844  
certain types of courses, including (i) courses that are included 35845  
in the statewide articulation and transfer system, established by 35846  
the chancellor pursuant to section 3333.161 of the Revised Code; 35847  
(ii) courses that may be applied to multiple degree pathways or 35848  
are applicable to in-demand jobs; or (iii) other types of courses; 35849

(c) Whether courses with private instruction, as defined by 35850  
the chancellor, are eligible for funding. 35851

The rules also shall specify the school year for which 35852  
implementation of the rules adopted pursuant to this division 35853  
shall first apply. 35854

(2) In developing the rules, the chancellor, in consultation 35855  
with the state superintendent, shall establish a process to 35856  
receive input from public and nonpublic secondary schools, public 35857  
and private colleges, and other interested parties. 35858

(D) When determining a school district's enrollment under 35859  
section 3317.03 of the Revised Code, the time a participant is 35860  
attending courses under division (A) of this section shall be 35861  
considered as time the participant is not attending or enrolled in 35862  
school anywhere, and the time a participant is attending courses 35863  
under division (B) of this section shall be considered as time the 35864  
participant is attending or enrolled in the district's schools. 35865

**Sec. 3365.07.** The department of education shall calculate and 35866  
pay state funds to colleges for participants in the college credit 35867  
plus program under division (B) of section 3365.06 of the Revised 35868  
Code pursuant to this section. For a nonpublic secondary school 35869  
participant, a nonchartered nonpublic secondary school 35870  
participant, or a home-instructed participant, the department 35871

shall pay state funds pursuant to this section only if that 35872  
participant is awarded funding according to rules adopted by the 35873  
chancellor of higher education, in consultation with the 35874  
superintendent of public instruction, pursuant to section 3365.071 35875  
of the Revised Code. The program shall be the sole mechanism by 35876  
which state funds are paid to colleges for students to earn 35877  
transcripted credit for college courses while enrolled in both a 35878  
secondary school and a college, with the exception of state funds 35879  
paid to colleges according to an agreement described in division 35880  
(A)(1) of section 3365.02 of the Revised Code. 35881

Beginning with participation for the 2018-2019 school year, 35882  
section 3365.072 of the Revised Code shall govern all arrangements 35883  
for the provision and payment of textbooks under the program. 35884

(A) For each public or nonpublic secondary school participant 35885  
enrolled in a public college: 35886

(1) If no agreement has been entered into under division 35887  
(A)(2) of this section, both of the following shall apply: 35888

(a) The department shall pay to the college the applicable 35889  
amount as follows: 35890

(i) For a participant enrolled in a college course delivered 35891  
on the college campus, at another location operated by the 35892  
college, or online, the lesser of the default ceiling amount or 35893  
the college's standard rate; 35894

(ii) For a participant enrolled in a college course delivered 35895  
at the participant's secondary school but taught by college 35896  
faculty, the lesser of fifty per cent of the default ceiling 35897  
amount or the college's standard rate; 35898

(iii) For a participant enrolled in a college course 35899  
delivered at the participant's secondary school and taught by a 35900  
high school teacher who has met the credential requirements 35901

established for purposes of the program in rules adopted by the 35902  
chancellor, the default floor amount. 35903

(b) The ~~participant's secondary school shall pay for~~ 35904  
~~textbooks, and the college shall waive payment of all other fees~~ 35905  
related to participation in the program. 35906

(2) The governing entity of a participant's secondary school 35907  
and the college may enter into an agreement to establish an 35908  
alternative payment structure for tuition, ~~textbooks,~~ and fees. 35909  
Under such an agreement, payments for each participant made by the 35910  
department shall be not less than the default floor amount, ~~unless~~ 35911  
~~approved by the chancellor,~~ and not more than either the default 35912  
ceiling amount or the college's standard rate, whichever is less. 35913  
~~The chancellor shall approve an agreement that includes a payment~~ 35914  
~~below the default floor amount, as long as the provisions of the~~ 35915  
~~agreement comply with all other requirements of this chapter to~~ 35916  
~~ensure program quality.~~ If no agreement is entered into under 35917  
division (A)(2) of this section, both of the following shall 35918  
apply: 35919

(a) The department shall pay to the college the applicable 35920  
default amounts prescribed by division (A)(1)(a) of this section, 35921  
depending upon the method of delivery and instruction. 35922

(b) In accordance with division (A)(1)(b) of this section, 35923  
~~the participant's secondary school shall pay for textbooks, and~~ 35924  
the college shall waive payment of all other fees related to 35925  
participation in the program. 35926

(3) No participant that is enrolled in a public college shall 35927  
be charged for any tuition, ~~textbooks,~~ or other fees related to 35928  
participation in the program. 35929

(B) For each public secondary school participant enrolled in 35930  
a private college: 35931

(1) If no agreement has been entered into under division 35932

(B)(2) of this section, the department shall pay to the college 35933  
the applicable amount calculated in the same manner as in division 35934  
(A)(1)(a) of this section. 35935

(2) The governing entity of a participant's secondary school 35936  
and the college may enter into an agreement to establish an 35937  
alternative payment structure for tuition, ~~textbooks~~, and fees. 35938  
Under such an agreement, payments shall be not less than the 35939  
default floor amount, ~~unless approved by the chancellor~~, and not 35940  
more than either the default ceiling amount or the college's  
standard rate, whichever is less. 35941  
35942

If an agreement is entered into under division (B)(2) of this 35943  
section, both of the following shall apply: 35944

(a) The department shall make a payment to the college for 35945  
each participant that is equal to the default floor amount, ~~unless~~ 35946  
~~approved by the chancellor to pay an amount below the default~~ 35947  
~~floor amount. The chancellor shall approve an agreement that~~ 35948  
~~includes a payment below the default floor amount, as long as the~~ 35949  
~~provisions of the agreement comply with all other requirements of~~ 35950  
~~this chapter to ensure program quality.~~ 35951

(b) Payment for costs for the participant that exceed the 35952  
amount paid by the department pursuant to division (B)(2)(a) of 35953  
this section shall be negotiated by the school and the college. 35954  
The agreement may include a stipulation permitting the charging of 35955  
a participant. 35956

However, under no circumstances shall: 35957

(i) Payments for a participant made by the department under 35958  
division (B)(2) of this section exceed the lesser of the default 35959  
ceiling amount or the college's standard rate; 35960

(ii) The amount charged to a participant under division 35961  
(B)(2) of this section exceed the difference between the maximum 35962  
per participant charge amount and the default floor amount; 35963

(iii) The sum of the payments made by the department for a participant and the amount charged to that participant under division (B)(2) of this section exceed the following amounts, as applicable:

(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;

(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;

(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars.

(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program.

(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.

However, under no circumstances shall:

(1) The payments for a participant made by the department under this division exceed the lesser of the default ceiling amount or the college's standard rate.

(2) Any nonpublic secondary school participant, who is 35994  
enrolled in that secondary school with a scholarship awarded under 35995  
either the educational choice scholarship pilot program, as 35996  
prescribed by sections 3310.01 to 3310.17, or the pilot project 35997  
scholarship program, as prescribed by sections 3313.974 to 35998  
3313.979 of the Revised Code, and who qualifies as a low-income 35999  
student under either of those programs, be charged for any 36000  
tuition, ~~textbooks~~, or other fees related to participation in the 36001  
college credit plus program. 36002

(D) For each nonchartered nonpublic secondary school 36003  
participant and each home-instructed participant enrolled in a 36004  
public, private, or eligible out-of-state college, the department 36005  
shall pay to the college the lesser of the default ceiling amount 36006  
or the college's standard rate, if that participant is enrolled in 36007  
a college course delivered on the college campus, at another 36008  
location operated by the college, or online. 36009

(E) Not later than thirty days after the end of each term, 36010  
each college expecting to receive payment for the costs of a 36011  
participant under this section shall notify the department of the 36012  
number of enrolled credit hours for each participant. 36013

(F) Each January and July, or as soon as possible thereafter, 36014  
the department shall make the applicable payments under this 36015  
section to each college, which provided proper notification to the 36016  
department under division (E) of this section, for the number of 36017  
enrolled credit hours for participants enrolled in the college 36018  
under division (B) of section 3365.06 of the Revised Code. The 36019  
department shall not make any payments to a college under this 36020  
section if a participant withdrew from a course prior to the date 36021  
on which a withdrawal from the course would have negatively 36022  
affected the participant's transcribed grade, as prescribed by 36023  
the college's established withdrawal policy. 36024

(1) Payments made for public secondary school participants 36025

under this section shall be deducted from the school foundation 36026  
payments made to the participant's school district or, if the 36027  
participant is enrolled in a community school, a STEM school, or a 36028  
college-preparatory boarding school, from the payments made to 36029  
that school under section 3314.08, 3326.33, or 3328.34 of the 36030  
Revised Code. If the participant is enrolled in a joint vocational 36031  
school district, a portion of the amount shall be deducted from 36032  
the payments to the joint vocational school district and a portion 36033  
shall be deducted from the payments to the participant's city, 36034  
local, or exempted village school district in accordance with the 36035  
full-time equivalency of the student's enrollment in each 36036  
district. Amounts deducted under division (F)(1) of this section 36037  
shall be calculated in accordance with rules adopted by the 36038  
chancellor, in consultation with the state superintendent, 36039  
pursuant to division (B) of section 3365.071 of the Revised Code. 36040

(2) Payments made for nonpublic secondary school 36041  
participants, nonchartered nonpublic secondary school 36042  
participants, and home-instructed participants under this section 36043  
shall be deducted from moneys appropriated by the general assembly 36044  
for such purpose. Payments shall be allocated and distributed in 36045  
accordance with rules adopted by the chancellor, in consultation 36046  
with the state superintendent, pursuant to division (A) of section 36047  
3365.071 of the Revised Code. 36048

(G) Any public college that enrolls a student under division 36049  
(B) of section 3365.06 of the Revised Code may include that 36050  
student in the calculation used to determine its state share of 36051  
instruction funds appropriated to the department of higher 36052  
education by the general assembly. 36053

Sec. 3365.072. This section applies only to participants who 36054  
elect to participate under division (B) of section 3365.06 of the 36055  
Revised Code. This section shall first apply to participation for 36056

the 2018-2019 school year. 36057

(A) The governing entity of each public secondary school and 36058  
the governing body of each participating nonpublic secondary 36059  
school and nonchartered nonpublic secondary school shall enter 36060  
into an agreement with each college in which a participant from 36061  
the school enrolls in courses under the college credit plus 36062  
program for the provision of textbooks. The agreement shall be 36063  
separate from any funding agreement entered into by the school and 36064  
college under section 3365.07 of the Revised Code. 36065

Each agreement entered into under division (A) of this 36066  
section shall include the following provisions: 36067

(1) The college shall provide each participant with all 36068  
required textbooks for courses in which the participant is 36069  
enrolled at the college. Unless otherwise specified in the 36070  
agreement, the college may obtain required textbooks from any 36071  
source offering the textbooks. 36072

(2) The secondary school shall either: 36073

(a) Pay the college an amount equal to ten dollars per credit 36074  
hour of enrollment for each participant. Under this option, the 36075  
college shall own the textbooks and the participant shall return 36076  
the textbooks to the college upon completion of the course. 36077

(b) Pay the college an amount agreed upon by both the 36078  
secondary school and the college. Under this option, the secondary 36079  
school and the college shall specify which entity owns the 36080  
textbooks and to which entity the participant must return the 36081  
textbooks upon completion of the course. 36082

(3) No participant shall be charged for any textbooks 36083  
required for courses in which the participant is enrolled under 36084  
the program. 36085

(4) The procedures established for the efficient distribution 36086

of textbooks to participants. For this purpose, the agreement shall include the following information: 36087  
36088

(a) The name and contact information of the person at the college and the person at the secondary school responsible for implementing the procedures described in the agreement; 36089  
36090  
36091

(b) The entity and person responsible for ensuring that participants receive all required textbooks in a timely manner; 36092  
36093

(c) The entity that owns the textbooks provided to participants, in accordance with the requirements of this section; 36094  
36095

(d) Protocols and timelines for notifying the college of textbooks needed for participants; 36096  
36097

(e) The responsibilities of participants for the acquisition and return of textbooks and the duties of each entity with regard to notifying participants of those responsibilities; 36098  
36099  
36100

(f) Payment procedures for the textbooks, which shall require the college to submit a request for payment to the secondary school not earlier than fourteen days after the starting date of the applicable semester or quarter and shall require the school to remit payment to the college within sixty days of receipt of the request; 36101  
36102  
36103  
36104  
36105  
36106

(g) Procedures for reimbursing a participant for the cost of a textbook if the participant, after a good faith effort to follow the agreement's procedures for acquiring the textbook, purchases the textbook at the participant's own expense to ensure having the textbook in time for the start of the course; 36107  
36108  
36109  
36110  
36111

(h) If the secondary school and the college agreed to a payment amount in accordance with division (A)(2)(b) of this section, the textbook payment structure as agreed upon in the agreement and, if applicable, any options available for renting the textbooks. 36112  
36113  
36114  
36115  
36116

(B) For textbooks that are required for courses delivered at the secondary school on a regular basis and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor of higher education, an agreement entered into under division (A) of this section may establish a payment structure and arrangements for multiple academic years.

(C) Each secondary school shall include information on the terms of the agreements entered into under division (A) of this section in the counseling information required under division (B) of section 3365.04 of the Revised Code.

(D) Each home-instructed participant shall select one of the following options for procuring the textbooks required for a course in which the participant is enrolled at a college under the program:

(1) The participant shall pay the college an amount equal to ten dollars per credit hour of enrollment to rent the textbooks from the college. Under this option, the college shall own the textbooks and the participant shall return the textbooks to the college upon completion of the course.

(2) The participant shall purchase the textbooks at the participant's expense. Under this option, the participant shall own the textbooks.

At the time of course registration, each home-instructed participant shall inform the college of which option the participant chooses to procure textbooks.

(E) The chancellor, in consultation with the superintendent of public instruction, shall establish a process for collecting regular feedback from secondary schools, public and private colleges, and other interested parties regarding the implementation of this section.

Sec. 3365.091. (A) The chancellor of higher education, in 36148  
consultation with the superintendent of public instruction, shall 36149  
adopt rules specifying the conditions under which an 36150  
underperforming participant may continue to participate in the 36151  
college credit plus program. 36152

The rules shall address at least the following: 36153

(1) The definition of an "underperforming participant"; 36154

(2) Any additional conditions that participants with repeated 36155  
underperformance must satisfy; 36156

(3) The timeframe for notifying an underperforming 36157  
participant who is determined to be ineligible for participation 36158  
of such ineligibility; 36159

(4) Mechanisms available to assist underperforming 36160  
participants; 36161

(5) The role of school guidance counselors and college 36162  
academic advisers in assisting underperforming participants; 36163

(6) If an underperforming participant is determined to be 36164  
ineligible for participation, any consequences that such 36165  
ineligibility may have on the student's ability to complete the 36166  
secondary school's graduation requirements. 36167

The rules also shall specify the school year for which 36168  
implementation of the rules adopted pursuant to division (A) of 36169  
this section shall first apply. 36170

(B) In developing the rules pursuant to division (A) of this 36171  
section, the chancellor, in consultation with the state 36172  
superintendent, shall establish a process to receive input from 36173  
public and nonpublic secondary schools, public and private 36174  
colleges, and other interested parties. 36175

**Sec. 3365.12. (A) All courses offered under the college** 36176

credit plus program shall be the same courses that are included in 36177  
the partnering college's course catalogue for college-level, 36178  
nonremedial courses and shall apply to at least one degree or 36179  
professional certification at the partnering college. 36180

(B)(1) High school credit awarded for courses successfully 36181  
completed under this chapter shall count toward the graduation 36182  
requirements and subject area requirements of the public secondary 36183  
school or participating nonpublic secondary school. If a course 36184  
comparable to one a participant completed at a college is offered 36185  
by the school, the governing entity or governing body shall award 36186  
comparable credit for the course completed at the college. If no 36187  
comparable course is offered by the school, the governing entity 36188  
or governing body shall grant an appropriate number of elective 36189  
credits to the participant. 36190

(2) If there is a dispute between a participant's school and 36191  
a participant regarding high school credits granted for a course, 36192  
the participant may appeal the decision to the ~~state board~~ 36193  
department of education. The ~~state board's~~ department's decision 36194  
regarding any high school credits granted under this section is 36195  
final. 36196

(C) Evidence of successful completion of each course and the 36197  
high school credits awarded by the school shall be included in the 36198  
student's record. The record shall indicate that the credits were 36199  
earned as a participant under this chapter and shall include the 36200  
name of the college at which the credits were earned. 36201

**Sec. 3517.17.** (A)(1) At the beginning of each calendar 36202  
quarter, after the costs of audits are deducted under division 36203  
(B)(1) of section 3517.16 of the Revised Code, the tax 36204  
commissioner shall ~~divide~~ distribute any remaining moneys that 36205  
have accrued in the Ohio political party fund during the previous 36206  
quarter ~~equally among all qualified political parties in the~~ 36207

~~following manner. Of the public moneys to which a party is~~ 36208  
~~entitled:~~ 36209

~~(1) One half shall be paid to the treasurer of the state~~ 36210  
~~executive committee of the party.~~ Along with the distribution, 36211  
the commissioner shall provide a list of amounts to be allocated 36212  
to each county executive committee, which shall be determined by 36213  
multiplying one-half of the total distribution by the ratio that 36214  
the number of checkoffs in each county bears to the total number 36215  
of checkoffs. 36216

~~(2) One half shall be distributed~~ Upon receiving a 36217  
distribution of funds under division (A)(1) of this section, the 36218  
treasurer of the state executive committee of the party shall 36219  
distribute, from one-half of the received distribution of funds, 36220  
an amount to the treasurer of each county executive committee of 36221  
the various counties in accordance with the ~~ratio that the number~~ 36222  
~~of checkoffs in each county bears to the total number of~~ 36223  
~~checkoffs, as determined~~ list provided by the ~~tax~~ commissioner. 36224

Each party treasurer receiving public moneys from the Ohio 36225  
political party fund shall deposit those moneys into the party's 36226  
restricted fund created under section 3517.1012 of the Revised 36227  
Code, shall expend and maintain those moneys subject to the 36228  
requirements of that section and section 3517.18 of the Revised 36229  
Code, and shall file deposit and disbursement statements as 36230  
required by division (B) of section 3517.1012 of the Revised Code. 36231  
The auditor of state shall annually audit the deposit and 36232  
disbursement statements of the state committee of a political 36233  
party that is eligible to receive public moneys collected during 36234  
the previous year, to ascertain that all moneys in the party's 36235  
restricted fund are expended in accordance with law. The auditor 36236  
of state shall audit the deposit and disbursement statements of 36237  
each county committee of such a political party to ascertain that 36238  
all moneys in the party's restricted fund are expended in 36239

accordance with law at the time of the public office audit of that 36240  
county under Chapter 117. of the Revised Code. 36241

(B) Only major political parties, as defined in section 36242  
3501.01 of the Revised Code, may apply for public moneys from the 36243  
Ohio political party fund. At the end of each even-numbered 36244  
calendar year, the secretary of state shall announce the names of 36245  
all such political parties, indicating that they may apply to 36246  
receive such moneys during the ensuing two years. Any political 36247  
party named at this time may, not later than the last day of 36248  
January of the ensuing odd-numbered year, make application with 36249  
the tax commissioner to receive public moneys. A political party 36250  
that fails to make a timely application shall not receive public 36251  
moneys during that two-year period. The tax commissioner shall 36252  
prescribe an appropriate application form. Moneys from the fund 36253  
shall be provided during the appropriate two-year period to each 36254  
political party that makes a timely application in accordance with 36255  
this division. 36256

**Sec. 3701.021.** (A) The director of health shall adopt, in 36257  
accordance with Chapter 119. of the Revised Code, such rules as 36258  
are necessary to carry out sections 3701.021 to 3701.0210 of the 36259  
Revised Code, including, but not limited to, rules to establish 36260  
the following: 36261

(1) Medical and financial eligibility requirements for the 36262  
program for medically handicapped children; 36263

(2) Eligibility requirements for providers of services for 36264  
medically handicapped children; 36265

(3) Procedures to be followed by the department of health in 36266  
disqualifying providers for violating requirements adopted under 36267  
division (A)(2) of this section; 36268

(4) Procedures to be used by the department regarding 36269

application for diagnostic services under division ~~(B)~~(C) of 36270  
section 3701.023 of the Revised Code and payment for those 36271  
services under division ~~(E)~~(F) of that section; 36272

(5) Standards for the provision of service coordination by 36273  
the department of health and city and general health districts; 36274

(6) Procedures for the department to use to determine the 36275  
amount to be paid annually by each county for services for 36276  
medically handicapped children and to allow counties to retain 36277  
funds under divisions (A)(2) and (3) of section 3701.024 of the 36278  
Revised Code; 36279

(7) Financial eligibility requirements for services for Ohio 36280  
residents twenty-one years of age or older who have cystic 36281  
fibrosis; 36282

(8) Criteria for payment of approved providers who provide 36283  
services for medically handicapped children; 36284

(9) Criteria for the department to use in determining whether 36285  
the payment of health insurance premiums of participants in the 36286  
program for medically handicapped children is cost-effective; 36287

(10) Procedures for appeal of denials of applications under 36288  
divisions (A) and ~~(D)~~(E) of section 3701.023 of the Revised Code, 36289  
disqualification of providers, and amounts paid for services; 36290

(11) Terms of appointment for members of the medically 36291  
handicapped children's medical advisory council created in section 36292  
3701.025 of the Revised Code; 36293

(12) Eligibility requirements for the hemophilia program, 36294  
including income and hardship requirements; 36295

(13) If a manufacturer discount program is established under 36296  
division ~~(J)~~(K)(1) of section 3701.023 of the Revised Code, 36297  
procedures for administering the program, including criteria and 36298  
other requirements for participation in the program by 36299

manufacturers of drugs and nutritional formulas. 36300

(B) The department of health shall develop a manual of 36301  
operational procedures and guidelines for the program for 36302  
medically handicapped children to implement sections 3701.021 to 36303  
3701.0210 of the Revised Code. 36304

**Sec. 3701.022.** As used in sections 3701.021 to 3701.0210 of 36305  
the Revised Code: 36306

(A) "Medically handicapped child" means an Ohio resident 36307  
under twenty-one years of age who suffers primarily from an 36308  
organic disease, defect, or a congenital or acquired physically 36309  
handicapping and associated condition that may hinder the 36310  
achievement of normal growth and development. 36311

(B) "Provider" means a health professional, hospital, medical 36312  
equipment supplier, and any individual, group, or agency that is 36313  
approved by the department of health pursuant to division ~~(C)~~(D) 36314  
of section 3701.023 of the Revised Code and that provides or 36315  
intends to provide goods or services to a child who is eligible 36316  
for the program for medically handicapped children. 36317

(C) "Service coordination" means case management services 36318  
provided to medically handicapped children that promote effective 36319  
and efficient organization and utilization of public and private 36320  
resources and ensure that care rendered is family-centered, 36321  
community-based, and coordinated. 36322

(D)(1) "Third party" means any person or government entity 36323  
other than the following: 36324

(a) A medically handicapped child participating in the 36325  
program for medically handicapped children or the child's parent 36326  
or guardian; 36327

(b) The department or any program administered by the 36328  
department, including the "Maternal and Child Health Block Grant," 36329

Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 36330  
U.S.C.A. 701, as amended; 36331

(c) The "caring program for children" operated by the 36332  
nonprofit community mutual insurance corporation; 36333

(d) The medicaid program on and after January 1, 2018. 36334

(2) "Third party" includes all of the following: 36335

(a) Any trust established to benefit a medically handicapped 36336  
child participating in the program or the child's family or 36337  
guardians, if the trust was established after the date the 36338  
medically handicapped child applied to participate in the program; 36339

(b) That portion of a trust designated to pay for the medical 36340  
and ancillary care of a medically handicapped child, if the trust 36341  
was established on or before the date the medically handicapped 36342  
child applied to participate in the program; 36343

(c) The program awarding reparations to victims of crime 36344  
established under sections 2743.51 to 2743.72 of the Revised Code. 36345

(E) "Third-party benefits" means any and all benefits, other 36346  
than benefits paid under the medicaid program for services 36347  
provided on or after January 1, 2018, paid by a third party to or 36348  
on behalf of a medically handicapped child participating in the 36349  
program or the child's parent or guardian for goods or services 36350  
that are authorized by the department pursuant to division ~~(B)~~(C) 36351  
or ~~(D)~~(E) of section 3701.023 of the Revised Code. 36352

(F) "Hemophilia program" means the hemophilia program the 36353  
department of health is required to establish and administer under 36354  
section 3701.029 of the Revised Code. 36355

**Sec. 3701.023.** (A)(1) The department of health shall review 36356  
applications for eligibility for the program for medically 36357  
handicapped children that are submitted to the department by city 36358  
and general health districts and physician providers approved in 36359

accordance with division ~~(C)~~(D) of this section. The department 36360  
shall, subject to division (A)(2) of this section, determine 36361  
whether the applicants meet the medical and financial eligibility 36362  
requirements established by the director of health pursuant to 36363  
division (A)(1) of section 3701.021 of the Revised Code, and by 36364  
the department in the manual of operational procedures and 36365  
guidelines for the program ~~for medically handicapped children~~ 36366  
developed pursuant to division (B) of that section. Referrals of 36367  
potentially eligible children for the program may be submitted to 36368  
the department on behalf of the child by parents, guardians, 36369  
public health nurses, or any other interested person. The 36370  
department ~~of health~~ may designate other agencies to refer 36371  
applicants to the ~~department of health~~ program. 36372

(2) Beginning January 1, 2018, enrollment in the program is 36373  
subject to all of the following limitations: 36374

(a) No nonmedicaid-eligible individual may continue to be 36375  
enrolled in the program unless the individual was enrolled in the 36376  
program on June 30, 2017, or had an application for the program 36377  
pending on that date. 36378

(b) No nonmedicaid-eligible individual may be initially 36379  
enrolled in the program. 36380

(c) No medicaid-eligible individual may continue to be 36381  
enrolled in the program regardless of when the individual enrolled 36382  
in the program or submitted an application for the program. 36383

(d) No medicaid-eligible individual may be initially enrolled 36384  
in the program. 36385

(B) The department of health shall require an individual 36386  
enrolled in the treatment and service coordination component of 36387  
the program for medically handicapped children, or the 36388  
individual's parent or guardian, to submit to a financial 36389  
eligibility determination at the department's request, at least 36390

once annually. 36391

(C) In accordance with the procedures established in rules 36392  
adopted under division (A)(4) of section 3701.021 of the Revised 36393  
Code, the department of health shall authorize a provider or 36394  
providers to provide to any Ohio resident under twenty-one years 36395  
of age who is enrolled in the diagnostic component of the program 36396  
for medically handicapped children before January 1, 2018, without 36397  
charge to the ~~resident or the resident's family~~ enrollee or the 36398  
enrollee's family and without restriction as to the economic 36399  
status of the ~~resident or the resident's family~~ enrollee or the 36400  
enrollee's family, diagnostic services necessary to determine 36401  
whether the ~~resident~~ enrollee has a medically handicapping or 36402  
potentially medically handicapping condition. 36403

~~(C)~~(D) The department of health shall review the applications 36404  
of health professionals, hospitals, medical equipment suppliers, 36405  
and other individuals, groups, or agencies that apply to become 36406  
providers. The department shall enter into a written agreement 36407  
with each applicant who is determined, pursuant to the 36408  
requirements set forth in rules adopted under division (A)(2) of 36409  
section 3701.021 of the Revised Code, to be eligible to be a 36410  
provider in accordance with the provider agreement required by the 36411  
medicaid program. No provider shall charge a medically handicapped 36412  
child or the child's parent or guardian for services authorized by 36413  
the department under division ~~(B)~~(C) or ~~(D)~~(E) of this section. 36414

The department, in accordance with rules adopted under 36415  
division (A)(3) of section 3701.021 of the Revised Code, may 36416  
disqualify any provider from further participation in the program 36417  
for violating any requirement set forth in rules adopted under 36418  
division (A)(2) of that section. The disqualification shall not 36419  
take effect until a written notice, specifying the requirement 36420  
violated and describing the nature of the violation, has been 36421  
delivered to the provider and the department has afforded the 36422

provider an opportunity to appeal the disqualification under 36423  
division ~~(H)~~(I) of this section. 36424

~~(D)~~(E) The department of health shall evaluate applications 36425  
from city and general health districts and approved physician 36426  
providers for authorization to provide treatment services, service 36427  
coordination, and related goods to children determined to be 36428  
eligible for the treatment and service coordination component of 36429  
the program for medically handicapped children pursuant to 36430  
division (A) of this section. The department shall authorize 36431  
necessary treatment services, service coordination, and related 36432  
goods for each eligible child in accordance with an individual 36433  
plan of treatment for the child. As an alternative, the department 36434  
may authorize payment of health insurance premiums on behalf of 36435  
eligible children when the department determines, in accordance 36436  
with criteria set forth in rules adopted under division (A)(9) of 36437  
section 3701.021 of the Revised Code, that payment of the premiums 36438  
is cost-effective. 36439

~~(E)~~(F) The department of health shall pay, from 36440  
appropriations to the department, any necessary expenses, 36441  
including but not limited to, expenses for diagnosis, treatment, 36442  
service coordination, supportive services, transportation, and 36443  
accessories and their upkeep, provided to medically handicapped 36444  
children, provided that the provision of the goods or services is 36445  
authorized by the department under division ~~(B)~~(C) or ~~(D)~~(E) of 36446  
this section. Money appropriated to the department of health may 36447  
also be expended for reasonable administrative costs incurred by 36448  
the program. The department of health also may purchase liability 36449  
insurance covering the provision of services under the program for 36450  
medically handicapped children by physicians and other health care 36451  
professionals. 36452

Payments made to providers by the department of health 36453  
pursuant to this division for inpatient hospital care, outpatient 36454

care, and all other medical assistance furnished to ~~eligible~~ 36455  
~~recipients~~ enrollees of the program for medically handicapped 36456  
children shall be made in accordance with rules adopted by the 36457  
director of health pursuant to division (A) of section 3701.021 of 36458  
the Revised Code. 36459

The departments of health and medicaid shall jointly 36460  
implement procedures to ensure that duplicate payments are not 36461  
made under the program for medically handicapped children and the 36462  
medicaid program and to identify and recover duplicate payments. 36463

~~(F)~~(G) At the time of applying for participation in the 36464  
program for medically handicapped children, a medically 36465  
handicapped child or the child's parent or guardian shall disclose 36466  
the identity of any third party against whom the child or the 36467  
child's parent or guardian has or may have a right of recovery for 36468  
goods and services provided under division ~~(B)~~(C) or ~~(D)~~(E) of 36469  
this section. The department of health shall require a medically 36470  
handicapped child who receives services from the program or the 36471  
child's parent or guardian to apply for all third-party benefits 36472  
for which the child may be eligible and require the child, parent, 36473  
or guardian to apply all third-party benefits received to the 36474  
amount determined under division ~~(E)~~(F) of this section as the 36475  
amount payable for goods and services authorized under division 36476  
~~(B)~~(C) or ~~(D)~~(E) of this section. The department is the payer of 36477  
last resort and shall pay for authorized goods or services, up to 36478  
the amount determined under division ~~(E)~~(F) of this section for 36479  
the authorized goods or services, only to the extent that payment 36480  
for the authorized goods or services is not made through 36481  
third-party benefits. When a third party fails to act on an 36482  
application or claim for benefits by a medically handicapped child 36483  
or the child's parent or guardian, the department shall pay for 36484  
the goods or services only after ninety days have elapsed since 36485  
the date the child, parents, or guardians made an application or 36486

claim for all third-party benefits. Third-party benefits received 36487  
shall be applied to the amount determined under division ~~(E)~~(F) of 36488  
this section. Third-party payments for goods and services not 36489  
authorized under division ~~(B)~~(C) or ~~(D)~~(E) of this section shall 36490  
not be applied to payment amounts determined under division ~~(E)~~(F) 36491  
of this section. Payment made by the department shall be 36492  
considered payment in full of the amount determined under division 36493  
~~(E)~~(F) of this section. Medicaid payments for persons eligible for 36494  
the medicaid program shall be considered payment in full of the 36495  
amount determined under division (E) of this section. 36496

~~(G)~~ (H) Subject to all provisions of this section, but 36497  
not subject to section 3701.024 of the Revised Code, the 36498  
department of health shall administer a program to provide 36499  
services to Ohio residents who are twenty-one or more years of age 36500  
who have cystic fibrosis and who meet the eligibility requirements 36501  
established in rules adopted by the director of health pursuant to 36502  
division (A)(7) of section 3701.021 of the Revised Code, ~~subject~~ 36503  
~~to all provisions of this section, but not subject to section~~ 36504  
~~3701.024 of the Revised Code. Beginning January 1, 2018,~~ 36505  
enrollment in the program is subject to all of the following 36506  
limitations: 36507

(1) No nonmedicaid-eligible individual may continue to be 36508  
enrolled in the program unless the individual was enrolled in the 36509  
program on June 30, 2017, or had an application for the program 36510  
pending on that date. 36511

(2) No nonmedicaid-eligible individual may be initially 36512  
enrolled in the program. 36513

(3) No medicaid-eligible individual may continue to be 36514  
enrolled in the program regardless of when the individual enrolled 36515  
in the program or submitted an application for the program. 36516

(4) No medicaid-eligible individual may be initially enrolled 36517

in the program. 36518

~~(H)~~(I) The department of health shall provide for appeals, in 36519  
accordance with rules adopted under section 3701.021 of the 36520  
Revised Code, of denials of applications for the program for 36521  
medically handicapped children under division (A) or ~~(D)~~(E) of 36522  
this section, disqualification of providers, or amounts paid under 36523  
division ~~(E)~~(F) of this section. Appeals under this division are 36524  
not subject to Chapter 119. of the Revised Code. 36525

The department may designate ombudspersons to assist 36526  
medically handicapped children or their parents or guardians, upon 36527  
the request of the children, parents, or guardians, in filing 36528  
appeals under this division and to serve as children's, parents', 36529  
or guardians' advocates in matters pertaining to the 36530  
administration of the program for medically handicapped children 36531  
and eligibility for program services. The ombudspersons shall 36532  
receive no compensation but shall be reimbursed by the department, 36533  
in accordance with rules of the office of budget and management, 36534  
for their actual and necessary travel expenses incurred in the 36535  
performance of their duties. 36536

~~(I)~~(J) The department of health, and city and general health 36537  
districts providing service coordination pursuant to division 36538  
(A)(2) of section 3701.024 of the Revised Code, shall provide 36539  
service coordination in accordance with the standards set forth in 36540  
the rules adopted under section 3701.021 of the Revised Code, 36541  
without charge, and without restriction as to economic status. 36542

~~(J)~~(K)(1) The department of health may establish a 36543  
manufacturer discount program under which a manufacturer of a drug 36544  
or nutritional formula is permitted to enter into an agreement 36545  
with the department to provide a discount on the price of the drug 36546  
or nutritional formula distributed to medically handicapped 36547  
children participating in the program for medically handicapped 36548  
children. The program shall be administered in accordance with 36549

rules adopted under section 3701.021 of the Revised Code. 36550

(2) If a manufacturer enters into an agreement with the 36551  
department as described in division ~~(J)~~(K)(1) of this section, the 36552  
manufacturer and the department may negotiate the amount and terms 36553  
of the discount. 36554

(3) In lieu of establishing a discount program as described 36555  
in division ~~(J)~~(K)(1) of this section, the department and a 36556  
manufacturer of a drug or nutritional formula may discuss a 36557  
donation of drugs, nutritional formulas, or money by the 36558  
manufacturer to the department. 36559

~~(K) As used in this division "209(b) option" has the same 36560  
meaning as in section 5166.01 of the Revised Code. 36561~~

~~The program for medically handicapped children and the 36562  
program the department of health administers pursuant to division 36563  
(C) of this section shall continue to assist individuals who have 36564  
cystic fibrosis and are enrolled in those programs in qualifying 36565  
for medicaid under the spenddown process in the same manner it 36566  
assists such individuals on the effective date of this amendment, 36567  
regardless of whether the department of medicaid continues to 36568  
implement the 209(b) option. 36569~~

**Sec. 3701.026.** (A) The acceptance of assistance under the 36570  
program for medically handicapped children gives a right of 36571  
subrogation to the department of health against the liability of a 36572  
third party for the costs of goods or services paid by the 36573  
department under division ~~(E)~~(F) of section 3701.023 of the 36574  
Revised Code. The department's subrogation claim shall not exceed 36575  
the total cost of the goods and services paid under division 36576  
~~(E)~~(F) of section 3701.023 of the Revised Code. 36577

(B) To enforce its subrogation rights, the department may do 36578  
any of the following: 36579

(1) Intervene or join in any action or proceeding brought by 36580  
a medically handicapped child or ~~his~~ the child's parent or 36581  
guardian against any third party who may be liable for the cost of 36582  
goods and services paid under division ~~(E)~~(F) of section 3701.023 36583  
of the Revised Code; 36584

(2) Institute and pursue legal proceedings against any third 36585  
party who may be liable for the cost of goods and services paid 36586  
under division ~~(E)~~(F) of section 3701.023 of the Revised Code; 36587

(3) Initiate legal proceedings in conjunction with a 36588  
medically handicapped child or ~~his~~ the child's parent or guardian 36589  
against any third party who may be liable for the cost of goods 36590  
and services paid under division ~~(E)~~(F) of section 3701.023 of the 36591  
Revised Code. 36592

(C) When an action or claim is brought against a third party 36593  
by a medically handicapped child participating in the program or 36594  
~~his~~ the child's parent or guardian, the entire amount of any 36595  
settlement or compromise of the action or claim, or any court 36596  
award or judgment, is subject to the subrogation right of the 36597  
department. If all or part of settlement, compromise, award, or 36598  
judgment is established in the form of a trust to benefit the 36599  
child or ~~his~~ the child's family or guardians, the department may 36600  
waive its right of subrogation against all or part of the trust. 36601  
Any settlement, compromise, award, or judgment that excludes the 36602  
costs of goods and services paid under division ~~(E)~~(F) of section 36603  
3701.023 of the Revised Code shall not preclude the department 36604  
from enforcing its subrogation right under this section. 36605

(D) No settlement, compromise, judgment, or award or any 36606  
recovery in any action or claim by a medically handicapped child 36607  
or ~~his~~ the child's parent or guardian when the department has a 36608  
right of subrogation shall be made final without first giving the 36609  
department notice and the opportunity to perfect its right of 36610  
subrogation. If the department is not given notice, the child, 36611

parent, or guardian is liable to reimburse the department for the 36612  
cost of goods and services paid under division ~~(E)~~(F) of section 36613  
3701.023 of the Revised Code out of any recovery received. The 36614  
third party becomes liable to the department as soon as the third 36615  
party is notified in writing of the valid claims for subrogation 36616  
under this section. 36617

(E) Subrogation does not apply to that portion of any 36618  
judgment, award, settlement, or compromise of a claim, to the 36619  
extent that attorney's fees, costs, or other expenses are incurred 36620  
by a medically handicapped child or ~~his~~ the child's parent or 36621  
guardian in securing the judgment, award, settlement, or 36622  
compromise, or to the extent that the cost of goods and services 36623  
specified in divisions ~~(B)~~(C) and ~~(D)~~(E) of section 3701.023 of 36624  
the Revised Code are paid by the child, parent, or guardian. 36625  
Attorney's fees and costs or other expenses in securing any 36626  
recovery shall not be assessed against any subrogated claim of the 36627  
department. 36628

**Sec. 3701.029.** (A) Subject to available funds and division 36629  
(B) of this section, the department of health shall establish and 36630  
administer a hemophilia program to provide payment of health 36631  
insurance premiums for Ohio residents who meet all of the 36632  
following requirements: 36633

~~(A)~~(1) Have been diagnosed with hemophilia or a related 36634  
bleeding disorder; 36635

~~(B)~~(2) Are at least twenty-one years of age; 36636

~~(C)~~(3) Meet the eligibility requirements established by rules 36637  
adopted under division (A)(12) of section 3701.021 of the Revised 36638  
Code. 36639

(B) Beginning January 1, 2018, enrollment in the program is 36640  
subject to all of the following limitations: 36641

(1) No nonmedicaid-eligible individual may continue to be enrolled in the program unless the individual was enrolled in the program on June 30, 2017, or had an application for the program pending on that date. 36642  
36643  
36644  
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(2) No nonmedicaid-eligible individual may be initially enrolled in the program. 36646  
36647

(3) No medicaid-eligible individual may continue to be enrolled in the program regardless of when the individual enrolled in the program or submitted an application for the program. 36648  
36649  
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(4) No medicaid-eligible individual may be initially enrolled in the program. 36651  
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**Sec. 3701.12.** (A) As used in this section: 36653

(1) "Third party" means any person or government entity other than the department of health or a program administered by the department. 36654  
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(2) "Third party benefits" means any and all benefits paid by a third party to or on behalf of an individual or the individual's parent or guardian for goods or services the individual has received from the department of health or a grantee or contractor of the department. 36657  
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(B) Except as provided in division (C) of this section, the department of health shall not, on or after January 1, 2018, pay for goods or services that are payable through third party benefits. 36662  
36663  
36664  
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(C) The prohibition in division (B) of this section does not apply when expressly contrary to another provision of the Revised Code or when, as determined by the director of health, department of health funds are required to mitigate the spread of infectious disease or are needed for exceptional circumstances. 36666  
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**Sec. 3701.243.** (A) Except as provided in this section or 36671  
section 3701.248 of the Revised Code, no person or agency of state 36672  
or local government that acquires the information while providing 36673  
any health care service or while in the employ of a health care 36674  
facility or health care provider shall disclose or compel another 36675  
to disclose any of the following: 36676

(1) The identity of any individual on whom an HIV test is 36677  
performed; 36678

(2) The results of an HIV test in a form that identifies the 36679  
individual tested; 36680

(3) The identity of any individual diagnosed as having AIDS 36681  
or an AIDS-related condition. 36682

(B)(1) Except as provided in divisions (B)(2), (C), (D), and 36683  
(F) of this section, the results of an HIV test or the identity of 36684  
an individual on whom an HIV test is performed or who is diagnosed 36685  
as having AIDS or an AIDS-related condition may be disclosed only 36686  
to the following: 36687

(a) The individual who was tested or the individual's legal 36688  
guardian, and the individual's spouse or any sexual partner; 36689

(b) A person to whom disclosure is authorized by a written 36690  
release, executed by the individual tested or by the individual's 36691  
legal guardian and specifying to whom disclosure of the test 36692  
results or diagnosis is authorized and the time period during 36693  
which the release is to be effective; 36694

(c) ~~The individual's~~ Any physician who treats the individual; 36695

(d) The department of health or a health commissioner to 36696  
which reports are made under section 3701.24 of the Revised Code; 36697

(e) A health care facility or provider that procures, 36698  
processes, distributes, or uses a human body part from a deceased 36699  
individual, donated for a purpose specified in Chapter 2108. of 36700

the Revised Code, and that needs medical information about the 36701  
deceased individual to ensure that the body part is medically 36702  
acceptable for its intended purpose; 36703

(f) Health care facility staff committees or accreditation or 36704  
oversight review organizations conducting program monitoring, 36705  
program evaluation, or service reviews; 36706

(g) A health care provider, emergency medical services 36707  
worker, or peace officer who sustained a significant exposure to 36708  
the body fluids of another individual, if that individual was 36709  
tested pursuant to division (E)(6) of section 3701.242 of the 36710  
Revised Code, except that the identity of the individual tested 36711  
shall not be revealed; 36712

(h) To law enforcement authorities pursuant to a search 36713  
warrant or a subpoena issued by or at the request of a grand jury, 36714  
a prosecuting attorney, a city director of law or similar chief 36715  
legal officer of a municipal corporation, or a village solicitor, 36716  
in connection with a criminal investigation or prosecution. 36717

(2) The results of an HIV test or a diagnosis of AIDS or an 36718  
AIDS-related condition may be disclosed to a health care provider, 36719  
or an authorized agent or employee of a health care facility or a 36720  
health care provider, if the provider, agent, or employee has a 36721  
medical need to know the information and is participating in the 36722  
diagnosis, care, or treatment of the individual on whom the test 36723  
was performed or who has been diagnosed as having AIDS or an 36724  
AIDS-related condition. 36725

This division does not impose a standard of disclosure 36726  
different from the standard for disclosure of all other specific 36727  
information about a patient to health care providers and 36728  
facilities. Disclosure may not be requested or made solely for the 36729  
purpose of identifying an individual who has a positive HIV test 36730  
result or has been diagnosed as having AIDS or an AIDS-related 36731

condition in order to refuse to treat the individual. Referral of 36732  
an individual to another health care provider or facility based on 36733  
reasonable professional judgment does not constitute refusal to 36734  
treat the individual. 36735

(3) Not later than ninety days after November 1, 1989, each 36736  
health care facility in this state shall establish a protocol to 36737  
be followed by employees and individuals affiliated with the 36738  
facility in making disclosures authorized by division (B)(2) of 36739  
this section. A person employed by or affiliated with a health 36740  
care facility who determines in accordance with the protocol 36741  
established by the facility that a disclosure is authorized by 36742  
division (B)(2) of this section is immune from liability to any 36743  
person in a civil action for damages for injury, death, or loss to 36744  
person or property resulting from the disclosure. 36745

(C)(1) Any person or government agency may seek access to or 36746  
authority to disclose the HIV test records of an individual in 36747  
accordance with the following provisions: 36748

(a) The person or government agency shall bring an action in 36749  
a court of common pleas requesting disclosure of or authority to 36750  
disclose the results of an HIV test of a specific individual, who 36751  
shall be identified in the complaint by a pseudonym but whose name 36752  
shall be communicated to the court confidentially, pursuant to a 36753  
court order restricting the use of the name. The court shall 36754  
provide the individual with notice and an opportunity to 36755  
participate in the proceedings if the individual is not named as a 36756  
party. Proceedings shall be conducted in chambers unless the 36757  
individual agrees to a hearing in open court. 36758

(b) The court may issue an order granting the plaintiff 36759  
access to or authority to disclose the test results only if the 36760  
court finds by clear and convincing evidence that the plaintiff 36761  
has demonstrated a compelling need for disclosure of the 36762  
information that cannot be accommodated by other means. In 36763

assessing compelling need, the court shall weigh the need for 36764  
disclosure against the privacy right of the individual tested and 36765  
against any disservice to the public interest that might result 36766  
from the disclosure, such as discrimination against the individual 36767  
or the deterrence of others from being tested. 36768

(c) If the court issues an order, it shall guard against 36769  
unauthorized disclosure by specifying the persons who may have 36770  
access to the information, the purposes for which the information 36771  
shall be used, and prohibitions against future disclosure. 36772

(2) A person or government agency that considers it necessary 36773  
to disclose the results of an HIV test of a specific individual in 36774  
an action in which it is a party may seek authority for the 36775  
disclosure by filing an in camera motion with the court in which 36776  
the action is being heard. In hearing the motion, the court shall 36777  
employ procedures for confidentiality similar to those specified 36778  
in division (C)(1) of this section. The court shall grant the 36779  
motion only if it finds by clear and convincing evidence that a 36780  
compelling need for the disclosure has been demonstrated. 36781

(3) Except for an order issued in a criminal prosecution or 36782  
an order under division (C)(1) or (2) of this section granting 36783  
disclosure of the result of an HIV test of a specific individual, 36784  
a court shall not compel a blood bank, hospital blood center, or 36785  
blood collection facility to disclose the result of HIV tests 36786  
performed on the blood of voluntary donors in a way that reveals 36787  
the identity of any donor. 36788

(4) In a civil action in which the plaintiff seeks to recover 36789  
damages from an individual defendant based on an allegation that 36790  
the plaintiff contracted the HIV virus as a result of actions of 36791  
the defendant, the prohibitions against disclosure in this section 36792  
do not bar discovery of the results of any HIV test given to the 36793  
defendant or any diagnosis that the defendant suffers from AIDS or 36794  
an AIDS-related condition. 36795

(D) The results of an HIV test or the identity of an individual on whom an HIV test is performed or who is diagnosed as having AIDS or an AIDS-related condition may be disclosed to a federal, state, or local government agency, or the official representative of such an agency, for purposes of the medicaid program, the medicare program, or any other public assistance program.

(E) Any disclosure pursuant to this section shall be in writing and accompanied by a written statement that includes the following or substantially similar language: "This information has been disclosed to you from confidential records protected from disclosure by state law. You shall make no further disclosure of this information without the specific, written, and informed release of the individual to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is not sufficient for the purpose of the release of HIV test results or diagnoses."

(F) An individual who knows that the individual has received a positive result on an HIV test or has been diagnosed as having AIDS or an AIDS-related condition shall disclose this information to any other person with whom the individual intends to make common use of a hypodermic needle or engage in sexual conduct as defined in section 2907.01 of the Revised Code. An individual's compliance with this division does not prohibit a prosecution of the individual for a violation of division (B) of section 2903.11 of the Revised Code.

(G) Nothing in this section prohibits the introduction of evidence concerning an HIV test of a specific individual in a criminal proceeding.

**Sec. 3701.65.** (A) There is hereby created in the state treasury the "choose life" fund. The fund shall consist of the

contributions that are paid to the registrar of motor vehicles by 36827  
applicants who voluntarily elect to obtain "choose life" license 36828  
plates pursuant to section 4503.91 of the Revised Code and any 36829  
money returned to the fund under division (E)(1)(d) of this 36830  
section. All investment earnings of the fund shall be credited to 36831  
the fund. 36832

(B)(1) At least annually, the director of health shall 36833  
distribute the money in the fund to any private, nonprofit 36834  
organization that is eligible to receive funds under this section 36835  
and that applies for funding under division (C) of this section. 36836

(2) The director shall allocate the funds to each county in 36837  
proportion to the number of "choose life" license plates issued 36838  
during the preceding year to vehicles registered in each county. 36839  
The director shall distribute funds allocated for a county as 36840  
follows: 36841

(a) To one or more eligible organizations located within the 36842  
county; 36843

(b) If no eligible organization located within the county 36844  
applies for funding, to one or more eligible organizations located 36845  
in contiguous counties; 36846

(c) If no eligible organization located within the county or 36847  
a contiguous county applies for funding, to one or more eligible 36848  
organizations within any other county. 36849

(3) The director shall ensure that any funds allocated for a 36850  
county are distributed equally among eligible organizations that 36851  
apply for funding within the county. 36852

(C) Any organization seeking funds under this section 36853  
annually shall apply for distribution of the funds based on the 36854  
county in which the organization is located. An organization also 36855  
may apply for funding in a county in which it is not located if it 36856

demonstrates that it provides services for pregnant women residing 36857  
in that county. The director shall develop an application form and 36858  
may determine the schedule and procedures that an organization 36859  
shall follow when annually applying for funds. The application 36860  
shall inform the applicant of the conditions for receiving and 36861  
using funds under division (E) of this section. The application 36862  
shall require evidence that the organization meets all of the 36863  
following requirements: 36864

(1) Is a private, nonprofit organization; 36865

(2) Is committed to counseling pregnant women about the 36866  
option of adoption; 36867

(3) Provides services within the state to pregnant women who 36868  
are planning to place their children for adoption, including 36869  
counseling and meeting the material needs of the women; 36870

(4) Does not charge women for any services received; 36871

(5) Is not involved or associated with any abortion 36872  
activities, including counseling for or referrals to abortion 36873  
clinics, providing medical abortion-related procedures, or 36874  
pro-abortion advertising; 36875

(6) Does not discriminate in its provision of any services on 36876  
the basis of race, religion, color, age, marital status, national 36877  
origin, handicap, gender, or age; 36878

(7) If the organization is applying for funding in a county 36879  
in which it is not located, provides services for pregnant women 36880  
residing in that county. 36881

(D) The director shall not distribute funds to an 36882  
organization that does not provide verifiable evidence of the 36883  
requirements specified in the application under division (C) of 36884  
this section and shall not provide additional funds to any 36885  
organization that fails to comply with division (E) of this 36886

section in regard to its previous receipt of funds under this 36887  
section. 36888

(E)(1) An organization receiving funds under this section 36889  
shall do all of the following: 36890

(a) Use not more than sixty per cent of the funds distributed 36891  
to it for the material needs of pregnant women who are planning to 36892  
place their children for adoption or for infants awaiting 36893  
placement with adoptive parents, including clothing, housing, 36894  
medical care, food, utilities, and transportation; 36895

(b) Use not more than forty per cent of the funds distributed 36896  
to it for counseling, training, or advertising; 36897

(c) Not use any of the funds distributed to it for 36898  
administrative expenses, legal expenses, or capital expenditures; 36899

(d) Annually return to the fund created under division (A) of 36900  
this section any unused money that exceeds ten per cent of the 36901  
money distributed to the organization. 36902

(2) The organization annually shall submit to the director an 36903  
audited financial statement verifying its compliance with division 36904  
(E)(1) of this section. 36905

(F) The director, in accordance with Chapter 119. of the 36906  
Revised Code, shall adopt rules to implement this section. 36907

It is not the intent of the general assembly that the 36908  
department create a new position within the department to 36909  
implement and administer this section. It is the intent of the 36910  
general assembly that the implementation and administration of 36911  
this section be accomplished by existing department personnel. 36912

(G) If funds that have been allocated to a county for any 36913  
previous year have not been distributed to one or more eligible 36914  
organizations, the director may distribute those funds in 36915  
accordance with this section. 36916

**Sec. 3701.83.** There is hereby created in the state treasury 36917  
the general operations fund. Moneys in the fund shall be used for 36918  
the purposes specified in sections 3701.04, 3701.344, 3702.20, 36919  
~~3710.15~~, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 36920  
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 36921  
3749.07, 4747.04, and 4769.09 of the Revised Code. 36922

**Sec. 3701.881.** (A) As used in this section: 36923

(1) "Applicant" means a person who is under final 36924  
consideration for employment with a home health agency in a 36925  
full-time, part-time, or temporary position that involves 36926  
providing direct care to an individual or is referred to a home 36927  
health agency by an employment service for such a position. 36928

(2) "Community-based long-term care provider" means a 36929  
provider as defined in section 173.39 of the Revised Code. 36930

(3) "Community-based long-term care subcontractor" means a 36931  
subcontractor as defined in section 173.38 of the Revised Code. 36932

(4) "Criminal records check" has the same meaning as in 36933  
section 109.572 of the Revised Code. 36934

(5) "Direct care" means any of the following: 36935

(a) Any service identified in divisions (A)(8)(a) to (f) of 36936  
this section that is provided in a patient's place of residence 36937  
used as the patient's home; 36938

(b) Any activity that requires the person performing the 36939  
activity to be routinely alone with a patient or to routinely have 36940  
access to a patient's personal property or financial documents 36941  
regarding a patient; 36942

(c) For each home health agency individually, any other 36943  
routine service or activity that the chief administrator of the 36944  
home health agency designates as direct care. 36945

(6) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(7) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.

(8) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, or pediatric respite care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:

- (a) Skilled nursing care;
- (b) Physical therapy;
- (c) Speech-language pathology;
- (d) Occupational therapy;
- (e) Medical social services;
- (f) Home health aide services.

(9) "Home health aide services" means any of the following services provided by an employee of a home health agency:

- (a) Hands-on bathing or assistance with a tub bath or shower;
- (b) Assistance with dressing, ambulation, and toileting;
- (c) Catheter care but not insertion;
- (d) Meal preparation and feeding.

(10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.

|   |                                  |
|---|----------------------------------|
| (11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.   | 36974<br>36975<br>36976          |
| (12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.  | 36977<br>36978                   |
| (13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.  | 36979<br>36980<br>36981          |
| (14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.   | 36982<br>36983                   |
| (15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.   | 36984<br>36985                   |
| (16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.                                       | 36986<br>36987<br>36988          |
| (17) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.  | 36989<br>36990                   |
| (18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.   | 36991<br>36992                   |
| (B) No home health agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply: | 36993<br>36994<br>36995<br>36996 |
| (1) A review of the databases listed in division (D) of this section reveals any of the following:  | 36997<br>36998                   |
| (a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;   | 36999<br>37000<br>37001          |
| (b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement  | 37002<br>37003                   |

detailing findings by the director of health that the applicant or 37004  
employee abused, neglected, or abused exploited a long-term care 37005  
facility or residential care facility resident or misappropriated 37006  
property of such a resident; 37007

(c) That the applicant or employee is included in one or more 37008  
of the databases, if any, specified in rules adopted under this 37009  
section and the rules prohibit the home health agency from 37010  
employing an applicant or continuing to employ an employee 37011  
included in such a database in a position that involves providing 37012  
direct care to an individual. 37013

(2) After the applicant or employee is provided, pursuant to 37014  
division (E)(2)(a) of this section, a copy of the form prescribed 37015  
pursuant to division (C)(1) of section 109.572 of the Revised Code 37016  
and the standard impression sheet prescribed pursuant to division 37017  
(C)(2) of that section, the applicant or employee fails to 37018  
complete the form or provide the applicant's or employee's 37019  
fingerprint impressions on the standard impression sheet. 37020

(3) Except as provided in rules adopted under this section, 37021  
the applicant or employee is found by a criminal records check 37022  
required by this section to have been convicted of, pleaded guilty 37023  
to, or been found eligible for intervention in lieu of conviction 37024  
for a disqualifying offense. 37025

(C) Except as provided by division (F) of this section, the 37026  
chief administrator of a home health agency shall inform each 37027  
applicant of both of the following at the time of the applicant's 37028  
initial application for employment or referral to the home health 37029  
agency by an employment service for a position that involves 37030  
providing direct care to an individual: 37031

(1) That a review of the databases listed in division (D) of 37032  
this section will be conducted to determine whether the home 37033  
health agency is prohibited by division (B)(1) of this section 37034

from employing the applicant in the position; 37035

(2) That, unless the database review reveals that the 37036  
applicant may not be employed in the position, a criminal records 37037  
check of the applicant will be conducted and the applicant is 37038  
required to provide a set of the applicant's fingerprint 37039  
impressions as part of the criminal records check. 37040

(D) As a condition of employing any applicant in a position 37041  
that involves providing direct care to an individual, the chief 37042  
administrator of a home health agency shall conduct a database 37043  
review of the applicant in accordance with rules adopted under 37044  
this section. If rules adopted under this section so require, the 37045  
chief administrator of a home health agency shall conduct a 37046  
database review of an employee in accordance with the rules as a 37047  
condition of continuing to employ the employee in a position that 37048  
involves providing direct care to an individual. However, the 37049  
chief administrator is not required to conduct a database review 37050  
of an applicant or employee if division (F) of this section 37051  
applies. A database review shall determine whether the applicant 37052  
or employee is included in any of the following: 37053

(1) The excluded parties list system that is maintained by 37054  
the United States general services administration pursuant to 37055  
subpart 9.4 of the federal acquisition regulation and available at 37056  
the federal web site known as the system for award management; 37057

(2) The list of excluded individuals and entities maintained 37058  
by the office of inspector general in the United States department 37059  
of health and human services pursuant to the "Social Security 37060  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 37061

(3) The registry of developmental disabilities employees 37062  
established under section 5123.52 of the Revised Code; 37063

(4) The internet-based sex offender and child-victim offender 37064  
database established under division (A)(11) of section 2950.13 of 37065

the Revised Code; 37066

(5) The internet-based database of inmates established under 37067  
section 5120.66 of the Revised Code; 37068

(6) The state nurse aide registry established under section 37069  
3721.32 of the Revised Code; 37070

(7) Any other database, if any, specified in rules adopted 37071  
under this section. 37072

(E)(1) As a condition of employing any applicant in a 37073  
position that involves providing direct care to an individual, the 37074  
chief administrator of a home health agency shall request the 37075  
superintendent of the bureau of criminal identification and 37076  
investigation to conduct a criminal records check of the 37077  
applicant. If rules adopted under this section so require, the 37078  
chief administrator of a home health agency shall request the 37079  
superintendent to conduct a criminal records check of an employee 37080  
at times specified in the rules as a condition of continuing to 37081  
employ the employee in a position that involves providing direct 37082  
care to an individual. However, the chief administrator is not 37083  
required to request the criminal records check of the applicant or 37084  
the employee if division (F) of this section applies or the home 37085  
health agency is prohibited by division (B)(1) of this section 37086  
from employing the applicant or continuing to employ the employee 37087  
in a position that involves providing direct care to an 37088  
individual. If an applicant or employee for whom a criminal 37089  
records check request is required by this section does not present 37090  
proof of having been a resident of this state for the five-year 37091  
period immediately prior to the date upon which the criminal 37092  
records check is requested or does not provide evidence that 37093  
within that five-year period the superintendent has requested 37094  
information about the applicant from the federal bureau of 37095  
investigation in a criminal records check, the chief administrator 37096  
shall request that the superintendent obtain information from the 37097

federal bureau of investigation as a part of the criminal records 37098  
check. Even if an applicant or employee for whom a criminal 37099  
records check request is required by this section presents proof 37100  
that the applicant or employee has been a resident of this state 37101  
for that five-year period, the chief administrator may request 37102  
that the superintendent include information from the federal 37103  
bureau of investigation in the criminal records check. 37104

(2) The chief administrator shall do all of the following: 37105

(a) Provide to each applicant and employee for whom a 37106  
criminal records check request is required by this section a copy 37107  
of the form prescribed pursuant to division (C)(1) of section 37108  
109.572 of the Revised Code and a standard impression sheet 37109  
prescribed pursuant to division (C)(2) of that section; 37110

(b) Obtain the completed form and standard impression sheet 37111  
from each applicant and employee; 37112

(c) Forward the completed form and standard impression sheet 37113  
to the superintendent at the time the chief administrator requests 37114  
the criminal records check. 37115

(3) A home health agency shall pay to the bureau of criminal 37116  
identification and investigation the fee prescribed pursuant to 37117  
division (C)(3) of section 109.572 of the Revised Code for each 37118  
criminal records check the agency requests under this section. A 37119  
home health agency may charge an applicant a fee not exceeding the 37120  
amount the agency pays to the bureau under this section if both of 37121  
the following apply: 37122

(a) The home health agency notifies the applicant at the time 37123  
of initial application for employment of the amount of the fee and 37124  
that, unless the fee is paid, the applicant will not be considered 37125  
for employment. 37126

(b) The medicaid program does not reimburse the home health 37127  
agency for the fee it pays to the bureau under this section. 37128

(F) Divisions (C) to (E) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions that involve providing direct care to an individual and both of the following apply:

(1) The chief administrator of the home health agency receives from the employment service confirmation that a review of the databases listed in division (D) of this section was conducted with regard to the applicant or employee.

(2) The chief administrator of the home health agency receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency;

(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section.

(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies:

(a) The chief administrator of the home health agency requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment.

(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the home health agency when the employment service receives the results.

(2) If a home health agency employs an applicant conditionally pursuant to division (G)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the agency.

(3) A home health agency that employs an applicant conditionally pursuant to division (G)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the

date the request for the criminal records check is made. 37191  
Regardless of when the results of the criminal records check are 37192  
obtained, if the results indicate that the applicant has been 37193  
convicted of, pleaded guilty to, or been found eligible for 37194  
intervention in lieu of conviction for a disqualifying offense, 37195  
the home health agency shall terminate the applicant's employment 37196  
unless circumstances specified in rules adopted under this section 37197  
that permit the agency to employ the applicant exist and the 37198  
agency chooses to employ the applicant. Termination of employment 37199  
under this division shall be considered just cause for discharge 37200  
for purposes of division (D)(2) of section 4141.29 of the Revised 37201  
Code if the applicant makes any attempt to deceive the home health 37202  
agency about the applicant's criminal record. 37203

(H) The report of any criminal records check conducted by the 37204  
bureau of criminal identification and investigation in accordance 37205  
with section 109.572 of the Revised Code and pursuant to a request 37206  
made under this section is not a public record for the purposes of 37207  
section 149.43 of the Revised Code and shall not be made available 37208  
to any person other than the following: 37209

(1) The applicant or employee who is the subject of the 37210  
criminal records check or the applicant's or employee's 37211  
representative; 37212

(2) The home health agency requesting the criminal records 37213  
check or its representative; 37214

(3) The administrator of any other facility, agency, or 37215  
program that provides direct care to individuals that is owned or 37216  
operated by the same entity that owns or operates the home health 37217  
agency that requested the criminal records check; 37218

(4) The employment service that requested the criminal 37219  
records check; 37220

(5) The director of health and the staff of the department of 37221

health who monitor a home health agency's compliance with this section; 37222  
37223

(6) The director of aging or the director's designee if either of the following apply: 37224  
37225

(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a community-based long-term care provider or community-based long-term care subcontractor; 37226  
37227  
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(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a community-based long-term care provider or community-based long-term care subcontractor. 37230  
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(7) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if either of the following apply: 37235  
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37237

(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver agency; 37238  
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37240

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a waiver agency. 37241  
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(8) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 37245  
37246

(a) A denial of employment of the applicant or employee; 37247

(b) Employment or unemployment benefits of the applicant or employee; 37248  
37249

(c) A civil or criminal action regarding the medicaid program. 37250  
37251

(I) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a home health agency employs in a position that involves providing direct care to an individual, all of the following shall apply:

(1) If the home health agency employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, 37283  
specify other databases that are to be checked as part of a 37284  
database review conducted under this section. 37285

(2) The rules shall specify all of the following: 37286

(a) The procedures for conducting database reviews under this 37287  
section; 37288

(b) If the rules require employees to undergo database 37289  
reviews and criminal records checks under this section, the times 37290  
at which the database reviews and criminal records checks are to 37291  
be conducted; 37292

(c) If the rules specify other databases to be checked as 37293  
part of the database reviews, the circumstances under which a home 37294  
health agency is prohibited from employing an applicant or 37295  
continuing to employ an employee who is found by a database review 37296  
to be included in one or more of those databases; 37297

(d) Circumstances under which a home health agency may employ 37298  
an applicant or employee who is found by a criminal records check 37299  
required by this section to have been convicted of, pleaded guilty 37300  
to, or been found eligible for intervention in lieu of conviction 37301  
for a disqualifying offense but meets personal character 37302  
standards. 37303

**Sec. 3702.304.** (A)(1) The director of health may grant a 37304  
variance from the written transfer agreement requirement of 37305  
section 3702.303 of the Revised Code if the ambulatory surgical 37306  
facility submits to the director a complete variance application, 37307  
prescribed by the director, and the director determines after 37308  
reviewing the application that the facility is capable of 37309  
achieving the purpose of a written transfer agreement in the 37310  
absence of one. The director's determination is final. 37311

(2) Not later than sixty days after receiving a variance 37312

application from an ambulatory surgical facility, the director 37313  
shall grant or deny the variance. A variance application that has 37314  
not been approved within sixty days is considered denied. 37315

(B) A variance application is complete for purposes of 37316  
division (A)(1) of this section if it contains or includes as 37317  
attachments all of the following: 37318

(1) A statement explaining why application of the requirement 37319  
would cause the facility undue hardship and why the variance will 37320  
not jeopardize the health and safety of any patient; 37321

(2) A letter, contract, or memorandum of understanding signed 37322  
by the facility and one or more consulting physicians who have 37323  
admitting privileges at a minimum of one local hospital, 37324  
memorializing the physician or physicians' agreement to provide 37325  
back-up coverage when medical care beyond the level the facility 37326  
can provide is necessary; 37327

(3) For each consulting physician described in division 37328  
(B)(2) of this section: 37329

(a) A signed statement in which the physician attests that 37330  
the physician is familiar with the facility and its operations, 37331  
and agrees to provide notice to the facility of any changes in the 37332  
physician's ability to provide back-up coverage; 37333

(b) The estimated travel time from the physician's main 37334  
residence or office to each local hospital where the physician has 37335  
admitting privileges; 37336

(c) Written verification that the facility has a record of 37337  
the name, telephone numbers, and practice specialties of the 37338  
physician; 37339

(d) Written verification from the state medical board that 37340  
the physician possesses a valid ~~certificate~~ license to practice 37341  
medicine and surgery or osteopathic medicine and surgery issued 37342

under Chapter 4731. of the Revised Code; 37343

(e) Documented verification that each hospital at which the 37344  
physician has admitting privileges has been informed in writing by 37345  
the physician that the physician is a consulting physician for the 37346  
ambulatory surgical facility and has agreed to provide back-up 37347  
coverage for the facility when medical care beyond the care the 37348  
facility can provide is necessary. 37349

(4) A copy of the facility's operating procedures or 37350  
protocols that, at a minimum, do all of the following: 37351

(a) Address how back-up coverage by consulting physicians is 37352  
to occur, including how back-up coverage is to occur when 37353  
consulting physicians are temporarily unavailable; 37354

(b) Specify that each consulting physician is required to 37355  
notify the facility, without delay, when the physician is unable 37356  
to expeditiously admit patients to a local hospital and provide 37357  
for continuity of patient care; 37358

(c) Specify that a patient's medical record maintained by the 37359  
facility must be transferred contemporaneously with the patient 37360  
when the patient is transferred from the facility to a hospital. 37361

(5) Any other information the director considers necessary. 37362

(C) The director's decision to grant, refuse, or rescind a 37363  
variance is final. 37364

(D) The director shall consider each application for a 37365  
variance independently without regard to any decision the director 37366  
may have made on a prior occasion to grant or deny a variance to 37367  
that ambulatory surgical facility or any other facility. 37368

**Sec. 3702.307.** An ambulatory surgical facility shall notify 37369  
the director of health when any of the following occurs: 37370

(A) The facility modifies any provision of its most recent 37371

written transfer agreement filed with the director under section 37372  
3702.303 of the Revised Code. Notification under these 37373  
circumstances shall occur not later than the business day after 37374  
the modification is finalized. As used in this division, "business 37375  
day" means a day of the week excluding Saturday, Sunday, and a 37376  
legal holiday as defined in section 1.14 of the Revised Code. 37377

(B) The facility modifies its operating procedures or 37378  
protocols described in division (B)(4) of section 3702.304 of the 37379  
Revised Code. Notification under these circumstances shall occur 37380  
not later than forty-eight hours after the modification is made. 37381

(C) The ambulatory surgical facility becomes aware of an 37382  
event, including disciplinary action by the state medical board 37383  
pursuant to section 4731.22 of the Revised Code, that may affect a 37384  
consulting physician's ~~certificate~~ license to practice medicine 37385  
and surgery or osteopathic medicine and surgery or the physician's 37386  
ability to admit patients to a hospital identified in a variance 37387  
application, as described in division (B)(3)(e) of section 37388  
3702.304 of the Revised Code. Notification under these 37389  
circumstances shall occur not later than one week after the 37390  
facility becomes aware of the event's occurrence. 37391

**Sec. 3702.72.** (A) A primary care physician who will not have 37392  
an outstanding obligation for medical service to the federal 37393  
government, a state, or other entity at the time of participation 37394  
in the physician loan repayment program and meets one of the 37395  
following requirements may apply for participation in the 37396  
physician loan repayment program: 37397

(1) The primary care physician is enrolled in the final year 37398  
of an accredited program required for board certification in a 37399  
primary care specialty. 37400

(2) The primary care physician is enrolled in the final year 37401  
of a fellowship program in a primary care specialty. 37402

(3) The primary care physician holds a valid ~~certificate~~ 37403  
license to practice medicine and surgery or osteopathic medicine 37404  
and surgery issued under Chapter 4731. of the Revised Code. 37405

(B) An application for participation in the physician loan 37406  
repayment program shall be submitted to the director of health on 37407  
a form that the director shall prescribe. The information required 37408  
to be submitted with an application includes the following: 37409

(1) The applicant's name, permanent address or address at 37410  
which the applicant is currently residing if different from the 37411  
permanent address, and telephone number; 37412

(2) The applicant's primary care specialty or specialties; 37413

(3) The medical school or osteopathic medical school the 37414  
applicant attended, the dates of attendance, and verification of 37415  
attendance; 37416

(4) The facility or institution where the applicant's medical 37417  
residency program was completed or is being performed, and, if 37418  
completed, the date of completion; 37419

(5) If applicable, the facility or institution where the 37420  
applicant's fellowship was completed or is being performed, and, 37421  
if completed, the date of completion; 37422

(6) A summary and verification of the educational expenses 37423  
for which the applicant seeks reimbursement under the program; 37424

(7) Verification of the applicant's authorization under 37425  
Chapter 4731. of the Revised Code to practice medicine and surgery 37426  
or osteopathic medicine and surgery; 37427

(8) Verification of the applicant's United States citizenship 37428  
or status as a legal alien. 37429

**Sec. 3704.01.** As used in this chapter: 37430

(A) "Administrator" means the administrator of the United 37431

States environmental protection agency or the chief executive of 37432  
any successor federal agency responsible for implementation of the 37433  
federal Clean Air Act. 37434

(B) "Air contaminant" means particulate matter, dust, fumes, 37435  
gas, mist, radionuclides, smoke, vapor, or odorous substances, or 37436  
any combination thereof, but does not mean emissions from 37437  
agricultural production activities, as defined in section 929.01 37438  
of the Revised Code, that are consistent with generally accepted 37439  
agricultural practices, were established prior to adjacent 37440  
nonagricultural activities, have no substantial, adverse effect on 37441  
the public health, safety, or welfare, do not result from the 37442  
negligent or other improper operations of any such agricultural 37443  
activities, and would not be required to obtain a Title V permit. 37444  
For the purposes of this chapter, agricultural production 37445  
activities do not include the installation and operation of 37446  
off-farm facilities for the storage or processing of agricultural 37447  
products, including, but not limited to, alfalfa dehydrating 37448  
facilities, rendering plants, and feed and grain mills, elevators, 37449  
and terminals. 37450

(C) "Air contaminant source" means each separate operation or 37451  
activity that results or may result in the emission of any air 37452  
contaminant. 37453

(D) "Air pollution" means the presence in the ambient air of 37454  
one or more air contaminants or any combination thereof in 37455  
sufficient quantity and of such characteristics and duration as is 37456  
or threatens to be injurious to human health or welfare, plant or 37457  
animal life, or property, or as unreasonably interferes with the 37458  
comfortable enjoyment of life or property. 37459

(E) "Ambient air" means that portion of the atmosphere 37460  
outside of buildings and other enclosures, stacks, or ducts that 37461  
surrounds human, plant, or animal life or property. 37462

(F) "Best available technology" means any combination of work 37463  
practices, raw material specifications, throughput limitations, 37464  
source design characteristics, an evaluation of the annualized 37465  
cost per ton of pollutant removed, and air pollution control 37466  
devices that have been previously demonstrated to the director of 37467  
environmental protection to operate satisfactorily in this state 37468  
or other states with similar air quality on substantially similar 37469  
air pollution sources. 37470

(G) "Change within a permitted facility" means, within the 37471  
context of the Title V permit program established under section 37472  
3704.036 of the Revised Code, a change that is limited by a 37473  
federally enforceable provision of an applicable Title V permit 37474  
and that does not include physical, production, or other changes 37475  
that are neither addressed nor limited by the federally 37476  
enforceable portion of a Title V permit unless the change would 37477  
result in a violation of a federally enforceable requirement or a 37478  
modification under Title I of the federal Clean Air Act or would 37479  
be subject to any requirements under Title IV of that act. 37480

(H) "Emit" or "emission" means the release into the ambient 37481  
air of an air contaminant. 37482

(I) "Emission limitation" and "emission standard" mean a 37483  
requirement that limits the quantity, rate, or concentration of 37484  
emissions of air contaminants, including any requirement relating 37485  
to the operation or maintenance of an air contaminant source. 37486

(J) "Facility," for the purposes of the Title V permit 37487  
program established under section 3704.036 of the Revised Code, 37488  
means all of the emitting activities that are located on 37489  
contiguous or adjacent properties that are under the control of 37490  
the same person or persons or are under common control and that 37491  
are in the same major group as described in the standard 37492  
Industrial Classification Manual, 1987. 37493

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 37494  
81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 37495  
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 37496  
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 37497  
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 37498  
Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 37499  
Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 37500  
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 37501  
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 37502  
that have been or may hereafter be adopted, or any supplements to 37503  
those acts and laws of the United States that have been or may 37504  
hereafter be enacted in substitution therefor, together with any 37505  
regulations that have been or may hereafter be adopted by the 37506  
administrator by virtue of and in accordance with those acts and 37507  
laws. Reference to a particular title or section of the federal 37508  
Clean Air Act includes any amendments that have been or may 37509  
hereafter be enacted in substitution therefor and any regulations 37510  
pertaining to the title or section that have been or may hereafter 37511  
be adopted by the administrator by virtue of and in accordance 37512  
with the federal Clean Air Act. 37513

(L) "Hazardous air pollutant" means any pollutant listed 37514  
under section 112(b) of the federal Clean Air Act. 37515

(M) "Implementation plan" means a program for the prevention 37516  
and abatement of air pollution in the state that has been 37517  
promulgated or approved by the administrator pursuant to the 37518  
federal Clean Air Act. 37519

(N) "Local air pollution control authority" includes all of 37520  
the following unless terminated by the political subdivisions 37521  
represented thereby: 37522

(1) All of the following agencies representing the following 37523  
political subdivisions, as those agencies existed on ~~the effective~~ 37524  
~~date of this section~~ July 1, 1993: 37525

|  |  |
|--|--|
| (a) The Akron regional air quality management district representing Medina, Summit, and Portage counties;  | 37526<br>37527   |
| (b) The Canton city health department representing Stark county;   | 37528<br>37529   |
| (c) The Hamilton county department of environmental services, <u>southwest Ohio air quality agency</u> representing Butler, Warren, Hamilton, and Clermont counties;   | 37530<br>37531<br>37532  |
| (d) The city of Cleveland division of the environment representing <del>the city of Cleveland</del> <u>Cuyahoga county</u> ;   | 37533<br>37534   |
| (e) The regional air pollution control agency representing Darke, Preble, Miami, Montgomery, Clark, and Greene counties;   | 37535<br>37536   |
| (f) The Lake county general health district representing Lake and Geauga counties;   | 37537<br>37538   |
| (g) The Portsmouth city health department representing Brown, Adams, Scioto, and Lawrence counties;  | 37539<br>37540   |
| (h) <del>The north Ohio valley air authority representing Carroll, Jefferson, Columbiana, Harrison, Belmont, and Monroe counties;</del>  | 37541<br>37542   |
| <del>(i)</del> The city of Toledo division of pollution control representing Lucas county and the city of Rossford in Wood county;   | 37543<br>37544   |
| <del>(j)</del> <u>(i)</u> The Mahoning-Trumbull air pollution control agency, city of Youngstown, representing Trumbull and Mahoning counties.   | 37545<br>37546   |
| (2) Any successor to an existing local air pollution control authority listed in divisions (N)(1)(a) to <del>(j)</del> <u>(i)</u> of this section that results from a change in the political subdivisions comprising the local air pollution control authority through the withdrawal of a political subdivision from membership in the local air pollution control authority or the inclusion of an additional political subdivision in the membership of the local air pollution control authority; | 37547<br>37548<br>37549<br>37550<br>37551<br>37552<br>37553<br>37554 |
| (3) Any new local air pollution control authority established  | 37555  |

on or after ~~the effective date of this section~~ July 1, 1993, by 37556  
one or more political subdivisions of this state for the purposes 37557  
of exercising the powers reserved to political subdivisions of 37558  
this state under division (A) of section 3704.11 of the Revised 37559  
Code. 37560

(O) "Person" means the federal government or any agency 37561  
thereof, the state or any agency thereof, any political 37562  
subdivision or any agency thereof, or any public or private 37563  
corporation, individual, partnership, or other entity. 37564

(P) "Research and development sources" means sources whose 37565  
activities are conducted for nonprofit scientific or educational 37566  
purposes; sources whose activities are conducted to test more 37567  
efficient production processes or methods for preventing or 37568  
reducing adverse environmental impacts, provided that the 37569  
activities do not include the production of an intermediate or 37570  
final product for sale or exchange for commercial profit, except 37571  
in a de minimis manner; a research or laboratory source the 37572  
primary purpose of which is to conduct research and development 37573  
into new processes and products, that is operated under the close 37574  
supervision of technically trained personnel, and that is not 37575  
engaged in the manufacture of products for sale or exchange for 37576  
commercial profit, except in a de minimis manner; the temporary 37577  
use of normal production sources in a research and development 37578  
mode to test the technical or commercial viability of alternative 37579  
raw materials or production processes, provided that the use does 37580  
not include the production of an intermediate or final product for 37581  
sale or exchange for commercial profit, except in a de minimis 37582  
manner; the experimental firing of any fuel or combination of 37583  
fuels in a boiler, heater, furnace, or dryer for the purpose of 37584  
conducting research and development of more efficient combustion 37585  
or more effective prevention or control of air pollutant 37586  
emissions, provided that, during those periods of research and 37587

development, the heat generated is not used for normal production 37588  
purposes or for producing a product for sale or exchange for 37589  
commercial profit, except in a de minimis manner; and such other 37590  
similar sources as the director may prescribe by rule. 37591

(Q) "Responsible official" means one of the following, as 37592  
applicable: 37593

(1) For a corporation: a president, secretary, treasurer, or 37594  
vice-president of the corporation in charge of a principal 37595  
business function, any other person who performs similar policy or 37596  
decision-making functions for the corporation, or a duly 37597  
authorized representative of any such person if the representative 37598  
is responsible for the overall operation of one or more 37599  
manufacturing, production, or operating facilities applying for or 37600  
subject to a Title V permit and if one of the following applies: 37601

(a) The facilities employ more than two hundred fifty 37602  
individuals or have gross annual sales or expenditures exceeding 37603  
twenty-five million dollars, in second quarter 1980 dollars; 37604

(b) The delegation of authority to the representative is 37605  
approved in advance by the director. 37606

(2) For a partnership or sole proprietorship: a general 37607  
partner or the proprietor, respectively. 37608

(3) For the federal government or any agency thereof, the 37609  
state or any agency thereof, a political subdivision or any agency 37610  
thereof, or any other public agency, either a principal executive 37611  
officer or authorized elected official. For the purposes of this 37612  
division, a principal executive officer of a federal agency 37613  
includes the chief executive officer having responsibility for the 37614  
overall operation of a principal geographic unit of the agency. 37615

(4) For affected sources, both of the following: 37616

(a) The designated representative insofar as actions, 37617

standards, requirements, or prohibitions under Title IV of the 37618  
federal Clean Air Act or regulations adopted under it are 37619  
concerned; 37620

(b) The designated representative for any other purposes 37621  
under 40 C.F.R. part 70. 37622

(R) "Small business stationary source" means any building, 37623  
structure, facility, or installation that emits any federally 37624  
regulated air pollutant and is owned or operated by a person who 37625  
employs one hundred or fewer individuals; is a small business 37626  
concern as defined in the "Small Business Act," 72 Stat. 384 37627  
(1958), 15 U.S.C.A. 632, as amended; is not a major stationary 37628  
source as defined in section 302(j) of the federal Clean Air Act; 37629  
does not emit fifty tons or more per year of any federally 37630  
regulated air pollutant or any hazardous air pollutant; and emits 37631  
less than seventy-five tons per year of all federally regulated 37632  
air pollutants. 37633

(S) "Title V permit" means an operating permit required to be 37634  
issued by the state under section 502 of the federal Clean Air Act 37635  
and issued under section 3704.036 of the Revised Code and rules 37636  
adopted under it. 37637

(T) For the purposes of the Title V permit program 37638  
established under this chapter and rules adopted under it, all 37639  
terms defined in 40 C.F.R. part 70 have the same meaning as in 37640  
that part. 37641

**Sec. 3704.035.** (A) There is hereby created in the state 37642  
treasury the Title V clean air fund. Except as otherwise provided 37643  
in division (K) of section 3745.11 of the Revised Code, all moneys 37644  
collected under division (B) of that section, and any gifts, 37645  
grants, or contributions received by the director of environmental 37646  
protection for the purposes of the fund, shall be credited to the 37647  
fund. 37648

The director shall expend all moneys credited to the fund 37649  
solely to administer and enforce the Title V program pursuant to 37650  
the federal Clean Air Act, this chapter, and rules adopted under 37651  
it, except as costs relating to enforcement are limited by the 37652  
federal Clean Air Act. The director shall establish separate and 37653  
distinct accounting for all such moneys. 37654

(B) There is hereby created in the state treasury the 37655  
non-Title V clean air fund. All money collected under section 37656  
3710.15 and divisions (D), (F), (G), (H), (I), and (J) of section 37657  
3745.11 of the Revised Code shall be credited to the fund. In 37658  
addition, any gifts, grants, or contributions received by the 37659  
director for the purposes of the fund shall be credited to the 37660  
fund. 37661

The director shall expend money in the fund exclusively to 37662  
pay the cost of administering and enforcing the laws of this state 37663  
pertaining to the prevention, control, and abatement of air 37664  
pollution, the prevention, control, and abatement of asbestos, 37665  
rules adopted under those laws, and terms and conditions of 37666  
permits, variances, and orders issued under those laws, and 37667  
asbestos abatement licensure and certification issued under those 37668  
laws. However, the director shall not expend money credited to the 37669  
fund for the administration and enforcement of the Title V permit 37670  
program established under this chapter and rules adopted under it 37671  
or motor vehicle inspection and maintenance programs established 37672  
under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162 37673  
of the Revised Code. 37674

(C) The director shall report biennially to the general 37675  
assembly the amounts of fees and other moneys credited to the 37676  
funds under this section and the amounts expended from them for 37677  
each of the various air pollution control programs. 37678

**Sec. 3704.111.** (A) Not later than October 1, 1993, the 37679

director of environmental protection shall enter into a delegation 37680  
agreement with each local air pollution control authority listed 37681  
in divisions ~~(J)~~(N)(1)(a) to ~~(j)~~(i) of section 3704.01 of the 37682  
Revised Code under which the local air pollution control authority 37683  
agrees to perform on behalf of the environmental protection agency 37684  
air pollution control regulatory services within the political 37685  
subdivision represented by the local air pollution control 37686  
authority. The director may enter into such a delegation agreement 37687  
with a local air pollution control authority established on or 37688  
after the effective date of this section, subject to the condition 37689  
established in division (B) of this section. Each delegation 37690  
agreement shall be self-renewing on an annual basis on the first 37691  
day of October of each year. The terms of each such delegation 37692  
agreement shall remain unchanged from year to year unless they are 37693  
amended by mutual agreement of the director and the local air 37694  
pollution control authority. 37695

(B) The director may conduct a periodic performance 37696  
evaluation of the air pollution control program operated by each 37697  
local air pollution control authority. Based upon the findings of 37698  
such a performance evaluation, the director may terminate or 37699  
refuse to renew the delegation agreement with a local air 37700  
pollution control authority if ~~he~~ the director determines that the 37701  
local air pollution control authority is not adequately performing 37702  
its obligations under the agreement. 37703

(C) The director may enter into contracts for payments to 37704  
local air pollution control authorities from moneys credited to 37705  
the clean air fund created in section 3704.035 of the Revised 37706  
Code, subject to the limitation specified in that section, and any 37707  
other moneys appropriated by the general assembly for that 37708  
purpose. The director shall distribute the moneys available for 37709  
making payments to the local air pollution control authorities 37710  
pursuant to such contracts equitably among the local air pollution 37711

control authorities based upon the amount of local funding and the 37712  
workload of each local air pollution control authority, including, 37713  
without limitation, population served, number of air permits 37714  
issued for both new and existing sources, land area, and number of 37715  
air contaminant sources. The director biennially shall review the 37716  
workload of each local air pollution control authority and shall 37717  
determine the percentage of the moneys available for the purpose 37718  
of making payments under the contracts. In determining the 37719  
percentage of those moneys that is to be so distributed, the 37720  
director shall consider the recommendations of the local air 37721  
pollution control authorities. 37722

(D) The director may modify a contract between the director 37723  
and a local air pollution control authority to authorize the local 37724  
air pollution control authority to perform air pollution control 37725  
activities outside the geographic boundaries of that local air 37726  
pollution control authority. 37727

**Sec. 3705.07.** (A) The local registrar of vital statistics 37728  
shall number consecutively ~~the birth,~~ each fetal death, and death 37729  
~~certificates in three separate series, beginning with "number one"~~ 37730  
~~for the first birth, the first fetal death, and the first death~~ 37731  
~~registered in each calendar year~~ certificate printed on paper that 37732  
the local registrar receives from the electronic death 37733  
registration system (EDRS) maintained by the department of health. 37734  
The number assigned to each certificate shall be the one provided 37735  
by EDRS. Such local registrar shall sign the local registrar's 37736  
name in attest to the date of filing in the local office. The 37737  
local registrar shall make a complete and accurate copy of each 37738  
~~birth,~~ fetal death, and death certificate ~~registered~~ printed on 37739  
paper that is filed. Each paper copy shall be filed and 37740  
~~permanently preserved as the local record of such birth, fetal~~ 37741  
~~death, or death except as provided in sections 3705.09, 3705.12,~~ 37742  
~~and 3705.124 of the Revised Code~~ until the electronic information 37743

regarding the event has been completed and made available in EDRS 37744  
and EDRS is capable of issuing a complete and accurate electronic 37745  
copy of the certificate. The local record may be a ~~typewritten,~~ 37746  
photographic, electronic, or other reproduction. ~~On or before the~~ 37747  
~~tenth day of each month, the~~ The local registrar shall transmit to 37748  
the state office of vital statistics all original ~~birth,~~ fetal 37749  
death, and death, ~~and military service~~ certificates received, ~~and~~ 37750  
~~all social security numbers obtained under section 3705.09,~~ 37751  
~~3705.10, or 3705.16 of the Revised Code, during the preceding~~ 37752  
~~month using the state transmittal schedule specified by the~~ 37753  
department of health. The local registrar shall immediately notify 37754  
the health commissioner with jurisdiction in the registration 37755  
district of the receipt of a death certificate attesting that 37756  
death resulted from a communicable disease. 37757

The office of vital statistics shall carefully examine the 37758  
records and certificates received from local registrars of vital 37759  
statistics and shall secure any further information that may be 37760  
necessary to make each record and certificate complete and 37761  
satisfactory. It shall arrange and preserve the records and 37762  
certificates, or reproductions of them produced pursuant to 37763  
section 3705.03 of the Revised Code, in a systematic manner and 37764  
shall maintain a permanent index of all births, fetal deaths, and 37765  
deaths registered, which shall show the name of the child or 37766  
deceased person, place and date of birth or death, and number of 37767  
the ~~record or certificate, and the volume in which it is~~ 37768  
~~contained.~~ 37769

(B)(1) The office of vital statistics shall make available to 37770  
the division of child support in the department of job and family 37771  
services all social security numbers that ~~were furnished to a~~ 37772  
~~local registrar of vital statistics~~ accompany a birth certificate 37773  
submitted for filing under division ~~(I)~~(H) of section 3705.09 or 37774  
~~under~~ section 3705.10 ~~or 3705.16~~ of the Revised Code ~~and that were~~ 37775

~~transmitted to the office under division (A) of this section or~~ 37776  
~~that accompany a death certificate registered under section~~ 37777  
~~3705.16 of the Revised Code.~~ 37778

(2) The office of vital statistics also shall make available 37779  
to the division of child support in the department of job and 37780  
family services any other information recorded in the birth record 37781  
that may enable the division to use the social security numbers 37782  
provided under division (B)(1) of this section to obtain the 37783  
location of the father of the child whose birth certificate was 37784  
accompanied by the social security number or to otherwise enforce 37785  
a child support order pertaining to that child or any other child. 37786

**Sec. 3705.08.** (A) The director of health, by rule, shall 37787  
prescribe the form of records and certificates required by this 37788  
chapter. Records and certificates shall include the items and 37789  
information prescribed by the director, including the items 37790  
recommended by the national center for health statistics of the 37791  
United States department of health and human services, subject to 37792  
approval of and modification by the director. 37793

(B) All birth certificates shall include a statement setting 37794  
forth the names of the child's parents ~~and a line for the mother's~~ 37795  
~~and the father's signature.~~ 37796

(C) All death certificates shall include, in the medical 37797  
certification portion of the certificate, a space to indicate, if 37798  
the deceased individual is female and the manner of death is 37799  
determined to be a suspicious or violent death, whether any of the 37800  
following conditions apply to the individual: 37801

(1) Not pregnant within the past year; 37802

(2) Pregnant at the time of death; 37803

(3) Not pregnant, but had been pregnant within forty-two days 37804  
prior to the time of death; 37805

(4) Not pregnant, but had been pregnant within forty-three days to one year prior to the time of death; 37806  
37807

(5) Unknown whether pregnant within the past year. 37808

(D)(1) The director shall prescribe electronic methods, and forms, ~~and blanks and shall furnish necessary postage, forms, and blanks~~ for obtaining registration of births, deaths, and other vital statistics in each registration district, and for preserving the records of the office of vital statistics, and no forms or blanks shall be used other than those prescribed by the director. 37809  
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(2) All birth, fetal death, and death records and certificates shall be ~~signed~~ certified. Except as provided in division (G) of section 3705.09, section 3705.12, 3705.121, 3705.122, or 3705.124, division (D) of section 3705.15, or section 3705.16 of the Revised Code, a birth, ~~fetal death, or death~~ certificate requiring signature may be electronically certified by the person in charge of the institution or that person's designee. A death certificate may be electronically certified by the individual who attests to the facts of death. 37815  
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(3) All vital records shall contain the date received for ~~registration~~ filing. 37825  
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(4) Information and signatures required in certificates, records, or reports authorized by this chapter may be filed and registered by photographic, electronic, or other means as prescribed by the director. 37827  
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**Sec. 3705.09.** (A) A birth certificate for each live birth in this state shall be filed in the registration district in which it occurs within ten calendar days after such birth and shall be registered if it has been completed and filed in accordance with this section. 37831  
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(B) When a birth occurs in or en route to an institution, the person in charge of the institution or a designated representative shall obtain the personal data, prepare the certificate, ~~secure the signatures required,~~ and file complete and certify the facts of birth on the certificate within ten calendar days ~~with the local registrar of vital statistics.~~ The physician or certified nurse-midwife in attendance shall ~~provide the medical information required by the certificate and certify to the facts of birth within seventy two hours after the birth~~ be listed on the birth record.

(C) When a birth occurs outside an institution, the birth certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) The physician or certified nurse-midwife in attendance at or immediately after the birth;

(2) Any other person in attendance at or immediately after the birth;

(3) The father;

(4) The mother;

(5) The person in charge of the premises where the birth occurred.

(D) Either of the parents of the child or other informant shall attest to the accuracy of the personal data entered on the birth certificate in time to permit the filing of the certificate within the ten days prescribed in this section.

(E) When a birth occurs in a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in

international waters or air space or in a foreign country or its 37866  
air space and the child is first removed from the conveyance in 37867  
this state, the birth shall be registered in this state but the 37868  
record shall show the actual place of birth insofar as can be 37869  
determined. 37870

(F)(1) If the mother of a child was married at the time of 37871  
either conception or birth or between conception and birth, the 37872  
child shall be registered in the surname designated by the mother, 37873  
and the name of the husband shall be entered on the certificate as 37874  
the father of the child. The presumption of paternity shall be in 37875  
accordance with section 3111.03 of the Revised Code. 37876

(2) If the mother was not married at the time of conception 37877  
or birth or between conception and birth, the child shall be 37878  
registered by the surname designated by the mother. The name of 37879  
the father of such child shall also be inserted on the birth 37880  
certificate if both the mother and the father sign an 37881  
acknowledgement of paternity affidavit before the birth record has 37882  
been sent to the local registrar. If the father is not named on 37883  
the birth certificate pursuant to division (F)(1) or (2) of this 37884  
section, no other information about the father shall be entered on 37885  
the record. 37886

(G) When a man is presumed, found, or declared to be the 37887  
father of a child, according to section 2105.26, sections 3111.01 37888  
to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 37889  
of the Revised Code, or the father has acknowledged the child as 37890  
his child in an acknowledgment of paternity, and the 37891  
acknowledgment has become final pursuant to section 2151.232, 37892  
3111.25, or 3111.821 of the Revised Code, and documentary evidence 37893  
of such fact is submitted to the department of health in such form 37894  
as the director may require, a new birth record shall be issued by 37895  
the department which shall have the same overall appearance as the 37896  
record which would have been issued under this section if a 37897

marriage had occurred before the birth of such child. Where 37898  
handwriting is required to effect such appearance, the department 37899  
shall supply it. Upon the issuance of such new birth record, the 37900  
original birth record shall cease to be a public record. Except as 37901  
provided in division (C) of section 3705.091 of the Revised Code, 37902  
the original record and any documentary evidence supporting the 37903  
new registration of birth shall be placed in an envelope which 37904  
shall be sealed by the department and shall not be open to 37905  
inspection or copy unless so ordered by a court of competent 37906  
jurisdiction. 37907

~~The department shall then promptly forward a copy of the new 37908  
birth record to the local registrar of vital statistics of the 37909  
district in which the birth occurred, and such local registrar 37910  
shall file a copy of such new birth record along with and in the 37911  
same manner as the other copies of birth records in such local 37912  
registrar's possession. All copies of the original birth record in 37913  
the possession of the local registrar or the probate court, as 37914  
well as any and all index references to it, shall be destroyed. 37915  
Such new birth record, as well as any certified or exact copy of 37916  
it, when properly authenticated by a duly authorized person shall 37917  
be prima facie evidence in all courts and places of the facts 37918  
stated in it. 37919~~

~~(H) When a woman who is a legal resident of this state has 37920  
given birth to a child in a foreign country that does not have a 37921  
system of registration of vital statistics, a birth record may be 37922  
filed in the office of vital statistics on evidence satisfactory 37923  
to the director of health. 37924~~

~~(I)~~(H) Every birth certificate filed under this section on or 37925  
after July 1, 1990, shall be accompanied by all social security 37926  
numbers that have been issued to the parents of the child, unless 37927  
the division of child support in the department of job and family 37928  
services, acting in accordance with regulations prescribed under 37929

the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, 37930  
as amended, finds good cause for not requiring that the numbers be 37931  
furnished with the certificate. The parents' social security 37932  
numbers shall not be recorded on the certificate. ~~The local 37933~~  
~~registrar of vital statistics shall transmit the social security 37934~~  
~~numbers to the state office of vital statistics in accordance with 37935~~  
~~section 3705.07 of the Revised Code.~~ No social security number 37936  
obtained under this division shall be used for any purpose other 37937  
than child support enforcement. 37938

**Sec. 3705.10.** Any birth certificate submitted for filing 37939  
eleven or more days after the birth occurred constitutes a delayed 37940  
birth registration. A delayed birth certificate may be filed in 37941  
accordance with rules which shall be adopted by the director of 37942  
health. The rules shall include, but not be limited to, all of the 37943  
following requirements for each delayed birth certificate filed on 37944  
or after July 1, 1990: 37945

(A) The certificate shall be accompanied by all social 37946  
security numbers that have been issued to the parents of the 37947  
child, unless the division of child support in the department of 37948  
job and family services, acting in accordance with regulations 37949  
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 37950  
42 U.S.C.A. 405, as amended, finds good cause for not requiring 37951  
that the numbers be furnished with the certificate. 37952

(B) The parents' social security numbers shall not be 37953  
recorded on the certificate. 37954

~~(C) The local registrar of vital statistics shall transmit 37955~~  
~~the social security numbers to the state office of vital 37956~~  
~~statistics in accordance with section 3705.07 of the Revised Code. 37957~~

~~(D)~~ No social security number obtained under this section 37958  
shall be used for any purpose other than child support 37959  
enforcement. 37960

**Sec. 3706.05.** The Ohio air quality development authority may 37961  
at any time issue revenue bonds and notes of the state in such 37962  
principal amount as, in the opinion of the authority, are 37963  
necessary for the purpose of paying any part of the cost of one or 37964  
more air quality projects or parts thereof, including one or more 37965  
payments pursuant to a commodity contract entered into in 37966  
connection with the acquisition or construction of air quality 37967  
facilities. The authority may at any time issue renewal notes, 37968  
issue bonds to pay such notes and whenever it deems refunding 37969  
expedient, refund any bonds by the issuance of air quality revenue 37970  
refunding bonds of the state, whether the bonds to be refunded 37971  
have or have not matured, and issue bonds partly to refund bonds 37972  
then outstanding, and partly for any other authorized purpose. The 37973  
refunding bonds shall be sold and the proceeds applied to the 37974  
purchase, redemption, or payment of the bonds to be refunded. 37975  
Except as may otherwise be expressly provided by the authority, 37976  
every issue of its bonds or notes shall be ~~general~~ obligations of 37977  
the authority payable solely out of the revenues of the authority 37978  
that are pledged for such payment, without preference or priority 37979  
of the first bonds issued, subject only to any agreements with the 37980  
holders of particular bonds or notes pledging any particular 37981  
revenues. Such pledge shall be valid and binding from the time the 37982  
pledge is made and the revenues so pledged and thereafter received 37983  
by the authority shall immediately be subject to the lien of such 37984  
pledge without any physical delivery thereof or further act, and 37985  
the lien of any such pledge is valid and binding as against all 37986  
parties having claims of any kind in tort, contract, or otherwise 37987  
against the authority, irrespective of whether such parties have 37988  
notice thereof. Neither the resolution nor any trust agreement by 37989  
which a pledge is created need be filed or recorded except in the 37990  
records of the authority. 37991

Whether or not the bonds or notes are of such form and 37992

character as to be negotiable instruments, the bonds or notes 37993  
shall have all the qualities and incidents of negotiable 37994  
instruments, subject only to the provisions of the bonds or notes 37995  
for registration. 37996

The bonds and notes shall be authorized by resolution of the 37997  
authority, shall bear such date or dates, and shall mature at such 37998  
time or times, in the case of any such note or any renewals 37999  
thereof not exceeding five years from the date of issue of such 38000  
original note and in the case of any such bond not exceeding forty 38001  
years from the date of issue, as such resolution or resolutions 38002  
may provide. The bonds and notes shall bear interest at such rate 38003  
or rates, be in such denominations, be in such form, either coupon 38004  
or registered, carry such registration privileges, be payable in 38005  
such medium of payment, at such place or places, and be subject to 38006  
such terms of redemption as the authority may authorize. The bonds 38007  
and notes of the authority may be sold by the authority, at public 38008  
or private sale, at or at not less than such price or prices as 38009  
the authority determines. The bonds and notes shall be executed by 38010  
the chairperson and vice-chairperson of the authority, either or 38011  
both of whom may use a facsimile signature, the official seal of 38012  
the authority or a facsimile thereof shall be affixed thereto or 38013  
printed thereon and attested, manually or by facsimile signature, 38014  
by the secretary-treasurer of the authority, and any coupons 38015  
attached thereto shall bear the signature or facsimile signature 38016  
of the chairperson of the authority. In case any officer whose 38017  
signature, or a facsimile of whose signature, appears on any 38018  
bonds, notes or coupons ceases to be such officer before delivery 38019  
of bonds or notes, such signature or facsimile shall nevertheless 38020  
be sufficient for all purposes the same as if the officer had 38021  
remained in office until such delivery, and in case the seal of 38022  
the authority has been changed after a facsimile has been 38023  
imprinted on such bonds or notes, such facsimile seal will 38024  
continue to be sufficient for all purposes. 38025

Any resolution or resolutions authorizing any bonds or notes 38026  
or any issue thereof may contain provisions, subject to such 38027  
agreements with bondholders or noteholders as may then exist, 38028  
which provisions shall be a part of the contract with the holders 38029  
thereof, as to: the pledging of all or any part of the revenues of 38030  
the authority to secure the payment of the bonds or notes or of 38031  
any issue thereof; the use and disposition of revenues of the 38032  
authority; a covenant to fix, alter, and collect rentals and other 38033  
charges so that pledged revenues will be sufficient to pay costs 38034  
of operation, maintenance, and repairs, pay principal of and 38035  
interest on bonds or notes secured by the pledge of such revenues, 38036  
and provide such reserves as may be required by the applicable 38037  
resolution or trust agreement; the setting aside of reserve funds, 38038  
sinking funds, or replacement and improvement funds and the 38039  
regulation and disposition thereof; the crediting of the proceeds 38040  
of the sale of bonds or notes to and among the funds referred to 38041  
or provided for in the resolution authorizing the issuance of the 38042  
bonds or notes; the use, lease, sale, or other disposition of any 38043  
air quality project or any other assets of the authority; 38044  
limitations on the purpose to which the proceeds of sale of bonds 38045  
or notes may be applied and the pledging of such proceeds to 38046  
secure the payment of the bonds or notes or of any issue thereof; 38047  
as to notes issued in anticipation of the issuance of bonds, the 38048  
agreement of the authority to do all things necessary for the 38049  
authorization, issuance, and sale of such bonds in such amounts as 38050  
may be necessary for the timely retirement of such notes; 38051  
limitations on the issuance of additional bonds or notes; the 38052  
terms upon which additional bonds or notes may be issued and 38053  
secured; the refunding of outstanding bonds or notes; the 38054  
procedure, if any, by which the terms of any contract with 38055  
bondholders or noteholders may be amended or abrogated, the amount 38056  
of bonds or notes the holders of which must consent thereto, and 38057  
the manner in which such consent may be given; limitations on the 38058

amount of moneys to be expended by the authority for operating, 38059  
administrative, or other expenses of the authority; securing any 38060  
bonds or notes by a trust agreement in accordance with section 38061  
3706.07 of the Revised Code; any other matters, of like or 38062  
different character, that in any way affect the security or 38063  
protection of the bonds or notes. 38064

Neither the members of the authority nor any person executing 38065  
the bonds or notes shall be liable personally on the bonds or 38066  
notes or be subject to any personal liability or accountability by 38067  
reason of the issuance thereof. 38068

**Sec. 3706.27.** (A) There is hereby created in the state 38069  
treasury the advanced energy research and development fund to 38070  
provide grants for advanced energy projects. There is hereby 38071  
created in the state treasury the advanced energy research and 38072  
development taxable fund to provide loans for advanced energy 38073  
projects. 38074

(B)(1) The advanced energy research and development fund and 38075  
the advanced energy research and development taxable fund shall 38076  
consist of the proceeds of obligations that were issued prior to 38077  
the effective date of this amendment under section 166.08 of the 38078  
Revised Code. Money shall be credited to the respective funds in 38079  
the proportion that the executive director of the Ohio air quality 38080  
development authority, with the affirmative vote of a majority of 38081  
the members of the authority, determines appropriate. 38082

(2) Any investment earnings from the money in the advanced 38083  
energy research and development fund and in the advanced energy 38084  
research and development taxable fund shall be credited to those 38085  
funds, respectively. Any repayment of loans made from money in the 38086  
advanced energy research and development taxable fund shall be 38087  
credited to the alternative fuel transportation fund created in 38088  
section 122.075 of the Revised Code. 38089

(C) The director of budget and management shall establish and maintain records or accounts for or within these funds in such a manner as to show the ~~amount~~ amounts credited to the funds ~~pursuant to section 166.08 of the Revised Code~~ and that the amounts so credited have been expended for the purposes set forth in Section 2p or 13 of Article VIII, Ohio Constitution, and sections 166.08~~7~~ and 166.30~~7~~ of the Revised Code and former section 3706.26 of the Revised Code.

**Sec. 3709.29.** (A) If the estimated amount of money necessary to meet the expenses of a general health district ~~program, other than one formed under section 3709.10 of the Revised Code,~~ will not be forthcoming to the district board of health ~~of such district~~ out of the district health fund because the taxes within the ten-mill limitation will be insufficient, the board of health shall certify the fact of ~~such~~ that insufficiency to the board of county commissioners of the county in which ~~such~~ the district is located. ~~Such board of county commissioners is hereby ordained to be, which shall proceed as provided in division (B) of this section.~~ In the case of a general health district formed under section 3709.10 of the Revised Code, the board of health may adopt a resolution as provided under section 5705.191 of the Revised Code in its capacity as a taxing authority under that section.

(B) A board of county commissioners to which a certification is made by a board of health under division (A) of this section is a special taxing authority for the purposes of this section only, and, notwithstanding any other law to the contrary, the board of county commissioners of any county in which a general health district is located is the taxing authority for such special levy outside the ten-mill limitation. ~~The board of county commissioners shall thereupon, in~~ In the year preceding that in which ~~such~~ the health program will be effective, the board, by vote of two-thirds of all ~~the~~ its members ~~of that body,~~ shall declare by resolution

that the amount of taxes which may be raised within the ten-mill 38122  
limitation will be insufficient to provide an adequate amount for 38123  
the necessary requirements of ~~such the~~ district ~~within the county,~~ 38124  
and that it is necessary to levy a tax in excess of ~~such that~~ 38125  
limitation in order to provide the board of health with sufficient 38126  
funds to carry out ~~such the~~ health program. ~~Such The~~ resolution 38127  
shall be filed with the board of elections not later than four 38128  
p.m. of the ninetieth day before the day of the election. 38129

~~Such The~~ resolution shall specify the amount of increase in 38130  
rate which it is necessary to levy and the number of years during 38131  
which ~~such the~~ increase shall be in effect, which shall not be for 38132  
a longer period than ten years. 38133

The resolution shall conform to section 5705.191 of the 38134  
Revised Code and be certified and submitted in the manner provided 38135  
in section 5705.25 of the Revised Code, provided that the proposal 38136  
shall be placed on the ballot at the next primary or general 38137  
election occurring more than ninety days after the resolution is 38138  
filed with the board of elections. 38139

**Sec. 3710.01.** As used in this chapter: 38140

(A) "Asbestos" means the asbestiform varieties of ~~chrysotile~~ 38141  
~~or serpentine, amosite or cummingtonite-grunerite, crocidolite or~~ 38142  
~~riebeckite, actinolite, tremolite, and anthophyllite~~ serpentine 38143  
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, 38144  
anthophyllite, and actinolite-tremolite as determined using the 38145  
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, 38146  
Section 1, Polarized Light Microscopy (PLM). 38147

(B) "Asbestos hazard abatement activity" means any activity 38148  
involving the removal, renovation, enclosure, repair, or 38149  
encapsulation of reasonably related friable asbestos-containing 38150  
materials in an amount greater than fifty linear feet or fifty 38151  
square feet. "Asbestos hazard abatement activity" also includes 38152

any such activity involving such asbestos-containing materials in 38153  
an amount of fifty linear or fifty square feet or less if, when 38154  
combined with any other reasonably related activity in terms of 38155  
time and location of the activity, the total amount is in an 38156  
amount greater than fifty linear or fifty square feet. 38157

(C) "Asbestos hazard abatement contractor" means a business 38158  
entity or public entity that engages in or intends to engage in 38159  
asbestos hazard abatement activities and that employs or 38160  
supervises one or more asbestos hazard abatement specialists for 38161  
asbestos hazard abatement activities. "Asbestos hazard abatement 38162  
contractor" does not mean an employee of an asbestos hazard 38163  
abatement contractor, a general contractor who subcontracts to an 38164  
asbestos hazard abatement contractor an asbestos hazard abatement 38165  
activity, or any individual who engages in asbestos hazard 38166  
abatement activity in the individual's own home. 38167

(D) "Asbestos hazard abatement project" means one or more 38168  
asbestos hazard abatement activities that are conducted by one 38169  
asbestos hazard abatement contractor and that are reasonably 38170  
related to each other. 38171

(E) "Asbestos hazard abatement specialist" means a person 38172  
with responsibility for the oversight or supervision of asbestos 38173  
hazard abatement activities, including asbestos hazard abatement 38174  
project managers, hazard abatement project supervisors and 38175  
foremen, and employees of school districts or other governmental 38176  
or public entities who coordinate or directly supervise or oversee 38177  
asbestos hazard abatement activities performed by school district, 38178  
governmental, or other public employees in school district, 38179  
governmental, or other public buildings. 38180

(F) "Asbestos hazard evaluation specialist" means a person 38181  
responsible for the identification, detection, and assessment of 38182  
asbestos-containing materials, the determination of appropriate 38183  
response actions, or the preparation of asbestos management plans 38184

for the purpose of protecting the public health from the hazards 38185  
associated with exposure to asbestos, including the performance of 38186  
air and bulk sampling. This category of specialists includes 38187  
management planners, health professionals, industrial hygienists, 38188  
private consultants, or other individuals involved in asbestos 38189  
risk identification or assessment or regulatory activities. 38190

(G) "Business entity" means a partnership, firm, association, 38191  
corporation, sole proprietorship, or other business concern. 38192

(H) "Public entity" means the state or any of its political 38193  
subdivisions or any agency or instrumentality of either. 38194

(I) "License" means a document issued by the ~~department of~~ 38195  
health director of environmental protection to a business entity 38196  
or public entity affirming that the entity has met the 38197  
requirements set forth in this chapter to engage in asbestos 38198  
hazard abatement activities as an asbestos hazard abatement 38199  
contractor. 38200

(J) "Certificate" means: 38201

(1) A document issued by the ~~department~~ director to an 38202  
individual affirming that the individual has successfully 38203  
completed the training and other requirements set forth in this 38204  
chapter to qualify as an asbestos hazard abatement specialist, an 38205  
asbestos hazard evaluation specialist, an asbestos hazard 38206  
abatement worker, an asbestos hazard abatement project designer, 38207  
an asbestos hazard abatement air-monitoring technician, an 38208  
approved asbestos hazard training provider, or other category of 38209  
asbestos hazard specialist that the director establishes by rule; 38210  
or 38211

(2) A document issued by a training institution in accordance 38212  
with rules adopted by the director affirming that an individual 38213  
has successfully completed the instruction required in all 38214  
categories as provided in sections 3710.07 and 3710.10 of the 38215

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| Revised Code.   | 38216 |
| (K) "Person" means any individual, business entity,                           | 38217 |
| governmental body, or other public or private entity.                         | 38218 |
| (L) "Encapsulate" means to coat, bind, or resurface walls,                    | 38219 |
| ceilings, pipes, or other structures <del>to prevent friable asbestos</del>   | 38220 |
| <u>for asbestos-containing materials with suitable products to</u>            | 38221 |
| <u>prevent friable asbestos</u> from becoming airborne.                       | 38222 |
| (M) "Friable asbestos-containing material" means <del>any material</del>      | 38223 |
| <del>that contains more than one per cent asbestos by weight and that</del>   | 38224 |
| <del>can be crumbled, pulverized, or reduced to powder, when dry, by</del>    | 38225 |
| <del>hand pressure</del> <u>friable asbestos material as defined in rules</u> | 38226 |
| <u>adopted under Chapter 3704. of the Revised Code.</u>                       | 38227 |
| (N) "Enclosure" means the permanent confinement of friable                    | 38228 |
| asbestos-containing materials with an airtight barrier in an area             | 38229 |
| not used as an air plenum.  | 38230 |
| (O) "Renovation" means <del>the removal or stripping of friable</del>         | 38231 |
| <del>asbestos-containing materials used on any pipe, duct, boiler,</del>      | 38232 |
| <del>tank, reactor, turbine, furnace, or load supporting member</del>         | 38233 |
| <u>altering a facility or one or more facility components in any way,</u>     | 38234 |
| <u>including the stripping or removal of friable asbestos-containing</u>      | 38235 |
| <u>material from a facility component.</u>                                    | 38236 |
| (P) "Asbestos hazard abatement worker" means the person                       | 38237 |
| responsible in a nonsupervisory capacity for the performance of an            | 38238 |
| asbestos hazard abatement activity.   | 38239 |
| (Q) "Asbestos hazard abatement project designer" means the                    | 38240 |
| person responsible for the determination of the workscope, work               | 38241 |
| sequence, or performance standards for an asbestos hazard                     | 38242 |
| abatement activity, including preparation of specifications,                  | 38243 |
| plans, and contract documents.  | 38244 |
| (R) <del>"Director" means the director of health or the director's</del>      | 38245 |

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| <del>authorized representative.</del>   | 38246 |
| (S) "Clearance air sampling" means an air sampling performed                    | 38247 |
| after the completion of any asbestos hazard abatement activity and              | 38248 |
| prior to the reoccupation of the contained work area by the public              | 38249 |
| and conducted for the purpose of protecting the public from the                 | 38250 |
| health hazards associated with exposure to friable                              | 38251 |
| asbestos-containing material.   | 38252 |
| (T)(S) "Asbestos hazard abatement air-monitoring technician"                    | 38253 |
| means the person who is responsible for environmental monitoring                | 38254 |
| or work area clearance air sampling, including air monitoring                   | 38255 |
| performed to determine completion of response actions under the                 | 38256 |
| rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United               | 38257 |
| States environmental protection agency pursuant to the "Asbestos                | 38258 |
| Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat.               | 38259 |
| 2970. "Asbestos hazard abatement air-monitoring technician" does                | 38260 |
| not mean an industrial hygienist or industrial hygienist in                     | 38261 |
| training, certified by the American board of industrial hygiene.                | 38262 |
| <b>Sec. 3710.02.</b> (A) In accordance with Chapter 119. of the                 | 38263 |
| Revised Code, the director of <del>health</del> <u>environmental protection</u> | 38264 |
| shall, as the director determines necessary, adopt rules to carry               | 38265 |
| out this chapter. The rules shall include all of the following:                 | 38266 |
| (1) Criteria and procedures for the certification of asbestos                   | 38267 |
| hazard abatement specialists, asbestos hazard evaluation                        | 38268 |
| specialists, asbestos hazard abatement workers, asbestos hazard                 | 38269 |
| abatement project designers, and asbestos hazard abatement                      | 38270 |
| air-monitoring technicians by the director <del>of health</del> ;               | 38271 |
| (2) Criteria and procedures for the director to examine the                     | 38272 |
| records of licensees, certificate holders, and asbestos hazard                  | 38273 |
| abatement training schools;   | 38274 |
| (3) Procedures and criteria in addition to those provided in                    | 38275 |

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| this chapter for the approval of courses for asbestos hazard training;   | 38276<br>38277   |
| (4) Fees for licenses, certifications, and course approvals in excess of the levels set in section 3710.05 of the Revised Code and fees for the certification of asbestos hazard abatement air-monitoring technicians;   | 38278<br>38279<br>38280<br>38281   |
| (5) Levels of asbestos exposure or other circumstances constituting a <del>public</del> <u>an environmental</u> health emergency that authorize the director to issue an emergency order under division (B) of section 3710.13 of the Revised Code;  | 38282<br>38283<br>38284<br>38285   |
| (6) Employee training standards, work practices that reduce the risk of contamination and recontamination of the environment, record-keeping requirements, action levels, project clearance levels, and other requirements that asbestos hazard abatement contractors, asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement project designers, asbestos hazard abatement air-monitoring technicians, asbestos hazard abatement workers, and other persons involved with asbestos hazard abatement activities must follow for the prevention of hazard to the public; | 38286<br>38287<br>38288<br>38289<br>38290<br>38291<br>38292<br>38293<br>38294<br>38295 |
| (7) Worker protection equipment and practices and other health and safety standards for employees and agents of public entities coming in contact with asbestos through asbestos hazard abatement activity;  | 38296<br>38297<br>38298<br>38299   |
| (8) Standards of acceptable conduct for licensees and certificate holders engaged in asbestos hazard abatement or evaluation activities and acts and omissions that constitute grounds for the suspension or revocation of a license or certificate, or the denial of an application or renewal of a license or certificate in addition to those otherwise provided in this chapter;   | 38300<br>38301<br>38302<br>38303<br>38304<br>38305<br>38306                            |

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| (9) Training requirements for asbestos hazard abatement project designers and asbestos hazard abatement air-monitoring technicians;  | 38307<br>38308<br>38309   |
| (10)(a) Subject to the condition specified in division (A)(10)(b) of this section, a standard requiring that the amount of asbestos contained in the air in areas accessible to the public in buildings that are owned, operated, or leased by a public entity be not more than ten thousand asbestos fibers longer than five microns per cubic meter of air calculated as an eight-hour time-weighted average, which is measured during periods of normal building occupancy, and a requirement that measurement of airborne asbestos be made by either or both of the following methods, provided that results derived by use of the method described in division (A)(10)(a)(i) of this section supersede results derived by use of the method described in division (A)(10)(a)(ii) of this section if both methods are used and the methods yield conflicting results concerning the presence of fibers in the tested air that may not be asbestos: | 38310<br>38311<br>38312<br>38313<br>38314<br>38315<br>38316<br>38317<br>38318<br>38319<br>38320<br>38321<br>38322<br>38323<br>38324 |
| (i) Transmission electron microscopy in the manner described in the measurement protocol established by the United States environmental protection agency as set forth in 40 C.F.R. 763;   | 38325<br>38326<br>38327   |
| (ii) Optical phase contrast microscopy in the manner described in the measurement protocol established by the United States occupational safety and health administration as set forth in 29 C.F.R. 1910.  | 38328<br>38329<br>38330<br>38331  |
| (b) The director periodically shall review the standard required by division (A)(10)(a) of this section and determine whether and how it should be amended and how it shall be used in conjunction with visual and physical assessment of asbestos-containing materials located in buildings that are owned, operated, or leased by a public entity to determine appropriate and cost-effective response actions to such asbestos-containing   | 38332<br>38333<br>38334<br>38335<br>38336<br>38337<br>38338   |

materials and shall amend the standard if it determines that such action is necessary. 38339  
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(11) Other rules that the director determines necessary for the implementation of this chapter and to protect the public health from the hazards associated with exposure to asbestos. 38341  
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(B) The director shall do all of the following: 38344

(1) Administer and enforce this chapter and the rules adopted pursuant thereto; 38345  
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(2) Develop comprehensive programs and policies for the control and prevention of nonoccupational exposure of the public to friable asbestos-containing materials; 38347  
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(3) Ensure that persons are trained and licensed or certified, where appropriate, in accordance with this chapter and the rules adopted pursuant thereto; 38350  
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(4) Examine those records of licensed asbestos hazard abatement contractors, certified asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement project designers, asbestos hazard abatement air-monitoring technicians, and asbestos hazard training courses in accordance with rules adopted by the director as the director determines necessary to determine compliance with this chapter and the rules adopted pursuant thereto; 38353  
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(5) Prohibit and prevent improper asbestos hazard abatement procedures and require the modification or alteration of asbestos abatement procedures as they relate to this chapter and the rules adopted pursuant thereto; 38361  
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(6) Collect and disseminate health education information relating to safe management of asbestos hazards; 38365  
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(7) Accept and administer grants from the federal government and other sources, both public and private, for carrying out any 38367  
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of the director's functions; 38369

(8) As the director determines appropriate, conduct on-site 38370  
inspections at any location where an asbestos hazard abatement 38371  
activity is planned, in progress, or has been completed, at any 38372  
location where ~~a public~~ an environmental health emergency 38373  
involving asbestos may occur, is occurring, or has occurred, or to 38374  
evaluate the performance or compliance of any person subject to 38375  
this chapter; 38376

(9) Conduct an on-site audit of each asbestos hazard training 38377  
provider approved pursuant to this chapter, at least once 38378  
biennially, during an actual course conducted by the provider 38379  
within the state; 38380

(10) Cooperate and assist in investigations, as such relate 38381  
to this chapter, conducted by local law enforcement agencies, ~~the~~ 38382  
~~Ohio environmental protection agency~~, the United States 38383  
occupational safety and health administration, and other local, 38384  
state, and federal agencies. 38385

**Sec. 3710.04.** (A) To qualify for an asbestos hazard abatement 38386  
contractor's license, a business entity or public entity shall 38387  
meet the requirements of this section. 38388

(B) Each employee or agent of the business entity or public 38389  
entity applying for a license who will come in contact with 38390  
asbestos or will be responsible for an asbestos hazard abatement 38391  
project shall: 38392

(1) Be familiar with all applicable state and federal 38393  
standards for asbestos hazard abatement projects; 38394

(2) Have successfully completed the course of instruction on 38395  
asbestos hazard abatement activities, for their particular 38396  
certification, approved by the ~~department of health~~ Ohio 38397  
environmental protection agency pursuant to section 3710.10 of the 38398

Revised Code, have passed an examination approved by the 38399  
~~department agency~~, and demonstrate to the ~~department agency~~ that 38400  
the employee or agent is capable of complying with all applicable 38401  
standards of this state, the United States environmental 38402  
protection agency, and the United States occupational safety and 38403  
health administration. 38404

(C) A business entity or public entity applying for an 38405  
asbestos hazard abatement contractor's license shall, in addition 38406  
to the other requirements of this section, provide at least one 38407  
asbestos hazard abatement specialist, certified pursuant to this 38408  
chapter and the rules adopted under it, for each asbestos hazard 38409  
abatement project, and demonstrate to the satisfaction of the 38410  
~~department~~ Ohio environmental protection agency that the 38411  
applicant: 38412

(1) Has access to at least one asbestos disposal site 38413  
approved by the ~~Ohio environmental protection~~ agency that is 38414  
sufficient for the deposit of all asbestos waste that the 38415  
applicant will generate during the term of the license; 38416

(2) Is sufficiently qualified to safely remove asbestos, 38417  
demonstrated by reliability as an asbestos hazard abatement 38418  
contractor, possesses a work program that prevents the 38419  
contamination or recontamination of the environment and protects 38420  
the public health from the hazards of exposure to asbestos, 38421  
possesses evidence of certification of each individual employee or 38422  
agent who will be responsible for others who may come in contact 38423  
with friable asbestos-containing materials, possesses evidence of 38424  
training of workers required by section 3710.07 of the Revised 38425  
Code, and has prior successful experience in asbestos hazard 38426  
abatement projects or equivalent qualifications as determined in 38427  
accordance with rules adopted by the director of ~~health~~ 38428  
environmental protection; 38429

(3) Possesses a worker protection program consistent with 38430

requirements established by the director if the contractor is a public entity, and a worker protection program consistent with the requirements of the United States occupational safety and health administration if the contractor is a business entity;

(4) Is registered as a business entity with the secretary of state.

(D) No applicant for licensure as an asbestos hazard abatement contractor, in order to meet the requirements of this chapter, shall list an employee of another contractor.

(E) The business entity or public entity shall meet any other standards that the director, by rule, sets.

(F) Nothing in this chapter or the rules adopted pursuant thereto relating to asbestos hazard abatement project designers shall be interpreted as authorizing or permitting an individual who is certified as an asbestos hazard abatement project designer to perform the services of a registered architect or professional engineer unless that person is registered under Chapter 4703. or 4733. of the Revised Code to perform such services.

**Sec. 3710.05.** (A) Except as otherwise provided in this chapter, no person shall engage in any asbestos hazard abatement activities in this state unless licensed or certified pursuant to this chapter.

(B) To apply for licensure as an asbestos abatement contractor or certification as an asbestos hazard abatement specialist, an asbestos hazard evaluation specialist, an asbestos hazard abatement project designer, or an asbestos hazard abatement air-monitoring technician, a person shall do all of the following:

(1) Submit a completed application to the ~~department~~ director of ~~health~~ environmental protection, on a form provided by the ~~department~~ agency;

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| (2) Pay the requisite fee as provided in division (D) of this section;   | 38461<br>38462                            |
| (3) Submit any other information the director <del>of health</del> by rule requires.   | 38463<br>38464                            |
| (C) The application form for a business entity or public entity applying for an asbestos hazard abatement contractor's license shall include all of the following:   | 38465<br>38466<br>38467                   |
| (1) A description of the protective clothing and respirators that the public entity will use to comply with rules adopted by the director and that the business entity will use to comply with requirements of the United States occupational safety and health administration;                                  | 38468<br>38469<br>38470<br>38471<br>38472 |
| (2) A description of procedures the business entity or public entity will use for the selection, utilization, handling, removal, and disposal of clothing to prevent contamination or recontamination of the environment and to protect the public health from the hazards associated with exposure to asbestos; | 38473<br>38474<br>38475<br>38476<br>38477 |
| (3) The name and address of each asbestos disposal site that the business entity or public entity might use during the year;   | 38478<br>38479                            |
| (4) A description of the site decontamination procedures that the business entity or public entity will use;   | 38480<br>38481                            |
| (5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use;  | 38482<br>38483                            |
| (6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos;   | 38484<br>38485                            |
| (7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos;  | 38486<br>38487<br>38488<br>38489          |
| (8) A description of the final clean-up procedures that the  | 38490                                     |

|   |  |
|---|--|
| business entity or public entity will use;  | 38491  |
| (9) A list of all partners, owners, and officers of the business entity along with their social security numbers;   | 38492<br>38493   |
| (10) The federal tax identification number of the business entity or the public entity.   | 38494<br>38495   |
| (D) The fees to be charged to each public entity, <u>except for the agency</u> , and <u>each</u> business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are:  | 38496<br>38497<br>38498<br>38499<br>38500<br>38501                   |
| (1) Seven hundred fifty dollars for asbestos hazard abatement contractors;  | 38502<br>38503   |
| (2) Two hundred dollars for asbestos hazard abatement project designers;  | 38504<br>38505   |
| (3) Fifty dollars for asbestos hazard abatement workers;  | 38506  |
| (4) Two hundred dollars for asbestos hazard abatement specialists;  | 38507<br>38508   |
| (5) Two hundred dollars for asbestos hazard evaluation specialists; and   | 38509<br>38510   |
| (6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.   | 38511<br>38512   |
| (E) Notwithstanding division (A) of this section, no business entity which engages in asbestos hazard abatement activities solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health administration and provided further that all persons employed by the business | 38513<br>38514<br>38515<br>38516<br>38517<br>38518<br>38519<br>38520 |

entity on the activity meet the requirements of this chapter. 38521

**Sec. 3710.051.** No person shall enter into an agreement to 38522  
perform any aspect of an asbestos hazard abatement project unless 38523  
the agreement is written and contains at least all of the 38524  
following: 38525

(A) A requirement that all persons working on the project are 38526  
licensed or certified by the ~~department of health~~ director of 38527  
environmental protection as required by this chapter; 38528

(B) A requirement that all project clearance levels and 38529  
sampling be in accordance with rules adopted by the director ~~of~~ 38530  
~~health~~; 38531

(C) A requirement that all clearance air-monitoring be 38532  
conducted by asbestos hazard abatement air-monitoring technicians 38533  
or asbestos hazard evaluation specialists certified by the 38534  
~~department~~ director. 38535

**Sec. 3710.06.** (A) Within fifteen business days after 38536  
receiving an application, the ~~department of health~~ director of 38537  
environmental protection shall acknowledge receipt of the 38538  
application and notify the applicant of any deficiency in the 38539  
application. Within sixty calendar days after receiving a 38540  
completed application, including all additional information 38541  
requested by the ~~department~~ director, the ~~department~~ director 38542  
shall issue a license or certificate or deny the application. The 38543  
~~department~~ director shall issue only one license or certificate 38544  
that is in effect at one time to a business entity and its 38545  
principal officers and a public entity and its principal officers. 38546

(B)(1) The ~~department~~ director shall deny an application if 38547  
it determines that the applicant has not demonstrated the ability 38548  
to comply fully with all applicable federal and state requirements 38549  
and all requirements, procedures, and standards established by the 38550

director ~~of health~~ in this chapter, Chapter 3704. of the Revised 38551  
Code, or rules adopted under those chapters, as those chapters and 38552  
rules pertain to asbestos. 38553

(2) The ~~department~~ director shall deny any application for an 38554  
asbestos hazard abatement contractor's license if the applicant or 38555  
an officer or employee of the applicant has been convicted of a 38556  
felony under any state or federal law designed to protect the 38557  
environment. 38558

(3) The ~~department~~ director shall send all denials of an 38559  
application by certified mail to the applicant. If the ~~department~~ 38560  
director receives a timely request for a hearing from the 38561  
applicant on the proposed denial of an application, as provided in 38562  
division (D) of section 3710.13 of the Revised Code, the 38563  
~~department~~ director shall hold a hearing in accordance with 38564  
Chapter 119. of the Revised Code, as provided in division (A) of 38565  
section 3710.13 of the Revised Code. 38566

(C) In an emergency that results from a sudden, unexpected 38567  
event that is not a planned asbestos hazard abatement project, the 38568  
~~department~~ director may waive the requirements for a license or 38569  
certificate. For the purposes of this division, "emergency" 38570  
includes operations necessitated by nonroutine failures of 38571  
equipment or by actions of fire and emergency medical personnel 38572  
pursuant to duties within their official capacities. Any person 38573  
who performs an asbestos hazard abatement activity under emergency 38574  
conditions shall notify the director within three days after 38575  
performance thereof. 38576

(D) Each license or certificate issued under this chapter 38577  
expires one year after the date of issue, but each licensee or 38578  
certificate holder may apply to the ~~department~~ environmental 38579  
protection agency for the extension of the holder's license or 38580  
certificate under the standard renewal procedures of Chapter 4745. 38581  
of the Revised Code. 38582

To qualify for renewal of a license or certificate issued 38583  
under this chapter, each licensee or certificate holder shall send 38584  
the appropriate renewal fee set forth in division (D) of section 38585  
3710.05 of the Revised Code or as adopted by rule by the director 38586  
pursuant to division (A)(4) of section 3710.02 of the Revised 38587  
Code. 38588

Certificate holders also shall successfully complete an 38589  
annual renewal course approved by the ~~department~~ agency pursuant 38590  
to section 3710.10 of the Revised Code. 38591

(E) The ~~department~~ director may charge a fee in addition to 38592  
those specified in division (D) of section 3710.05 of the Revised 38593  
Code or in rules adopted by the director pursuant to division 38594  
(A)(4) of section 3710.02 of the Revised Code if the licensee or 38595  
certificate holder applies for renewal after the expiration 38596  
thereof or requests a reissuance of any license or certificate, 38597  
provided that no such fee shall exceed the original fees by more 38598  
than fifty per cent. 38599

**Sec. 3710.07.** (A) Prior to engaging in any asbestos hazard 38600  
abatement project, an asbestos hazard abatement contractor shall 38601  
do all of the following: 38602

(1) Prepare a written respiratory protection program as 38603  
defined by the director of ~~health~~ environmental protection 38604  
pursuant to rule, and make the program available to the ~~department~~ 38605  
~~of health~~ environmental protection agency, and workers at the job 38606  
site if the contractor is a public entity or prepare a written 38607  
respiratory protection program, consistent with 29 C.F.R. 1910.134 38608  
and make the program available to the ~~department~~ agency, and 38609  
workers at the job site if the contractor is a business entity; 38610

(2) Ensure that each worker who will be involved in any 38611  
asbestos hazard abatement project has been examined within the 38612  
preceding year and has been declared by a physician to be 38613

physically capable of working while wearing a respirator; 38614

(3) Ensure that each of the contractor's employees or agents 38615  
who will come in contact with asbestos-containing materials or 38616  
will be responsible for an asbestos hazard abatement project 38617  
receives the appropriate certification or licensure required by 38618  
this chapter and the following training: 38619

(a) An initial course approved by the ~~department~~ agency 38620  
pursuant to section 3710.10 of the Revised Code, completed before 38621  
engaging in any asbestos hazard abatement project; and 38622

(b) An annual review course approved by the ~~department~~ agency 38623  
pursuant to section 3710.10 of the Revised Code. 38624

(B) After obtaining or renewing a license, an asbestos hazard 38625  
abatement contractor shall notify the ~~department~~ agency, on a form 38626  
approved by the director ~~of health~~, at least ten days before 38627  
beginning each asbestos hazard abatement project conducted during 38628  
the term of the contractor's license. 38629

(C) In addition to any other fee imposed under this chapter, 38630  
an asbestos hazard abatement contractor shall pay, at the time of 38631  
providing notice under division (B) of this section, the 38632  
~~department~~ agency a fee of sixty-five dollars for each asbestos 38633  
hazard abatement project conducted. 38634

**Sec. 3710.08.** (A) An asbestos hazard abatement contractor 38635  
engaging in any asbestos hazard abatement project shall, during 38636  
the course of the project: 38637

(1) Conduct each project in a manner that is in compliance 38638  
with the requirements the director of environmental protection 38639  
adopts pursuant to section 3704.03 of the Revised Code and the 38640  
asbestos requirements of the United States occupational safety and 38641  
health administration set forth in 29 C.F.R. ~~1926.58~~ 1926.1101; 38642

(2) Comply with all applicable rules adopted by the director 38643

of ~~health~~ environmental protection pursuant to ~~section~~ sections 38644  
3704.03 and 3710.02 of the Revised Code. 38645

(B) An asbestos hazard abatement contractor that is a public 38646  
entity shall: 38647

(1) Provide workers with protective clothing and equipment 38648  
and ensure that the workers involved in any asbestos hazard 38649  
abatement project use the items properly. Protective clothing and 38650  
equipment shall include: 38651

(a) Respirators approved by the national institute of 38652  
occupational safety and health. These respirators shall be fit 38653  
tested in accordance with requirements of the United States 38654  
occupational safety and health administration set forth in 29 38655  
C.F.R. ~~1926.58(h)~~ 1926.1101. At the request of an employee, the 38656  
asbestos hazard abatement contractor shall provide the employee 38657  
with a powered air purifying respirator, in which case, the 38658  
testing requirements of division (B)(1)(a) of this section do not 38659  
apply. 38660

(b) Items required by the director ~~of health~~ by rule as 38661  
provided in division (A)(7) of section 3710.02 of the Revised 38662  
Code. 38663

(2) Comply with all applicable standards of conduct and 38664  
requirements adopted by the director ~~of health~~ pursuant to section 38665  
3710.02 of the Revised Code. 38666

(C) An asbestos hazard abatement specialist engaging in any 38667  
asbestos hazard abatement project shall, during the course of the 38668  
project: 38669

(1) Conduct each project in a manner that will meet 38670  
decontamination procedures, project containment procedures, and 38671  
asbestos fiber dispersal methods as provided in division (A)(6) of 38672  
section 3710.02 of the Revised Code; 38673

(2) Ensure that workers utilize, handle, remove, and dispose of the disposable clothing provided by abatement contractors in a manner that will prevent contamination or recontamination of the environment and protect the public health from the hazards of exposure to asbestos;

(3) Ensure that workers utilize protective clothing and equipment and comply with the applicable health and safety standards set forth in division (A) of section 3710.08 of the Revised Code;

(4) Ensure that there is no smoking, eating, or drinking in the work area;

(5) Comply with all applicable standards of conduct and requirements adopted by the director ~~of health~~ pursuant to ~~section~~ sections 3704.03 and 3710.02 of the Revised Code.

(D) An asbestos hazard evaluation specialist engaged in the identification, detection, and assessment of asbestos-containing materials, the determination of appropriate response actions, or other activities associated with an abatement project or the preparation of management plans, shall comply with the applicable standards of conduct and requirements adopted by the director ~~of health~~ pursuant to ~~section~~ sections 3704.03 and 3710.02 of the Revised Code.

(E) Every asbestos hazard abatement worker shall comply with all applicable standards adopted by the director ~~of health~~ pursuant to ~~section~~ sections 3704.03 and 3710.02 of the Revised Code.

(F) The ~~department~~ director may, on a case-by-case basis, approve an alternative to the worker protection requirements of divisions (A), (B), and (C) of this section for an asbestos hazard abatement project conducted by a public entity, provided that the asbestos hazard abatement contractor submits the alternative

procedure to the ~~department~~ director in writing and demonstrates 38705  
to the satisfaction of the ~~department~~ director that the proposed 38706  
alternative procedure provides equivalent worker protection. 38707

**Sec. 3710.09.** (A) As a means of protecting the public, each 38708  
asbestos hazard abatement contractor licensed under this chapter 38709  
shall maintain records of all asbestos hazard abatement projects 38710  
which the contractor performs and make these records available to 38711  
the ~~department of health~~ the director of environmental protection 38712  
upon request. The licensee shall maintain the records for at least 38713  
thirty years. 38714

(B) The records required by this section shall include all of 38715  
the following: 38716

(1) The name, social security number, and address of the 38717  
person who supervised the asbestos hazard abatement project; 38718

(2) The names and social security numbers of all workers at 38719  
the job site; 38720

(3) The location and description of the asbestos hazard 38721  
abatement project and the amount of asbestos-containing material 38722  
that was removed; 38723

(4) The starting and completion dates of each asbestos hazard 38724  
abatement project; 38725

(5) A summary of the procedures that were used to comply with 38726  
all applicable federal, state, and local standards; 38727

(6) The name and address of each asbestos disposal site where 38728  
the waste containing asbestos was deposited; 38729

(7) Any other information that the director ~~of health~~, by 38730  
rule, requires. 38731

**Sec. 3710.10.** (A) No person other than the ~~department of~~ 38732  
~~health~~ director of environmental protection shall conduct or offer 38733

to conduct any initial or review training course or examination 38734  
required by this chapter unless that person is approved to sponsor 38735  
the courses and examinations under this section. In conducting any 38736  
such course or examination, the ~~department~~ director and the 38737  
approved person shall administer the courses and examinations 38738  
according to the United States environmental protection agency 38739  
"Model Accreditation Plan," 40 C.F.R. 763, Subpart E, Appendix C, 38740  
and the rules of the director ~~of health~~ adopted pursuant to 38741  
division (A)(3) of section 3710.02 of the Revised Code. A person 38742  
may apply for approval or renewal of a course on the health and 38743  
safety aspects of asbestos hazard abatement activities which meets 38744  
the requirements of division (A)(3) of section 3710.07 of the 38745  
Revised Code by submitting a written application on forms provided 38746  
by the ~~department~~ director. 38747

(B) In order to obtain or renew ~~department~~ approval, a person 38748  
sponsoring a course shall substantially satisfy all of the 38749  
following criteria: 38750

(1) Provide courses of instruction and examinations that meet 38751  
the requirements of division (A) of this section; 38752

(2) Ensure that instruction is given or supervised by 38753  
personnel with sufficient education and experience as determined 38754  
in rules adopted by the director; 38755

(3) Maintain lists of students trained and the dates on which 38756  
training occurred for at least twenty years, and make this 38757  
information available to the ~~department~~ director upon request. 38758

(C) In order to obtain or renew ~~department~~ approval, a person 38759  
sponsoring an initial course or a review course annually shall 38760  
apply to the ~~department~~ director for approval. In applying, the 38761  
person shall submit the fee set forth in division (D) of section 38762  
3710.05 of the Revised Code along with any increase in fee adopted 38763  
pursuant to division (A)(4) of section 3710.02 of the Revised 38764

Code. 38765

(D)(1) The ~~department~~ director shall act or acknowledge receipt of an application within ten working days after receiving the application. 38766  
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(2) The ~~department~~ director shall act on the application within ninety days after it is complete. 38769  
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(3) The ~~department~~ director shall grant contingent approval of an application if the ~~department~~ director determines the course substantially satisfies or will substantially satisfy the criteria in this chapter and the rules adopted by the director. 38771  
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(4) The ~~department~~ director may deny or revoke approval of a course if the ~~department~~ director determines the course does not or will not substantially satisfy the criteria in this chapter or the rules adopted by the director. 38775  
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(5) The ~~department~~ director shall grant final approval of a course only after an on-site audit by the ~~department~~ director which reveals that the course substantially satisfies the criteria in this chapter and the rules adopted by the director. Course approvals expire one year from the date of final approval under division (D)(5) of this section. 38779  
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(E) Each course approval issued under this section expires one year after the date of issue, but a person who received approval may apply to the ~~department~~ director for renewal under the standard renewal procedures of Chapter 4745. of the Revised Code. The fee prescribed in section 3710.05 of the Revised Code must accompany the application. 38785  
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**Sec. 3710.11.** Persons licensed, certified, or otherwise approved under the laws of another state to perform functions substantially similar to those of an asbestos hazard abatement contractor, asbestos hazard abatement specialist, asbestos hazard 38791  
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evaluation specialist, asbestos hazard abatement project designer, 38795  
or asbestos hazard abatement air-monitoring technician, may apply 38796  
to the director of ~~health~~ environmental protection for licensure 38797  
or certification. The director shall license or certify persons 38798  
under this section upon a determination that the standards for 38799  
certification, licensure, or approval in the other state are at 38800  
least substantially equivalent to those established by this 38801  
chapter and the rules adopted thereunder. The director may require 38802  
an examination before licensure or certification under this 38803  
section. 38804

Persons certified or licensed under this section are subject 38805  
to the same duties and requirements for renewal as other persons 38806  
certified or licensed pursuant to this chapter and the rules 38807  
adopted thereunder. 38808

**Sec. 3710.12.** Subject to ~~the hearing provisions of this~~ 38809  
~~chapter section 3710.13 of the Revised Code~~, the ~~department of~~ 38810  
~~health~~ director of environmental protection may deny, suspend, or 38811  
revoke any license or certificate, or renewal thereof, if the 38812  
licensee or certificate holder: 38813

(A) Fraudulently or deceptively obtains or attempts to obtain 38814  
a license or certificate; 38815

(B) Fails at any time to meet the qualifications for a 38816  
license or certificate; 38817

(C) Is violating or threatening to violate any provisions of 38818  
any of the following: 38819

(1) This chapter, Chapters 3704. and 3745. of the Revised 38820  
Code, or the rules of the director ~~of health~~ adopted pursuant 38821  
~~thereto to those chapters, as those chapters and rules pertain to~~ 38822  
asbestos; 38823

(2) The "National Emission Standard for Hazardous Air 38824

Pollutants" regulations of the United States environmental 38825  
protection agency as the regulations pertain to asbestos; 38826

(3) The regulations of the United States occupational safety 38827  
and health administration as the regulations pertain to asbestos. 38828

**Sec. 3710.13.** (A) ~~Except as otherwise provided in Chapter~~ 38829  
~~119. of the Revised Code or this section, before~~ Before the 38830  
~~department of health~~ director of environmental protection takes 38831  
any action under section 3710.12 of the Revised Code, ~~it~~ the 38832  
director shall give the license applicant, licensee, or 38833  
certificate holder against whom action is contemplated an 38834  
opportunity for a hearing. 38835

Except as otherwise provided in this section, the ~~department~~ 38836  
director shall give notice and hold the hearing in accordance with 38837  
Chapter 119. of the Revised Code. 38838

(B) The ~~department~~ director, without notice or hearing and in 38839  
accordance with rules adopted by the director ~~of health~~, may issue 38840  
an order requiring any action necessary to meet ~~a public~~ an 38841  
environmental health emergency involving asbestos. Any person to 38842  
whom an order is directed shall immediately comply with the order. 38843  
Upon application to the director ~~of health~~, the person shall be 38844  
afforded a hearing as soon as possible, but no more than twenty 38845  
days after receipt of the application by the director. 38846

(C) If the director determines, pursuant to division (B) of 38847  
this section, that ~~a public~~ an environmental health emergency 38848  
involving asbestos exists, the director may order, without a 38849  
hearing, the denial, suspension, or revocation of any license or 38850  
certificate issued under this chapter of the parties involved, 38851  
provided that an opportunity for a hearing is provided to the 38852  
affected party as soon as reasonably possible. 38853

~~(D) All proceedings under this chapter are subject to Chapter~~ 38854

~~119. of the Revised Code, except that:~~ 38855

~~(1) Upon the request of a licensee or certificate holder, the location of an adjudicatory hearing is the county seat of the county in which the licensee or certificate holder conducts business.~~ 38856  
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~~(2) The director shall notify, by certified mail or personal delivery, a licensee or certificate holder that the licensee or certificate holder is entitled to a hearing if the licensee or certificate holder requests it, in writing, within ten days of the time that the licensee or certificate holder receives the notice. If the licensee or certificate holder requests such a hearing, the director shall set the hearing date no later than ten days after the director receives the request.~~ 38860  
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~~(3) The director shall not apply for or receive a postponement or continuation of an adjudication hearing. If a licensee or certificate holder requests a postponement or continuation of an adjudication hearing, the director only shall grant the request if the licensee or certificate holder demonstrates extreme hardship in complying with the hearing date. If the director grants a postponement or continuation on the grounds of extreme hardship, the director shall include in the record of the case, the nature and cause of the extreme hardship.~~ 38868  
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~~(4) In lieu of an adjudicatory hearing required by this chapter, a licensee or certificate holder, by no later than the date set for a hearing pursuant to division (A)(3) of this section, may by written request to the director, request that the matter be resolved by the licensee or certificate holder submitting documents, papers, and other written evidence to the director to support the licensee's or certificate holder's claim.~~ 38877  
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~~(5) If the director appoints a referee or an examiner to conduct a hearing, all of the following apply:~~ 38884  
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~~(a) The examiner or referee shall serve, by certified mail and within three business days of the conclusion of the hearing, a copy of the written adjudication report and the referee's or examiner's recommendations, on the director and the affected licensee or certificate holder or the licensee's or certificate holder's attorney or other representative of record.~~

~~(b) The licensee or certificate holder, within three business days of receipt of the report under division (D)(5)(a) of this section, may file with the director written objections to the report and recommendations.~~

~~(c) The director shall consider any objections received under division (D)(5)(b) of this section prior to approving, modifying, or disapproving the report and recommendations. Within six business days of receiving the report under division (D)(5)(a) of this section, the director shall serve the director's order, by certified mail, on the affected licensee or certificate holder or the licensee's or certificate holder's attorney or other representative of record.~~

~~(6) If the director conducts an adjudicatory hearing under this chapter, the director shall serve the director's decision, by certified mail and within three business days of the conclusion of the hearing, on the affected licensee or certificate holder or the licensee's or certificate holder's attorney or other representative of record.~~

~~(7) If no hearing is held, the director shall issue an order, by certified mail and within three business days of the last date possible for a hearing, based upon the record available to the director, to the affected licensee or certificate holder or the licensee's or certificate holder's attorney or other representative of record.~~

~~(8) A licensee or certificate holder shall file a notice of~~

~~appeal to an adverse adjudication decision within fifteen days~~ 38917  
~~after receipt of the director's order.~~ 38918

**Sec. 3710.14.** (A) At the request of the director of ~~health~~ 38919  
environmental protection, the attorney general may commence a 38920  
civil action for civil penalties and injunctions, in a court of 38921  
common pleas, against any person who has violated, is violating, 38922  
or is threatening to violate this chapter, any rule adopted under 38923  
this chapter, or any license or certificate issued under this 38924  
chapter. 38925

(B) The court of common pleas in which an action for 38926  
injunctive relief is filed has jurisdiction to, and shall grant, 38927  
preliminary and permanent injunctive relief upon a showing that 38928  
the person against whom the action is brought has violated, is 38929  
violating, or is threatening to violate any provision of this 38930  
~~chapter~~ chapter, any rule adopted under this chapter, or any 38931  
license or certificate issued under this chapter. 38932

(C) Upon a finding of a violation, the court shall assess a 38933  
civil penalty of not more than five thousand dollars against the 38934  
person. 38935

(D) Each day a violation continues is a separate violation 38936  
under this section. 38937

(E) The remedies provided in Chapter 3710. of the Revised 38938  
Code are in addition to remedies otherwise available under any 38939  
federal, state, or local law. 38940

**Sec. 3710.15.** All civil and criminal penalties ordered 38941  
pursuant to this chapter and paid as provided in the chapter, and 38942  
all fees and other moneys collected pursuant to the chapter, shall 38943  
be deposited in the ~~general operations~~ non-title V clean air fund 38944  
created in section ~~3701.83~~ 3704.035 of the Revised Code and shall 38945  
~~be used for the sole purpose of administering and enforcing this~~ 38946

~~chapter and the rules adopted under it.~~ 38947

**Sec. 3710.17.** (A) Where any person is certified or licensed 38948  
by the ~~department of health~~ director of environmental protection 38949  
to engage in asbestos hazard abatement or evaluation activity 38950  
pursuant to this chapter, the liability of that person when 38951  
performing such activity in accordance with procedures established 38952  
pursuant to state or federal law for an injury to any individual 38953  
or property caused or related to this activity shall be limited to 38954  
acts or omissions of the person during the course of performing 38955  
the activity which can be shown, based on a preponderance of the 38956  
evidence, to have been negligent. For the purposes of this 38957  
section, the demonstration that acts or omissions of a person 38958  
performing asbestos hazard abatement or evaluation activities were 38959  
in accordance with generally accepted practice and with procedures 38960  
established by state or federal law at the time the abatement or 38961  
evaluation activity was performed creates a rebuttable presumption 38962  
that the acts or omissions were not negligent. 38963

(B) Where any person contracts with a certified asbestos 38964  
hazard abatement specialist, asbestos hazard evaluation 38965  
specialist, or other category of asbestos hazard specialist 38966  
established by the director of health, or a licensed asbestos 38967  
hazard abatement contractor, the liability of that person for 38968  
asbestos-related injuries caused by the person's contractee in the 38969  
performance of asbestos hazard abatement or evaluation activities 38970  
shall be limited to those asbestos-related injuries arising from 38971  
acts which the person knew or could reasonably have been expected 38972  
to know were not in accordance with generally accepted practice or 38973  
with procedures established by state or federal law at the time 38974  
the abatement activity took place. 38975

(C) Notwithstanding any other provisions of the Revised Code 38976  
or rules of a court to the contrary, this section governs all 38977

claims for asbestos-related injuries arising from asbestos hazard 38978  
abatement or evaluation activities. 38979

**Sec. 3710.19.** On receipt of a notice pursuant to section 38980  
3123.43 of the Revised Code, the ~~department of health~~ director of 38981  
environmental protection shall comply with sections 3123.41 to 38982  
3123.50 of the Revised Code and any applicable rules adopted under 38983  
section 3123.63 of the Revised Code with respect to a license or 38984  
certificate issued pursuant to this chapter. 38985

**Sec. 3710.99.** (A) At the request of the director of ~~health~~ 38986  
environmental protection, a prosecuting attorney, city director of 38987  
law, or similar chief legal officer may commence a criminal 38988  
action, in a court of this state, against any person who violates 38989  
any provision of ~~Chapter 3710. of the Revised Code~~ this chapter, 38990  
any rule adopted under this chapter, any license or certificate 38991  
issued under ~~the~~ this chapter, or any order issued pursuant to ~~the~~ 38992  
this chapter. 38993

(B) Upon conviction, the person is subject to: 38994

(1) A fine of at least ten thousand dollars but not more than 38995  
twenty-five thousand dollars or imprisonment at least one year but 38996  
not more than two years, or both, for a first offense; or 38997

(2) A fine of at least twenty thousand dollars but not more 38998  
than forty thousand dollars or imprisonment of at least two years 38999  
but not more than four years or both for a second or subsequent 39000  
offense. 39001

**Sec. 3713.04.** (A) In accordance with Chapter 119. of the 39002  
Revised Code, the superintendent of industrial compliance shall: 39003

(1) Adopt rules pertaining to the definition, name, and 39004  
description of materials necessary to carry out this chapter; 39005

(2) Determine the testing standards, fees, and charges to be 39006

paid for making any test or analysis required pursuant to section 39007  
3713.08 of the Revised Code. 39008

(B) In accordance with Chapter 119. of the Revised Code, the 39009  
superintendent may adopt rules regarding the following: 39010

(1) Establishing an initial application fee or an annual 39011  
registration renewal fee not more than fifty per cent higher than 39012  
the fees set forth in section 4713.05 of the Revised Code; 39013

(2) Establishing standards, on a reciprocal basis, for the 39014  
acceptance of labels and laboratory analyses from other states 39015  
where the labeling requirements and laboratory analysis standards 39016  
are substantially equal to the requirements of this state, 39017  
provided the other state extends similar reciprocity to labels and 39018  
laboratory analysis conducted under this chapter; 39019

(3) Any other rules necessary to administer and carry out 39020  
this chapter. 39021

(C) The superintendent may do any of the following: 39022

(1) Issue administrative orders, conduct hearings, and take 39023  
all actions necessary under the authority of Chapter 119. of the 39024  
Revised Code for the administration of this chapter. The authority 39025  
granted under this division shall include the authority to 39026  
suspend, revoke, or deny registration under this chapter. 39027

(2) Establish and maintain facilities within the department 39028  
of commerce to make tests and analysis of materials used in the 39029  
manufacture of bedding and stuffed toys. The superintendent also 39030  
may designate established laboratories ~~in various sections of the~~ 39031  
~~state~~ that are qualified to make these tests. These laboratories 39032  
may be used for making any test or analysis of materials used in 39033  
the manufacture of bedding and stuffed toys. If the superintendent 39034  
exercises this authority, the superintendent shall adopt rules to 39035  
determine the fees and charges to be paid for making the tests or 39036  
analyses authorized under this section. 39037

(3) Exercise such other powers and duties as are necessary to 39038  
carry out the purpose and intent of this chapter. 39039

**Sec. 3715.041.** (A)(1) As used in this section, "food 39040  
processing establishment" has the same meaning as in section 39041  
3715.021 of the Revised Code. 39042

(2) A person that operates a food processing establishment 39043  
shall register the establishment annually with the director of 39044  
agriculture. The person shall submit an application for 39045  
registration or renewal on a form prescribed and provided by the 39046  
director. Except as provided in division (G) of this section, an 39047  
application for registration or renewal shall be accompanied by a 39048  
registration fee in an amount established in rules adopted under 39049  
this section. If a person files an application for registration on 39050  
or after the first day of August of any year, the fee shall be 39051  
one-half of the annual registration fee. 39052

(B)(1) The director shall inspect the food processing 39053  
establishment for which an application for initial registration 39054  
has been submitted. If, upon inspection, the director finds that 39055  
the establishment is in compliance with this chapter and Chapter 39056  
911., 913., 915., or 925. of the Revised Code, as applicable, or 39057  
applicable rules adopted under those chapters, the director shall 39058  
issue a certificate of registration to the food processing 39059  
establishment. A food processing establishment registration 39060  
expires on the thirty-first day of January and is valid until that 39061  
date unless it is suspended or revoked under this section. 39062

(2) A person that is operating a food processing 39063  
establishment ~~on the effective date of this section~~ shall apply to 39064  
the director for a certificate of registration ~~not later than~~ 39065  
~~ninety days after the effective date of this section~~ not later 39066  
than a date specified by the director in rules adopted under this 39067  
section. If an application is not filed with the director or 39068

postmarked on or before ~~ninety days after the effective date of~~ 39069  
~~this section~~ that date, the director shall assess a late fee in an 39070  
amount established in rules adopted under this section. 39071

(C)(1) A food processing establishment registration may be 39072  
renewed by the director. A person seeking registration renewal 39073  
shall submit an application for renewal to the director not later 39074  
than the thirty-first day of January. The director shall issue a 39075  
renewed certificate of registration on receipt of a complete 39076  
renewal application except as provided in division (C)(2) of this 39077  
section. 39078

(2) If a renewal application is not filed with the director 39079  
or postmarked on or before the thirty-first day of January, the 39080  
director shall assess a late fee in an amount established in rules 39081  
adopted under this section. The director shall not renew the 39082  
registration until the applicant pays the late fee. 39083

(D) A copy of the food processing establishment registration 39084  
certificate shall be conspicuously displayed in an area of the 39085  
establishment to which customers of the establishment have access. 39086

(E)(1) The director or the director's designee may issue an 39087  
order suspending or revoking a food processing establishment 39088  
registration upon determining that the registration holder is in 39089  
violation of this chapter or Chapter 911., 913., 915., or 925. of 39090  
the Revised Code, as applicable, or applicable rules adopted under 39091  
those chapters. Except as provided in division (E)(2) of this 39092  
section, a registration shall not be suspended or revoked until 39093  
the registration holder is provided an opportunity to appeal the 39094  
suspension or revocation in accordance with Chapter 119. of the 39095  
Revised Code. 39096

(2) If the director determines that a food processing 39097  
establishment presents an immediate danger to the public health, 39098  
the director may issue an order immediately suspending the 39099

establishment's registration without affording the registration holder an opportunity for a hearing. The director then shall afford the registration holder a hearing in accordance with Chapter 119. of the Revised Code not later than ten days after the date of suspension.

(3) If the director finds that a person is operating a food processing establishment without registering the establishment under this section, the director shall issue a letter of warning to the person giving the person ten days to register the establishment. If the person fails to register the establishment within that ten-day time period, the director may assess a civil penalty against the person. If the director assesses a civil penalty, the director shall do so as follows:

(a) If, within five years of the issuance of the letter of warning to the person, the director has not previously assessed a civil penalty against the person under this section, in an amount not exceeding five hundred dollars;

(b) If, within five years of the issuance of the letter of warning to the person, the director has previously assessed one civil penalty against the person under this section, in an amount not exceeding one thousand five hundred dollars;

(c) If, within five years of the issuance of the letter of warning to the person, the director has previously assessed two or more civil penalties against the person under this section, in an amount not exceeding five thousand dollars.

(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) The date by which a person that is operating a food processing establishment must submit an application for a food processing establishment registration;

(2) The amount of the registration fee that must be submitted

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|--|-------|
| with an application for a food processing establishment                            | 39131 |
| registration and with an application for renewal;                                  | 39132 |
| <del>(2)</del> (3) The amount of the late fee that is required in                  | 39133 |
| division (B)(2) of this section;   | 39134 |
| <del>(3)</del> (4) The amount of the fee for the late renewal of a food            | 39135 |
| processing establishment registration that is required in division                 | 39136 |
| (C)(2) of this section;  | 39137 |
| <del>(4)</del> (5) Any other procedures and requirements that are                  | 39138 |
| necessary to administer and enforce this section.                                  | 39139 |
| (G) The following are not required to pay any registration                         | 39140 |
| fee that is otherwise required in this section:                                    | 39141 |
| (1) <del>Home bakeries</del> <u>Bakeries</u> registered under section 911.02 of    | 39142 |
| the Revised Code;  | 39143 |
| (2) Canneries licensed under section 913.02 of the Revised                         | 39144 |
| Code;  | 39145 |
| (3) Soft drink plants licensed under section 913.23 of the                         | 39146 |
| Revised Code;  | 39147 |
| (4) Cold-storage warehouses licensed under section 915.02 of                       | 39148 |
| the Revised Code;  | 39149 |
| (5) Persons licensed under section 915.15 of the Revised                           | 39150 |
| Code;  | 39151 |
| (6) Persons that are engaged in egg production and that                            | 39152 |
| maintain annually five hundred or fewer laying hens.                               | 39153 |
| (H) All money that is collected under this section shall be                        | 39154 |
| credited to the food safety fund created in section 915.24 of the                  | 39155 |
| Revised Code.  | 39156 |
| <br>   |       |
| <b>Sec. 3719.04.</b> (A) <del>A licensed manufacturer or wholesaler of</del>       | 39157 |
| <del>controlled substances</del> <u>person identified in division (B)(1)(a) of</u> | 39158 |
| <u>section 4729.52 of the Revised Code who holds a category III</u>                | 39159 |

license under that section may sell at wholesale controlled 39160  
substances to any of the following persons and subject to the 39161  
following conditions: 39162

(1) To ~~a licensed manufacturer or wholesaler of controlled~~ 39163  
~~substances~~ another person who holds a category III license under 39164  
section 4729.50 of the Revised Code, or a terminal distributor of 39165  
dangerous drugs having a category III license under section 39166  
4729.54 of the Revised Code; 39167

(2) To a person in the employ of the United States government 39168  
or of any state, territorial, district, county, municipal, or 39169  
insular government, purchasing, receiving, possessing, or 39170  
dispensing controlled substances by reason of official duties; 39171

(3) To a master of a ship or a person in charge of any 39172  
aircraft upon which no physician is regularly employed, for the 39173  
actual medical needs of persons on board the ship or aircraft, 39174  
when not in port; provided such controlled substances shall be 39175  
sold to the master of the ship or person in charge of the aircraft 39176  
only in pursuance of a special official written order approved by 39177  
a commissioned medical officer or acting assistant surgeon of the 39178  
United States public health service; 39179

(4) To a person in a foreign country, if the federal drug 39180  
abuse control laws are complied with. 39181

(B) An official written order for any schedule II controlled 39182  
substances shall be signed in triplicate by the person giving the 39183  
order or by the person's authorized agent. The original shall be 39184  
presented to the person who sells or dispenses the schedule II 39185  
controlled substances named in the order and, if that person 39186  
accepts the order, each party to the transaction shall preserve 39187  
the party's copy of the order for a period of three years in such 39188  
a way as to be readily accessible for inspection by any public 39189  
officer or employee engaged in the enforcement of Chapter 3719. of 39190

the Revised Code. Compliance with the federal drug abuse control laws, respecting the requirements governing the use of a special official written order constitutes compliance with this division.

**Sec. 3719.07.** (A) As used in this section, "description" means the dosage form, strength, and quantity, and the brand name, if any, or the generic name, of a drug or controlled substance.

(B)(1) Every licensed health professional authorized to prescribe drugs shall keep a record of all controlled substances received and a record of all controlled substances administered, dispensed, or used other than by prescription. Every other person, except a pharmacist, or a manufacturer, or wholesaler, or other person licensed under section 4729.52 of the Revised Code, who is authorized to purchase and use controlled substances shall keep a record of all controlled substances purchased and used other than by prescription. The records shall be kept in accordance with division (C)(1) of this section.

(2) Manufacturers and, wholesalers, and other persons licensed under section 4729.52 of the Revised Code shall keep records of all controlled substances compounded, mixed, cultivated, grown, or by any other process produced or prepared by them, and of all controlled substances received or sold by them. The records shall be kept in accordance with division (C)(2) of this section.

(3) Every category III terminal distributor of dangerous drugs shall keep records of all controlled substances received or sold. The records shall be kept in accordance with division (C)(3) of this section.

(4) Every person who sells or purchases for resale schedule V controlled substances exempted by section 3719.15 of the Revised Code shall keep a record showing the quantities and kinds thereof received or sold. The records shall be kept in accordance with

divisions (C)(1), (2), and (3) of this section. 39222

(C)(1) The records required by divisions (B)(1) and (4) of 39223  
this section shall contain the following: 39224

(a) The description of all controlled substances received, 39225  
the name and address of the person from whom received, and the 39226  
date of receipt; 39227

(b) The description of controlled substances administered, 39228  
dispensed, purchased, sold, or used; the date of administering, 39229  
dispensing, purchasing, selling, or using; the name and address of 39230  
the person to whom, or for whose use, or the owner and species of 39231  
the animal for which the controlled substance was administered, 39232  
dispensed, purchased, sold, or used. 39233

(2) The records required by divisions (B)(2) and (4) of this 39234  
section shall contain the following: 39235

(a) The description of all controlled substances produced or 39236  
prepared, the name and address of the person from whom received, 39237  
and the date of receipt; 39238

(b) The description of controlled substances sold, the name 39239  
and address of each person to whom a controlled substance is sold, 39240  
the amount of the controlled substance sold to each person, and 39241  
the date it was sold. 39242

(3) The records required by divisions (B)(3) and (4) of this 39243  
section shall contain the following: 39244

(a) The description of controlled substances received, the 39245  
name and address of the person from whom controlled substances are 39246  
received, and the date of receipt; 39247

(b) The name and place of residence of each person to whom 39248  
controlled substances, including those otherwise exempted by 39249  
section 3719.15 of the Revised Code, are sold, the description of 39250  
the controlled substances sold to each person, and the date the 39251

controlled substances are sold to each person. 39252

(D) Every record required by this section shall be kept for a 39253  
period of three years. 39254

The keeping of a record required by or under the federal drug 39255  
abuse control laws, containing substantially the same information 39256  
as specified in this section, constitutes compliance with this 39257  
section. 39258

Every person who purchases for resale or who sells controlled 39259  
substance preparations exempted by section 3719.15 of the Revised 39260  
Code shall keep the record required by or under the federal drug 39261  
abuse control laws. 39262

**Sec. 3719.08.** (A) ~~Whenever~~ As used in this division, 39263  
"repackager" and "outsourcing facility" have the same meanings as 39264  
in section 4729.01 of the Revised Code. 39265

Whenever a manufacturer sells a controlled substance, and 39266  
whenever a wholesaler, repackager, or outsourcing facility sells a 39267  
controlled substance in a package the wholesaler, repackager, or 39268  
outsourcing facility has prepared, the manufacturer or the 39269  
wholesaler, repackager, or outsourcing facility, as the case may 39270  
be, shall securely affix to each package in which the controlled 39271  
substance is contained a label showing in legible English the name 39272  
and address of the vendor and the quantity, kind, and form of 39273  
controlled substance contained therein. No person, except a 39274  
pharmacist for the purpose of dispensing a controlled substance 39275  
upon a prescription shall alter, deface, or remove any label so 39276  
affixed. 39277

(B) Except as provided in division (C) of this section, when 39278  
a pharmacist dispenses any controlled substance on a prescription 39279  
for use by a patient, or supplies a controlled substance to a 39280  
licensed health professional authorized to prescribe drugs for use 39281

by the professional in personally furnishing patients with 39282  
controlled substances, the pharmacist shall affix to the container 39283  
in which the controlled substance is dispensed or supplied a label 39284  
showing the following: 39285

(1) The name and address of the pharmacy dispensing or 39286  
supplying the controlled substance; 39287

(2) The name of the patient for whom the controlled substance 39288  
is prescribed and, if the patient is an animal, the name of the 39289  
owner and the species of the animal; 39290

(3) The name of the prescriber; 39291

(4) All directions for use stated on the prescription or 39292  
provided by the prescriber; 39293

(5) The date on which the controlled substance was dispensed 39294  
or supplied; 39295

(6) The name, quantity, and strength of the controlled 39296  
substance and, if applicable, the name of the distributor or 39297  
manufacturer. 39298

(C) The requirements of division (B) of this section do not 39299  
apply when a controlled substance is prescribed or supplied for 39300  
administration to an ultimate user who is institutionalized. 39301

(D) A licensed health professional authorized to prescribe 39302  
drugs who personally furnishes a controlled substance to a patient 39303  
shall comply with division (A) of section 4729.291 of the Revised 39304  
Code with respect to labeling and packaging of the controlled 39305  
substance. 39306

(E) No person shall alter, deface, or remove any label 39307  
affixed pursuant to this section as long as any of the original 39308  
contents remain. 39309

(F) Every label for a schedule II, III, or IV controlled 39310  
substance shall contain the following warning: 39311

"Caution: federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed." 39312  
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**Sec. 3721.031.** (A) The director of health may investigate any complaint the director receives concerning a home. 39314  
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(1) Except as required by court order, as necessary for the administration or enforcement of any statute relating to homes, or as provided in division (C) of this section, the director and any employee of the department of health shall not release any of the following information without the permission of the individual or of the individual's legal representative: 39316  
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(a) The identity of any patient or resident; 39322

(b) The identity of any individual who submits a complaint about a home; 39323  
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(c) The identity of any individual who provides the director with information about a home and has requested confidentiality; 39325  
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(d) Any information that reasonably would tend to disclose the identity of any individual described in division (A)(1)(a) to (c) of this section. 39327  
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(2) An agency or individual to whom the director is required, by court order or for the administration or enforcement of a statute relating to homes, to release information described in division (A)(1) of this section shall not release the information without the permission of the individual who would be or would reasonably tend to be identified, or of the individual's legal representative, unless the agency or individual is required to release it by division (C) of this section, by court order, or for the administration or enforcement of a statute relating to homes. 39330  
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(B) Except as provided in division (C) of this section, any record that identifies an individual described in division (A)(1)(a) to (c) of this section or that reasonably would tend to 39339  
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identify such an individual is not a public record for the 39342  
purposes of section 149.43 of the Revised Code, and is not subject 39343  
to inspection and copying under section 1347.08 of the Revised 39344  
Code. 39345

(C)(1) If the director, or an agency or individual to whom 39346  
the director is required by court order or for administration or 39347  
enforcement of a statute relating to homes to release information 39348  
described in division (A)(1) of this section, uses information in 39349  
any administrative or judicial proceeding against a home that 39350  
reasonably would tend to identify an individual described in 39351  
division (A)(1)(a) to (c) of this section, the director, agency, 39352  
or individual shall disclose that information to the home. 39353  
However, the director, agency, or individual shall not disclose 39354  
information that directly identifies an individual described in 39355  
divisions (A)(1)(a) to (c) of this section, unless the individual 39356  
is to testify in the proceedings. 39357

(2)(a) On the request of the director of aging or the 39358  
director's designee and subject to division (C)(2)(b) of this 39359  
section, the director of health may release to the department of 39360  
aging the identity of a patient or resident of a home who receives 39361  
assisted living services pursuant to sections 173.54 to 173.548 of 39362  
the Revised Code. 39363

(b) The department of aging shall not use information 39364  
obtained under division (C)(2)(a) for any purpose other than 39365  
monitoring the well-being of patients or residents who receive 39366  
assisted living services. 39367

(D) No person shall knowingly register a false complaint 39368  
about a home with the director, or knowingly swear or affirm the 39369  
truth of a false complaint, when the complaint is made for the 39370  
purpose of incriminating another. 39371

(E) An individual who in good faith submits a complaint under 39372

this section or any other provision of the Revised Code regarding 39373  
a violation of this chapter, or participates in any investigation, 39374  
administrative proceeding, or judicial proceeding resulting from 39375  
the complaint, has the full protection against retaliatory action 39376  
provided by sections 4113.51 to 4113.53 of the Revised Code. 39377

Sec. 3721.033. (A) As used in this section, "real and present 39378  
danger" means imminent danger of serious physical or 39379  
life-threatening harm to one or more occupants of a residential 39380  
care facility. 39381

(B) If the director of health finds that a residential care 39382  
facility violated a provision of this chapter or a rule adopted 39383  
under it, all of the following apply: 39384

(1) The director may require the facility to submit to the 39385  
department of health for its approval a plan of correction that 39386  
includes all of the following: 39387

(a) Detailed descriptions of the actions the facility will 39388  
take to correct the violation; 39389

(b) The date by which the violation will be corrected; 39390

(c) A detailed description of an ongoing monitoring process 39391  
to be used at the facility that is focused on preventing any 39392  
recurrence of the violation. 39393

(2) If the violation has not resulted in actual harm and has 39394  
the potential to cause more than minimal harm that does not 39395  
constitute a real and present danger and the director has found 39396  
that the facility has committed another violation in the preceding 39397  
fifteen months, the director may impose a civil penalty of not 39398  
less than one thousand dollars and not more than two thousand 39399  
dollars. 39400

(3) If the violation has resulted in actual harm that does 39401  
not constitute a real and present danger, the director may impose 39402

a civil penalty of not less than two thousand dollars and not more than six thousand dollars. 39403  
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(4) If the violation constitutes a real and present danger, the director may impose a civil penalty of not less than six thousand dollars and not more than ten thousand dollars. 39405  
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(C) Enforcement actions taken by the director under division (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code. 39408  
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(D) The enforcement actions authorized by this section are in addition to those that may be taken under section 3721.03 of the Revised Code. 39411  
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(E) All amounts collected from the imposition of civil penalties under this section shall be deposited into the state treasury to the credit of the general operations fund created under section 3701.83 of the Revised Code for use in the administration and enforcement of this chapter and the rules adopted under it. 39414  
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**Sec. 3721.081.** (A) If the director of health determines that immediate action is necessary to protect the health or safety of one or more residents of a home and the home has failed to act with sufficient promptness or efficiency to protect resident health or safety, the director may issue an order requiring the home to immediately address the issue. The order may specify the measures that the home must take to protect resident health or safety. 39420  
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(B)(1) If the director determines that a home has failed to comply with an order issued under division (A) of this section, the director may do either of the following: 39428  
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(a) Take any action and incur necessary expenses to protect the health or safety of the home's residents; 39431  
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(b) Transfer one or more residents to other homes or other appropriate care settings until the conditions giving rise to the director's order are corrected. 39433  
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(2) Any costs the director incurs pursuant to division (B)(1) of this section shall be the obligation of the home. The director shall issue an order requiring a home to reimburse the department of health for any expenses incurred in taking any such action. 39436  
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(C) If a home fails to comply with an order issued by the director pursuant to division (A) of this section, the director shall impose a civil penalty of not more than two hundred fifty thousand dollars. The department shall collect interest on the fine, at the rate per annum prescribed by section 5703.47 of the Revised Code, accruing beginning on the day the order is issued. 39440  
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(D) Any order issued or civil penalty imposed pursuant to this section shall be done pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code. 39446  
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Notwithstanding section 119.06 of the Revised Code, the director may issue an order pursuant to this section prior to affording the home an opportunity for a hearing. If the director does so, the director shall issue the order in writing and cause it to be delivered in accordance with section 119.07 of the Revised Code. The home may request a hearing within thirty days after receiving the written order. If the home requests a hearing, the date set for the hearing shall be within thirty days but not earlier than fifteen days after the home makes the request, unless another date is agreed to by both the home and the director. The order shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective. The director shall issue a final adjudication order not later than ninety days after completion of the hearing. 39449  
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A final adjudication order issued under this section shall 39464  
not be subject to suspension by the court while an appeal filed 39465  
under section 119.12 of the Revised Code is pending. 39466

(E) The actions described in this section are in addition to 39467  
any that may be taken under sections 3721.03 and 3721.08 of the 39468  
Revised Code. 39469

(F) All amounts collected under this section shall be 39470  
deposited into the state treasury to the credit of the general 39471  
operations fund created under section 3701.83 of the Revised Code. 39472

**Sec. 3721.21.** As used in sections 3721.21 to 3721.34 of the 39473  
Revised Code: 39474

(A) "Long-term care facility" means either of the following: 39475

(1) A nursing home as defined in section 3721.01 of the 39476  
Revised Code; 39477

(2) A facility or part of a facility that is certified as a 39478  
skilled nursing facility or a nursing facility under Title XVIII 39479  
or XIX of the "Social Security Act." 39480

(B) "Residential care facility" has the same meaning as in 39481  
section 3721.01 of the Revised Code. 39482

(C) "Abuse" means ~~knowingly causing physical harm or~~ 39483  
~~recklessly causing serious physical harm to a resident by physical~~ 39484  
~~contact with the resident or by use of physical or chemical~~ 39485  
~~restraint, medication, or isolation as punishment, for staff~~ 39486  
~~convenience, excessively, as a substitute for treatment, or in~~ 39487  
~~amounts that preclude habilitation and treatment~~ any of the 39488  
following: 39489

(1) Physical abuse; 39490

(2) Psychological abuse; 39491

(3) Sexual abuse. 39492

(D) "Neglect" means recklessly failing to provide a resident with any treatment, care, goods, or service necessary to maintain the health or safety of the resident when the failure results in serious physical harm to the resident. "Neglect" does not include allowing a resident, at the resident's option, to receive only treatment by spiritual means through prayer in accordance with the tenets of a recognized religious denomination.

(E) "Exploitation" means taking advantage of a resident, regardless of whether the action was for personal gain, whether the resident knew of the action, or whether the resident was harmed.

(F) "Misappropriation" means depriving, defrauding, or otherwise obtaining the real or personal property of a resident by any means prohibited by the Revised Code, including violations of Chapter 2911. or 2913. of the Revised Code.

~~(F)~~(G) "Resident" includes a resident, patient, former resident or patient, or deceased resident or patient of a long-term care facility or a residential care facility.

(H) "Physical abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a resident through either of the following:

(1) Physical contact with the resident;

(2) The use of physical restraint, chemical restraint, medication that does not constitute a chemical restraint, or isolation, if the restraint, medication, or isolation is excessive, for punishment, for staff convenience, a substitute for treatment, or in an amount that precludes habilitation and treatment.

(I) "Psychological abuse" means knowingly or recklessly causing psychological harm to a resident, whether verbally or by action.

(J) "Sexual abuse" means sexual conduct or sexual contact with a resident, as those terms are defined in section 2907.01 of the Revised Code.

~~(G)~~(K) "Physical restraint" has the same meaning as in section 3721.10 of the Revised Code.

~~(H)~~(L) "Chemical restraint" has the same meaning as in section 3721.10 of the Revised Code.

~~(I)~~(M) "Nursing and nursing-related services" means the personal care services and other services not constituting skilled nursing care that are specified in rules the director of health shall adopt in accordance with Chapter 119. of the Revised Code.

~~(J)~~(N) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code.

~~(K)~~(O)(1) Except as provided in division ~~(K)~~(O)(2) of this section, "nurse aide" means an individual who provides nursing and nursing-related services to residents in a long-term care facility, either as a member of the staff of the facility for monetary compensation or as a volunteer without monetary compensation.

(2) "Nurse aide" does not include either of the following:

(a) A licensed health professional practicing within the scope of the professional's license;

(b) An individual providing nursing and nursing-related services in a religious nonmedical health care institution, if the individual has been trained in the principles of nonmedical care and is recognized by the institution as being competent in the administration of care within the religious tenets practiced by the residents of the institution.

~~(L)~~(P) "Licensed health professional" means all of the following:

|   |                         |
|---|-------------------------|
| (1) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;   | 39554<br>39555          |
| (2) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;  | 39556<br>39557          |
| (3) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or <del>pediatry</del> <u>podiatric medicine and surgery</u> ; | 39558<br>39559<br>39560 |
| (4) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;  | 39561<br>39562          |
| (5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;  | 39563<br>39564          |
| (6) A social worker or independent social worker licensed under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;   | 39565<br>39566<br>39567 |
| (7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;  | 39568<br>39569          |
| (8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;   | 39570<br>39571          |
| (9) An optometrist licensed under Chapter 4725. of the Revised Code;  | 39572<br>39573          |
| (10) A pharmacist licensed under Chapter 4729. of the Revised Code;   | 39574<br>39575          |
| (11) A psychologist licensed under Chapter 4732. of the Revised Code;   | 39576<br>39577          |
| (12) A chiropractor licensed under Chapter 4734. of the Revised Code;   | 39578<br>39579          |
| (13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;   | 39580<br>39581          |
| (14) A licensed professional counselor or licensed  | 39582                   |

professional clinical counselor licensed under Chapter 4757. of 39583  
the Revised Code; 39584

(15) A marriage and family therapist or independent marriage 39585  
and family therapist licensed under Chapter 4757. of the Revised 39586  
Code. 39587

~~(M)~~(O) "Religious nonmedical health care institution" means 39588  
an institution that meets or exceeds the conditions to receive 39589  
payment under the medicare program established under Title XVIII 39590  
of the "Social Security Act" for inpatient hospital services or 39591  
post-hospital extended care services furnished to an individual in 39592  
a religious nonmedical health care institution, as defined in 39593  
section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 39594  
(1965), 42 U.S.C. 1395x(ss)(1), as amended. 39595

~~(N)~~(R) "Competency evaluation program" means a program 39596  
through which the competency of a nurse aide to provide nursing 39597  
and nursing-related services is evaluated. 39598

~~(O)~~(S) "Training and competency evaluation program" means a 39599  
program of nurse aide training and evaluation of competency to 39600  
provide nursing and nursing-related services. 39601

**Sec. 3721.22.** ~~(A)(1) No licensed health professional person~~ 39602  
~~identified in division (P)(1) to (12), (14), or (15) of section~~ 39603  
~~3721.21 of the Revised Code~~ who knows or suspects that a resident 39604  
has been abused ~~or~~, neglected, or exploited, or that a resident's 39605  
property has been misappropriated, by any individual used by a 39606  
long-term care facility or residential care facility to provide 39607  
services to residents, shall fail to report that knowledge or 39608  
suspicion to the ~~director of health~~ facility. 39609

(2) No nursing home administrator licensed or temporarily 39610  
licensed under Chapter 4751. of the Revised Code, and no 39611  
administrator of a residential care facility, who knows or 39612

suspects that a resident has been abused, neglected, or exploited, 39613  
or that a resident's property has been misappropriated, by any 39614  
individual used by a long-term care facility or residential care 39615  
facility to provide services to residents, shall fail to report 39616  
that knowledge or suspicion to the director of health. 39617

(B) Any person, including a resident, who knows or suspects 39618  
that a resident has been abused ~~or~~, neglected, or exploited, or 39619  
that a resident's property has been misappropriated, by any 39620  
individual used by a long-term care facility or residential care 39621  
facility to provide services to residents, may report that 39622  
knowledge or suspicion to the director of health. 39623

(C) Any person who in good faith reports suspected abuse, 39624  
neglect, exploitation, or misappropriation to a facility or the 39625  
director of health, provides information during an investigation 39626  
of suspected abuse, neglect, exploitation, or misappropriation 39627  
conducted by the director, or participates in a hearing conducted 39628  
under section 3721.23 of the Revised Code is not subject to 39629  
criminal prosecution, liable in damages in a tort or other civil 39630  
action, or subject to professional disciplinary action because of 39631  
injury or loss to person or property allegedly arising from the 39632  
making of the report, provision of information, or participation 39633  
in the hearing. 39634

(D) If the director has reason to believe that a violation of 39635  
division (A) of this section has occurred, the director may report 39636  
the suspected violation to the appropriate professional licensing 39637  
authority and to the attorney general, county prosecutor, or other 39638  
appropriate law enforcement official. 39639

(E) No person shall knowingly make a false allegation of 39640  
abuse ~~or~~, neglect, or exploitation of a resident or 39641  
misappropriation of a resident's property, or knowingly swear or 39642  
affirm the truth of a false allegation, when the allegation is 39643  
made for the purpose of incriminating another. 39644

**Sec. 3721.23.** (A) The director of health shall receive, 39645  
review, and investigate allegations of abuse ~~or~~, neglect, or 39646  
exploitation of a resident or misappropriation of the property of 39647  
a resident by any individual used by a long-term care facility or 39648  
residential care facility to provide services to residents. 39649

(B) The director shall make findings regarding alleged abuse, 39650  
neglect, exploitation, or misappropriation of property after doing 39651  
both of the following: 39652

(1) Investigating the allegation and determining that there 39653  
is a reasonable basis for it; 39654

(2) Giving notice to the individual named in the allegation 39655  
and affording the individual a reasonable opportunity for a 39656  
hearing. 39657

Notice to the person named in an allegation shall be given 39658  
and the hearing shall be conducted pursuant to rules adopted by 39659  
the director under section 3721.26 of the Revised Code. For 39660  
purposes of conducting a hearing under this section, the director 39661  
may issue subpoenas compelling attendance of witnesses or 39662  
production of documents. The subpoenas shall be served in the same 39663  
manner as subpoenas and subpoenas duces tecum issued for a trial 39664  
of a civil action in a court of common pleas. If a person who is 39665  
served a subpoena fails to attend a hearing or to produce 39666  
documents, or refuses to be sworn or to answer any questions, the 39667  
director may apply to the common pleas court of the county in 39668  
which the person resides, or the county in which the long-term 39669  
care facility or residential care facility is located, for a 39670  
contempt order, as in the case of a failure of a person who is 39671  
served a subpoena issued by the court to attend or to produce 39672  
documents or a refusal of such person to testify. 39673

(C)(1) If the director finds that an individual used by a 39674  
long-term care facility or residential care facility has abused, 39675

neglected, or ~~abused~~ exploited a resident or misappropriated 39676  
property of a resident, the director shall ~~notify~~ do both of the 39677  
following: 39678

(a) Notify the individual, the facility using the individual, 39679  
~~and~~ the attorney general, county prosecutor, or other appropriate 39680  
law enforcement official. ~~The director also shall do the~~ 39681  
~~following:~~ 39682

~~(a) If the individual is used by a long term care facility as~~ 39683  
~~a nurse aide, the director shall, in accordance with section~~ 39684  
~~3721.32 of the Revised Code, include in the nurse aide registry~~ 39685  
~~established under that section a statement detailing the findings~~ 39686  
~~pertaining to the individual.~~ 39687

~~(b) If the individual is a licensed health professional used~~ 39688  
~~by a long term care facility or residential care facility to~~ 39689  
~~provide services to residents, the director shall notify, and, if~~ 39690  
applicable, the appropriate professional licensing authority 39691  
established under Title XLVII of the Revised Code. 39692

~~(c) If the individual is used by a long term care facility~~ 39693  
~~and is neither a nurse aide nor a licensed health professional, or~~ 39694  
~~is used by a residential care facility and is not a licensed~~ 39695  
~~health professional, the director shall, in:~~ 39696

(b) In accordance with section 3721.32 of the Revised Code, 39697  
include in the nurse aide registry established under that section 39698  
a statement detailing the findings pertaining to the individual. 39699

(2) ~~A nurse aide or other~~ An individual about whom a 39700  
statement is required by this division to be included in the nurse 39701  
aide registry may provide the director with a statement disputing 39702  
the director's findings and explaining the circumstances of the 39703  
allegation. The statement shall be included in the nurse aide 39704  
registry with the director's findings. 39705

(D)(1) If the director finds that alleged abuse, neglect, or 39706

~~abuse~~ exploitation of a resident or misappropriation of property 39707  
of a resident cannot be substantiated, the director shall notify 39708  
the individual and expunge all files and records of the 39709  
investigation and the hearing by doing all of the following: 39710

(a) Removing and destroying the files and records, originals 39711  
and copies, and deleting all index references; 39712

(b) Reporting to the individual the nature and extent of any 39713  
information about the individual transmitted to any other person 39714  
or government entity by the director of health; 39715

(c) Otherwise ensuring that any examination of files and 39716  
records in question show no record whatever with respect to the 39717  
individual. 39718

(2)(a) If, in accordance with division (C)(1)~~(a) or (e)~~ of 39719  
this section, the director includes in the nurse aide registry a 39720  
statement of a finding of neglect, the individual found to have 39721  
neglected a resident may, not earlier than one year after the date 39722  
of the finding, petition the director to rescind the finding and 39723  
remove the statement and any accompanying information from the 39724  
nurse aide registry. The director shall consider the petition. If, 39725  
in the judgment of the director, the neglect was a singular 39726  
occurrence and the employment and personal history of the 39727  
individual does not evidence abuse, exploitation, or any other 39728  
incident of neglect of residents, the director shall notify the 39729  
individual and remove the statement and any accompanying 39730  
information from the nurse aide registry. The director shall 39731  
expunge all files and records of the investigation and the 39732  
hearing, except the petition for rescission of the finding of 39733  
neglect and the director's notice that the rescission has been 39734  
approved. 39735

(b) A petition for rescission of a finding of neglect and the 39736  
director's notice that the rescission has been approved are not 39737

public records for the purposes of section 149.43 of the Revised Code. 39738  
39739

(3) When files and records have been expunged under division 39740  
(D)(1) or (2) of this section, all rights and privileges are 39741  
restored, and the individual, the director, and any other person 39742  
or government entity may properly reply to an inquiry that no such 39743  
record exists as to the matter expunged. 39744

**Sec. 3721.24.** (A) No person or government entity shall 39745  
retaliate against an employee or another individual used by the 39746  
person or government entity to perform any work or services who, 39747  
in good faith, makes or causes to be made a report of suspected 39748  
abuse ~~or~~, neglect, or exploitation of a resident or 39749  
misappropriation of the property of a resident; indicates an 39750  
intention to make such a report; provides information during an 39751  
investigation of suspected abuse, neglect, exploitation, or 39752  
misappropriation conducted by the director of health; or 39753  
participates in a hearing conducted under section 3721.23 of the 39754  
Revised Code or in any other administrative or judicial 39755  
proceedings pertaining to the suspected abuse, neglect, 39756  
exploitation, or misappropriation. For purposes of this division, 39757  
retaliatory actions include discharging, demoting, or transferring 39758  
the employee or other person, preparing a negative work 39759  
performance evaluation of the employee or other person, reducing 39760  
the benefits, pay, or work privileges of the employee or other 39761  
person, and any other action intended to retaliate against the 39762  
employee or other person. 39763

(B)(1) No person or government entity shall retaliate against 39764  
a resident who reports or causes to be reported suspected abuse, 39765  
neglect, exploitation, or misappropriation; indicates an intention 39766  
to make such a report; provides information during an 39767  
investigation of alleged abuse, neglect, exploitation, or 39768

misappropriation conducted by the director; or participates in a 39769  
hearing under section 3721.23 of the Revised Code or in any other 39770  
administrative or judicial proceeding pertaining to the suspected 39771  
abuse, neglect, exploitation, or misappropriation; or on whose 39772  
behalf any other person or government entity takes any of those 39773  
actions. ~~For~~ 39774

(2) No person or government entity shall retaliate against a 39775  
resident whose family member, guardian, sponsor, or personal 39776  
representative reports or causes to be reported suspected abuse, 39777  
neglect, exploitation, or misappropriation; indicates an intention 39778  
to make such a report; provides information during an 39779  
investigation of alleged abuse, neglect, exploitation, or 39780  
misappropriation conducted by the director; or participates in a 39781  
hearing under section 3721.23 of the Revised Code or in any other 39782  
administrative or judicial proceeding pertaining to the suspected 39783  
abuse, neglect, exploitation, or misappropriation; or on whose 39784  
behalf any other person or government entity takes any of those 39785  
actions. 39786

(3) For purposes of ~~this division~~ divisions (B)(1) and (2) of 39787  
this section, retaliatory actions include abuse, verbal threats or 39788  
other harsh language, change of room assignment, withholding of 39789  
services, failure to provide care in a timely manner, and any 39790  
other action intended to retaliate against the resident. 39791

(C) Any person has a cause of action against a person or 39792  
government entity for harm resulting from violation of division 39793  
(A) or (B) of this section. If it finds that a violation has 39794  
occurred, the court may award damages and order injunctive relief. 39795  
The court may award court costs and reasonable attorney's fees to 39796  
the prevailing party. 39797

**Sec. 3721.25.** (A)(1) Except as required by court order, as 39798  
necessary for the administration or enforcement of any statute or 39799

rule relating to long-term care facilities or residential care 39800  
facilities, or as provided in division (D) of this section, the 39801  
director of health shall not disclose any of the following without 39802  
the consent of the individual or the individual's legal 39803  
representative: 39804

(a) The name of an individual who reports suspected abuse ~~or~~, 39805  
neglect, or exploitation of a resident or misappropriation of a 39806  
resident's property to the facility or director; 39807

(b) The name of an individual who provides information during 39808  
an investigation of suspected abuse, neglect, exploitation, or 39809  
misappropriation conducted by the director; 39810

(c) Any information that would tend to disclose the identity 39811  
of an individual described in division (A)(1)(a) or (b) of this 39812  
section. 39813

(2) An agency or individual to whom the director is required, 39814  
by court order or for the administration or enforcement of a 39815  
statute relating to long-term care facilities or residential care 39816  
facilities, to release information described in division (A)(1) of 39817  
this section shall not release the information without the 39818  
permission of the individual who would be or would reasonably tend 39819  
to be identified, or of the individual's legal representative, 39820  
unless the agency or individual is required to release it by 39821  
division (D) of this section, by court order, or for the 39822  
administration or enforcement of a statute relating to long-term 39823  
care facilities or residential care facilities. 39824

(B) Except as provided in division (D) of this section, any 39825  
record that identifies an individual described in division 39826  
(A)(1)(a) or (b) of this section, or that would tend to disclose 39827  
the identity of such an individual, is not a public record for the 39828  
purposes of section 149.43 of the Revised Code, and is not subject 39829  
to inspection or copying under section 1347.08 of the Revised 39830

Code. 39831

(C) Except as provided in division (B) of this section and 39832  
division (D) of section 3721.23 of the Revised Code, the records 39833  
of a hearing conducted under section 3721.23 of the Revised Code 39834  
are public records for the purposes of section 149.43 of the 39835  
Revised Code and are subject to inspection and copying under 39836  
section 1347.08 of the Revised Code. 39837

(D) If the director, or an agency or individual to whom the 39838  
director is required by court order or for administration or 39839  
enforcement of a statute relating to long-term care facilities or 39840  
residential care facilities to release information described in 39841  
division (A)(1) of this section, uses information in any 39842  
administrative or judicial proceeding against a long-term care 39843  
facility or residential care facility that reasonably would tend 39844  
to identify an individual described in division (A)(1)(a) or (b) 39845  
of this section, the director, agency, or individual shall 39846  
disclose that information to the facility. However, the director, 39847  
agency, or individual shall not disclose information that directly 39848  
identifies an individual described in division (A)(1)(a) or (b) of 39849  
this section, unless the individual is to testify in the 39850  
proceedings. 39851

**Sec. 3721.32.** (A) The director of health shall establish a 39852  
state nurse aide registry listing all individuals who have done 39853  
any of the following: 39854

(1) Were used by a long-term care facility as nurse aides on 39855  
a full-time, temporary, per diem, or other basis at any time 39856  
during the period commencing July 1, 1989, and ending January 1, 39857  
1990, and successfully completed, not later than October 1, 1990, 39858  
a competency evaluation program approved by the director under 39859  
division (A) of section 3721.31 of the Revised Code or conducted 39860  
by the director under division (C) of that section; 39861

(2) Successfully completed a training and competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code or met the conditions specified in division (F) of section 3721.28 of the Revised Code, and, if the training and competency evaluation program or the training, instruction, or education the individual completed in meeting the conditions specified in division (F) of section 3721.28 of the Revised Code was conducted in or by a long-term care facility, or if the director so required pursuant to division (E) of section 3721.31 of the Revised Code, has successfully completed a competency evaluation program conducted by the director;

(3) Successfully completed a training and competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code;

(4) Successfully completed, prior to July 1, 1989, a program that the director has determined under division (B)(3) of section 3721.28 of the Revised Code included a competency evaluation component no less stringent than the competency evaluation programs approved or conducted by the director under section 3721.31 of the Revised Code, and was otherwise comparable to the training and competency evaluation program being approved by the director under section 3721.31 of the Revised Code;

(5) Are listed in a nurse aide registry maintained by another state that certifies that its program for training and evaluation of competency of nurse aides complies with Titles XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, or regulations adopted thereunder;

(6) Were found competent, as provided in division (B)(5) of section 3721.28 of the Revised Code, prior to July 1, 1989, after the completion of a course of nurse aide training of at least one hundred hours' duration;

(7) Are enrolled in a prelicensure program of nursing 39894  
education approved by the board of nursing or by an agency of 39895  
another state that regulates nursing education, have provided the 39896  
long-term care facility with a certificate from the program 39897  
indicating that the individual has successfully completed the 39898  
courses that teach basic nursing skills including infection 39899  
control, safety and emergency procedures, and personal care, and 39900  
have successfully completed a competency evaluation program 39901  
conducted by the director under division (A) of section 3721.31 of 39902  
the Revised Code; 39903

(8) Have the equivalent of twelve months or more of full-time 39904  
employment in the five years preceding listing in the registry as 39905  
a hospital aide or orderly and have successfully completed a 39906  
competency evaluation program conducted by the director under 39907  
division (C) of section 3721.31 of the Revised Code. 39908

(B) ~~The~~ In addition to the list of individuals required by 39909  
division (A) of this section, the registry shall include both of 39910  
the following: 39911

(1) The statement required by section 3721.23 of the Revised 39912  
Code detailing findings by the director under that section 39913  
regarding alleged abuse ~~or~~, neglect, or exploitation of a resident 39914  
or misappropriation of resident property; 39915

(2) Any statement provided by an individual under section 39916  
3721.23 of the Revised Code disputing the director's findings. 39917

Whenever an inquiry is received as to the information 39918  
contained in the registry concerning an individual about whom a 39919  
statement required by section 3721.23 of the Revised Code is 39920  
included in the registry, the director shall disclose the 39921  
statement or a summary of the statement together with any 39922  
statement provided by the individual under section 3721.23 or a 39923  
clear and accurate summary of that statement. 39924

(C) The director may by rule specify additional information 39925  
that must be provided to the registry by long-term care facilities 39926  
and persons or government agencies conducting approved competency 39927  
evaluation programs and training and competency evaluation 39928  
programs. 39929

(D) Information contained in the registry is a public record 39930  
for the purposes of section 149.43 of the Revised Code, and is 39931  
subject to inspection and copying under section 1347.08 of the 39932  
Revised Code. 39933

**Sec. 3727.45.** The director of health may apply to the court 39934  
of common pleas of the county in which a hospital is located for a 39935  
temporary or permanent injunction restraining the hospital from 39936  
failure to comply with ~~sections 3727.33, 3727.34, and section~~ 39937  
3727.42 of the Revised Code. 39938

**Sec. 3734.02.** (A) The director of environmental protection, 39939  
in accordance with Chapter 119. of the Revised Code, shall adopt 39940  
and may amend, suspend, or rescind rules having uniform 39941  
application throughout the state governing solid waste facilities 39942  
and the inspections of and issuance of permits and licenses for 39943  
all solid waste facilities in order to ensure that the facilities 39944  
will be located, maintained, and operated, and will undergo 39945  
closure and post-closure care, in a sanitary manner so as not to 39946  
create a nuisance, cause or contribute to water pollution, create 39947  
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 39948  
257.3-8, as amended. The rules may include, without limitation, 39949  
financial assurance requirements for closure and post-closure care 39950  
and corrective action and requirements for taking corrective 39951  
action in the event of the surface or subsurface discharge or 39952  
migration of explosive gases or leachate from a solid waste 39953  
facility, or of ground water contamination resulting from the 39954  
transfer or disposal of solid wastes at a facility, beyond the 39955

boundaries of any area within a facility that is operating or is 39956  
undergoing closure or post-closure care where solid wastes were 39957  
disposed of or are being disposed of. The rules shall not concern 39958  
or relate to personnel policies, salaries, wages, fringe benefits, 39959  
or other conditions of employment of employees of persons owning 39960  
or operating solid waste facilities. The director, in accordance 39961  
with Chapter 119. of the Revised Code, shall adopt and may amend, 39962  
suspend, or rescind rules governing the issuance, modification, 39963  
revocation, suspension, or denial of variances from the director's 39964  
solid waste rules, including, without limitation, rules adopted 39965  
under this chapter governing the management of scrap tires. 39966

Variances shall be issued, modified, revoked, suspended, or 39967  
rescinded in accordance with this division, rules adopted under 39968  
it, and Chapter 3745. of the Revised Code. The director may order 39969  
the person to whom a variance is issued to take such action within 39970  
such time as the director may determine to be appropriate and 39971  
reasonable to prevent the creation of a nuisance or a hazard to 39972  
the public health or safety or the environment. Applications for 39973  
variances shall contain such detail plans, specifications, and 39974  
information regarding objectives, procedures, controls, and other 39975  
pertinent data as the director may require. The director shall 39976  
grant a variance only if the applicant demonstrates to the 39977  
director's satisfaction that construction and operation of the 39978  
solid waste facility in the manner allowed by the variance and any 39979  
terms or conditions imposed as part of the variance will not 39980  
create a nuisance or a hazard to the public health or safety or 39981  
the environment. In granting any variance, the director shall 39982  
state the specific provision or provisions whose terms are to be 39983  
varied and also shall state specific terms or conditions imposed 39984  
upon the applicant in place of the provision or provisions. 39985

The director may hold a public hearing on an application for 39986  
a variance or renewal of a variance at a location in the county 39987

where the operations that are the subject of the application for 39988  
the variance are conducted. The director shall give not less than 39989  
twenty days' notice of the hearing to the applicant by certified 39990  
mail or by another type of mail accompanied by a receipt and shall 39991  
publish at least one notice of the hearing in a newspaper with 39992  
general circulation in the county where the hearing is to be held. 39993  
The director shall make available for public inspection at the 39994  
principal office of the environmental protection agency a current 39995  
list of pending applications for variances and a current schedule 39996  
of pending variance hearings. The director shall make a complete 39997  
stenographic record of testimony and other evidence submitted at 39998  
the hearing. 39999

Within ten days after the hearing, the director shall make a 40000  
written determination to issue, renew, or deny the variance and 40001  
shall enter the determination and the basis for it into the record 40002  
of the hearing. The director shall issue, renew, or deny an 40003  
application for a variance or renewal of a variance within six 40004  
months of the date upon which the director receives a complete 40005  
application with all pertinent information and data required. No 40006  
variance shall be issued, revoked, modified, or denied until the 40007  
director has considered the relative interests of the applicant, 40008  
other persons and property affected by the variance, and the 40009  
general public. Any variance granted under this division shall be 40010  
for a period specified by the director and may be renewed from 40011  
time to time on such terms and for such periods as the director 40012  
determines to be appropriate. No application shall be denied and 40013  
no variance shall be revoked or modified without a written order 40014  
stating the findings upon which the denial, revocation, or 40015  
modification is based. A copy of the order shall be sent to the 40016  
applicant or variance holder by certified mail or by another type 40017  
of mail accompanied by a receipt. 40018

(B) The director shall prescribe and furnish the forms 40019

necessary to administer and enforce this chapter. The director may cooperate with and enter into agreements with other state, local, or federal agencies to carry out the purposes of this chapter. The director may exercise all incidental powers necessary to carry out the purposes of this chapter.

(C) Except as provided in this division and divisions (N)(2) and (3) of this section, no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director, except that no permit shall be required under this division to install or operate a solid waste facility for sewage sludge treatment or disposal when the treatment or disposal is authorized by a current permit issued under Chapter 3704. or 6111. of the Revised Code.

No person shall continue to operate a solid waste facility for which the director ~~has denied a permit for which an application was required under division (A)(3) of section 3734.05 of the Revised Code, or for which the director~~ has disapproved plans and specifications required to be filed by an order issued under division (A)(5)(3) of ~~that~~ section 3734.05 of the Revised Code, after the date prescribed for commencement of closure of the facility in the order issued under division (A)(6)(4) of ~~that~~ section 3734.05 of the Revised Code denying the permit application or approval.

On and after the effective date of the rules adopted under division (A) of this section and division (D) of section 3734.12 of the Revised Code governing solid waste transfer facilities, no person shall establish a new, or modify an existing, solid waste transfer facility without first submitting an application for a

permit with accompanying engineering detail plans, specifications, 40052  
and information regarding the facility and its method of operation 40053  
to the director and receiving a permit issued by the director. 40054

No person shall establish a new compost facility or continue 40055  
to operate an existing compost facility that accepts exclusively 40056  
source separated yard wastes without submitting a completed 40057  
registration for the facility to the director in accordance with 40058  
rules adopted under divisions (A) and (N)(3) of this section. 40059

This division does not apply to a generator of infectious 40060  
wastes that does any of the following: 40061

(1) Treats, by methods, techniques, and practices established 40062  
by rules adopted under division (B)(2)(a) of section 3734.021 of 40063  
the Revised Code, any of the following: 40064

(a) Infectious wastes that are generated on any premises that 40065  
are owned or operated by the generator; 40066

(b) Infectious wastes that are generated by a generator who 40067  
has staff privileges at a hospital as defined in section 3727.01 40068  
of the Revised Code; 40069

(c) Infectious wastes that are generated in providing care to 40070  
a patient by an emergency medical services organization as defined 40071  
in section 4765.01 of the Revised Code. 40072

(2) Holds a license or renewal of a license to operate a 40073  
crematory facility issued under Chapter 4717. and a permit issued 40074  
under Chapter 3704. of the Revised Code; 40075

(3) Treats or disposes of dead animals or parts thereof, or 40076  
the blood of animals, and is subject to any of the following: 40077

(a) Inspection under the "Federal Meat Inspection Act," 81 40078  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 40079

(b) Chapter 918. of the Revised Code; 40080

(c) Chapter 953. of the Revised Code. 40081

(D) Neither this chapter nor any rules adopted under it apply 40082  
to single-family residential premises; to infectious wastes 40083  
generated by individuals for purposes of their own care or 40084  
treatment; to the temporary storage of solid wastes, other than 40085  
scrap tires, prior to their collection for disposal; to the 40086  
storage of one hundred or fewer scrap tires unless they are stored 40087  
in such a manner that, in the judgment of the director or the 40088  
board of health of the health district in which the scrap tires 40089  
are stored, the storage causes a nuisance, a hazard to public 40090  
health or safety, or a fire hazard; or to the collection of solid 40091  
wastes, other than scrap tires, by a political subdivision or a 40092  
person holding a franchise or license from a political subdivision 40093  
of the state; to composting, as defined in section 1511.01 of the 40094  
Revised Code, conducted in accordance with section 1511.022 of the 40095  
Revised Code; or to any person who is licensed to transport raw 40096  
rendering material to a compost facility pursuant to section 40097  
953.23 of the Revised Code. 40098

(E)(1) As used in this division: 40099

(a) "On-site facility" means a facility that stores, treats, 40100  
or disposes of hazardous waste that is generated on the premises 40101  
of the facility. 40102

(b) "Off-site facility" means a facility that stores, treats, 40103  
or disposes of hazardous waste that is generated off the premises 40104  
of the facility and includes such a facility that is also an 40105  
on-site facility. 40106

(c) "Satellite facility" means any of the following: 40107

(i) An on-site facility that also receives hazardous waste 40108  
from other premises owned by the same person who generates the 40109  
waste on the facility premises; 40110

(ii) An off-site facility operated so that all of the 40111  
hazardous waste it receives is generated on one or more premises 40112

owned by the person who owns the facility; 40113

(iii) An on-site facility that also receives hazardous waste 40114  
that is transported uninterruptedly and directly to the facility 40115  
through a pipeline from a generator who is not the owner of the 40116  
facility. 40117

(2) Except as provided in division (E)(3) of this section, no 40118  
person shall establish or operate a hazardous waste facility, or 40119  
use a solid waste facility for the storage, treatment, or disposal 40120  
of any hazardous waste, without a hazardous waste facility 40121  
installation and operation permit issued in accordance with 40122  
section 3734.05 of the Revised Code and subject to the payment of 40123  
an application fee not to exceed one thousand five hundred 40124  
dollars, payable upon application for a hazardous waste facility 40125  
installation and operation permit and upon application for a 40126  
renewal permit issued under division (H) of section 3734.05 of the 40127  
Revised Code, to be credited to the hazardous waste facility 40128  
management fund created in section 3734.18 of the Revised Code. 40129  
The term of a hazardous waste facility installation and operation 40130  
permit shall not exceed ten years. 40131

In addition to the application fee, there is hereby levied an 40132  
annual permit fee to be paid by the permit holder upon the 40133  
anniversaries of the date of issuance of the hazardous waste 40134  
facility installation and operation permit and of any subsequent 40135  
renewal permits and to be credited to the hazardous waste facility 40136  
management fund. Annual permit fees totaling forty thousand 40137  
dollars or more for any one facility may be paid on a quarterly 40138  
basis with the first quarterly payment each year being due on the 40139  
anniversary of the date of issuance of the hazardous waste 40140  
facility installation and operation permit and of any subsequent 40141  
renewal permits. The annual permit fee shall be determined for 40142  
each permit holder by the director in accordance with the 40143  
following schedule: 40144

|                           |                                     |        |                |
|---------------------------|-------------------------------------|--------|----------------|
| TYPE OF BASIC             |                                     |        | 40145          |
| MANAGEMENT UNIT           | TYPE OF FACILITY                    | FEE    | 40146          |
| Storage facility using:   |                                     |        | 40147          |
| Containers                | On-site, off-site, and<br>satellite | \$ 500 | 40148<br>40149 |
| Tanks                     | On-site, off-site, and<br>satellite | 500    | 40150<br>40151 |
| Waste pile                | On-site, off-site, and<br>satellite | 3,000  | 40152<br>40153 |
| Surface impoundment       | On-site and satellite               | 8,000  | 40154          |
|                           | Off-site                            | 10,000 | 40155          |
| Disposal facility using:  |                                     |        | 40156          |
| Deep well injection       | On-site and satellite               | 15,000 | 40157          |
|                           | Off-site                            | 25,000 | 40158          |
| Landfill                  | On-site and satellite               | 25,000 | 40159          |
|                           | Off-site                            | 40,000 | 40160          |
| Land application          | On-site and satellite               | 2,500  | 40161          |
|                           | Off-site                            | 5,000  | 40162          |
| Surface impoundment       | On-site and satellite               | 10,000 | 40163          |
|                           | Off-site                            | 20,000 | 40164          |
| Treatment facility using: |                                     |        | 40165          |
| Tanks                     | On-site, off-site, and<br>satellite | 700    | 40166<br>40167 |
| Surface impoundment       | On-site and satellite               | 8,000  | 40168          |
|                           | Off-site                            | 10,000 | 40169          |
| Incinerator               | On-site and satellite               | 5,000  | 40170          |
|                           | Off-site                            | 10,000 | 40171          |
| Other forms               |                                     |        | 40172          |
| of treatment              | On-site, off-site, and<br>satellite | 1,000  | 40173<br>40174 |

A hazardous waste disposal facility that disposes of 40175  
hazardous waste by deep well injection and that pays the annual 40176  
permit fee established in section 6111.046 of the Revised Code is 40177

not subject to the permit fee established in this division for 40178  
disposal facilities using deep well injection unless the director 40179  
determines that the facility is not in compliance with applicable 40180  
requirements established under this chapter and rules adopted 40181  
under it. 40182

In determining the annual permit fee required by this 40183  
section, the director shall not require additional payments for 40184  
multiple units of the same method of storage, treatment, or 40185  
disposal or for individual units that are used for both storage 40186  
and treatment. A facility using more than one method of storage, 40187  
treatment, or disposal shall pay the permit fee indicated by the 40188  
schedule for each such method. 40189

The director shall not require the payment of that portion of 40190  
an annual permit fee of any permit holder that would apply to a 40191  
hazardous waste management unit for which a permit has been 40192  
issued, but for which construction has not yet commenced. Once 40193  
construction has commenced, the director shall require the payment 40194  
of a part of the appropriate fee indicated by the schedule that 40195  
bears the same relationship to the total fee that the number of 40196  
days remaining until the next anniversary date at which payment of 40197  
the annual permit fee is due bears to three hundred sixty-five. 40198

The director, by rules adopted in accordance with Chapters 40199  
119. and 3745. of the Revised Code, shall prescribe procedures for 40200  
collecting the annual permit fee established by this division and 40201  
may prescribe other requirements necessary to carry out this 40202  
division. 40203

(3) The prohibition against establishing or operating a 40204  
hazardous waste facility without a hazardous waste facility 40205  
installation and operation permit does not apply to either of the 40206  
following: 40207

(a) A facility that is operating in accordance with a permit 40208

renewal issued under division (H) of section 3734.05 of the Revised Code, a revision issued under division (I) of that section as it existed prior to August 20, 1996, or a modification issued by the director under division (I) of that section on and after August 20, 1996;

(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as

amended; 40240

(3) A facility in another nation operating in accordance with 40241  
the laws of that nation; 40242

(4) A facility holding a permit issued pursuant to Title I of 40243  
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 40244  
Stat. 1052, 33 U.S.C.A. 1401, as amended; 40245

(5) A hazardous waste facility as described in division 40246  
(E)(3)(a) or (b) of this section. 40247

(G) The director, by order, may exempt any person generating, 40248  
collecting, storing, treating, disposing of, or transporting solid 40249  
wastes, infectious wastes, or hazardous waste, or processing solid 40250  
wastes that consist of scrap tires, in such quantities or under 40251  
such circumstances that, in the determination of the director, are 40252  
unlikely to adversely affect the public health or safety or the 40253  
environment from any requirement to obtain a registration 40254  
certificate, permit, or license or comply with the manifest system 40255  
or other requirements of this chapter. Such an exemption shall be 40256  
consistent with and equivalent to any regulations adopted by the 40257  
administrator of the United States environmental protection agency 40258  
under the "Resource Conservation and Recovery Act of 1976," 90 40259  
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 40260  
provided in this chapter. 40261

(H) No person shall engage in filling, grading, excavating, 40262  
building, drilling, or mining on land where a hazardous waste 40263  
facility, or a solid waste facility, was operated without prior 40264  
authorization from the director, who shall establish the procedure 40265  
for granting such authorization by rules adopted in accordance 40266  
with Chapter 119. of the Revised Code. 40267

A public utility that has main or distribution lines above or 40268  
below the land surface located on an easement or right-of-way 40269  
across land where a solid waste facility was operated may engage 40270

in any such activity within the easement or right-of-way without 40271  
prior authorization from the director for purposes of performing 40272  
emergency repair or emergency replacement of its lines; of the 40273  
poles, towers, foundations, or other structures supporting or 40274  
sustaining any such lines; or of the appurtenances to those 40275  
structures, necessary to restore or maintain existing public 40276  
utility service. A public utility may enter upon any such easement 40277  
or right-of-way without prior authorization from the director for 40278  
purposes of performing necessary or routine maintenance of those 40279  
portions of its existing lines; of the existing poles, towers, 40280  
foundations, or other structures sustaining or supporting its 40281  
lines; or of the appurtenances to any such supporting or 40282  
sustaining structure, located on or above the land surface on any 40283  
such easement or right-of-way. Within twenty-four hours after 40284  
commencing any such emergency repair, replacement, or maintenance 40285  
work, the public utility shall notify the director or the 40286  
director's authorized representative of those activities and shall 40287  
provide such information regarding those activities as the 40288  
director or the director's representative may request. Upon 40289  
completion of the emergency repair, replacement, or maintenance 40290  
activities, the public utility shall restore any land of the solid 40291  
waste facility disturbed by those activities to the condition 40292  
existing prior to the commencement of those activities. 40293

(I) No owner or operator of a hazardous waste facility, in 40294  
the operation of the facility, shall cause, permit, or allow the 40295  
emission therefrom of any particulate matter, dust, fumes, gas, 40296  
mist, smoke, vapor, or odorous substance that, in the opinion of 40297  
the director, unreasonably interferes with the comfortable 40298  
enjoyment of life or property by persons living or working in the 40299  
vicinity of the facility, or that is injurious to public health. 40300  
Any such action is hereby declared to be a public nuisance. 40301

(J) Notwithstanding any other provision of this chapter, in 40302

the event the director finds an imminent and substantial danger to public health or safety or the environment that creates an emergency situation requiring the immediate treatment, storage, or disposal of hazardous waste, the director may issue a temporary emergency permit to allow the treatment, storage, or disposal of the hazardous waste at a facility that is not otherwise authorized by a hazardous waste facility installation and operation permit to treat, store, or dispose of the waste. The emergency permit shall not exceed ninety days in duration and shall not be renewed. The director shall adopt, and may amend, suspend, or rescind, rules in accordance with Chapter 119. of the Revised Code governing the issuance, modification, revocation, and denial of emergency permits.

(K) Except for infectious wastes generated by a person who produces fewer than fifty pounds of infectious wastes at a premises during any one month, no owner or operator of a sanitary landfill shall knowingly accept for disposal, or dispose of, any infectious wastes that have not been treated to render them noninfectious.

(L) The director, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend, suspend, or rescind, rules having uniform application throughout the state establishing a training and certification program that shall be required for employees of boards of health who are responsible for enforcing the solid waste and infectious waste provisions of this chapter and rules adopted under them and for persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities. The rules shall provide all of the following, without limitation:

(1) The program shall be administered by the director and shall consist of a course on new solid waste and infectious waste technologies, enforcement procedures, and rules;

(2) The course shall be offered on an annual basis; 40335

(3) Those persons who are required to take the course under 40336  
division (L) of this section shall do so triennially; 40337

(4) Persons who successfully complete the course shall be 40338  
certified by the director; 40339

(5) Certification shall be required for all employees of 40340  
boards of health who are responsible for enforcing the solid waste 40341  
or infectious waste provisions of this chapter and rules adopted 40342  
under them and for all persons who are responsible for the 40343  
operation of solid waste facilities or infectious waste treatment 40344  
facilities; 40345

(6)(a) All employees of a board of health who, on the 40346  
effective date of the rules adopted under this division, are 40347  
responsible for enforcing the solid waste or infectious waste 40348  
provisions of this chapter and the rules adopted under them shall 40349  
complete the course and be certified by the director not later 40350  
than January 1, 1995; 40351

(b) All employees of a board of health who, after the 40352  
effective date of the rules adopted under division (L) of this 40353  
section, become responsible for enforcing the solid waste or 40354  
infectious waste provisions of this chapter and rules adopted 40355  
under them and who do not hold a current and valid certification 40356  
from the director at that time shall complete the course and be 40357  
certified by the director within two years after becoming 40358  
responsible for performing those activities. 40359

No person shall fail to obtain the certification required 40360  
under this division. 40361

(M) The director shall not issue a permit under section 40362  
3734.05 of the Revised Code to establish a solid waste facility, 40363  
or to modify a solid waste facility operating on December 21, 40364  
1988, in a manner that expands the disposal capacity or geographic 40365

area covered by the facility, that is or is to be located within 40366  
the boundaries of a state park established or dedicated under 40367  
Chapter 1546. of the Revised Code, a state park purchase area 40368  
established under section 1546.06 of the Revised Code, any unit of 40369  
the national park system, or any property that lies within the 40370  
boundaries of a national park or recreation area, but that has not 40371  
been acquired or is not administered by the secretary of the 40372  
United States department of the interior, located in this state, 40373  
or any candidate area located in this state and identified for 40374  
potential inclusion in the national park system in the edition of 40375  
the "national park system plan" submitted under paragraph (b) of 40376  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 40377  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 40378  
application for the permit, unless the facility or proposed 40379  
facility is or is to be used exclusively for the disposal of solid 40380  
wastes generated within the park or recreation area and the 40381  
director determines that the facility or proposed facility will 40382  
not degrade any of the natural or cultural resources of the park 40383  
or recreation area. The director shall not issue a variance under 40384  
division (A) of this section and rules adopted under it, or issue 40385  
an exemption order under division (G) of this section, that would 40386  
authorize any such establishment or expansion of a solid waste 40387  
facility within the boundaries of any such park or recreation 40388  
area, state park purchase area, or candidate area, other than a 40389  
solid waste facility exclusively for the disposal of solid wastes 40390  
generated within the park or recreation area when the director 40391  
determines that the facility will not degrade any of the natural 40392  
or cultural resources of the park or recreation area. 40393

(N)(1) The rules adopted under division (A) of this section, 40394  
other than those governing variances, do not apply to scrap tire 40395  
collection, storage, monocell, monofill, and recovery facilities. 40396  
Those facilities are subject to and governed by rules adopted 40397  
under sections 3734.70 to 3734.73 of the Revised Code, as 40398

applicable. 40399

(2) Division (C) of this section does not apply to scrap tire 40400  
collection, storage, monocell, monofill, and recovery facilities. 40401  
The establishment and modification of those facilities are subject 40402  
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 40403  
Code, as applicable. 40404

(3) The director may adopt, amend, suspend, or rescind rules 40405  
under division (A) of this section creating an alternative system 40406  
for authorizing the establishment, operation, or modification of a 40407  
solid waste compost facility in lieu of the requirement that a 40408  
person seeking to establish, operate, or modify a solid waste 40409  
compost facility apply for and receive a permit under division (C) 40410  
of this section and section 3734.05 of the Revised Code and a 40411  
license under division (A)(1) of that section. The rules may 40412  
include requirements governing, without limitation, the 40413  
classification of solid waste compost facilities, the submittal of 40414  
operating records for solid waste compost facilities, and the 40415  
creation of a registration or notification system in lieu of the 40416  
issuance of permits and licenses for solid waste compost 40417  
facilities. The rules shall specify the applicability of divisions 40418  
(A)(1), and (2)(a), ~~(3), and (4)~~ of section 3734.05 of the Revised 40419  
Code to a solid waste compost facility. 40420

(O)(1) As used in this division, "secondary aluminum waste" 40421  
means waste material or byproducts, when disposed of, containing 40422  
aluminum generated from secondary aluminum smelting operations and 40423  
consisting of dross, salt cake, baghouse dust associated with 40424  
aluminum recycling furnace operations, or dry-milled wastes. 40425

(2) The owner or operator of a sanitary landfill shall not 40426  
dispose of municipal solid waste that has been commingled with 40427  
secondary aluminum waste. 40428

(3) The owner or operator of a sanitary landfill may dispose 40429

of secondary aluminum waste, but only in a monocell or monofill 40430  
that has been permitted for that purpose in accordance with this 40431  
chapter and rules adopted under it. 40432

(P)(1) As used in divisions (P) and (Q) of this section: 40433

(a) "Natural background" means two picocuries per gram or the 40434  
actual number of picocuries per gram as measured at an individual 40435  
solid waste facility, subject to verification by the director of 40436  
health. 40437

(b) "Drilling operation" includes a production operation as 40438  
defined in section 1509.01 of the Revised Code. 40439

(2) The owner or operator of a solid waste facility shall not 40440  
accept for transfer or disposal technologically enhanced naturally 40441  
occurring radioactive material if that material contains or is 40442  
contaminated with radium-226, radium-228, or any combination of 40443  
radium-226 and radium-228 at concentrations equal to or greater 40444  
than five picocuries per gram above natural background. 40445

(3) The owner or operator of a solid waste facility may 40446  
receive and process for purposes other than transfer or disposal 40447  
technologically enhanced naturally occurring radioactive material 40448  
that contains or is contaminated with radium-226, radium-228, or 40449  
any combination of radium-226 and radium-228 at concentrations 40450  
equal to or greater than five picocuries per gram above natural 40451  
background, provided that the owner or operator has obtained and 40452  
maintains all other necessary authorizations, including any 40453  
authorization required by rules adopted by the director of health 40454  
under section 3748.04 of the Revised Code. 40455

(4) The director of environmental protection may adopt rules 40456  
in accordance with Chapter 119. of the Revised Code governing the 40457  
receipt, acceptance, processing, handling, management, and 40458  
disposal by solid waste facilities of material that contains or is 40459  
contaminated with radioactive material, including, without 40460

limitation, technologically enhanced naturally occurring 40461  
radioactive material that contains or is contaminated with 40462  
radium-226, radium-228, or any combination of radium-226 and 40463  
radium-228 at concentrations less than five picocuries per gram 40464  
above natural background. Rules adopted by the director may 40465  
include at a minimum both of the following: 40466

(a) Requirements in accordance with which the owner or 40467  
operator of a solid waste facility must monitor leachate and 40468  
ground water for radium-226, radium-228, and other radionuclides; 40469

(b) Requirements in accordance with which the owner or 40470  
operator of a solid waste facility must develop procedures to 40471  
ensure that technologically enhanced naturally occurring 40472  
radioactive material accepted at the facility neither contains nor 40473  
is contaminated with radium-226, radium-228, or any combination of 40474  
radium-226 and radium-228 at concentrations equal to or greater 40475  
than five picocuries per gram above natural background. 40476

(Q) Notwithstanding any other provision of this section, the 40477  
owner or operator of a solid waste facility shall not receive, 40478  
accept, process, handle, manage, or dispose of technologically 40479  
enhanced naturally occurring radioactive material associated with 40480  
drilling operations without first obtaining representative 40481  
analytical results to determine compliance with divisions (P)(2) 40482  
and (3) of this section and rules adopted under it. 40483

**Sec. 3734.041.** (A) The owner or operator holding a license 40484  
issued under division (A) of section 3734.05 of the Revised Code 40485  
for a sanitary landfill that is so situated that a residence or 40486  
other occupied structure off the premises of the landfill is 40487  
located within one thousand feet horizontal distance from the 40488  
exterior boundary of the landfill, and the owner or operator of 40489  
any closed landfill that is so situated and for which a license 40490  
was issued under division (A) of section 3734.05 of the Revised 40491

Code, or the subsequent owner, lessee, or other person who has 40492  
control of the land on which the closed landfill is located, 40493  
shall, within sixty days after the effective date of the rules 40494  
adopted under division (F) of this section, submit an explosive 40495  
gas monitoring plan for the landfill or closed landfill to the 40496  
director of environmental protection for approval for compliance 40497  
with those rules. After approval of the plan, the owner ~~or,~~ 40498  
~~operator of the landfill, or, in the instance of a closed~~ 40499  
~~landfill, the owner or operator of the closed landfill, or the,~~ 40500  
subsequent owner, lessee, or other person ~~who has control of the~~ 40501  
~~land on which the closed landfill is located~~ shall conduct 40502  
monitoring of explosive gas levels at the landfill or closed 40503  
landfill, and submit written reports of the results of the 40504  
monitoring to the director and the board of health of the health 40505  
district in which the landfill is located in accordance with the 40506  
approved plan and the schedule for implementation contained in the 40507  
approved plan. 40508

No person shall violate or fail to perform a duty imposed by 40509  
a plan approved under this section. 40510

(B) Division (A) of this section does not apply to a sanitary 40511  
landfill or closed sanitary landfill that exclusively disposes, or 40512  
disposed, of solid wastes generated on the premises where the 40513  
landfill or closed landfill is located; to a sanitary landfill or 40514  
closed sanitary landfill that exclusively disposes, or disposed, 40515  
of solid wastes generated on one or more premises owned by the 40516  
person who owns the landfill or closed landfill; or to a sanitary 40517  
landfill or closed sanitary landfill owned or operated by a person 40518  
other than the generator of the wastes that exclusively disposes, 40519  
or disposed, of nonputrescible solid wastes or nonputrescible 40520  
wastes generated by a single generator at one or more premises 40521  
owned by the generator. 40522

(C) ~~When~~ As used in this division and division (D) of this 40523

section, "responsible party" includes the owner or operator of a 40524  
solid waste disposal facility; any current or former owner of a 40525  
closed solid waste disposal facility; any person who was 40526  
responsible for the operations of a closed solid waste disposal 40527  
facility; any lessee or other person who has control of the 40528  
property on which a closed solid waste disposal facility is 40529  
located; a receiver appointed pursuant to Chapter 2735. of the 40530  
Revised Code with respect to a solid waste disposal facility or 40531  
closed solid waste disposal facility; and a trustee in bankruptcy. 40532

Notwithstanding division (B) of this section, if the director 40533  
determines that, due to the types of wastes disposed of, the 40534  
engineering design, the hydrogeological setting, the period of 40535  
time since the commencement of operation, ~~and~~ the proximity of 40536  
residential or other occupied structures located off the premises 40537  
of ~~the landfill~~ a solid waste disposal facility to the exterior 40538  
boundaries, ~~of~~ or information related to concentrations of 40539  
explosive gas at or surrounding a sanitary landfill licensed under 40540  
division (A) of section 3734.05 of the Revised Code facility or 40541  
closed ~~sanitary landfill for which a license was issued under that~~ 40542  
~~division~~ facility, the potential exists for the formation and 40543  
subsurface migration of explosive gases in such quantities and 40544  
under such conditions as to ~~endanger~~ threaten human health or 40545  
safety or the environment, the director ~~shall~~ may issue to the 40546  
~~owner or operator of the sanitary landfill, or, in the instance of~~ 40547  
~~a closed sanitary landfill, the owner or operator of the sanitary~~ 40548  
~~landfill, or the subsequent owner, lessee, or other person who has~~ 40549  
~~control of the property on which the closed landfill is located,~~ 40550  
any responsible party an order directing ~~such owner~~ the 40551  
responsible party to prepare, ~~obtain approval of, and implement an~~ 40552  
and submit a new or revised explosive gas monitoring and reporting 40553  
~~plan, in accordance with division (A) of~~ that complies with 40554  
division (A) of this section and provides for the adequate 40555  
evaluation of explosive gas generation at and migration from the 40556

solid waste disposal facility or closed solid waste disposal 40557  
facility. A plan so submitted shall be approved in accordance with 40558  
division (A) of this section. After approval of the plan, the 40559  
responsible party shall conduct monitoring of explosive gas levels 40560  
at the facility or closed facility and submit written reports of 40561  
the results of the monitoring in accordance with the plan approved 40562  
under this section. For the purposes of this division and division 40563  
(D) of this section, explosive gases shall be considered to 40564  
~~endanger~~ threaten human health or safety or the environment if 40565  
concentrations of methane generated by ~~the landfill~~ a facility in 40566  
~~landfill~~ occupied structures, ~~excluding gas control or recovery~~ 40567  
~~system components,~~ exceed twenty-five per cent of the lower 40568  
explosive limit or if concentrations of methane generated by the 40569  
~~landfill~~ facility at the ~~landfill~~ facility boundary exceed the 40570  
lower explosive limit. As used in this division, "lower explosive 40571  
limit" means the lowest per cent by volume of methane that will 40572  
produce a flame in air at twenty-five degrees centigrade and 40573  
atmospheric pressure. 40574

(D) If a report submitted pursuant to a plan approved under 40575  
division (A) of this section indicates that the formation of 40576  
explosive gases at, and migration of explosive gases from, a 40577  
~~sanitary landfill~~ solid waste disposal facility or closed ~~sanitary~~ 40578  
~~landfill~~ solid waste disposal facility threatens human health or 40579  
safety or the environment, the director or his authorized 40580  
representative ~~shall promptly~~ may conduct an evaluation of the 40581  
levels of explosive gases on the premises of the ~~landfill~~ facility 40582  
and in occupied structures located in proximity to the boundaries 40583  
of the ~~landfill~~ facility to determine whether the formation of 40584  
explosive gases at, and migration of those gases from, the 40585  
~~landfill~~ facility or closed ~~landfill~~ facility constitutes such a 40586  
threat. In addition, the director or the director's authorized 40587  
representative, on their own initiative, may conduct an evaluation 40588  
in accordance with division (G) of this section. Based upon the 40589

findings of the ~~an~~ evaluation, ~~or of an evaluation conducted by~~ 40590  
~~the director, or his authorized representative, on his own~~ 40591  
~~initiative,~~ the director ~~shall~~ may issue an order under division 40592  
(A) or (B) of section 3734.13 of the Revised Code, as the director 40593  
considers necessary or appropriate, directing ~~the owner or~~ 40594  
~~operator of the landfill, or, in the instance of a closed~~ 40595  
~~landfill, the owner or operator of the landfill, or the subsequent~~ 40596  
~~owner, lessee, or other person who has control of the land on~~ 40597  
~~which the closed landfill is located,~~ any responsible party to 40598  
perform such measures as the director considers necessary or 40599  
appropriate, to abate or minimize the formation of explosive gases 40600  
or their migration off the premises of the ~~landfill~~ facility, to 40601  
abate or remedy any conditions caused by the formation and 40602  
migration of such gases that ~~endanger~~ threaten human health or 40603  
safety or the environment and to take such actions as the director 40604  
finds necessary or appropriate to prevent recurrence of the 40605  
migration of explosive gases or decrease their concentration to 40606  
levels set forth in division (C) of this section. 40607

After the issuance of an order under this division, the 40608  
director shall inspect the ~~landfill at least once each week, or~~ 40609  
facility at such ~~other~~ intervals as the director or ~~his~~ an 40610  
authorized representative of the director considers necessary or 40611  
appropriate, ~~to ascertain compliance with the order until such~~ 40612  
time as the director determines that full compliance with those 40613  
terms and conditions has been achieved. 40614

If a report submitted pursuant to a plan approved under 40615  
division (A) of this section indicates that the formation of 40616  
explosive gases at, and migration of explosive gases from, a 40617  
~~landfill~~ solid waste disposal facility that is subject to an order 40618  
issued under division (D) of this section has recurred in such 40619  
quantities or under such conditions as to threaten human health or 40620  
safety or the environment, or if the director determines from an 40621

inspection of any such ~~landfill~~ facility that the ~~owner or~~ 40622  
~~operator of the landfill, or, in the instance of a closed~~ 40623  
~~landfill, the owner or operator of the landfill, or the subsequent~~ 40624  
~~owner, lessee, or other person who has control of the land on~~ 40625  
~~which the closed landfill is located, responsible party has~~ 40626  
violated or is violating a term or condition of the order or that 40627  
measures in addition to those prescribed by the order are 40628  
necessary or appropriate under the circumstances, the director 40629  
shall take such actions under division (A), (B), or (C) of section 40630  
3734.13 of the Revised Code as ~~he~~ the director considers necessary 40631  
or appropriate to protect human health or safety or the 40632  
environment. 40633

(E) The director shall conduct random inspections of licensed 40634  
and closed sanitary landfills for explosive gas levels and to 40635  
monitor the accuracy of the reports submitted pursuant to plans 40636  
approved under division (A) of this section. 40637

(F) The director shall adopt rules under Chapter 119. of the 40638  
Revised Code prescribing standards for conducting the explosive 40639  
gas monitoring required by division (A) of this section including, 40640  
without limitation, standards governing the numbers, locations, 40641  
and design and construction of monitoring wells; quality control 40642  
procedures to be followed by persons conducting those evaluations 40643  
to ensure the accuracy of the monitoring; the frequency for 40644  
sampling the monitoring wells, which shall be at least quarterly, 40645  
except as otherwise provided in this division; and the frequency 40646  
of reporting monitoring results to the director and board of 40647  
health. The rules shall require that, in the instance of closed 40648  
sanitary landfills, explosive gas monitoring be conducted for the 40649  
period of twenty years after closure or for such other period as 40650  
the director considers necessary or appropriate. Such explosive 40651  
gas monitoring shall be conducted quarterly during each of the 40652  
five years immediately following closure of the landfills and 40653

semiannually thereafter. If such semiannual sampling shows that 40654  
the methane limits set in division (C) of this section are 40655  
exceeded, sampling may be resumed at a frequency determined by the 40656  
director. 40657

(G) The director or the director's authorized representative 40658  
may enter upon a solid waste disposal facility or a closed solid 40659  
waste disposal facility to conduct an evaluation of the 40660  
concentration of explosive gas generated at or migrating from the 40661  
facility. The owner or operator of a solid waste disposal facility 40662  
or closed solid waste disposal facility shall allow the director 40663  
or representative to conduct such an evaluation of the facility, 40664  
any structures within the boundary of the facility, and any 40665  
occupied structures in close proximity to the boundary of the 40666  
facility that are owned or controlled by the owner or operator. 40667

(H) The remedy provided by division (D) of this section is 40668  
cumulative and concurrent with any other remedy provided in this 40669  
chapter or Chapter 3704. of the Revised Code, and the existence or 40670  
exercise of one remedy does not prevent the exercise of any other. 40671

**Sec. 3734.05.** (A)(1) Except as provided in divisions (A)~~(4)~~, 40672  
~~(8)~~, (6) and ~~(9)~~ (7) of this section, no person shall operate or 40673  
maintain a solid waste facility without a license issued under 40674  
this division by the board of health of the health district in 40675  
which the facility is located or by the director of environmental 40676  
protection when the health district in which the facility is 40677  
located is not on the approved list under section 3734.08 of the 40678  
Revised Code. 40679

During the month of December, but before the first day of 40680  
January of the next year, every person proposing to continue to 40681  
operate an existing solid waste facility shall procure a license 40682  
under this division to operate the facility for that year from the 40683  
board of health of the health district in which the facility is 40684

located or, if the health district is not on the approved list 40685  
under section 3734.08 of the Revised Code, from the director. The 40686  
application for such a license shall be submitted to the board of 40687  
health or to the director, as appropriate, on or before the last 40688  
day of September of the year preceding that for which the license 40689  
is sought. In addition to the application fee prescribed in 40690  
division (A)(2) of this section, a person who submits an 40691  
application after that date shall pay an additional ten per cent 40692  
of the amount of the application fee for each week that the 40693  
application is late. Late payment fees accompanying an application 40694  
submitted to the board of health shall be credited to the special 40695  
fund of the health district created in division (B) of section 40696  
3734.06 of the Revised Code, and late payment fees accompanying an 40697  
application submitted to the director shall be credited to the 40698  
general revenue fund. A person who has received a license, upon 40699  
sale or disposition of a solid waste facility, and upon consent of 40700  
the board of health and the director, may have the license 40701  
transferred to another person. The board of health or the director 40702  
may include such terms and conditions in a license or revision to 40703  
a license as are appropriate to ensure compliance with this 40704  
chapter and rules adopted under it. The terms and conditions may 40705  
establish the authorized maximum daily waste receipts for the 40706  
facility. Limitations on maximum daily waste receipts shall be 40707  
specified in cubic yards of volume for the purpose of regulating 40708  
the design, construction, and operation of solid waste facilities. 40709  
Terms and conditions included in a license or revision to a 40710  
license by a board of health shall be consistent with, and pertain 40711  
only to the subjects addressed in, the rules adopted under 40712  
division (A) of section 3734.02 and division (D) of section 40713  
3734.12 of the Revised Code. 40714

(2)(a) Except as provided in divisions (A)(2)(b), ~~(8)(6)~~, and 40715  
~~(9)(7)~~ of this section, each person proposing to open a new solid 40716  
waste facility or to modify an existing solid waste facility shall 40717

submit an application for a permit with accompanying detail plans 40718  
and specifications to the environmental protection agency for 40719  
required approval under the rules adopted by the director pursuant 40720  
to division (A) of section 3734.02 of the Revised Code and 40721  
applicable rules adopted under division (D) of section 3734.12 of 40722  
the Revised Code at least two hundred seventy days before proposed 40723  
operation of the facility and shall concurrently make application 40724  
for the issuance of a license under division (A)(1) of this 40725  
section with the board of health of the health district in which 40726  
the proposed facility is to be located. 40727

(b) On and after the effective date of the rules adopted 40728  
under division (A) of section 3734.02 of the Revised Code and 40729  
division (D) of section 3734.12 of the Revised Code governing 40730  
solid waste transfer facilities, each person proposing to open a 40731  
new solid waste transfer facility or to modify an existing solid 40732  
waste transfer facility shall submit an application for a permit 40733  
with accompanying engineering detail plans, specifications, and 40734  
information regarding the facility and its method of operation to 40735  
the environmental protection agency for required approval under 40736  
those rules at least two hundred seventy days before commencing 40737  
proposed operation of the facility and concurrently shall make 40738  
application for the issuance of a license under division (A)(1) of 40739  
this section with the board of health of the health district in 40740  
which the facility is located or proposed. 40741

(c) Each application for a permit under division (A)(2)(a) or 40742  
(b) of this section shall be accompanied by a nonrefundable 40743  
application fee of four hundred dollars that shall be credited to 40744  
the general revenue fund. Each application for an annual license 40745  
under division (A)(1) or (2) of this section shall be accompanied 40746  
by a nonrefundable application fee of one hundred dollars. If the 40747  
application for an annual license is submitted to a board of 40748  
health on the approved list under section 3734.08 of the Revised 40749

Code, the application fee shall be credited to the special fund of 40750  
the health district created in division (B) of section 3734.06 of 40751  
the Revised Code. If the application for an annual license is 40752  
submitted to the director, the application fee shall be credited 40753  
to the general revenue fund. If a permit or license is issued, the 40754  
amount of the application fee paid shall be deducted from the 40755  
amount of the permit fee due under division (Q) of section 3745.11 40756  
of the Revised Code or the amount of the license fee due under 40757  
division (A)(1), (2), (3), (4), or (5) of section 3734.06 of the 40758  
Revised Code. 40759

(d) As used in divisions (A)(2)(d), (e), and (f) of this 40760  
section, "modify" means any of the following: 40761

(i) Any increase of more than ten per cent in the total 40762  
capacity of a solid waste facility; 40763

(ii) Any expansion of the limits of solid waste placement at 40764  
a solid waste facility; 40765

(iii) Any increase in the depth of excavation at a solid 40766  
waste facility; 40767

(iv) Any change in the technique of waste receipt or type of 40768  
waste received at a solid waste facility that may endanger human 40769  
health, as determined by the director by rules adopted in 40770  
accordance with Chapter 119. of the Revised Code. 40771

Not later than forty-five days after submitting an 40772  
application under division (A)(2)(a) or (b) of this section for a 40773  
permit to open a new or modify an existing solid waste facility, 40774  
the applicant, in conjunction with an officer or employee of the 40775  
environmental protection agency, shall hold a public meeting on 40776  
the application within the county in which the new or modified 40777  
solid waste facility is or is proposed to be located or within a 40778  
contiguous county. Not less than thirty days before holding the 40779  
public meeting on the application, the applicant shall publish 40780

notice of the meeting in each newspaper of general circulation 40781  
that is published in the county in which the facility is or is 40782  
proposed to be located. If no newspaper of general circulation is 40783  
published in the county, the applicant shall publish the notice in 40784  
a newspaper of general circulation in the county. The notice shall 40785  
contain the date, time, and location of the public meeting and a 40786  
general description of the proposed new or modified facility. Not 40787  
later than five days after publishing the notice, the applicant 40788  
shall send by certified mail a copy of the notice and the date the 40789  
notice was published to the director and the legislative authority 40790  
of each municipal corporation, township, and county, and to the 40791  
chief executive officer of each municipal corporation, in which 40792  
the facility is or is proposed to be located. At the public 40793  
meeting, the applicant shall provide information and describe the 40794  
application and respond to comments or questions concerning the 40795  
application, and the officer or employee of the agency shall 40796  
describe the permit application process. At the public meeting, 40797  
any person may submit written or oral comments on or objections to 40798  
the application. Not more than thirty days after the public 40799  
meeting, the applicant shall provide the director with a copy of a 40800  
transcript of the full meeting, copies of any exhibits, displays, 40801  
or other materials presented by the applicant at the meeting, and 40802  
the original copy of any written comments submitted at the 40803  
meeting. 40804

(e) Except as provided in division (A)(2)(f) of this section, 40805  
prior to taking an action, other than a proposed or final denial, 40806  
upon an application submitted under division (A)(2)(a) of this 40807  
section for a permit to open a new or modify an existing solid 40808  
waste facility, the director shall hold a public information 40809  
session and a public hearing on the application within the county 40810  
in which the new or modified solid waste facility is or is 40811  
proposed to be located or within a contiguous county. If the 40812  
application is for a permit to open a new solid waste facility, 40813

the director shall hold the hearing not less than fourteen days 40814  
after the information session. If the application is for a permit 40815  
to modify an existing solid waste facility, the director may hold 40816  
both the information session and the hearing on the same day 40817  
unless any individual affected by the application requests in 40818  
writing that the information session and the hearing not be held 40819  
on the same day, in which case the director shall hold the hearing 40820  
not less than fourteen days after the information session. The 40821  
director shall publish notice of the public information session or 40822  
public hearing not less than thirty days before holding the 40823  
information session or hearing, as applicable. The notice shall be 40824  
published in each newspaper of general circulation that is 40825  
published in the county in which the facility is or is proposed to 40826  
be located. If no newspaper of general circulation is published in 40827  
the county, the director shall publish the notice in a newspaper 40828  
of general circulation in the county. The notice shall contain the 40829  
date, time, and location of the information session or hearing, as 40830  
applicable, and a general description of the proposed new or 40831  
modified facility. At the public information session, an officer 40832  
or employee of the environmental protection agency shall describe 40833  
the status of the permit application and be available to respond 40834  
to comments or questions concerning the application. At the public 40835  
hearing, any person may submit written or oral comments on or 40836  
objections to the approval of the application. The applicant, or a 40837  
representative of the applicant who has knowledge of the location, 40838  
construction, and operation of the facility, shall attend the 40839  
information session and public hearing to respond to comments or 40840  
questions concerning the facility directed to the applicant or 40841  
representative by the officer or employee of the environmental 40842  
protection agency presiding at the information session and 40843  
hearing. 40844

(f) The solid waste management policy committee of a county 40845  
or joint solid waste management district may adopt a resolution 40846

requesting expeditious consideration of a specific application 40847  
submitted under division (A)(2)(a) of this section for a permit to 40848  
modify an existing solid waste facility within the district. The 40849  
resolution shall make the finding that expedited consideration of 40850  
the application without the public information session and public 40851  
hearing under division (A)(2)(e) of this section is in the public 40852  
interest and will not endanger human health, as determined by the 40853  
director by rules adopted in accordance with Chapter 119. of the 40854  
Revised Code. Upon receiving such a resolution, the director, at 40855  
the director's discretion, may issue a final action upon the 40856  
application without holding a public information session or public 40857  
hearing pursuant to division (A)(2)(e) of this section. 40858

~~(3) Except as provided in division (A)(10) of this section, 40859  
and unless the owner or operator of any solid waste facility, 40860  
other than a solid waste transfer facility or a compost facility 40861  
that accepts exclusively source separated yard wastes, that 40862  
commenced operation on or before July 1, 1968, has obtained an 40863  
exemption from the requirements of division (A)(3) of this section 40864  
in accordance with division (C) of section 3734.02 of the Revised 40865  
Code, the owner or operator shall submit to the director an 40866  
application for a permit with accompanying engineering detail 40867  
plans, specifications, and information regarding the facility and 40868  
its method of operation for approval under rules adopted under 40869  
division (A) of section 3734.02 of the Revised Code and applicable 40870  
rules adopted under division (D) of section 3734.12 of the Revised 40871  
Code in accordance with the following schedule: 40872~~

~~(a) Not later than September 24, 1988, if the facility is 40873  
located in the city of Garfield Heights or Parma in Cuyahoga 40874  
county: 40875~~

~~(b) Not later than December 24, 1988, if the facility is 40876  
located in Delaware, Greene, Guernsey, Hamilton, Madison, 40877  
Mahoning, Ottawa, or Vinton county: 40878~~

~~(c) Not later than March 24, 1989, if the facility is located 40879  
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 40880  
Washington county, or is located in the city of Brooklyn or 40881  
Cuyahoga Heights in Cuyahoga county; 40882~~

~~(d) Not later than June 24, 1989, if the facility is located 40883  
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 40884  
Summit county or is located in Cuyahoga county outside the cities 40885  
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 40886~~

~~(e) Not later than September 24, 1989, if the facility is 40887  
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 40888  
county; 40889~~

~~(f) Not later than December 24, 1989, if the facility is 40890  
located in a county not listed in divisions (A)(3)(a) to (c) of 40891  
this section; 40892~~

~~(g) Notwithstanding divisions (A)(3)(a) to (f) of this 40893  
section, not later than December 31, 1990, if the facility is a 40894  
solid waste facility owned by a generator of solid wastes when the 40895  
solid waste facility exclusively disposes of solid wastes 40896  
generated at one or more premises owned by the generator 40897  
regardless of whether the facility is located on a premises where 40898  
the wastes are generated and if the facility disposes of more than 40899  
one hundred thousand tons of solid wastes per year, provided that 40900  
any such facility shall be subject to division (A)(5) of this 40901  
section. 40902~~

~~(4) Except as provided in divisions (A)(8), (9), and (10) of 40903  
this section, unless the owner or operator of any solid waste 40904  
facility for which a permit was issued after July 1, 1968, but 40905  
before January 1, 1980, has obtained an exemption from the 40906  
requirements of division (A)(4) of this section under division (G) 40907  
of section 3734.02 of the Revised Code, the owner or operator 40908  
shall submit to the director an application for a permit with 40909~~

~~accompanying engineering detail plans, specifications, and 40910  
information regarding the facility and its method of operation for 40911  
approval under those rules. 40912~~

~~(5)~~ The director may issue an order in accordance with 40913  
Chapter 3745. of the Revised Code to the owner or operator of a 40914  
solid waste facility requiring the person to submit to the 40915  
director updated engineering detail plans, specifications, and 40916  
information regarding the facility and its method of operation for 40917  
approval under rules adopted under division (A) of section 3734.02 40918  
of the Revised Code and applicable rules adopted under division 40919  
(D) of section 3734.12 of the Revised Code if, in the director's 40920  
judgment, conditions at the facility constitute a substantial 40921  
threat to public health or safety or are causing or contributing 40922  
to or threatening to cause or contribute to air or water pollution 40923  
or soil contamination. Any person who receives such an order shall 40924  
submit the updated engineering detail plans, specifications, and 40925  
information to the director within one hundred eighty days after 40926  
the effective date of the order. 40927

~~(6)(4)~~ The director shall act upon an ~~application submitted~~ 40928  
~~under division (A)(3) or (4) of this section and~~ any updated 40929  
engineering plans, specifications, and information submitted under 40930  
division (A)~~(5)(3)~~ of this section within one hundred eighty days 40931  
after receiving them. If the director ~~denies any such permit~~ 40932  
~~application, the~~ issues an order denying the application or 40933  
disapproving the plans, specifications, and information submitted 40934  
under division (A)(3) of this section, the order shall include all 40935  
of the following requirements that: 40936

(a) That the owner or operator submit a plan for closure and 40937  
post-closure care of the facility to the director for approval 40938  
within six months after issuance of the order~~;~~i 40939

(b) That the owner or operator cease accepting solid wastes 40940  
for disposal or transfer at the facility~~;~~i and 40941

(c) The owner or operator commence closure of the facility 40942  
not later than one year after issuance of the order. ~~If~~ 40943

If the director determines that closure of the facility 40944  
within that one-year period would result in the unavailability of 40945  
sufficient solid waste management facility capacity within the 40946  
county or joint solid waste management district in which the 40947  
facility is located to dispose of or transfer the solid waste 40948  
generated within the district, the director in the order of ~~denial~~ 40949  
~~or~~ disapproval may postpone commencement of closure of the 40950  
facility for such period of time as the director finds necessary 40951  
for the board of county commissioners or directors of the district 40952  
to secure access to or for there to be constructed within the 40953  
district sufficient solid waste management facility capacity to 40954  
meet the needs of the district, provided that the director shall 40955  
certify in the director's order that postponing the date for 40956  
commencement of closure will not endanger ground water or any 40957  
property surrounding the facility, allow methane gas migration to 40958  
occur, or cause or contribute to any other type of environmental 40959  
damage. 40960

If an emergency need for disposal capacity that may affect 40961  
public health and safety exists as a result of closure of a 40962  
facility under division (A)~~(6)~~(4) of this section, the director 40963  
may issue an order designating another solid waste facility to 40964  
accept the wastes that would have been disposed of at the facility 40965  
to be closed. 40966

~~(7)~~(5) If the director determines that standards more 40967  
stringent than those applicable in rules adopted under division 40968  
(A) of section 3734.02 of the Revised Code and division (D) of 40969  
section 3734.12 of the Revised Code, or standards pertaining to 40970  
subjects not specifically addressed by those rules, are necessary 40971  
to ensure that a solid waste facility constructed at the proposed 40972  
location will not cause a nuisance, cause or contribute to water 40973

pollution, or endanger public health or safety, the director may 40974  
issue a permit for the facility with such terms and conditions as 40975  
the director finds necessary to protect public health and safety 40976  
and the environment. If a permit is issued, the director shall 40977  
state in the order issuing it the specific findings supporting 40978  
each such term or condition. 40979

~~(8)(6)~~ Divisions (A)(1), and (2)(a), ~~(3), and (4)~~ of this 40980  
section do not apply to a solid waste compost facility that 40981  
accepts exclusively source separated yard wastes and that is 40982  
registered under division (C) of section 3734.02 of the Revised 40983  
Code or, unless otherwise provided in rules adopted under division 40984  
(N)(3) of section 3734.02 of the Revised Code, to a solid waste 40985  
compost facility if the director has adopted rules establishing an 40986  
alternative system for authorizing the establishment, operation, 40987  
or modification of a solid waste compost facility under that 40988  
division. 40989

~~(9)(7)~~ Divisions (A)(1) to ~~(7)(5)~~ of this section do not 40990  
apply to scrap tire collection, storage, monocell, monofill, and 40991  
recovery facilities. The approval of plans and specifications, as 40992  
applicable, and the issuance of registration certificates, 40993  
permits, and licenses for those facilities are subject to sections 40994  
3734.75 to 3734.78 of the Revised Code, as applicable, and section 40995  
3734.81 of the Revised Code. 40996

~~(10)~~ Divisions (A)(3) and (4) of this section do not apply to 40997  
a solid waste incinerator that was placed into operation on or 40998  
before October 12, 1994, and that is not authorized to accept and 40999  
treat infectious wastes pursuant to division (B) of this section. 41000

(B)(1) No person shall operate or maintain an infectious 41001  
waste treatment facility without a license issued by the board of 41002  
health of the health district in which the facility is located or 41003  
by the director when the health district in which the facility is 41004  
located is not on the approved list under section 3734.08 of the 41005

Revised Code. 41006

(2)(a) During the month of December, but before the first day 41007  
of January of the next year, every person proposing to continue to 41008  
operate an existing infectious waste treatment facility shall 41009  
procure a license to operate the facility for that year from the 41010  
board of health of the health district in which the facility is 41011  
located or, if the health district is not on the approved list 41012  
under section 3734.08 of the Revised Code, from the director. The 41013  
application for such a license shall be submitted to the board of 41014  
health or to the director, as appropriate, on or before the last 41015  
day of September of the year preceding that for which the license 41016  
is sought. In addition to the application fee prescribed in 41017  
division (B)(2)(c) of this section, a person who submits an 41018  
application after that date shall pay an additional ten per cent 41019  
of the amount of the application fee for each week that the 41020  
application is late. Late payment fees accompanying an application 41021  
submitted to the board of health shall be credited to the special 41022  
infectious waste fund of the health district created in division 41023  
(C) of section 3734.06 of the Revised Code, and late payment fees 41024  
accompanying an application submitted to the director shall be 41025  
credited to the general revenue fund. A person who has received a 41026  
license, upon sale or disposition of an infectious waste treatment 41027  
facility and upon consent of the board of health and the director, 41028  
may have the license transferred to another person. The board of 41029  
health or the director may include such terms and conditions in a 41030  
license or revision to a license as are appropriate to ensure 41031  
compliance with the infectious waste provisions of this chapter 41032  
and rules adopted under them. 41033

(b) Each person proposing to open a new infectious waste 41034  
treatment facility or to modify an existing infectious waste 41035  
treatment facility shall submit an application for a permit with 41036  
accompanying detail plans and specifications to the environmental 41037

protection agency for required approval under the rules adopted by 41038  
the director pursuant to section 3734.021 of the Revised Code two 41039  
hundred seventy days before proposed operation of the facility and 41040  
concurrently shall make application for a license with the board 41041  
of health of the health district in which the facility is or is 41042  
proposed to be located. Not later than ninety days after receiving 41043  
a complete application under division (B)(2)(b) of this section 41044  
for a permit to open a new infectious waste treatment facility or 41045  
modify an existing infectious waste treatment facility to expand 41046  
its treatment capacity, or receiving a complete application under 41047  
division (A)(2)(a) of this section for a permit to open a new 41048  
solid waste incineration facility, or modify an existing solid 41049  
waste incineration facility to also treat infectious wastes or to 41050  
increase its infectious waste treatment capacity, that pertains to 41051  
a facility for which a notation authorizing infectious waste 41052  
treatment is included or proposed to be included in the solid 41053  
waste incineration facility's license pursuant to division (B)(3) 41054  
of this section, the director shall hold a public hearing on the 41055  
application within the county in which the new or modified 41056  
infectious waste or solid waste facility is or is proposed to be 41057  
located or within a contiguous county. Not less than thirty days 41058  
before holding the public hearing on the application, the director 41059  
shall publish notice of the hearing in each newspaper that has 41060  
general circulation and that is published in the county in which 41061  
the facility is or is proposed to be located. If there is no 41062  
newspaper that has general circulation and that is published in 41063  
the county, the director shall publish the notice in a newspaper 41064  
of general circulation in the county. The notice shall contain the 41065  
date, time, and location of the public hearing and a general 41066  
description of the proposed new or modified facility. At the 41067  
public hearing, any person may submit written or oral comments on 41068  
or objections to the approval or disapproval of the application. 41069  
The applicant, or a representative of the applicant who has 41070

knowledge of the location, construction, and operation of the 41071  
facility, shall attend the public hearing to respond to comments 41072  
or questions concerning the facility directed to the applicant or 41073  
representative by the officer or employee of the environmental 41074  
protection agency presiding at the hearing. 41075

(c) Each application for a permit under division (B)(2)(b) of 41076  
this section shall be accompanied by a nonrefundable application 41077  
fee of four hundred dollars that shall be credited to the general 41078  
revenue fund. Each application for an annual license under 41079  
division (B)(2)(a) of this section shall be accompanied by a 41080  
nonrefundable application fee of one hundred dollars. If the 41081  
application for an annual license is submitted to a board of 41082  
health on the approved list under section 3734.08 of the Revised 41083  
Code, the application fee shall be credited to the special 41084  
infectious waste fund of the health district created in division 41085  
(C) of section 3734.06 of the Revised Code. If the application for 41086  
an annual license is submitted to the director, the application 41087  
fee shall be credited to the general revenue fund. If a permit or 41088  
license is issued, the amount of the application fee paid shall be 41089  
deducted from the amount of the permit fee due under division (Q) 41090  
of section 3745.11 of the Revised Code or the amount of the 41091  
license fee due under division (C) of section 3734.06 of the 41092  
Revised Code. 41093

(d) The director may issue an order in accordance with 41094  
Chapter 3745. of the Revised Code to the owner or operator of an 41095  
infectious waste treatment facility requiring the person to submit 41096  
to the director updated engineering detail plans, specifications, 41097  
and information regarding the facility and its method of operation 41098  
for approval under rules adopted under section 3734.021 of the 41099  
Revised Code if, in the director's judgment, conditions at the 41100  
facility constitute a substantial threat to public health or 41101  
safety or are causing or contributing to or threatening to cause 41102

or contribute to air or water pollution or soil contamination. Any 41103  
person who receives such an order shall submit the updated 41104  
engineering detail plans, specifications, and information to the 41105  
director within one hundred eighty days after the effective date 41106  
of the order. 41107

(e) The director shall act on any updated engineering plans, 41108  
specifications, and information submitted under division (B)(2)(d) 41109  
of this section within one hundred eighty days after receiving 41110  
them. If the director disapproves any such updated engineering 41111  
plans, specifications, and information, the director shall include 41112  
in the order disapproving the plans the requirement that the owner 41113  
or operator cease accepting infectious wastes for treatment at the 41114  
facility. 41115

(3) Division (B) of this section does not apply to a 41116  
generator of infectious wastes that meets any of the following 41117  
conditions: 41118

(a) Treats, by methods, techniques, and practices established 41119  
by rules adopted under division (B)(2)(a) of section 3734.021 of 41120  
the Revised Code, any of the following wastes: 41121

(i) Infectious wastes that are generated on any premises that 41122  
are owned or operated by the generator; 41123

(ii) Infectious wastes that are generated by a generator who 41124  
has staff privileges at a hospital as defined in section 3727.01 41125  
of the Revised Code; 41126

(iii) Infectious wastes that are generated in providing care 41127  
to a patient by an emergency medical services organization as 41128  
defined in section 4765.01 of the Revised Code. 41129

(b) Holds a license or renewal of a license to operate a 41130  
crematory facility issued under Chapter 4717. and a permit issued 41131  
under Chapter 3704. of the Revised Code; 41132

(c) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following: 41133  
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(i) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 41135  
41136

(ii) Chapter 918. of the Revised Code; 41137

(iii) Chapter 953. of the Revised Code. 41138

Nothing in division (B) of this section requires a facility that holds a license issued under division (A) of this section as a solid waste facility and that also treats infectious wastes by the same method, technique, or process to obtain a license under division (B) of this section as an infectious waste treatment facility. However, the solid waste facility license for the facility shall include the notation that the facility also treats infectious wastes. 41139  
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The director shall not issue a permit to open a new solid waste incineration facility unless the proposed facility complies with the requirements for the location of new infectious waste incineration facilities established in rules adopted under division (B)(2)(b) of section 3734.021 of the Revised Code. 41147  
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(C) Except for a facility or activity described in division (E)(3) of section 3734.02 of the Revised Code, a person who proposes to establish or operate a hazardous waste facility shall submit a complete application for a hazardous waste facility installation and operation permit and accompanying detail plans, specifications, and such information as the director may require to the environmental protection agency at least one hundred eighty days before the proposed beginning of operation of the facility. The applicant shall notify by certified mail the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located of the submission of the application within ten days after the submission or at such 41152  
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earlier time as the director may establish by rule. If the 41164  
application is for a proposed new hazardous waste disposal or 41165  
thermal treatment facility, the applicant also shall give actual 41166  
notice of the general design and purpose of the facility to the 41167  
legislative authority of each municipal corporation, township, and 41168  
county in which the facility is proposed to be located at least 41169  
ninety days before the permit application is submitted to the 41170  
environmental protection agency. 41171

In accordance with rules adopted under section 3734.12 of the 41172  
Revised Code, prior to the submission of a complete application 41173  
for a hazardous waste facility installation and operation permit, 41174  
the applicant shall hold at least one meeting in the township or 41175  
municipal corporation in which the facility is proposed to be 41176  
located, whichever is geographically closer to the proposed 41177  
location of the facility. The meeting shall be open to the public 41178  
and shall be held to inform the community of the proposed 41179  
hazardous waste management activities and to solicit questions 41180  
from the community concerning the activities. 41181

(D)(1) Except as provided in section 3734.123 of the Revised 41182  
Code, upon receipt of a complete application for a hazardous waste 41183  
facility installation and operation permit under division (C) of 41184  
this section, the director shall consider the application and 41185  
accompanying information to determine whether the application 41186  
complies with agency rules and the requirements of division (D)(2) 41187  
of this section. After making a determination, the director shall 41188  
issue either a draft permit or a notice of intent to deny the 41189  
permit. The director, in accordance with rules adopted under 41190  
section 3734.12 of the Revised Code or with rules adopted to 41191  
implement Chapter 3745. of the Revised Code, shall provide public 41192  
notice of the application and the draft permit or the notice of 41193  
intent to deny the permit, provide an opportunity for public 41194  
comments, and, if significant interest is shown, schedule a public 41195

meeting in the county in which the facility is proposed to be 41196  
located and give public notice of the date, time, and location of 41197  
the public meeting in a newspaper of general circulation in that 41198  
county. 41199

(2) The director shall not approve an application for a 41200  
hazardous waste facility installation and operation permit or an 41201  
application for a modification under division (I)(3) of this 41202  
section unless the director finds and determines as follows: 41203

(a) The nature and volume of the waste to be treated, stored, 41204  
or disposed of at the facility; 41205

(b) That the facility complies with the director's hazardous 41206  
waste standards adopted pursuant to section 3734.12 of the Revised 41207  
Code; 41208

(c) That the facility represents the minimum adverse 41209  
environmental impact, considering the state of available 41210  
technology and the nature and economics of various alternatives, 41211  
and other pertinent considerations; 41212

(d) That the facility represents the minimum risk of all of 41213  
the following: 41214

(i) Fires or explosions from treatment, storage, or disposal 41215  
methods; 41216

(ii) Release of hazardous waste during transportation of 41217  
hazardous waste to or from the facility; 41218

(iii) Adverse impact on the public health and safety. 41219

(e) That the facility will comply with this chapter and 41220  
Chapters 3704. and 6111. of the Revised Code and all rules and 41221  
standards adopted under them; 41222

(f) That if the owner of the facility, the operator of the 41223  
facility, or any other person in a position with the facility from 41224  
which the person may influence the installation and operation of 41225

the facility has been involved in any prior activity involving 41226  
transportation, treatment, storage, or disposal of hazardous 41227  
waste, that person has a history of compliance with this chapter 41228  
and Chapters 3704. and 6111. of the Revised Code and all rules and 41229  
standards adopted under them, the "Resource Conservation and 41230  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 41231  
amended, and all regulations adopted under it, and similar laws 41232  
and rules of other states if any such prior operation was located 41233  
in another state that demonstrates sufficient reliability, 41234  
expertise, and competency to operate a hazardous waste facility 41235  
under the applicable provisions of this chapter and Chapters 3704. 41236  
and 6111. of the Revised Code, the applicable rules and standards 41237  
adopted under them, and terms and conditions of a hazardous waste 41238  
facility installation and operation permit, given the potential 41239  
for harm to the public health and safety and the environment that 41240  
could result from the irresponsible operation of the facility. For 41241  
off-site facilities, as defined in section 3734.41 of the Revised 41242  
Code, the director may use the investigative reports of the 41243  
attorney general prepared pursuant to section 3734.42 of the 41244  
Revised Code as a basis for making a finding and determination 41245  
under division (D)(2)(f) of this section. 41246

(g) That the active areas within a new hazardous waste 41247  
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 41248  
(e), as amended, or organic waste that is toxic and is listed 41249  
under 40 C.F.R. 261, as amended, is being stored, treated, or 41250  
disposed of and where the aggregate of the storage design capacity 41251  
and the disposal design capacity of all hazardous waste in those 41252  
areas is greater than two hundred fifty thousand gallons, are not 41253  
located or operated within any of the following: 41254

(i) Two thousand feet of any residence, school, hospital, 41255  
jail, or prison; 41256

(ii) Any naturally occurring wetland; 41257

(iii) Any flood hazard area if the applicant cannot show that 41258  
the facility will be designed, constructed, operated, and 41259  
maintained to prevent washout by a one-hundred-year flood. 41260

Division (D)(2)(g) of this section does not apply to the 41261  
facility of any applicant who demonstrates to the director that 41262  
the limitations specified in that division are not necessary 41263  
because of the nature or volume of the waste and the manner of 41264  
management applied, the facility will impose no substantial danger 41265  
to the health and safety of persons occupying the structures 41266  
listed in division (D)(2)(g)(i) of this section, and the facility 41267  
is to be located or operated in an area where the proposed 41268  
hazardous waste activities will not be incompatible with existing 41269  
land uses in the area. 41270

(h) That the facility will not be located within the 41271  
boundaries of a state park established or dedicated under Chapter 41272  
1546. of the Revised Code, a state park purchase area established 41273  
under section 1546.06 of the Revised Code, any unit of the 41274  
national park system, or any property that lies within the 41275  
boundaries of a national park or recreation area, but that has not 41276  
been acquired or is not administered by the secretary of the 41277  
United States department of the interior, located in this state, 41278  
or any candidate area located in this state identified for 41279  
potential inclusion in the national park system in the edition of 41280  
the "national park system plan" submitted under paragraph (b) of 41281  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 41282  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 41283  
application for the permit, unless the facility will be used 41284  
exclusively for the storage of hazardous waste generated within 41285  
the park or recreation area in conjunction with the operation of 41286  
the park or recreation area. Division (D)(2)(h) of this section 41287  
does not apply to the facility of any applicant for modification 41288  
of a permit unless the modification application proposes to 41289

increase the land area included in the facility or to increase the 41290  
quantity of hazardous waste that will be treated, stored, or 41291  
disposed of at the facility. 41292

(3) Not later than one hundred eighty days after the end of 41293  
the public comment period, the director, without prior hearing, 41294  
shall issue or deny the permit in accordance with Chapter 3745. of 41295  
the Revised Code. If the director approves an application for a 41296  
hazardous waste facility installation and operation permit, the 41297  
director shall issue the permit, upon such terms and conditions as 41298  
the director finds are necessary to ensure the construction and 41299  
operation of the hazardous waste facility in accordance with the 41300  
standards of this section. 41301

(E) No political subdivision of this state shall require any 41302  
additional zoning or other approval, consent, permit, certificate, 41303  
or condition for the construction or operation of a hazardous 41304  
waste facility authorized by a hazardous waste facility 41305  
installation and operation permit issued pursuant to this chapter, 41306  
nor shall any political subdivision adopt or enforce any law, 41307  
ordinance, or rule that in any way alters, impairs, or limits the 41308  
authority granted in the permit. 41309

(F) The director may issue a single hazardous waste facility 41310  
installation and operation permit to a person who operates two or 41311  
more adjoining facilities where hazardous waste is stored, 41312  
treated, or disposed of if the application includes detail plans, 41313  
specifications, and information on all facilities. For the 41314  
purposes of this section, "adjoining" means sharing a common 41315  
boundary, separated only by a public road, or in such proximity 41316  
that the director determines that the issuance of a single permit 41317  
will not create a hazard to the public health or safety or the 41318  
environment. 41319

(G) No person shall falsify or fail to keep or submit any 41320  
plans, specifications, data, reports, records, manifests, or other 41321

information required to be kept or submitted to the director by 41322  
this chapter or the rules adopted under it. 41323

(H)(1) Each person who holds an installation and operation 41324  
permit issued under this section and who wishes to obtain a permit 41325  
renewal shall submit a completed application for an installation 41326  
and operation permit renewal and any necessary accompanying 41327  
general plans, detail plans, specifications, and such information 41328  
as the director may require to the director no later than one 41329  
hundred eighty days prior to the expiration date of the existing 41330  
permit or upon a later date prior to the expiration of the 41331  
existing permit if the permittee can demonstrate good cause for 41332  
the late submittal. The director shall consider the application 41333  
and accompanying information, inspection reports of the facility, 41334  
results of performance tests, a report regarding the facility's 41335  
compliance or noncompliance with the terms and conditions of its 41336  
permit and rules adopted by the director under this chapter, and 41337  
such other information as is relevant to the operation of the 41338  
facility and shall issue a draft renewal permit or a notice of 41339  
intent to deny the renewal permit. The director, in accordance 41340  
with rules adopted under this section or with rules adopted to 41341  
implement Chapter 3745. of the Revised Code, shall give public 41342  
notice of the application and draft renewal permit or notice of 41343  
intent to deny the renewal permit, provide for the opportunity for 41344  
public comments within a specified time period, schedule a public 41345  
meeting in the county in which the facility is located if 41346  
significant interest is shown, and give public notice of the 41347  
public meeting. 41348

(2) Within sixty days after the public meeting or close of 41349  
the public comment period, the director, without prior hearing, 41350  
shall issue or deny the renewal permit in accordance with Chapter 41351  
3745. of the Revised Code. The director shall not issue a renewal 41352  
permit unless the director determines that the facility under the 41353

existing permit has a history of compliance with this chapter, 41354  
rules adopted under it, the existing permit, or orders entered to 41355  
enforce such requirements that demonstrates sufficient 41356  
reliability, expertise, and competency to operate the facility 41357  
henceforth under this chapter, rules adopted under it, and the 41358  
renewal permit. If the director approves an application for a 41359  
renewal permit, the director shall issue the permit subject to the 41360  
payment of the annual permit fee required under division (E) of 41361  
section 3734.02 of the Revised Code and upon such terms and 41362  
conditions as the director finds are reasonable to ensure that 41363  
continued operation, maintenance, closure, and post-closure care 41364  
of the hazardous waste facility are in accordance with the rules 41365  
adopted under section 3734.12 of the Revised Code. 41366

(3) An installation and operation permit renewal application 41367  
submitted to the director that also contains or would constitute 41368  
an application for a modification shall be acted upon by the 41369  
director in accordance with division (I) of this section in the 41370  
same manner as an application for a modification. In approving or 41371  
disapproving the renewal portion of a permit renewal application 41372  
containing an application for a modification, the director shall 41373  
apply the criteria established under division (H)(2) of this 41374  
section. 41375

(4) An application for renewal or modification of a permit 41376  
that does not contain an application for a modification as 41377  
described in divisions (I)(3)(a) to (d) of this section shall not 41378  
be subject to division (D)(2) of this section. 41379

(I)(1) As used in this section, "modification" means a change 41380  
or alteration to a hazardous waste facility or its operations that 41381  
is inconsistent with or not authorized by its existing permit or 41382  
authorization to operate. Modifications shall be classified as 41383  
Class 1, 2, or 3 modifications in accordance with rules adopted 41384  
under division (K) of this section. Modifications classified as 41385

Class 3 modifications, in accordance with rules adopted under that 41386  
division, shall be further classified by the director as either 41387  
Class 3 modifications that are to be approved or disapproved by 41388  
the director under divisions (I)(3)(a) to (d) of this section or 41389  
as Class 3 modifications that are to be approved or disapproved by 41390  
the director under division (I)(5) of this section. Not later than 41391  
thirty days after receiving a request for a modification under 41392  
division (I)(4) of this section that is not listed in Appendix I 41393  
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 41394  
section, the director shall classify the modification and shall 41395  
notify the owner or operator of the facility requesting the 41396  
modification of the classification. Notwithstanding any other law 41397  
to the contrary, a modification that involves the transfer of a 41398  
hazardous waste facility installation and operation permit to a 41399  
new owner or operator for any off-site facility as defined in 41400  
section 3734.41 of the Revised Code shall be classified as a Class 41401  
3 modification. The transfer of a hazardous waste facility 41402  
installation and operation permit to a new owner or operator for a 41403  
facility that is not an off-site facility shall be classified as a 41404  
Class 1 modification requiring prior approval of the director. 41405

(2) Except as provided in section 3734.123 of the Revised 41406  
Code, a hazardous waste facility installation and operation permit 41407  
may be modified at the request of the director or upon the written 41408  
request of the permittee only if any of the following applies: 41409

(a) The permittee desires to accomplish alterations, 41410  
additions, or deletions to the permitted facility or to undertake 41411  
alterations, additions, deletions, or activities that are 41412  
inconsistent with or not authorized by the existing permit; 41413

(b) New information or data justify permit conditions in 41414  
addition to or different from those in the existing permit; 41415

(c) The standards, criteria, or rules upon which the existing 41416  
permit is based have been changed by new, amended, or rescinded 41417

standards, criteria, or rules, or by judicial decision after the 41418  
existing permit was issued, and the change justifies permit 41419  
conditions in addition to or different from those in the existing 41420  
permit; 41421

(d) The permittee proposes to transfer the permit to another 41422  
person. 41423

(3) The director shall approve or disapprove an application 41424  
for a modification in accordance with division (D)(2) of this 41425  
section and rules adopted under division (K) of this section for 41426  
all of the following categories of Class 3 modifications: 41427

(a) Authority to conduct treatment, storage, or disposal at a 41428  
site, location, or tract of land that has not been authorized for 41429  
the proposed category of treatment, storage, or disposal activity 41430  
by the facility's permit; 41431

(b) Modification or addition of a hazardous waste management 41432  
unit, as defined in rules adopted under section 3734.12 of the 41433  
Revised Code, that results in an increase in a facility's storage 41434  
capacity of more than twenty-five per cent over the capacity 41435  
authorized by the facility's permit, an increase in a facility's 41436  
treatment rate of more than twenty-five per cent over the rate so 41437  
authorized, or an increase in a facility's disposal capacity over 41438  
the capacity so authorized. The authorized disposal capacity for a 41439  
facility shall be calculated from the approved design plans for 41440  
the disposal units at that facility. In no case during a five-year 41441  
period shall a facility's storage capacity or treatment rate be 41442  
modified to increase by more than twenty-five per cent in the 41443  
aggregate without the director's approval in accordance with 41444  
division (D)(2) of this section. Notwithstanding any provision of 41445  
division (I) of this section to the contrary, a request for 41446  
modification of a facility's annual total waste receipt limit 41447  
shall be classified and approved or disapproved by the director 41448  
under division (I)(5) of this section. 41449

(c) Authority to add any of the following categories of regulated activities not previously authorized at a facility by the facility's permit: storage at a facility not previously authorized to store hazardous waste, treatment at a facility not previously authorized to treat hazardous waste, or disposal at a facility not previously authorized to dispose of hazardous waste; or authority to add a category of hazardous waste management unit not previously authorized at the facility by the facility's permit. Notwithstanding any provision of division (I) of this section to the contrary, a request for authority to add or to modify an activity or a hazardous waste management unit for the purposes of performing a corrective action shall be classified and approved or disapproved by the director under division (I)(5) of this section.

(d) Authority to treat, store, or dispose of waste types listed or characterized as reactive or explosive, in rules adopted under section 3734.12 of the Revised Code, or any acute hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not previously authorized to treat, store, or dispose of those types of wastes by the facility's permit unless the requested authority is limited to wastes that no longer exhibit characteristics meeting the criteria for listing or characterization as reactive or explosive wastes, or for listing as acute hazardous waste, but still are required to carry those waste codes as established in rules adopted under section 3734.12 of the Revised Code because of the requirements established in 40 C.F.R. 261(a) and (e), as amended, that is, the "mixture," "derived-from," or "contained-in" regulations.

(4) A written request for a modification from the permittee shall be submitted to the director and shall contain such information as is necessary to support the request. Requests for modifications shall be acted upon by the director in accordance

with this section and rules adopted under it. 41482

(5) Class 1 modification applications that require prior 41483  
approval of the director, as provided in division (I)(1) of this 41484  
section or as determined in accordance with rules adopted under 41485  
division (K) of this section, Class 2 modification applications, 41486  
and Class 3 modification applications that are not described in 41487  
divisions (I)(3)(a) to (d) of this section shall be approved or 41488  
disapproved by the director in accordance with rules adopted under 41489  
division (K) of this section. The board of county commissioners of 41490  
the county, the board of township trustees of the township, and 41491  
the city manager or mayor of the municipal corporation in which a 41492  
hazardous waste facility is located shall receive notification of 41493  
any application for a modification for that facility and shall be 41494  
considered as interested persons with respect to the director's 41495  
consideration of the application. 41496

As used in division (I) of this section: 41497

(a) "Owner" means the person who owns a majority or 41498  
controlling interest in a facility. 41499

(b) "Operator" means the person who is responsible for the 41500  
overall operation of a facility. 41501

The director shall approve or disapprove an application for a 41502  
Class 1 modification that requires the director's approval within 41503  
sixty days after receiving the request for modification. The 41504  
director shall approve or disapprove an application for a Class 2 41505  
modification within three hundred days after receiving the request 41506  
for modification. The director shall approve or disapprove an 41507  
application for a Class 3 modification within three hundred 41508  
sixty-five days after receiving the request for modification. 41509

(6) The approval or disapproval by the director of a Class 1 41510  
modification application is not a final action that is appealable 41511  
under Chapter 3745. of the Revised Code. The approval or 41512

disapproval by the director of a Class 2 modification or a Class 3 41513  
modification is a final action that is appealable under that 41514  
chapter. In approving or disapproving a request for a 41515  
modification, the director shall consider all comments pertaining 41516  
to the request that are received during the public comment period 41517  
and the public meetings. The administrative record for appeal of a 41518  
final action by the director in approving or disapproving a 41519  
request for a modification shall include all comments received 41520  
during the public comment period relating to the request for 41521  
modification, written materials submitted at the public meetings 41522  
relating to the request, and any other documents related to the 41523  
director's action. 41524

(7) Notwithstanding any other provision of law to the 41525  
contrary, a change or alteration to a hazardous waste facility 41526  
described in division (E)(3)(a) or (b) of section 3734.02 of the 41527  
Revised Code, or its operations, is a modification for the 41528  
purposes of this section. An application for a modification at 41529  
such a facility shall be submitted, classified, and approved or 41530  
disapproved in accordance with divisions (I)(1) to (6) of this 41531  
section in the same manner as a modification to a hazardous waste 41532  
facility installation and operation permit. 41533

(J)(1) Except as provided in division (J)(2) of this section, 41534  
an owner or operator of a hazardous waste facility that is 41535  
operating in accordance with a permit by rule under rules adopted 41536  
by the director under division (E)(3)(b) of section 3734.02 of the 41537  
Revised Code shall submit either a hazardous waste facility 41538  
installation and operation permit application for the facility or 41539  
a modification application, whichever is required under division 41540  
(J)(1)(a) or (b) of this section, within one hundred eighty days 41541  
after the director has requested the application or upon a later 41542  
date if the owner or operator demonstrates to the director good 41543  
cause for the late submittal. 41544

(a) If the owner or operator does not have a hazardous waste facility installation and operation permit for any hazardous waste treatment, storage, or disposal activities at the facility, the owner or operator shall submit an application for such a permit to the director for the activities authorized by the permit by rule. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the application for the permit in accordance with the procedures governing the approval or disapproval of permit renewals under division (H) of this section.

(b) If the owner or operator has a hazardous waste facility installation and operation permit for hazardous waste treatment, storage, or disposal activities at the facility other than those authorized by the permit by rule, the owner or operator shall submit to the director a request for modification in accordance with division (I) of this section. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the modification application in accordance with division (I)(5) of this section.

(2) The owner or operator of a boiler or industrial furnace that is conducting thermal treatment activities in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit a hazardous waste facility installation and operation permit application if the owner or operator does not have such a permit for any hazardous waste treatment, storage, or disposal activities at the facility or, if the owner or operator has such a permit for hazardous waste treatment, storage, or disposal activities at the facility other than thermal treatment activities authorized by the permit by rule, a modification application to add those activities authorized by the permit by rule, whichever is applicable, within one hundred eighty days after the director has requested the submission of the application or upon a later

date if the owner or operator demonstrates to the director good 41577  
cause for the late submittal. The application shall be accompanied 41578  
by information necessary to support the request. The director 41579  
shall approve or disapprove an application for a hazardous waste 41580  
facility installation and operation permit in accordance with 41581  
division (D) of this section and approve or disapprove an 41582  
application for a modification in accordance with division (I)(3) 41583  
of this section, except that the director shall not disapprove an 41584  
application for the thermal treatment activities on the basis of 41585  
the criteria set forth in division (D)(2)(g) or (h) of this 41586  
section. 41587

(3) As used in division (J) of this section: 41588

(a) "Modification application" means a request for a 41589  
modification submitted in accordance with division (I) of this 41590  
section. 41591

(b) "Thermal treatment," "boiler," and "industrial furnace" 41592  
have the same meanings as in rules adopted under section 3734.12 41593  
of the Revised Code. 41594

(K) The director shall adopt, and may amend, suspend, or 41595  
rescind, rules in accordance with Chapter 119. of the Revised Code 41596  
in order to implement divisions (H) and (I) of this section. 41597  
Except when in actual conflict with this section, rules governing 41598  
the classification of and procedures for the modification of 41599  
hazardous waste facility installation and operation permits shall 41600  
be substantively and procedurally identical to the regulations 41601  
governing hazardous waste facility permitting and permit 41602  
modifications adopted under the "Resource Conservation and 41603  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 41604  
amended. 41605

**Sec. 3734.06.** (A)(1) Except as provided in divisions (A)(2), 41606  
(3), (4), and (5) of this section and in section 3734.82 of the 41607

Revised Code, the annual fee for a solid waste facility license 41608  
shall be in accordance with the following schedule: 41609

| AUTHORIZED MAXIMUM | ANNUAL   | 41610 |
|--------------------|----------|-------|
| DAILY WASTE        | LICENSE  | 41611 |
| RECEIPT (TONS)     | FEE      | 41612 |
| 100 or less        | \$ 5,000 | 41613 |
| 101 to 200         | 12,500   | 41614 |
| 201 to 500         | 30,000   | 41615 |
| 501 or more        | 60,000   | 41616 |

For the purpose of determining the applicable license fee 41617  
under divisions (A)(1), (2), and (3) of this section, the 41618  
authorized maximum daily waste receipt shall be the maximum amount 41619  
of wastes the facility is authorized to receive daily that is 41620  
established in the permit for the facility, and any modifications 41621  
to that permit, issued under division (A)(2) ~~or (3)~~ of section 41622  
3734.05 of the Revised Code; the annual license for the facility, 41623  
and any revisions to that license, issued under division (A)(1) of 41624  
section 3734.05 of the Revised Code; the approved operating plan 41625  
or operational report for which submission and approval are 41626  
required by rules adopted by the director of environmental 41627  
protection under section 3734.02 of the Revised Code; or an order 41628  
issued by the director as authorized by rule; ~~or the updated~~ 41629  
~~engineering plans, specifications, and facility and operation~~ 41630  
~~information approved under division (A)(4) of section 3734.05 of~~ 41631  
~~the Revised Code.~~ If no authorized maximum daily waste receipt is 41632  
so established, the annual license fee is sixty thousand dollars 41633  
under division (A)(1) of this section and thirty thousand dollars 41634  
under divisions (A)(2) and (3) of this section. 41635

The authorized maximum daily waste receipt set forth in any 41636  
such document shall be stated in terms of cubic yards of volume 41637  
for the purpose of regulating the design, construction, and 41638  
operation of a solid waste facility. For the purpose of 41639

determining applicable license fees under this section, the 41640  
authorized maximum daily waste receipt so stated shall be 41641  
converted from cubic yards to tons as the unit of measurement 41642  
based upon a conversion factor of three cubic yards per ton for 41643  
compacted wastes generally and one cubic yard per ton for baled 41644  
wastes. 41645

(2) The annual license fee for a facility that is an 41646  
incinerator facility is one-half the amount shown in division 41647  
(A)(1) of this section. When a municipal corporation, county, or 41648  
township owns and operates more than one incinerator within its 41649  
boundaries, the municipal corporation, county, or township shall 41650  
pay one fee for the licenses for all of its incinerators. The fee 41651  
shall be determined on the basis of the aggregate maximum daily 41652  
waste receipt for all the incinerators owned and operated by the 41653  
municipal corporation, county, or township in an amount that is 41654  
one-half the amount shown in division (A)(1) of this section. 41655

(3) The annual fee for a solid waste compost facility license 41656  
shall be in accordance with the following schedule: 41657

| AUTHORIZED MAXIMUM | ANNUAL  | 41658 |
|--------------------|---------|-------|
| DAILY WASTE        | LICENSE | 41659 |
| RECEIPT (TONS)     | FEE     | 41660 |
| 12 or less         | \$ 300  | 41661 |
| 13 to 25           | 600     | 41662 |
| 26 to 50           | 1,200   | 41663 |
| 51 to 75           | 1,800   | 41664 |
| 76 to 100          | 2,500   | 41665 |
| 101 to 150         | 3,750   | 41666 |
| 151 to 200         | 5,000   | 41667 |
| 201 to 250         | 6,250   | 41668 |
| 251 to 300         | 7,500   | 41669 |
| 301 to 400         | 10,000  | 41670 |
| 401 to 500         | 12,500  | 41671 |

501 or more

30,000

41672

(4) The annual license fee for a solid waste facility, 41673  
regardless of its authorized maximum daily waste receipt, is five 41674  
thousand dollars for a facility meeting either of the following 41675  
qualifications: 41676

(a) The facility is owned by a generator of solid wastes when 41677  
the solid waste facility exclusively disposes of solid wastes 41678  
generated at one or more premises owned by the generator 41679  
regardless of whether the facility is located on a premises where 41680  
the wastes are generated. 41681

(b) The facility exclusively disposes of wastes that are 41682  
generated from the combustion of coal, or from the combustion of 41683  
primarily coal in combination with scrap tires, that is not 41684  
combined in any way with garbage at one or more premises owned by 41685  
the generator. 41686

(5) The annual license fee for a facility that is a transfer 41687  
facility is seven hundred fifty dollars. 41688

(6) The same fees shall apply to private operators and to the 41689  
state and its political subdivisions and shall be paid within 41690  
thirty days after issuance of a license. The fee includes the cost 41691  
of licensing, all inspections, and other costs associated with the 41692  
administration of the solid waste provisions of this chapter and 41693  
rules adopted under them, excluding the provisions governing scrap 41694  
tires. Each such license shall specify that it is conditioned upon 41695  
payment of the applicable fee to the board of health or the 41696  
director, as appropriate, within thirty days after issuance of the 41697  
license. 41698

(B) The board of health shall retain two thousand five 41699  
hundred dollars of each license fee collected by the board under 41700  
divisions (A)(1), (2), (3), and (4) of this section or the entire 41701  
amount of any such fee that is less than two thousand five hundred 41702

dollars. The moneys retained shall be paid into a special fund, 41703  
which is hereby created in each health district, and used solely 41704  
to administer and enforce the solid waste provisions of this 41705  
chapter and the rules adopted under them, excluding the provisions 41706  
governing scrap tires. The remainder of each license fee collected 41707  
by the board shall be transmitted to the director within 41708  
forty-five days after receipt of the fee. The director shall 41709  
transmit these moneys to the treasurer of state to be credited to 41710  
the general revenue fund. The board of health shall retain the 41711  
entire amount of each fee collected under division (A)(5) of this 41712  
section, which moneys shall be paid into the special fund of the 41713  
health district. 41714

(C)(1) Except as provided in divisions (C)(2) and (3) of this 41715  
section, the annual fee for an infectious waste treatment facility 41716  
license shall be in accordance with the following schedule: 41717

| MAXIMUM        | ANNUAL   | 41718 |
|----------------|----------|-------|
| DAILY WASTE    | LICENSE  | 41719 |
| RECEIPT (TONS) | FEE      | 41720 |
| 100 or less    | \$ 5,000 | 41721 |
| 101 to 200     | 12,500   | 41722 |
| 201 to 500     | 30,000   | 41723 |
| 501 or more    | 60,000   | 41724 |

For the purpose of determining the applicable license fee 41725  
under divisions (C)(1) and (2) of this section, the maximum daily 41726  
waste receipt shall be the maximum amount of infectious wastes the 41727  
facility is authorized to receive daily that is established in the 41728  
permit for the facility, and any modifications to that permit, 41729  
issued under division (B)(2)(b) of section 3734.05 of the Revised 41730  
Code; or the annual license for the facility, and any revisions to 41731  
that license, issued under division (B)(2)(a) of section 3734.05 41732  
of the Revised Code. If no maximum daily waste receipt is so 41733  
established, the annual license fee is sixty thousand dollars 41734

under division (C)(1) of this section and thirty thousand dollars 41735  
under division (C)(2) of this section. 41736

(2) The annual license fee for an infectious waste treatment 41737  
facility that is an incinerator is one-half the amount shown in 41738  
division (C)(1) of this section. 41739

(3) Fees levied under divisions (C)(1) and (2) of this 41740  
section shall apply to private operators and to the state and its 41741  
political subdivisions and shall be paid within thirty days after 41742  
issuance of a license. The fee includes the cost of licensing, all 41743  
inspections, and other costs associated with the administration of 41744  
the infectious waste provisions of this chapter and rules adopted 41745  
under them. Each such license shall specify that it is conditioned 41746  
upon payment of the applicable fee to the board of health or the 41747  
director, as appropriate, within thirty days after issuance of the 41748  
license. 41749

(4) The board of health shall retain two thousand five 41750  
hundred dollars of each license fee collected by the board under 41751  
divisions (C)(1) and (2) of this section. The moneys retained 41752  
shall be paid into a special infectious waste fund, which is 41753  
hereby created in each health district, and used solely to 41754  
administer and enforce the infectious waste provisions of this 41755  
chapter and the rules adopted under them. The remainder of each 41756  
license fee collected by the board shall be transmitted to the 41757  
director within forty-five days after receipt of the fee. The 41758  
director shall transmit these moneys to the treasurer of state to 41759  
be credited to the general revenue fund. 41760

**Sec. 3734.15.** (A) No person shall transport hazardous waste 41761  
anywhere in this state unless the person has first ~~registered~~ 41762  
filed an annual registration statement with, and ~~obtained a~~ 41763  
uniform permit from the public utilities commission paid an annual 41764  
registration fee to, the United States department of 41765

transportation in accordance with ~~Chapter 4921. of the Revised~~ 41766  
Code 49 C.F.R. 107.601 to 107.620. 41767

For the purposes of this section, "registered transporter" 41768  
means any person who ~~is registered~~ has filed an annual 41769  
registration statement with ~~and has received a uniform permit from~~ 41770  
~~the public utilities commission pursuant to Chapter 4921. of the~~ 41771  
~~Revised Code, and paid an annual registration fee to, the United~~ 41772  
States department of transportation in accordance with 49 C.F.R. 41773  
107.601 to 107.620. 41774

(B) A registered transporter of hazardous waste shall be 41775  
responsible for the safe delivery of any hazardous waste that the 41776  
registered transporter transports from such time as the registered 41777  
transporter obtains the waste until the registered transporter 41778  
delivers it to a treatment, storage, or disposal facility 41779  
specified in division (F) of section 3734.02 of the Revised Code, 41780  
as recorded on the manifest required in division (B) of section 41781  
3734.12 of the Revised Code. Any registered transporter who 41782  
violates this chapter or any rule adopted under the chapter while 41783  
transporting hazardous waste shall be liable for any damage or 41784  
injury caused by the violation and for the costs of rectifying the 41785  
violation and conditions caused by the violation. 41786

(C) No person who generates hazardous waste shall cause the 41787  
waste to be transported by any person who is not a registered 41788  
transporter. No person shall accept for treatment, storage, or 41789  
disposal any hazardous waste from an unregistered transporter. Any 41790  
person who is requested to accept such waste for treatment, 41791  
storage, or disposal shall notify the director, the board of 41792  
health in the person's location, and the public utilities 41793  
commission of the request. 41794

If a generator causes an unregistered transporter to 41795  
transport the hazardous waste, the generator of the waste, the 41796  
transporter, and any person who accepts the waste for treatment, 41797

storage, or disposal shall be jointly and severally liable for any 41798  
damage or injury caused by the handling of the waste and for the 41799  
costs of rectifying their violation and conditions caused by their 41800  
violation. 41801

**Sec. 3734.57.** (A) The following fees are hereby levied on the 41802  
transfer or disposal of solid wastes in this state: 41803

(1) Ninety cents per ton through June 30, ~~2018~~ 2020, twenty 41804  
cents of the proceeds of which shall be deposited in the state 41805  
treasury to the credit of the hazardous waste facility management 41806  
fund created in section 3734.18 of the Revised Code and seventy 41807  
cents of the proceeds of which shall be deposited in the state 41808  
treasury to the credit of the hazardous waste clean-up fund 41809  
created in section 3734.28 of the Revised Code; 41810

(2) An additional seventy-five cents per ton through June 30, 41811  
~~2018~~ 2020, the proceeds of which shall be deposited in the state 41812  
treasury to the credit of the waste management fund created in 41813  
section 3734.061 of the Revised Code. 41814

(3) An additional two dollars and eighty-five cents per ton 41815  
through June 30, ~~2018~~ 2020, the proceeds of which shall be 41816  
deposited in the state treasury to the credit of the environmental 41817  
protection fund created in section 3745.015 of the Revised Code; 41818

(4) An additional twenty-five cents per ton through June 30, 41819  
~~2018~~ 2020, the proceeds of which shall be deposited in the state 41820  
treasury to the credit of the soil and water conservation district 41821  
assistance fund created in section 940.15 of the Revised Code. 41822

In the case of solid wastes that are taken to a solid waste 41823  
transfer facility located in this state prior to being transported 41824  
for disposal at a solid waste disposal facility located in this 41825  
state or outside of this state, the fees levied under this 41826  
division shall be collected by the owner or operator of the 41827

transfer facility as a trustee for the state. The amount of fees 41828  
required to be collected under this division at such a transfer 41829  
facility shall equal the total tonnage of solid wastes received at 41830  
the facility multiplied by the fees levied under this division. In 41831  
the case of solid wastes that are not taken to a solid waste 41832  
transfer facility located in this state prior to being transported 41833  
to a solid waste disposal facility, the fees shall be collected by 41834  
the owner or operator of the solid waste disposal facility as a 41835  
trustee for the state. The amount of fees required to be collected 41836  
under this division at such a disposal facility shall equal the 41837  
total tonnage of solid wastes received at the facility that was 41838  
not previously taken to a solid waste transfer facility located in 41839  
this state multiplied by the fees levied under this division. Fees 41840  
levied under this division do not apply to materials separated 41841  
from a mixed waste stream for recycling by a generator or 41842  
materials removed from the solid waste stream through recycling, 41843  
as "recycling" is defined in rules adopted under section 3734.02 41844  
of the Revised Code. 41845

The owner or operator of a solid waste transfer facility or 41846  
disposal facility, as applicable, shall prepare and file with the 41847  
director of environmental protection each month a return 41848  
indicating the total tonnage of solid wastes received at the 41849  
facility during that month and the total amount of the fees 41850  
required to be collected under this division during that month. In 41851  
addition, the owner or operator of a solid waste disposal facility 41852  
shall indicate on the return the total tonnage of solid wastes 41853  
received from transfer facilities located in this state during 41854  
that month for which the fees were required to be collected by the 41855  
transfer facilities. The monthly returns shall be filed on a form 41856  
prescribed by the director. Not later than thirty days after the 41857  
last day of the month to which a return applies, the owner or 41858  
operator shall mail to the director the return for that month 41859  
together with the fees required to be collected under this 41860

division during that month as indicated on the return or may 41861  
submit the return and fees electronically in a manner approved by 41862  
the director. If the return is filed and the amount of the fees 41863  
due is paid in a timely manner as required in this division, the 41864  
owner or operator may retain a discount of three-fourths of one 41865  
per cent of the total amount of the fees that are required to be 41866  
paid as indicated on the return. 41867

The owner or operator may request an extension of not more 41868  
than thirty days for filing the return and remitting the fees, 41869  
provided that the owner or operator has submitted such a request 41870  
in writing to the director together with a detailed description of 41871  
why the extension is requested, the director has received the 41872  
request not later than the day on which the return is required to 41873  
be filed, and the director has approved the request. If the fees 41874  
are not remitted within thirty days after the last day of the 41875  
month to which the return applies or are not remitted by the last 41876  
day of an extension approved by the director, the owner or 41877  
operator shall not retain the three-fourths of one per cent 41878  
discount and shall pay an additional ten per cent of the amount of 41879  
the fees for each month that they are late. For purposes of 41880  
calculating the late fee, the first month in which fees are late 41881  
begins on the first day after the deadline has passed for timely 41882  
submitting the return and fees, and one additional month shall be 41883  
counted every thirty days thereafter. 41884

The owner or operator of a solid waste facility may request a 41885  
refund or credit of fees levied under this division and remitted 41886  
to the director that have not been paid to the owner or operator. 41887  
Such a request shall be made only if the fees have not been 41888  
collected by the owner or operator, have become a debt that has 41889  
become worthless or uncollectable for a period of six months or 41890  
more, and may be claimed as a deduction, including a deduction 41891  
claimed if the owner or operator keeps accounts on an accrual 41892

basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 41893  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 41894  
making a request for a refund or credit, an owner or operator 41895  
shall make reasonable efforts to collect the applicable fees. A 41896  
request for a refund or credit shall not include any costs 41897  
resulting from those efforts to collect unpaid fees. 41898

A request for a refund or credit of fees shall be made in 41899  
writing, on a form prescribed by the director, and shall be 41900  
supported by evidence that may be required in rules adopted by the 41901  
director under this chapter. After reviewing the request, and if 41902  
the request and evidence submitted with the request indicate that 41903  
a refund or credit is warranted, the director shall grant a refund 41904  
to the owner or operator or shall permit a credit to be taken by 41905  
the owner or operator on a subsequent monthly return submitted by 41906  
the owner or operator. The amount of a refund or credit shall not 41907  
exceed an amount that is equal to ninety days' worth of fees owed 41908  
to an owner or operator by a particular debtor of the owner or 41909  
operator. A refund or credit shall not be granted by the director 41910  
to an owner or operator more than once in any twelve-month period 41911  
for fees owed to the owner or operator by a particular debtor. 41912

If, after receiving a refund or credit from the director, an 41913  
owner or operator receives payment of all or part of the fees, the 41914  
owner or operator shall remit the fees with the next monthly 41915  
return submitted to the director together with a written 41916  
explanation of the reason for the submittal. 41917

For purposes of computing the fees levied under this division 41918  
or division (B) of this section, any solid waste transfer or 41919  
disposal facility that does not use scales as a means of 41920  
determining gate receipts shall use a conversion factor of three 41921  
cubic yards per ton of solid waste or one cubic yard per ton for 41922  
baled waste, as applicable. 41923

The fees levied under this division and divisions (B) and (C) 41924

of this section are in addition to all other applicable fees and 41925  
taxes and shall be paid by the customer or a political subdivision 41926  
to the owner or operator of a solid waste transfer or disposal 41927  
facility. In the alternative, the fees shall be paid by a customer 41928  
or political subdivision to a transporter of waste who 41929  
subsequently transfers the fees to the owner or operator of such a 41930  
facility. The fees shall be paid notwithstanding the existence of 41931  
any provision in a contract that the customer or a political 41932  
subdivision may have with the owner or operator or with a 41933  
transporter of waste to the facility that would not require or 41934  
allow such payment regardless of whether the contract was entered 41935  
prior to or after October 16, 2009. For those purposes, "customer" 41936  
means a person who contracts with, or utilizes the solid waste 41937  
services of, the owner or operator of a solid waste transfer or 41938  
disposal facility or a transporter of solid waste to such a 41939  
facility. 41940

(B) For the purposes specified in division (G) of this 41941  
section, the solid waste management policy committee of a county 41942  
or joint solid waste management district may levy fees upon the 41943  
following activities: 41944

(1) The disposal at a solid waste disposal facility located 41945  
in the district of solid wastes generated within the district; 41946

(2) The disposal at a solid waste disposal facility within 41947  
the district of solid wastes generated outside the boundaries of 41948  
the district, but inside this state; 41949

(3) The disposal at a solid waste disposal facility within 41950  
the district of solid wastes generated outside the boundaries of 41951  
this state. 41952

The solid waste management plan of the county or joint 41953  
district approved under section 3734.521 or 3734.55 of the Revised 41954  
Code and any amendments to it, or the resolution adopted under 41955

this division, as appropriate, shall establish the rates of the 41956  
fees levied under divisions (B)(1), (2), and (3) of this section, 41957  
if any, and shall specify whether the fees are levied on the basis 41958  
of tons or cubic yards as the unit of measurement. A solid waste 41959  
management district that levies fees under this division on the 41960  
basis of cubic yards shall do so in accordance with division (A) 41961  
of this section. 41962

The fee levied under division (B)(1) of this section shall be 41963  
not less than one dollar per ton nor more than two dollars per 41964  
ton, the fee levied under division (B)(2) of this section shall be 41965  
not less than two dollars per ton nor more than four dollars per 41966  
ton, and the fee levied under division (B)(3) of this section 41967  
shall be not more than the fee levied under division (B)(1) of 41968  
this section. 41969

Prior to the approval of the solid waste management plan of a 41970  
district under section 3734.55 of the Revised Code, the solid 41971  
waste management policy committee of a district may levy fees 41972  
under this division by adopting a resolution establishing the 41973  
proposed amount of the fees. Upon adopting the resolution, the 41974  
committee shall deliver a copy of the resolution to the board of 41975  
county commissioners of each county forming the district and to 41976  
the legislative authority of each municipal corporation and 41977  
township under the jurisdiction of the district and shall prepare 41978  
and publish the resolution and a notice of the time and location 41979  
where a public hearing on the fees will be held. Upon adopting the 41980  
resolution, the committee shall deliver written notice of the 41981  
adoption of the resolution; of the amount of the proposed fees; 41982  
and of the date, time, and location of the public hearing to the 41983  
director and to the fifty industrial, commercial, or institutional 41984  
generators of solid wastes within the district that generate the 41985  
largest quantities of solid wastes, as determined by the 41986  
committee, and to their local trade associations. The committee 41987

shall make good faith efforts to identify those generators within 41988  
the district and their local trade associations, but the 41989  
nonprovision of notice under this division to a particular 41990  
generator or local trade association does not invalidate the 41991  
proceedings under this division. The publication shall occur at 41992  
least thirty days before the hearing. After the hearing, the 41993  
committee may make such revisions to the proposed fees as it 41994  
considers appropriate and thereafter, by resolution, shall adopt 41995  
the revised fee schedule. Upon adopting the revised fee schedule, 41996  
the committee shall deliver a copy of the resolution doing so to 41997  
the board of county commissioners of each county forming the 41998  
district and to the legislative authority of each municipal 41999  
corporation and township under the jurisdiction of the district. 42000  
Within sixty days after the delivery of a copy of the resolution 42001  
adopting the proposed revised fees by the policy committee, each 42002  
such board and legislative authority, by ordinance or resolution, 42003  
shall approve or disapprove the revised fees and deliver a copy of 42004  
the ordinance or resolution to the committee. If any such board or 42005  
legislative authority fails to adopt and deliver to the policy 42006  
committee an ordinance or resolution approving or disapproving the 42007  
revised fees within sixty days after the policy committee 42008  
delivered its resolution adopting the proposed revised fees, it 42009  
shall be conclusively presumed that the board or legislative 42010  
authority has approved the proposed revised fees. The committee 42011  
shall determine if the resolution has been ratified in the same 42012  
manner in which it determines if a draft solid waste management 42013  
plan has been ratified under division (B) of section 3734.55 of 42014  
the Revised Code. 42015

The committee may amend the schedule of fees levied pursuant 42016  
to a resolution adopted and ratified under this division by 42017  
adopting a resolution establishing the proposed amount of the 42018  
amended fees. The committee may repeal the fees levied pursuant to 42019  
such a resolution by adopting a resolution proposing to repeal 42020

them. Upon adopting such a resolution, the committee shall proceed 42021  
to obtain ratification of the resolution in accordance with this 42022  
division. 42023

Not later than fourteen days after declaring the new fees to 42024  
be ratified or the fees to be repealed under this division, the 42025  
committee shall notify by certified mail the owner or operator of 42026  
each solid waste disposal facility that is required to collect the 42027  
fees of the ratification and the amount of the fees or of the 42028  
repeal of the fees. Collection of any fees shall commence or 42029  
collection of repealed fees shall cease on the first day of the 42030  
second month following the month in which notification is sent to 42031  
the owner or operator. 42032

Fees levied under this division also may be established, 42033  
amended, or repealed by a solid waste management policy committee 42034  
through the adoption of a new district solid waste management 42035  
plan, the adoption of an amended plan, or the amendment of the 42036  
plan or amended plan in accordance with sections 3734.55 and 42037  
3734.56 of the Revised Code or the adoption or amendment of a 42038  
district plan in connection with a change in district composition 42039  
under section 3734.521 of the Revised Code. 42040

Not later than fourteen days after the director issues an 42041  
order approving a district's solid waste management plan, amended 42042  
plan, or amendment to a plan or amended plan that establishes, 42043  
amends, or repeals a schedule of fees levied by the district, the 42044  
committee shall notify by certified mail the owner or operator of 42045  
each solid waste disposal facility that is required to collect the 42046  
fees of the approval of the plan or amended plan, or the amendment 42047  
to the plan, as appropriate, and the amount of the fees, if any. 42048  
In the case of an initial or amended plan approved under section 42049  
3734.521 of the Revised Code in connection with a change in 42050  
district composition, other than one involving the withdrawal of a 42051  
county from a joint district, the committee, within fourteen days 42052

after the change takes effect pursuant to division (G) of that 42053  
section, shall notify by certified mail the owner or operator of 42054  
each solid waste disposal facility that is required to collect the 42055  
fees that the change has taken effect and of the amount of the 42056  
fees, if any. Collection of any fees shall commence or collection 42057  
of repealed fees shall cease on the first day of the second month 42058  
following the month in which notification is sent to the owner or 42059  
operator. 42060

If, in the case of a change in district composition involving 42061  
the withdrawal of a county from a joint district, the director 42062  
completes the actions required under division (G)(1) or (3) of 42063  
section 3734.521 of the Revised Code, as appropriate, forty-five 42064  
days or more before the beginning of a calendar year, the policy 42065  
committee of each of the districts resulting from the change that 42066  
obtained the director's approval of an initial or amended plan in 42067  
connection with the change, within fourteen days after the 42068  
director's completion of the required actions, shall notify by 42069  
certified mail the owner or operator of each solid waste disposal 42070  
facility that is required to collect the district's fees that the 42071  
change is to take effect on the first day of January immediately 42072  
following the issuance of the notice and of the amount of the fees 42073  
or amended fees levied under divisions (B)(1) to (3) of this 42074  
section pursuant to the district's initial or amended plan as so 42075  
approved or, if appropriate, the repeal of the district's fees by 42076  
that initial or amended plan. Collection of any fees set forth in 42077  
such a plan or amended plan shall commence on the first day of 42078  
January immediately following the issuance of the notice. If such 42079  
an initial or amended plan repeals a schedule of fees, collection 42080  
of the fees shall cease on that first day of January. 42081

If, in the case of a change in district composition involving 42082  
the withdrawal of a county from a joint district, the director 42083  
completes the actions required under division (G)(1) or (3) of 42084

section 3734.521 of the Revised Code, as appropriate, less than 42085  
forty-five days before the beginning of a calendar year, the 42086  
director, on behalf of each of the districts resulting from the 42087  
change that obtained the director's approval of an initial or 42088  
amended plan in connection with the change proceedings, shall 42089  
notify by certified mail the owner or operator of each solid waste 42090  
disposal facility that is required to collect the district's fees 42091  
that the change is to take effect on the first day of January 42092  
immediately following the mailing of the notice and of the amount 42093  
of the fees or amended fees levied under divisions (B)(1) to (3) 42094  
of this section pursuant to the district's initial or amended plan 42095  
as so approved or, if appropriate, the repeal of the district's 42096  
fees by that initial or amended plan. Collection of any fees set 42097  
forth in such a plan or amended plan shall commence on the first 42098  
day of the second month following the month in which notification 42099  
is sent to the owner or operator. If such an initial or amended 42100  
plan repeals a schedule of fees, collection of the fees shall 42101  
cease on the first day of the second month following the month in 42102  
which notification is sent to the owner or operator. 42103

If the schedule of fees that a solid waste management 42104  
district is levying under divisions (B)(1) to (3) of this section 42105  
is amended or repealed, the fees in effect immediately prior to 42106  
the amendment or repeal shall continue to be collected until 42107  
collection of the amended fees commences or collection of the 42108  
repealed fees ceases, as applicable, as specified in this 42109  
division. In the case of a change in district composition, money 42110  
so received from the collection of the fees of the former 42111  
districts shall be divided among the resulting districts in 42112  
accordance with division (B) of section 343.012 of the Revised 42113  
Code and the agreements entered into under division (B) of section 42114  
343.01 of the Revised Code to establish the former and resulting 42115  
districts and any amendments to those agreements. 42116

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or repealed is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the

fee by the ordinance or resolution, and the director of 42149  
environmental protection. Although the fees levied under this 42150  
division are levied on the basis of tons as the unit of 42151  
measurement, the legislative authority, in its ordinance or 42152  
resolution levying the fees under this division, may direct that 42153  
the fees be levied on the basis of cubic yards as the unit of 42154  
measurement based upon a conversion factor of three cubic yards 42155  
per ton generally or one cubic yard per ton for baled wastes. 42156

Not later than five days after enacting an ordinance or 42157  
adopting a resolution under this division, the legislative 42158  
authority shall so notify by certified mail the owner or operator 42159  
of each solid waste disposal facility that is required to collect 42160  
the fee. Collection of any fee levied on or after March 24, 1992, 42161  
shall commence on the first day of the second month following the 42162  
month in which notification is sent to the owner or operator. 42163

(D)(1) The fees levied under divisions (A), (B), and (C) of 42164  
this section do not apply to the disposal of solid wastes that: 42165

(a) Are disposed of at a facility owned by the generator of 42166  
the wastes when the solid waste facility exclusively disposes of 42167  
solid wastes generated at one or more premises owned by the 42168  
generator regardless of whether the facility is located on a 42169  
premises where the wastes are generated; 42170

(b) Are generated from the combustion of coal, or from the 42171  
combustion of primarily coal, regardless of whether the disposal 42172  
facility is located on the premises where the wastes are 42173  
generated; 42174

(c) Are asbestos or asbestos-containing materials or products 42175  
disposed of at a construction and demolition debris facility that 42176  
is licensed under Chapter 3714. of the Revised Code or at a solid 42177  
waste facility that is licensed under this chapter. 42178

(2) Except as provided in section 3734.571 of the Revised 42179

Code, any fees levied under division (B)(1) of this section apply 42180  
to solid wastes originating outside the boundaries of a county or 42181  
joint district that are covered by an agreement for the joint use 42182  
of solid waste facilities entered into under section 343.02 of the 42183  
Revised Code by the board of county commissioners or board of 42184  
directors of the county or joint district where the wastes are 42185  
generated and disposed of. 42186

(3) When solid wastes, other than solid wastes that consist 42187  
of scrap tires, are burned in a disposal facility that is an 42188  
incinerator or energy recovery facility, the fees levied under 42189  
divisions (A), (B), and (C) of this section shall be levied upon 42190  
the disposal of the fly ash and bottom ash remaining after burning 42191  
of the solid wastes and shall be collected by the owner or 42192  
operator of the sanitary landfill where the ash is disposed of. 42193

(4) When solid wastes are delivered to a solid waste transfer 42194  
facility, the fees levied under divisions (B) and (C) of this 42195  
section shall be levied upon the disposal of solid wastes 42196  
transported off the premises of the transfer facility for disposal 42197  
and shall be collected by the owner or operator of the solid waste 42198  
disposal facility where the wastes are disposed of. 42199

(5) The fees levied under divisions (A), (B), and (C) of this 42200  
section do not apply to sewage sludge that is generated by a waste 42201  
water treatment facility holding a national pollutant discharge 42202  
elimination system permit and that is disposed of through 42203  
incineration, land application, or composting or at another 42204  
resource recovery or disposal facility that is not a landfill. 42205

(6) The fees levied under divisions (A), (B), and (C) of this 42206  
section do not apply to solid wastes delivered to a solid waste 42207  
composting facility for processing. When any unprocessed solid 42208  
waste or compost product is transported off the premises of a 42209  
composting facility and disposed of at a landfill, the fees levied 42210  
under divisions (A), (B), and (C) of this section shall be 42211

collected by the owner or operator of the landfill where the 42212  
unprocessed waste or compost product is disposed of. 42213

(7) When solid wastes that consist of scrap tires are 42214  
processed at a scrap tire recovery facility, the fees levied under 42215  
divisions (A), (B), and (C) of this section shall be levied upon 42216  
the disposal of the fly ash and bottom ash or other solid wastes 42217  
remaining after the processing of the scrap tires and shall be 42218  
collected by the owner or operator of the solid waste disposal 42219  
facility where the ash or other solid wastes are disposed of. 42220

(8) The director of environmental protection may issue an 42221  
order exempting from the fees levied under this section solid 42222  
wastes, including, but not limited to, scrap tires, that are 42223  
generated, transferred, or disposed of as a result of a contract 42224  
providing for the expenditure of public funds entered into by the 42225  
administrator or regional administrator of the United States 42226  
environmental protection agency, the director of environmental 42227  
protection, or the director of administrative services on behalf 42228  
of the director of environmental protection for the purpose of 42229  
remediating conditions at a hazardous waste facility, solid waste 42230  
facility, or other location at which the administrator or regional 42231  
administrator or the director of environmental protection has 42232  
reason to believe that there is a substantial threat to public 42233  
health or safety or the environment or that the conditions are 42234  
causing or contributing to air or water pollution or soil 42235  
contamination. An order issued by the director of environmental 42236  
protection under division (D)(8) of this section shall include a 42237  
determination that the amount of the fees not received by a solid 42238  
waste management district as a result of the order will not 42239  
adversely impact the implementation and financing of the 42240  
district's approved solid waste management plan and any approved 42241  
amendments to the plan. Such an order is a final action of the 42242  
director of environmental protection. 42243

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of

that regional authority under division (E) of this section shall 42276  
be kept by the board in a separate and distinct fund to the credit 42277  
of the district. Moneys in the special fund of the county or joint 42278  
district arising from the fees levied under division (B) of this 42279  
section and the fee levied under division (A) of section 3734.573 42280  
of the Revised Code shall be expended by the board of county 42281  
commissioners or directors of the district in accordance with the 42282  
district's solid waste management plan or amended plan approved 42283  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 42284  
exclusively for the following purposes: 42285

(1) Preparation of the solid waste management plan of the 42286  
district under section 3734.54 of the Revised Code, monitoring 42287  
implementation of the plan, and conducting the periodic review and 42288  
amendment of the plan required by section 3734.56 of the Revised 42289  
Code by the solid waste management policy committee; 42290

(2) Implementation of the approved solid waste management 42291  
plan or amended plan of the district, including, without 42292  
limitation, the development and implementation of solid waste 42293  
recycling or reduction programs; 42294

(3) Providing financial assistance to boards of health within 42295  
the district, if solid waste facilities are located within the 42296  
district, for enforcement of this chapter and rules, orders, and 42297  
terms and conditions of permits, licenses, and variances adopted 42298  
or issued under it, other than the hazardous waste provisions of 42299  
this chapter and rules adopted and orders and terms and conditions 42300  
of permits issued under those provisions; 42301

(4) Providing financial assistance to each county within the 42302  
district to defray the added costs of maintaining roads and other 42303  
public facilities and of providing emergency and other public 42304  
services resulting from the location and operation of a solid 42305  
waste facility within the county under the district's approved 42306  
solid waste management plan or amended plan; 42307

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services

to the district pursuant to a contract or agreement with the board 42340  
of county commissioners or directors of the district; 42341

(10) Payment of any expenses that are agreed to, awarded, or 42342  
ordered to be paid under section 3734.35 of the Revised Code and 42343  
of any administrative costs incurred pursuant to that section. In 42344  
the case of a joint solid waste management district, if the board 42345  
of county commissioners of one of the counties in the district is 42346  
negotiating on behalf of affected communities, as defined in that 42347  
section, in that county, the board shall obtain the approval of 42348  
the board of directors of the district in order to expend moneys 42349  
for administrative costs incurred. 42350

Prior to the approval of the district's solid waste 42351  
management plan under section 3734.55 of the Revised Code, moneys 42352  
in the special fund of the district arising from the fees shall be 42353  
expended for those purposes in the manner prescribed by the solid 42354  
waste management policy committee by resolution. 42355

Notwithstanding division (G)(6) of this section as it existed 42356  
prior to October 29, 1993, or any provision in a district's solid 42357  
waste management plan prepared in accordance with division 42358  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 42359  
prior to that date, any moneys arising from the fees levied under 42360  
division (B)(3) of this section prior to January 1, 1994, may be 42361  
expended for any of the purposes authorized in divisions (G)(1) to 42362  
(10) of this section. 42363

(H) The director shall adopt rules in accordance with Chapter 42364  
119. of the Revised Code prescribing procedures for collecting and 42365  
forwarding the fees levied under divisions (B) and (C) of this 42366  
section to the boards of county commissioners or directors of 42367  
county or joint solid waste management districts and to the 42368  
treasurers or other officers of municipal corporations and the 42369  
fiscal officers of townships. The rules also shall prescribe the 42370  
dates for forwarding the fees to the boards and officials and may 42371

prescribe any other requirements the director considers necessary 42372  
or appropriate to implement and administer divisions (A), (B), and 42373  
(C) of this section. 42374

**Sec. 3734.82.** (A) The annual fee for a scrap tire recovery 42375  
facility license issued under section 3734.81 of the Revised Code 42376  
shall be in accordance with the following schedule: 42377

| Daily Design   | Annual  |       |
|----------------|---------|-------|
| Input Capacity | License |       |
| (Tons)         | Fee     |       |
| 1 or less      | \$ 100  | 42381 |
| 2 to 25        | 500     | 42382 |
| 26 to 50       | 1,000   | 42383 |
| 51 to 100      | 1,500   | 42384 |
| 101 to 200     | 2,500   | 42385 |
| 201 to 500     | 3,500   | 42386 |
| 501 or more    | 5,500   | 42387 |

For the purpose of determining the applicable license fee 42388  
under this division, the daily design input capacity shall be the 42389  
quantity of scrap tires the facility is designed to process daily 42390  
as set forth in the registration certificate or permit for the 42391  
facility, and any modifications to the permit, if applicable, 42392  
issued under section 3734.78 of the Revised Code. 42393

(B) The annual fee for a scrap tire monocell or monofill 42394  
facility license shall be in accordance with the following 42395  
schedule: 42396

| Authorized Maximum  | Annual   |       |
|---------------------|----------|-------|
| Daily Waste Receipt | License  |       |
| (Tons)              | Fee      |       |
| 100 or less         | \$ 5,000 | 42400 |
| 101 to 200          | 12,500   | 42401 |
| 201 to 500          | 30,000   | 42402 |

501 or more 60,000 42403

For the purpose of determining the applicable license fee 42404  
under this division, the authorized maximum daily waste receipt 42405  
shall be the maximum amount of scrap tires the facility is 42406  
authorized to receive daily that is established in the permit for 42407  
the facility, and any modification to that permit, issued under 42408  
section 3734.77 of the Revised Code. 42409

(C)(1) Except as otherwise provided in division (C)(2) of 42410  
this section, the annual fee for a scrap tire storage facility 42411  
license shall equal one thousand dollars times the number of acres 42412  
on which scrap tires are to be stored at the facility during the 42413  
license year, as set forth on the application for the annual 42414  
license, except that the total annual license fee for any such 42415  
facility shall not exceed three thousand dollars. 42416

(2) The annual fee for a scrap tire storage facility license 42417  
for a storage facility that is owned or operated by a motor 42418  
vehicle salvage dealer licensed under Chapter 4738. of the Revised 42419  
Code is one hundred dollars. 42420

(D)(1) Except as otherwise provided in division (D)(2) of 42421  
this section, the annual fee for a scrap tire collection facility 42422  
license is two hundred dollars. 42423

(2) The annual fee for a scrap tire collection facility 42424  
license for a collection facility that is owned or operated by a 42425  
motor vehicle salvage dealer licensed under Chapter 4738. of the 42426  
Revised Code is fifty dollars. 42427

(E) Except as otherwise provided in divisions (C)(2) and 42428  
(D)(2) of this section, the same fees apply to private operators 42429  
and to the state and its political subdivisions and shall be paid 42430  
within thirty days after the issuance of a license. The fees 42431  
include the cost of licensing, all inspections, and other costs 42432  
associated with the administration of the scrap tire provisions of 42433

this chapter and rules adopted under them. Each license shall 42434  
specify that it is conditioned upon payment of the applicable fee 42435  
to the board of health or the director of environmental 42436  
protection, as appropriate, within thirty days after the issuance 42437  
of the license. 42438

(F) The board of health shall retain fifteen thousand dollars 42439  
of each license fee collected by the board under division (B) of 42440  
this section, or the entire amount of any such fee that is less 42441  
than fifteen thousand dollars, and the entire amount of each 42442  
license fee collected by the board under divisions (A), (C), and 42443  
(D) of this section. The moneys retained shall be paid into a 42444  
special fund, which is hereby created in each health district, and 42445  
used solely to administer and enforce the scrap tire provisions of 42446  
this chapter and rules adopted under them. The remainder, if any, 42447  
of each license fee collected by the board under division (B) of 42448  
this section shall be transmitted to the director within 42449  
forty-five days after receipt of the fee. 42450

(G) The director shall transmit the moneys received by the 42451  
director from license fees collected under division (B) of this 42452  
section to the treasurer of state to be credited to the scrap tire 42453  
management fund, which is hereby created in the state treasury. 42454  
The fund shall consist of all federal moneys received by the 42455  
environmental protection agency for the scrap tire management 42456  
program; all grants, gifts, and contributions made to the director 42457  
for that program; and all other moneys that may be provided by law 42458  
for that program. The director shall use moneys in the fund as 42459  
follows: 42460

(1) Expend amounts determined necessary by the director to 42461  
implement, administer, and enforce the scrap tire provisions of 42462  
this chapter and rules adopted under them; 42463

(2) During each fiscal year, if the director of environmental 42464  
protection determines it to be appropriate and advisable, request 42465

the director of budget and management to, and the director of 42466  
budget and management ~~shall~~ may, transfer up to one million 42467  
dollars to the scrap tire grant fund created in section 3734.822 42468  
of the Revised Code for supporting market development activities 42469  
for scrap tires and synthetic rubber from tire manufacturing 42470  
processes and tire recycling processes. In addition, during a 42471  
fiscal year, the director of environmental protection may request 42472  
the director of budget and management to, and the director of 42473  
budget and management shall, transfer up to an additional five 42474  
hundred thousand dollars to the scrap tire grant fund for scrap 42475  
tire amnesty events and scrap tire cleanup events. 42476

(3) After the expenditures and transfers are made under 42477  
divisions (G)(1) and (2) of this section, expend the balance of 42478  
the money in the scrap tire management fund remaining in each 42479  
fiscal year to conduct removal actions under section 3734.85 of 42480  
the Revised Code and to provide grants to boards of health under 42481  
section 3734.042 of the Revised Code. 42482

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 42483  
defray the cost of administering and enforcing the scrap tire 42484  
provisions of this chapter, rules adopted under those provisions, 42485  
and terms and conditions of orders, variances, and licenses issued 42486  
under those provisions; to abate accumulations of scrap tires; to 42487  
make grants supporting market development activities for scrap 42488  
tires and synthetic rubber from tire manufacturing processes and 42489  
tire recycling processes and to support scrap tire amnesty and 42490  
cleanup events; to make loans to promote the recycling or recovery 42491  
of energy from scrap tires; and to defray the costs of 42492  
administering and enforcing sections 3734.90 to 3734.9014 of the 42493  
Revised Code, a fee of fifty cents per tire is hereby levied on 42494  
the sale of tires. The proceeds of the fee shall be deposited in 42495  
the state treasury to the credit of the scrap tire management fund 42496  
created in section 3734.82 of the Revised Code. The fee is levied 42497

from the first day of the calendar month that begins next after 42498  
thirty days from October 29, 1993, through June 30, ~~2018~~ 2020. 42499

(2) Beginning on July 1, 2011, and ending on June 30, ~~2018~~ 42500  
2020, there is hereby levied an additional fee of fifty cents per 42501  
tire on the sale of tires the proceeds of which shall be deposited 42502  
in the state treasury to the credit of the soil and water 42503  
conservation district assistance fund created in section 940.15 of 42504  
the Revised Code. 42505

(B) Only one sale of the same article shall be used in 42506  
computing the amount of the fee due. 42507

**Sec. 3734.9011.** (A) No wholesale distributor or other person 42508  
shall sell tires to a retail dealer within this state, and no 42509  
retail dealer or other person shall import or otherwise acquire 42510  
tires for sale at retail within this state from a person who is 42511  
not a registered wholesale distributor, without having a 42512  
registration therefor. 42513

(B) Each wholesale distributor and each retail dealer 42514  
required to be registered under division (A) of this section shall 42515  
apply for registration ~~on or before the date that is two months~~ 42516  
~~after the effective date of this section, or~~ on or before the 42517  
first day of doing business that ~~required~~ requires the 42518  
registration. The application shall be filed with the tax 42519  
commissioner, in a form and providing such information as 42520  
prescribed by the commissioner. The commissioner shall assign an 42521  
account number to each registration and shall so notify the 42522  
registrant. ~~The~~ An unrevoked registration shall remain in effect 42523  
until canceled by the wholesale distributor or retail dealer upon 42524  
the cessation of business. 42525

(C) The tax commissioner shall not accept a registration 42526  
under division (B) of this section or may suspend or revoke the 42527  
registration of a wholesale distributor or retail dealer if the 42528

wholesale distributor or retail dealer has failed to file any 42529  
returns, submit any information, or pay any outstanding taxes, 42530  
charges, or fees as required for any tax, charge, or fee 42531  
administered by the commissioner, to the extent that the 42532  
commissioner is aware of such failure at the time of the 42533  
application. 42534

**Sec. 3735.66.** The legislative authorities of municipal 42535  
corporations and counties may survey the housing within their 42536  
jurisdictions and, after the survey, may adopt resolutions 42537  
describing the boundaries of community reinvestment areas which 42538  
contain the conditions required for the finding under division (B) 42539  
of section 3735.65 of the Revised Code. The findings resulting 42540  
from the survey shall be incorporated in the resolution describing 42541  
the boundaries of an area. The legislative authority may stipulate 42542  
in the resolution that only new structures or remodeling 42543  
classified as to use as commercial, industrial, or residential, or 42544  
some combination thereof, and otherwise satisfying the 42545  
requirements of section 3735.67 of the Revised Code are eligible 42546  
for exemption from taxation under that section. If the resolution 42547  
does not include such a stipulation, all new structures and 42548  
remodeling satisfying the requirements of section 3735.67 of the 42549  
Revised Code are eligible for exemption from taxation regardless 42550  
of classification. Whether or not the resolution includes such a 42551  
stipulation, the classification of the structures or remodeling 42552  
eligible for exemption in the area shall at all times be 42553  
consistent with zoning restrictions applicable to the area. For 42554  
the purposes of sections 3735.65 to 3735.70 of the Revised Code, 42555  
whether a structure or remodeling composed of multiple units is 42556  
classified as commercial or residential shall be determined by 42557  
resolution or ordinance of the legislative authority or, in the 42558  
absence of such a determination, by the classification of the use 42559  
of the structure or remodeling under the applicable zoning 42560

regulations. 42561

If construction or remodeling classified as residential is 42562  
eligible for exemption from taxation, the resolution shall specify 42563  
a percentage, not to exceed one hundred per cent, of the assessed 42564  
valuation of such property to be exempted. The percentage 42565  
specified shall apply to all residential construction or 42566  
remodeling for which exemption is granted. 42567

The resolution adopted pursuant to this section shall be 42568  
published in a newspaper of general circulation in the municipal 42569  
corporation, if the resolution is adopted by the legislative 42570  
authority of a municipal corporation, or in a newspaper of general 42571  
circulation in the county, if the resolution is adopted by the 42572  
legislative authority of the county, once a week for two 42573  
consecutive weeks or as provided in section 7.16 of the Revised 42574  
Code, immediately following its adoption. 42575

Each legislative authority adopting a resolution pursuant to 42576  
this section shall designate a housing officer. In addition, each 42577  
such legislative authority, not later than ~~fifteen~~ sixty days 42578  
after the adoption of the resolution, shall petition the director 42579  
of development services for the director to confirm the findings 42580  
described in the resolution. The petition shall be accompanied by 42581  
a copy of the resolution and by a map of the community 42582  
reinvestment area in sufficient detail to denote the specific 42583  
boundaries of the area and to indicate zoning restrictions 42584  
applicable to the area. The director shall determine whether the 42585  
findings contained in the resolution are valid, and whether the 42586  
classification of structures or remodeling eligible for exemption 42587  
under the resolution is consistent with zoning restrictions 42588  
applicable to the area as indicated on the map. Within thirty days 42589  
of receiving the petition, the director shall forward the 42590  
director's determination to the legislative authority. The 42591  
legislative authority or housing officer shall not grant any 42592

exemption from taxation under section 3735.67 of the Revised Code 42593  
until the director forwards the director's determination to the 42594  
legislative authority. The director shall assign to each community 42595  
reinvestment area a unique designation by which the area shall be 42596  
identified for purposes of sections 3735.65 to 3735.70 of the 42597  
Revised Code. 42598

If zoning restrictions in any part of a community 42599  
reinvestment area are changed at any time after the legislative 42600  
authority petitions the director under this section, the 42601  
legislative authority shall notify the director and shall submit a 42602  
map of the area indicating the new zoning restrictions in the 42603  
area. 42604

**Sec. 3735.672.** (A) On or before the thirty-first day of March 42605  
each year, a legislative authority that has entered into an 42606  
agreement with a party under section 3735.671 of the Revised Code 42607  
shall submit to the director of development services and the board 42608  
of education of each school district of which a municipal 42609  
corporation or township to which such an agreement applies is a 42610  
part a report on all such agreements in effect during the 42611  
preceding calendar year. The report shall include the following 42612  
information: 42613

(1) The designation, assigned by the director of development 42614  
services, of each community reinvestment area within the municipal 42615  
corporation or county, and the total population of each area 42616  
according to the most recent data available; 42617

(2) The number of agreements and the number of full-time 42618  
employees subject to those agreements within each area, each 42619  
according to the most recent data available and identified and 42620  
categorized by the appropriate standard industrial code, and the 42621  
rate of unemployment in the municipal corporation or county in 42622  
which the area is located for each year since the area was 42623

certified; 42624

(3) The number of agreements approved and executed during the 42625  
calendar year for which the report is submitted, the total number 42626  
of agreements in effect on the thirty-first day of December of the 42627  
preceding calendar year, the number of agreements that expired 42628  
during the calendar year for which the report is submitted, and 42629  
the number of agreements scheduled to expire during the calendar 42630  
year in which the report is submitted. For each agreement that 42631  
expired during the calendar year for which the report is 42632  
submitted, the legislative authority shall include the amount of 42633  
taxes exempted under the agreement. 42634

(4) The number of agreements receiving compliance reviews by 42635  
the tax incentive review council in the municipal corporation or 42636  
county during the calendar year for which the report is submitted, 42637  
including all of the following information: 42638

(a) The number of agreements the terms of which the party has 42639  
complied with, indicating separately for each such agreement the 42640  
value of the real property exempted pursuant to the agreement and 42641  
a comparison of the stipulated and actual schedules for hiring new 42642  
employees, for retaining existing employees, and for the amount of 42643  
payroll of the party attributable to these employees; 42644

(b) The number of agreements the terms of which a party has 42645  
failed to comply with, indicating separately for each such 42646  
agreement the value of the real and personal property exempted 42647  
pursuant to the agreement and a comparison of the stipulated and 42648  
actual schedules for hiring new employees, for retaining existing 42649  
employees, and for the amount of payroll of the enterprise 42650  
attributable to these employees; 42651

(c) The number of agreements about which the tax incentive 42652  
review council made recommendations to the legislative authority, 42653  
and the number of such recommendations that have not been 42654

followed; 42655

(d) The number of agreements rescinded during the calendar 42656  
year for which the report is submitted. 42657

(5) The number of parties subject to agreements that expanded 42658  
within each area, including the number of new employees hired and 42659  
existing employees retained by that party, and the number of new 42660  
parties subject to agreements that established within each area, 42661  
including the number of new employees hired by each party; 42662

(6) For each agreement in effect during any part of the 42663  
preceding year, the number of employees employed by the party at 42664  
the property that is the subject of the agreement immediately 42665  
prior to formal approval of the agreement, the number of employees 42666  
employed by the party at that property on the thirty-first day of 42667  
December of the preceding year, the payroll of the party for the 42668  
preceding year, the amount of taxes paid on real property that was 42669  
exempted under the agreement, and the amount of such taxes that 42670  
were not paid because of the exemption. 42671

(B) Upon the failure of a municipal corporation or county to 42672  
comply with division (A) of this section: 42673

(1) Beginning on the first day of April of the calendar year 42674  
in which the municipal corporation or county fails to comply with 42675  
that division, the municipal corporation or county shall not enter 42676  
into any agreements under section 3735.671 of the Revised Code 42677  
until the municipal corporation or county has complied with 42678  
division (A) of this section. 42679

(2) On the first day of each ensuing calendar month until the 42680  
municipal corporation or county complies with that division, the 42681  
director of development services shall either order the proper 42682  
county auditor to deduct from the next succeeding payment of taxes 42683  
to the municipal corporation or county under section 321.31, 42684  
321.32, 321.33, or 321.34 of the Revised Code an amount equal to 42685

five hundred dollars for each calendar month the municipal 42686  
corporation or county fails to comply with that division, or order 42687  
the county auditor to deduct such an amount from the next 42688  
succeeding payment to the municipal corporation or county from the 42689  
undivided local government fund under section 5747.51 of the 42690  
Revised Code. At the time such a payment is made, the county 42691  
auditor shall comply with the director's order by issuing a 42692  
warrant, drawn on the fund from which such money would have been 42693  
paid, to the director of development services, who shall deposit 42694  
the warrant into the state community reinvestment area program 42695  
administration fund created in division (C) of this section. 42696

(C) The director, by rule, shall establish the state's 42697  
application fee for applications submitted to a municipal 42698  
corporation or county to enter into an agreement under section 42699  
3735.671 of the Revised Code. In establishing the amount of the 42700  
fee, the director shall consider the state's cost of administering 42701  
the community reinvestment area program, including the cost of 42702  
reviewing the reports required under division (A) of this section. 42703  
The director may change the amount of the fee at such times and in 42704  
such increments as the director considers necessary. Any municipal 42705  
corporation or county that receives an application shall collect 42706  
the application fee and remit the fee for deposit in the state 42707  
treasury to the credit of the ~~business assistance~~ tax incentives 42708  
operating fund created in section 122.174 of the Revised Code. 42709

**Sec. 3737.21.** (A) The director of the department of commerce 42710  
shall appoint, from names submitted to the director by the state 42711  
fire council, a state fire marshal, who shall serve at the 42712  
pleasure of the director and shall possess the following 42713  
qualifications: 42714

(1) A degree from an accredited college or university with 42715  
specialized study in either the field of fire protection or fire 42716

protection engineering, or the equivalent qualifications 42717  
determined from training, experience, and duties in a fire 42718  
service; 42719

(2) Five years of recent, progressively more responsible 42720  
experience in fire inspection, fire code enforcement, fire 42721  
investigation, fire protection engineering, teaching of fire 42722  
safety engineering, or fire fighting. 42723

(B) When a vacancy occurs in the position of state fire 42724  
marshal, the director shall notify the state fire council. ~~The~~ 42725  
~~council shall communicate the fact of the vacancy by regular mail~~ 42726  
~~to all fire chiefs and fire protection engineers known to the~~ 42727  
~~council, or whose identity may be ascertained by the council by~~ 42728  
~~the exercise of due diligence. The council, no earlier than thirty~~ 42729  
~~days after mailing the notification, shall compile a list of all~~ 42730  
~~applicants for the position of fire marshal who are qualified~~ 42731  
~~under this section.~~ The council shall submit the names of at least 42732  
three persons ~~on the list~~ for the position of state fire marshal 42733  
who are qualified under this section to the director. The director 42734  
shall appoint the state fire marshal from the list of at least 42735  
three names or may request the council to submit additional names. 42736

**Sec. 3742.01.** As used in this chapter: 42737

(A) "Board of health" means the board of health of a city or 42738  
general health district or the authority having the duties of a 42739  
board of health under section 3709.05 of the Revised Code. 42740

(B) "Child care facility" means each area of any of the 42741  
following in which child care, as defined in section 5104.01 of 42742  
the Revised Code, is provided to children under six years of age: 42743

(1) A child day-care center, type A family day-care home, or 42744  
type B family day-care home as defined in section 5104.01 of the 42745  
Revised Code; 42746

(2) A preschool program or school child program as defined in section 3301.52 of the Revised Code. 42747  
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(C) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples. 42749  
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(D) "Clearance technician" means a person, other than a licensed lead inspector or licensed lead risk assessor, who performs a clearance examination. 42754  
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(E) "Clinical laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of substances derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease, or in the assessment or impairment of the health of human beings. "Clinical laboratory" does not include a facility that only collects or prepares specimens, or serves as a mailing service, and does not perform testing. 42757  
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(F) "Encapsulation" means the coating and sealing of surfaces with durable surface coating specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-containing paint from becoming part of house dust or otherwise accessible to children. 42767  
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(G) "Enclosure" means the resurfacing or covering of surfaces with durable materials such as wallboard or paneling, and the sealing or caulking of edges and joints, so as to prevent or control chalking, flaking, peeling, scaling, or loose 42774  
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lead-containing substances from becoming part of house dust or otherwise accessible to children. 42778  
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(H) "Environmental lead analytical laboratory" means a 42780  
facility that analyzes air, dust, soil, water, paint, film, or 42781  
other substances, other than substances derived from the human 42782  
body, for the presence and concentration of lead. 42783

(I) "HEPA" means the designation given to a product, device, 42784  
or system that has been equipped with a high-efficiency 42785  
particulate air filter, which is a filter capable of removing 42786  
particles of 0.3 microns or larger from air at 99.97 per cent or 42787  
greater efficiency. 42788

(J) "Interim controls" means a set of measures designed to 42789  
reduce temporarily human exposure or likely human exposure to lead 42790  
hazards. Interim controls include specialized cleaning, repairs, 42791  
painting, temporary containment, ongoing lead hazard maintenance 42792  
activities, and the establishment and operation of management and 42793  
resident education programs. 42794

(K)(1) "Lead abatement" means a measure or set of measures 42795  
designed for the single purpose of permanently eliminating lead 42796  
hazards. "Lead abatement" includes all of the following: 42797

(a) Removal of lead-based paint and lead-contaminated dust; 42798

(b) Permanent enclosure or encapsulation of lead-based paint; 42799

(c) Replacement of surfaces or fixtures painted with 42800  
lead-based paint; 42801

(d) Removal or permanent covering of lead-contaminated soil; 42802

(e) Preparation, cleanup, and disposal activities associated 42803  
with lead abatement. 42804

(2) "Lead abatement" does not include any of the following: 42805

(a) ~~Preventive treatments~~ Residential rental unit lead-safe 42806  
maintenance practices performed pursuant to ~~section~~ sections 42807

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| 3742.41 <u>and 3742.42</u> of the Revised Code;  | 42808 |
| (b) Implementation of interim controls;  | 42809 |
| (c) Activities performed by a property owner on a residential unit to which both of the following apply:   | 42810 |
| (i) It is a freestanding single-family home used as the property owner's private residence.  | 42811 |
| (ii) No child under six years of age who has lead poisoning resides in the unit.   | 42812 |
| (L) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project. | 42813 |
| (M) "Lead abatement project" means one or more lead abatement activities that are conducted by a lead abatement contractor and are reasonably related to each other.   | 42814 |
| (N) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.  | 42815 |
| (O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of lead abatement.   | 42816 |
| (P) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health, as that level is established in rules adopted under section <del>3742.50</del> <u>3742.45</u> of the Revised Code.                             | 42817 |
| (Q) "Lead-contaminated dust" means dust that contains an area or mass concentration of lead at or in excess of the level that is hazardous to human health, as that level is established in rules  | 42818 |
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adopted under section ~~3742.50~~ 3742.45 of the Revised Code. 42838

(R) "Lead-contaminated soil" means soil that contains lead at 42839  
or in excess of the level that is hazardous to human health, as 42840  
that level is established in rules adopted under section ~~3742.50~~ 42841  
3742.45 of the Revised Code. 42842

(S) "~~Lead hazard~~ free" means no lead-based paint is present 42843  
in any area referenced in division (B) of section 3742.42 of the 42844  
Revised Code. 42845

(T) "Lead hazard" means material that is likely to cause lead 42846  
exposure and endanger an individual's health as determined by the 42847  
director of health in rules adopted under section ~~3742.50~~ 3742.45 42848  
of the Revised Code. "Lead hazard" includes lead-based paint, 42849  
lead-contaminated dust, lead-contaminated soil, and 42850  
lead-contaminated water pipes. 42851

~~(T)~~(U) "Lead inspection" means a surface-by-surface 42852  
investigation to determine the presence of lead-based paint. The 42853  
inspection shall use a sampling or testing technique approved by 42854  
the director in rules adopted under section 3742.03 of the Revised 42855  
Code. A licensed lead inspector or laboratory approved under 42856  
section 3742.09 of the Revised Code shall certify in writing the 42857  
precise results of the inspection. 42858

~~(U)~~(V) "Lead inspector" means any individual who conducts a 42859  
lead inspection, provides professional advice regarding a lead 42860  
inspection, or prepares a report explaining the results of a lead 42861  
inspection. 42862

~~(V)~~(W) "Lead poisoning" means the level of lead in human 42863  
blood that is hazardous to human health, as specified in rules 42864  
adopted under section ~~3742.50~~ 3742.45 of the Revised Code. 42865

~~(W)~~(X) "Lead risk assessment" means an on-site investigation 42866  
to determine and report the existence, nature, severity, and 42867  
location of lead hazards in a residential unit, child care 42868

facility, or school, including information gathering from the 42869  
unit, facility, or school's current owner's knowledge regarding 42870  
the age and painting history of the unit, facility, or school and 42871  
occupancy by children under six years of age, visual inspection, 42872  
limited wipe sampling or other environmental sampling techniques, 42873  
and any other activity as may be appropriate. 42874

~~(X)~~(Y) "Lead risk assessor" means a person who is responsible 42875  
for developing a written inspection, risk assessment, and analysis 42876  
plan; conducting inspections for lead hazards in a residential 42877  
unit, child care facility, or school; interpreting results of 42878  
inspections and risk assessments; identifying hazard control 42879  
strategies to reduce or eliminate lead exposures; and completing a 42880  
risk assessment report. 42881

~~(Y)~~ "Lead safe renovation" means the supervision or 42882  
performance of services for the general improvement of all or part 42883  
of an existing structure, including a residential unit, child care 42884  
facility, or school, when the services are supervised or performed 42885  
by a lead safe renovator. 42886

~~(Z)~~ "Lead safe renovator" means a person who has successfully 42887  
completed a training program in lead safe renovation approved 42888  
under section 3742.47 of the Revised Code. "Lead-safe residential 42889  
rental unit" means a residential rental unit that has undergone 42890  
the residential rental unit lead-safe maintenance practices 42891  
described in section 3742.42 of the Revised Code, including 42892  
post-maintenance dust sampling or are registered pursuant to 42893  
division (D) of section 3742.41 of the Revised Code. 42894

(AA) "Manager" means a person, who may be the same person as 42895  
the owner, responsible for the daily operation of a residential 42896  
unit, child care facility, or school. 42897

(BB) "Permanent" means an expected design life of at least 42898  
twenty years. 42899

(CC) "Replacement" means an activity that entails removing components such as windows, doors, and trim that have lead hazards on their surfaces and installing components free of lead hazards.

(DD) "Residential unit" means a dwelling or any part of a building being used as an individual's private residence.  
"Residential unit" includes a residential rental unit.

(EE) ~~"School"~~ "Residential rental unit" means a rental property containing a dwelling or any part of a building being used as an individual's private residence.

"School" means a public or nonpublic school in which children under six years of age receive education.

**Sec. 3742.02.** (A) No person shall do any of the following:

(1) Violate any provision of this chapter or the rules adopted pursuant to it;

(2) Apply or cause to be applied any lead-based paint on or inside a residential unit, child care facility, or school, unless the director of health has determined by rule under section ~~3742.50~~ 3742.45 of the Revised Code that no suitable substitute exists;

(3) Interfere with an investigation conducted by the director of health or a board of health in accordance with section 3742.35 of the Revised Code.

(B) No person shall knowingly authorize or employ an individual to perform lead abatement on a residential unit, child care facility, or school unless the individual who will perform the lead abatement holds a valid license issued under section 3742.05 of the Revised Code.

(C) No person shall do any of the following when a residential unit, child care facility, or school is involved:

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|--|---|
| (1) Perform a lead inspection without a valid lead inspector license issued under section 3742.05 of the Revised Code;   | 42929<br>42930                            |
| (2) Perform a lead risk assessment or provide professional advice regarding lead abatement without a valid lead risk assessor license issued under section 3742.05 of the Revised Code;  | 42931<br>42932<br>42933                   |
| (3) Act as a lead abatement contractor without a valid lead abatement contractor's license issued under section 3742.05 of the Revised Code;   | 42934<br>42935<br>42936                   |
| (4) Act as a lead abatement project designer without a valid lead abatement project designer license issued under section 3742.05 of the Revised Code;   | 42937<br>42938<br>42939                   |
| (5) Perform lead abatement without a valid lead abatement worker license issued under section 3742.05 of the Revised Code;   | 42940<br>42941                            |
| (6) Effective one year after April 7, 2003, perform a clearance examination without a valid clearance technician license issued under section 3742.05 of the Revised Code, unless the person holds a valid lead inspector license or valid lead risk assessor license issued under that section; | 42942<br>42943<br>42944<br>42945<br>42946 |
| (7) Perform lead training for the licensing purposes of this chapter without a valid approval from the director of health under section 3742.08 of the Revised Code;   | 42947<br>42948<br>42949                   |
| (8) Perform interim controls without complying with 24 C.F.R. Part 35.   | 42950<br>42951                            |
| <b>Sec. 3742.31.</b> (A) The director of health shall establish, promote, and maintain a child lead poisoning prevention program. The program shall provide statewide coordination of screening, diagnosis, and treatment services for children under age six, including both of the following:  | 42952<br>42953<br>42954<br>42955<br>42956 |
| (1) Collecting the social security numbers of all children screened, diagnosed, or treated as part of the program's case   | 42957<br>42958                            |

management system; 42959

(2) Disclosing to the department of medicaid on at least an 42960  
annual basis the identity and lead screening test results of each 42961  
child screened pursuant to section 3742.30 of the Revised Code. 42962  
The director shall collect and disseminate information relating to 42963  
child lead poisoning and controlling lead hazards. 42964

(B) The director of health shall operate the child lead 42965  
poisoning prevention program in accordance with rules adopted 42966  
under section ~~3742.50~~ 3742.45 of the Revised Code. The director 42967  
may enter into an interagency agreement with one or more other 42968  
state agencies to perform one or more of the program's duties. The 42969  
director shall supervise and direct an agency's performance of 42970  
such a duty. 42971

**Sec. 3742.35.** When the director of health or a board of 42972  
health authorized to enforce sections 3742.35 to 3742.40 of the 42973  
Revised Code becomes aware that an individual under six years of 42974  
age has lead poisoning, the director or board shall conduct an 42975  
investigation to determine the source of the lead poisoning. The 42976  
director or board may conduct such an investigation when the 42977  
director or board becomes aware that an individual six years of 42978  
age or older has lead poisoning. The director or board shall 42979  
conduct the investigation in accordance with rules adopted under 42980  
section ~~3742.50~~ 3742.45 of the Revised Code. 42981

In conducting the investigation, the director or board may 42982  
request permission to enter the residential unit, child care 42983  
facility, or school that the director or board reasonably suspects 42984  
to be the source of the lead poisoning. If the property is 42985  
occupied, the director or board shall ask the occupant for 42986  
permission. If the property is not occupied, the director or board 42987  
shall ask the property owner or manager for permission. If the 42988  
occupant, owner, or manager fails or refuses to permit entry, the 42989

director or board may petition and obtain an order to enter the 42990  
property from a court of competent jurisdiction in the county in 42991  
which the property is located. 42992

As part of the investigation, the director or board may 42993  
review the records and reports, if any, maintained by a lead 42994  
inspector, lead abatement contractor, lead risk assessor, lead 42995  
abatement project designer, lead abatement worker, or clearance 42996  
technician. 42997

**Sec. 3742.36.** When the director of health or an authorized 42998  
board of health determines pursuant to an investigation conducted 42999  
under section 3742.35 of the Revised Code that a residential unit, 43000  
child care facility, or school is a possible source of the child's 43001  
lead poisoning, the director or board shall conduct a risk 43002  
assessment of that property in accordance with rules adopted under 43003  
section ~~3742.50~~ 3742.45 of the Revised Code. 43004

**Sec. 3742.41.** (A) ~~A property~~ The director of health shall 43005  
establish and maintain a lead-safe residential rental unit 43006  
registry in accordance with rules adopted under section 3742.45 of 43007  
the Revised Code. The director shall not impose a fee for 43008  
registration of a residential rental unit on the registry. 43009

(B) Beginning six months after the effective date of the 43010  
rules referenced in division (A) of this section, the owner of a 43011  
residential rental unit constructed before January 1, ~~1950~~ 1978, 43012  
~~that is used as a residential unit, child care facility, or school~~ 43013  
~~shall be legally presumed not to contain a lead hazard and not to~~ 43014  
~~be the source of the lead poisoning of an individual who resides~~ 43015  
~~in the unit or receives child care or education at the facility or~~ 43016  
~~school if the owner or manager of the unit, facility, or school~~ 43017  
~~successfully completes both of the following preventive~~ 43018  
~~treatments:~~ 43019

~~(1) Follows may implement the essential residential rental unit lead-safe maintenance practices specified in section 3742.42 of the Revised Code for the control of any lead hazards~~. 43020  
43021  
43022

~~(2) Covers all rough, pitted, or porous horizontal surfaces of the inhabited or occupied areas within the unit, facility, or school with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, carpet, or linoleum.~~ 43023  
43024  
43025  
43026

~~(B) The owner or manager of a residential unit, child care facility, or school has successfully completed the preventive treatments specified in division (A) of this section if the unit, facility, or school passes a clearance examination in accordance with standards for passage established by rules adopted under section 3742.49 of the Revised Code.~~ 43027  
43028  
43029  
43030  
43031  
43032

~~(C) The legal presumption established under this section is rebuttable in a court of law only on a showing of clear and convincing evidence to the contrary. After completion of the residential rental unit lead-safe maintenance practices, the owner may register the property as a lead-safe residential rental unit with the department of health for inclusion on the registry.~~ 43033  
43034  
43035  
43036  
43037  
43038

~~(D) The owner of a residential rental unit also may register the unit as a lead-safe residential rental unit with the department for inclusion on the registry if either of the following apply:~~ 43039  
43040  
43041  
43042

~~(1) The residential rental unit was or is constructed after January 1, 1978;~~ 43043  
43044

~~(2) The residential rental unit is lead free as determined by a licensed lead inspector or lead risk assessor after an inspection of the unit.~~ 43045  
43046  
43047

~~(E)(1) The owner of a residential rental unit that is subject to a lead hazard control order under section 3742.37 of the Revised Code shall register the residential rental unit on the~~ 43048  
43049  
43050

lead-safe residential rental unit lead-safe registry after the 43051  
unit passes a clearance examination, as specified in section 43052  
3742.39 of the Revised Code, indicating that the lead hazards 43053  
identified in the order are controlled. 43054

(2) The owner of a residential rental unit that is designated 43055  
as housing for the elderly or senior housing by the director is 43056  
exempt from the requirement to register under division (E)(1) of 43057  
this section. 43058

**Sec. 3742.42.** (A) In completing ~~the essential residential~~ 43059  
~~rental unit lead-safe~~ maintenance practices ~~portion of the~~ 43060  
~~preventive treatments specified in section 3742.41 of the Revised~~ 43061  
Code, the owner or ~~manager~~ agent of the owner of a residential 43062  
rental unit, child care facility, or school shall do all of the 43063  
following: 43064

~~(1) Use only safe work practices, which include compliance~~ 43065  
~~with section 3742.44 of the Revised Code, to prevent the spread of~~ 43066  
~~lead-contaminated dust~~ Successfully complete a training program in 43067  
residential rental unit lead-safe maintenance practices approved 43068  
by the director under section 3742.43 of the Revised Code; 43069

~~(2) Perform~~ Annually perform a visual examinations 43070  
examination for deteriorated paint, underlying damage, and other 43071  
conditions that may cause exposure to lead; 43072

~~(3) Promptly and safely~~ After completing the visual 43073  
examination and identification of deteriorated paint or other 43074  
conditions that may cause exposure to lead, repair deteriorated 43075  
paint or other building components that may cause exposure to lead 43076  
and eliminate the cause of the deterioration in accordance with 43077  
the work practice standards established by the United States 43078  
environmental protection agency in 40 C.F.R. Part 745.85; 43079

~~(4) Ask tenants in a residential unit, and parents,~~ 43080

~~guardians, and custodians of children in a child care facility or school, to report concerns about potential lead hazards by providing written notices to the tenants or parents, guardians, and custodians or by posting notices in conspicuous locations~~ 43081  
~~Conduct post-maintenance dust sampling in accordance with rules adopted under section 3742.45 of the Revised Code;~~ 43082  
43083  
43084  
43085  
43086  
~~(5) Perform specialized cleaning in accordance with section 3742.45 of the Revised Code to control lead contaminated dust;~~ 43087  
43088  
~~(6) Cover any bare soil on the property, except soil proven not to be lead contaminated;~~ 43089  
43090  
~~(7) Maintain a record of essential residential rental unit lead-safe maintenance practices for at least three years that documents all essential those maintenance practices;~~ 43091  
43092  
43093  
~~(8) Successfully complete a training program in essential maintenance practices that has been approved under section 3742.47, including post-maintenance dust sampling conducted in accordance with rules adopted under section 3742.45 of the Revised Code.~~ 43094  
43095  
43096  
43097  
43098  
(B) The areas of a residential rental unit, ~~child care facility, or school~~ that are subject to division (A) of this section include all of the following: 43099  
43100  
43101  
(1) The interior surfaces and all common areas ~~of the unit, facility, or school;~~ 43102  
43103  
(2) Every attached or unattached structure located within the same lot line as the residential rental unit, ~~facility, or school~~ that the owner or manager considers to be associated with the operation of the residential rental unit, ~~facility, or school,~~ including garages, play equipment, and fences; 43104  
43105  
43106  
43107  
43108  
(3) The lot or land that the residential rental unit, ~~facility, or school~~ occupies. 43109  
43110

(C) The residential rental unit lead-safe maintenance practices described in this section are not required to be performed by a person licensed as a lead abatement contractor or lead abatement worker under this chapter. However, six months after the effective date of this amendment, any person other than a lead abatement contractor or lead abatement worker who performs the residential rental unit lead-safe maintenance practices shall have successfully completed a training program in residential rental unit lead-safe maintenance practices approved by the director under section 3742.43 of the Revised Code.

**Sec. 3742.43.** (A) A person seeking approval of a training program in residential rental unit lead-safe maintenance practices shall apply for approval of the training program to the director of health. The application shall be made on a form prescribed by the director and shall include the nonrefundable application fee established in division (B) of this section. The director shall approve the training program if the applicant demonstrates to the satisfaction of the director both of the following:

(1) That the training program will provide written proof of completion to each person who completes the program and passes an examination;

(2) The program is in compliance with any other training program requirements established in rules adopted under section 3742.45 of the Revised Code.

(B) The director of health shall establish a nonrefundable application fee for approving a training program under this section. The fee shall be reasonable and shall not exceed the expense incurred in conducting evaluation and approval of a training program.

**Sec. 3742.49** **3742.44.** The director of health, in consultation

with the individual authorized by the governor to act as the state historic preservation officer, shall develop recommendations for controlling lead hazards that take into consideration the historic nature of the property in which the hazards are located. The director shall provide periodic notifications of the recommendations to all persons licensed under this chapter. All lead hazard control orders issued under section 3742.37 of the Revised Code shall inform the recipient of the recommendations developed under this section.

In no event shall a person use the recommendations as justification for refusing to comply with a lead hazard control order issued under section 3742.37 of the Revised Code.

**Sec. ~~3742.50~~ 3742.45.** (A) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following:

(1) Procedures necessary for the development and operation of the child lead poisoning prevention program established under section 3742.31 of the Revised Code;

(2) Standards and procedures for conducting investigations and risk assessments under sections 3742.35 and 3742.36 of the Revised Code;

(3) Standards and procedures for issuing lead hazard control orders under section 3742.37 of the Revised Code, including standards and procedures for determining appropriate deadlines for complying with lead hazard control orders;

(4) The level of lead in human blood that is hazardous to human health, consistent with the guidelines issued by the centers for disease control and prevention in the public health service of the United States department of health and human services;

(5) The level of lead in paint, dust, and soil that is

hazardous to human health; 43171

(6) Standards and procedures to be followed when ~~implementing~~ 43172  
~~preventive treatments for the control of lead hazards pursuant to~~ 43173  
registering a residential rental unit on the lead-safe residential 43174  
rental unit registry under section 3742.41 of the Revised Code 43175  
that are based on information from the United States environmental 43176  
protection agency, ~~department of housing and urban development,~~ 43177  
~~occupational safety and health administration, or other agencies~~ 43178  
~~with recommendations or guidelines regarding implementation of~~ 43179  
~~preventive treatments;~~ 43180

(7) Standards that must be met to pass a clearance 43181  
examination; 43182

(8) Procedures and criteria for approving ~~under section~~ 43183  
~~3742.47 of the Revised Code~~ training programs in essential 43184  
residential rental unit lead-safe maintenance practices ~~and~~ 43185  
~~lead safe renovation and requirements,~~ in addition to those 43186  
specified in section ~~3742.47~~ 3742.43 of the Revised Code, ~~that a~~ 43187  
~~program must meet to receive approval;~~ 43188

(9) ~~The examination to be administered by a training program~~ 43189  
~~approved under section 3742.47 of the Revised Code and the~~ 43190  
~~examination's passing score~~ Procedures for post-maintenance dust 43191  
sampling. 43192

(B) The director shall establish procedures for revising its 43193  
rules to ensure that the child lead poisoning prevention 43194  
activities conducted under this chapter continue to meet the 43195  
requirements necessary to obtain any federal funding available for 43196  
those activities, including requirements established by the United 43197  
States environmental protection agency, United States department 43198  
of housing and urban development, or any other federal agency with 43199  
jurisdiction over activities pertaining to child lead poisoning 43200  
prevention. 43201

**Sec. ~~3742.51~~ 3742.46.** (A) There is hereby created in the 43202  
state treasury the lead poisoning prevention fund. The fund shall 43203  
include all moneys appropriated to the department of health for 43204  
the administration and enforcement of sections 3742.31 to ~~3742.50~~ 43205  
3742.45 of the Revised Code and the rules adopted under those 43206  
sections. Any grants, contributions, or other moneys collected by 43207  
the department for purposes of preventing lead poisoning shall be 43208  
deposited in the state treasury to the credit of the fund. 43209

(B) Moneys in the fund shall be used solely for the purposes 43210  
of the child lead poisoning prevention program established under 43211  
section 3742.31 of the Revised Code, including providing financial 43212  
assistance to individuals who are unable to pay for the following: 43213

(1) Costs associated with obtaining lead tests and lead 43214  
poisoning treatment for children under six years of age who are 43215  
not covered by private medical insurance or are underinsured, are 43216  
not eligible for the medicaid program or any other government 43217  
health program, and do not have access to another source of funds 43218  
to cover the cost of lead tests and any indicated treatments; 43219

(2) Costs associated with having lead abatement performed or 43220  
having the ~~preventive treatments~~ residential rental unit lead-safe 43221  
maintenance practices specified in section ~~3742.41~~ 3742.42 of the 43222  
Revised Code performed. 43223

**Sec. 3745.012.** (A) The director of environmental protection 43224  
shall collect all moneys for permits, licenses, plan approvals, 43225  
variances, and certifications of any nature issued and 43226  
administered by the environmental protection agency under Chapter 43227  
3704., 3714., 3734., 6109., or 6111. of the Revised Code. The 43228  
director shall keep a record of all such moneys collected showing 43229  
the amounts received, from whom, and for what purpose collected. 43230  
All such moneys shall be credited to the general revenue fund, 43231

except for such moneys required to be credited to any other fund. 43232

(B) The director may reduce or waive a fee incurred for 43233  
either of the following: 43234

(1) Submitting a late payment if the original amount has been 43235  
paid in full; 43236

(2) Responding to an emergency, including fees for the 43237  
disposal of material and debris, if the governor declares a state 43238  
of emergency. 43239

**Sec. 3745.016.** There is hereby created in the state treasury 43240  
the federally supported cleanup and response fund consisting of 43241  
money credited to the fund from federal grants, gifts, and 43242  
~~contributions to support the investigation and remediation of~~ 43243  
~~contaminated property.~~ The environmental protection agency shall 43244  
use money in the fund to support the investigation and remediation 43245  
of contaminated property and implementation of the hazardous waste 43246  
provisions of Chapter 3734. of the Revised Code. 43247

**Sec. 3745.018.** The director of environmental protection shall 43248  
establish within environmental protection the agency a division to 43249  
administer the agency's financial, technical, and compliance 43250  
programs to assist communities, businesses, and other regulated 43251  
entities. The division shall administer all of the following: 43252

(A) State revolving wastewater and drinking water loan 43253  
programs under sections 6109.22 and 6111.036 of the Revised Code; 43254

(B) Agency grant programs, including recycling and litter 43255  
prevention grant programs under section 3736.05 of the Revised 43256  
Code; 43257

(C) Programs for providing compliance and pollution 43258  
prevention assistance to regulated entities under sections 3704.18 43259  
and 3745.017 of the Revised Code; 43260

(D) Statewide source reduction, recycling, recycling market 43261  
development, and litter prevention programs under section 3736.02 43262  
of the Revised Code. 43263

**Sec. 3745.11.** (A) Applicants for and holders of permits, 43264  
licenses, variances, plan approvals, and certifications issued by 43265  
the director of environmental protection pursuant to Chapters 43266  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 43267  
to the environmental protection agency for each such issuance and 43268  
each application for an issuance as provided by this section. No 43269  
fee shall be charged for any issuance for which no application has 43270  
been submitted to the director. 43271

(B) Except as otherwise provided in division (C)(2) of this 43272  
section, beginning July 1, 1994, each person who owns or operates 43273  
an air contaminant source and who is required to apply for and 43274  
obtain a Title V permit under section 3704.036 of the Revised Code 43275  
shall pay the fees set forth in this division. For the purposes of 43276  
this division, total emissions of air contaminants may be 43277  
calculated using engineering calculations, emissions factors, 43278  
material balance calculations, or performance testing procedures, 43279  
as authorized by the director. 43280

The following fees shall be assessed on the total actual 43281  
emissions from a source in tons per year of the regulated 43282  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 43283  
organic compounds, and lead: 43284

(1) Fifteen dollars per ton on the total actual emissions of 43285  
each such regulated pollutant during the period July through 43286  
December 1993, to be collected no sooner than July 1, 1994; 43287

(2) Twenty dollars per ton on the total actual emissions of 43288  
each such regulated pollutant during calendar year 1994, to be 43289  
collected no sooner than April 15, 1995; 43290

(3) Twenty-five dollars per ton on the total actual emissions of each such regulated pollutant in calendar year 1995, and each subsequent calendar year, to be collected no sooner than the fifteenth day of April of the year next succeeding the calendar year in which the emissions occurred.

The fees levied under this division do not apply to that portion of the emissions of a regulated pollutant at a facility that exceed four thousand tons during a calendar year.

(C)(1) The fees assessed under division (B) of this section are for the purpose of providing funding for the Title V permit program.

(2) The fees assessed under division (B) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year.

(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who

owns or operates an air contaminant source; who is required to 43322  
apply for a permit to operate pursuant to rules adopted under 43323  
division (G), or a variance pursuant to division (H), of section 43324  
3704.03 of the Revised Code; and who is not required to apply for 43325  
and obtain a Title V permit under section 3704.036 of the Revised 43326  
Code shall pay a single fee based upon the sum of the actual 43327  
annual emissions from the facility of the regulated pollutants 43328  
particulate matter, sulfur dioxide, nitrogen oxides, organic 43329  
compounds, and lead in accordance with the following schedule: 43330

| Total tons per year           |              |  | 43331 |
|-------------------------------|--------------|--|-------|
| of regulated pollutants       | Annual fee   |  | 43332 |
| emitted                       | per facility |  | 43333 |
| More than 0, but less than 50 | \$ 75        |  | 43334 |
| 50 or more, but less than 100 | 300          |  | 43335 |
| 100 or more                   | 700          |  | 43336 |

(2) Except as provided in division (D)(3) of this section, 43337  
beginning January 1, 2004, each person who owns or operates an air 43338  
contaminant source; who is required to apply for a permit to 43339  
operate pursuant to rules adopted under division (G), or a 43340  
variance pursuant to division (H), of section 3704.03 of the 43341  
Revised Code; and who is not required to apply for and obtain a 43342  
Title V permit under section 3704.03 of the Revised Code shall pay 43343  
a single fee based upon the sum of the actual annual emissions 43344  
from the facility of the regulated pollutants particulate matter, 43345  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 43346  
accordance with the following schedule: 43347

| Total tons per year           |              |  | 43348 |
|-------------------------------|--------------|--|-------|
| of regulated pollutants       | Annual fee   |  | 43349 |
| emitted                       | per facility |  | 43350 |
| More than 0, but less than 10 | \$ 100       |  | 43351 |
| 10 or more, but less than 50  | 200          |  | 43352 |
| 50 or more, but less than 100 | 300          |  | 43353 |

100 or more 700 43354

(3)(a) As used in division (D) of this section, "synthetic 43355  
minor facility" means a facility for which one or more permits to 43356  
install or permits to operate have been issued for the air 43357  
contaminant sources at the facility that include terms and 43358  
conditions that lower the facility's potential to emit air 43359  
contaminants below the major source thresholds established in 43360  
rules adopted under section 3704.036 of the Revised Code. 43361

(b) Beginning January 1, 2000, through June 30, ~~2018~~ 2020, 43362  
each person who owns or operates a synthetic minor facility shall 43363  
pay an annual fee based on the sum of the actual annual emissions 43364  
from the facility of particulate matter, sulfur dioxide, nitrogen 43365  
dioxide, organic compounds, and lead in accordance with the 43366  
following schedule: 43367

| Combined total tons 43368           |              |  |
|-------------------------------------|--------------|--|
| per year of all regulated 43369     | Annual fee   |  |
| pollutants emitted 43370            | per facility |  |
| Less than 10 43371                  | \$ 170       |  |
| 10 or more, but less than 20 43372  | 340          |  |
| 20 or more, but less than 30 43373  | 670          |  |
| 30 or more, but less than 40 43374  | 1,010        |  |
| 40 or more, but less than 50 43375  | 1,340        |  |
| 50 or more, but less than 60 43376  | 1,680        |  |
| 60 or more, but less than 70 43377  | 2,010        |  |
| 70 or more, but less than 80 43378  | 2,350        |  |
| 80 or more, but less than 90 43379  | 2,680        |  |
| 90 or more, but less than 100 43380 | 3,020        |  |
| 100 or more 43381                   | 3,350        |  |

(4) The fees assessed under division (D)(1) of this section 43382  
shall be collected annually no sooner than the fifteenth day of 43383  
April, commencing in 1995. The fees assessed under division (D)(2) 43384  
of this section shall be collected annually no sooner than the 43385

fifteenth day of April, commencing in 2005. The fees assessed 43386  
under division (D)(3) of this section shall be collected no sooner 43387  
than the fifteenth day of April, commencing in 2000. The fees 43388  
assessed under division (D) of this section in a calendar year 43389  
shall be based upon the sum of the actual emissions of those 43390  
regulated pollutants during the preceding calendar year. For the 43391  
purpose of division (D) of this section, emissions of air 43392  
contaminants may be calculated using engineering calculations, 43393  
emission factors, material balance calculations, or performance 43394  
testing procedures, as authorized by the director. The director, 43395  
by rule, may require persons who are required to pay the fees 43396  
assessed under division (D) of this section to pay those fees 43397  
biennially rather than annually. 43398

(E)(1) Consistent with the need to cover the reasonable costs 43399  
of the Title V permit program, the director annually shall 43400  
increase the fees prescribed in division (B) of this section by 43401  
the percentage, if any, by which the consumer price index for the 43402  
most recent calendar year ending before the beginning of a year 43403  
exceeds the consumer price index for calendar year 1989. Upon 43404  
calculating an increase in fees authorized by division (E)(1) of 43405  
this section, the director shall compile revised fee schedules for 43406  
the purposes of division (B) of this section and shall make the 43407  
revised schedules available to persons required to pay the fees 43408  
assessed under that division and to the public. 43409

(2) For the purposes of division (E)(1) of this section: 43410

(a) The consumer price index for any year is the average of 43411  
the consumer price index for all urban consumers published by the 43412  
United States department of labor as of the close of the 43413  
twelve-month period ending on the thirty-first day of August of 43414  
that year. 43415

(b) If the 1989 consumer price index is revised, the director 43416  
shall use the revision of the consumer price index that is most 43417

consistent with that for calendar year 1989. 43418

(F) Each person who is issued a permit to install pursuant to 43419  
rules adopted under division (F) of section 3704.03 of the Revised 43420  
Code on or after July 1, 2003, shall pay the fees specified in the 43421  
following schedules: 43422

(1) Fuel-burning equipment (boilers, furnaces, or process 43423  
heaters used in the process of burning fuel for the primary 43424  
purpose of producing heat or power by indirect heat transfer) 43425  
Input capacity (maximum) 43426

| (million British thermal units per hour) | Permit to install |       |
|--|-------------------|-------|
| Greater than 0, but less than 10         | \$ 200            | 43428 |
| 10 or more, but less than 100            | 400               | 43429 |
| 100 or more, but less than 300           | 1000              | 43430 |
| 300 or more, but less than 500           | 2250              | 43431 |
| 500 or more, but less than 1000          | 3750              | 43432 |
| 1000 or more, but less than 5000         | 6000              | 43433 |
| 5000 or more                             | 9000              | 43434 |

Units burning exclusively natural gas, number two fuel oil, 43435  
or both shall be assessed a fee that is one-half the applicable 43436  
amount shown in division (F)(1) of this section. 43437

(2) Combustion turbines and stationary internal combustion 43438  
engines designed to generate electricity 43439

| Generating capacity (mega watts) | Permit to install |       |
|----------------------------------|-------------------|-------|
| 0 or more, but less than 10      | \$ 25             | 43441 |
| 10 or more, but less than 25     | 150               | 43442 |
| 25 or more, but less than 50     | 300               | 43443 |
| 50 or more, but less than 100    | 500               | 43444 |
| 100 or more, but less than 250   | 1000              | 43445 |
| 250 or more                      | 2000              | 43446 |

(3) Incinerators 43447  
Input capacity (pounds per hour) Permit to install 43448

|                  |        |       |
|------------------|--------|-------|
| 0 to 100         | \$ 100 | 43449 |
| 101 to 500       | 500    | 43450 |
| 501 to 2000      | 1000   | 43451 |
| 2001 to 20,000   | 1500   | 43452 |
| more than 20,000 | 3750   | 43453 |

(4)(a) Process 43454

|                                       |                   |       |
|---------------------------------------|-------------------|-------|
| Process weight rate (pounds per hour) | Permit to install | 43455 |
| 0 to 1000                             | \$ 200            | 43456 |
| 1001 to 5000                          | 500               | 43457 |
| 5001 to 10,000                        | 750               | 43458 |
| 10,001 to 50,000                      | 1000              | 43459 |
| more than 50,000                      | 1250              | 43460 |

In any process where process weight rate cannot be 43461  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 43462  
combustion turbine, stationary internal combustion engine, or 43463  
process heater designed to provide direct heat or power to a 43464  
process not designed to generate electricity shall be assessed a 43465  
fee established in division (F)(4)(a) of this section. A 43466  
combustion turbine or stationary internal combustion engine 43467  
designed to generate electricity shall be assessed a fee 43468  
established in division (F)(2) of this section. 43469

(b) Notwithstanding division (F)(4)(a) of this section, any 43470  
person issued a permit to install pursuant to rules adopted under 43471  
division (F) of section 3704.03 of the Revised Code shall pay the 43472  
fees set forth in division (F)(4)(c) of this section for a process 43473  
used in any of the following industries, as identified by the 43474  
applicable two-digit, three-digit, or four-digit standard 43475  
industrial classification code according to the Standard 43476  
Industrial Classification Manual published by the United States 43477  
office of management and budget in the executive office of the 43478  
president, 1987, as revised: 43479

Major group 10, metal mining; 43480

|   |                   |       |
|---|-------------------|-------|
| Major group 12, coal mining;                                      |                   | 43481 |
| Major group 14, mining and quarrying of nonmetallic minerals;     |                   | 43482 |
| Industry group 204, grain mill products;                          |                   | 43483 |
| 2873 Nitrogen fertilizers;  |                   | 43484 |
| 2874 Phosphatic fertilizers;                                      |                   | 43485 |
| 3281 Cut stone and stone products;                                |                   | 43486 |
| 3295 Minerals and earth, ground or otherwise treated;             |                   | 43487 |
| 4221 Grain elevators (storage only);                              |                   | 43488 |
| 5159 Farm related raw materials;                                  |                   | 43489 |
| 5261 Retail nurseries and lawn and garden supply stores.          |                   | 43490 |
| (c) The fees set forth in the following schedule apply to the     |                   | 43491 |
| issuance of a permit to install pursuant to rules adopted under   |                   | 43492 |
| division (F) of section 3704.03 of the Revised Code for a process |                   | 43493 |
| identified in division (F)(4)(b) of this section:                 |                   | 43494 |
| Process weight rate (pounds per                                   | Permit to install | 43495 |
| hour)   |                   |       |
| 0 to 10,000   | \$ 200            | 43496 |
| 10,001 to 50,000  | 400               | 43497 |
| 50,001 to 100,000   | 500               | 43498 |
| 100,001 to 200,000  | 600               | 43499 |
| 200,001 to 400,000  | 750               | 43500 |
| 400,001 or more   | 900               | 43501 |
| (5) Storage tanks   |                   | 43502 |
| Gallons (maximum useful capacity)                                 | Permit to install | 43503 |
| 0 to 20,000   | \$ 100            | 43504 |
| 20,001 to 40,000  | 150               | 43505 |
| 40,001 to 100,000   | 250               | 43506 |
| 100,001 to 500,000  | 400               | 43507 |
| 500,001 or greater  | 750               | 43508 |

|   |                   |       |
|---|-------------------|-------|
| (6) Gasoline/fuel dispensing facilities                                 |                   | 43509 |
| For each gasoline/fuel  |                   | 43510 |
| dispensing facility (includes all                                       | Permit to install | 43511 |
| units at the facility)  | \$ 100            | 43512 |
| (7) Dry cleaning facilities   |                   | 43513 |
| For each dry cleaning   |                   | 43514 |
| facility (includes all units  | Permit to install | 43515 |
| at the facility)  | \$ 100            | 43516 |
| (8) Registration status   |                   | 43517 |
| For each source covered   | Permit to install | 43518 |
| by registration status  | \$ 75             | 43519 |
| (G) An owner or operator who is responsible for an asbestos             |                   | 43520 |
| demolition or renovation project pursuant to rules adopted under        |                   | 43521 |
| section 3704.03 of the Revised Code shall <u>pay, upon submitting a</u> |                   | 43522 |
| <u>notification pursuant to rules adopted under that section,</u> the   |                   | 43523 |
| fees set forth in the following schedule:                               |                   | 43524 |
| Action  | Fee               | 43525 |
| Each notification   | \$75              | 43526 |
| Asbestos removal  | \$3/unit          | 43527 |
| Asbestos cleanup  | \$4/cubic yard    | 43528 |
| For purposes of this division, "unit" means any combination of          |                   | 43529 |
| linear feet or square feet equal to fifty.                              |                   | 43530 |
| (H) A person who is issued an extension of time for a permit            |                   | 43531 |
| to install an air contaminant source pursuant to rules adopted          |                   | 43532 |
| under division (F) of section 3704.03 of the Revised Code shall         |                   | 43533 |
| pay a fee equal to one-half the fee originally assessed for the         |                   | 43534 |
| permit to install under this section, except that the fee for such      |                   | 43535 |
| an extension shall not exceed two hundred dollars.                      |                   | 43536 |
| (I) A person who is issued a modification to a permit to                |                   | 43537 |
| install an air contaminant source pursuant to rules adopted under       |                   | 43538 |
| section 3704.03 of the Revised Code shall pay a fee equal to            |                   | 43539 |

one-half of the fee that would be assessed under this section to 43540  
obtain a permit to install the source. The fee assessed by this 43541  
division only applies to modifications that are initiated by the 43542  
owner or operator of the source and shall not exceed two thousand 43543  
dollars. 43544

(J) Notwithstanding division (F) of this section, a person 43545  
who applies for or obtains a permit to install pursuant to rules 43546  
adopted under division (F) of section 3704.03 of the Revised Code 43547  
after the date actual construction of the source began shall pay a 43548  
fee for the permit to install that is equal to twice the fee that 43549  
otherwise would be assessed under the applicable division unless 43550  
the applicant received authorization to begin construction under 43551  
division (W) of section 3704.03 of the Revised Code. This division 43552  
only applies to sources for which actual construction of the 43553  
source begins on or after July 1, 1993. The imposition or payment 43554  
of the fee established in this division does not preclude the 43555  
director from taking any administrative or judicial enforcement 43556  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 43557  
of the Revised Code, or a rule adopted under any of them, in 43558  
connection with a violation of rules adopted under division (F) of 43559  
section 3704.03 of the Revised Code. 43560

As used in this division, "actual construction of the source" 43561  
means the initiation of physical on-site construction activities 43562  
in connection with improvements to the source that are permanent 43563  
in nature, including, without limitation, the installation of 43564  
building supports and foundations and the laying of underground 43565  
pipework. 43566

(K)(1) Money received under division (B) of this section 43567  
shall be deposited in the state treasury to the credit of the 43568  
Title V clean air fund created in section 3704.035 of the Revised 43569  
Code. Annually, not more than fifty cents per ton of each fee 43570  
assessed under division (B) of this section on actual emissions 43571

from a source and received by the environmental protection agency 43572  
pursuant to that division ~~shall~~ may be transferred by the director 43573  
using an interstate transfer voucher to the state treasury to the 43574  
credit of the small business assistance fund created in section 43575  
3706.19 of the Revised Code. In addition, annually, the amount of 43576  
money necessary for the operation of the office of ombudsperson as 43577  
determined under division (B) of that section shall be transferred 43578  
to the state treasury to the credit of the small business 43579  
ombudsperson fund created by that section. 43580

(2) Money received by the agency pursuant to divisions (D), 43581  
(F), (G), (H), (I), and (J) of this section shall be deposited in 43582  
the state treasury to the credit of the non-Title V clean air fund 43583  
created in section 3704.035 of the Revised Code. 43584

~~(L)(1)(a) Except as otherwise provided in division (L)(1)(b)~~ 43585  
~~or (c) of this section, a person issued a water discharge permit~~ 43586  
~~or renewal of a water discharge permit pursuant to Chapter 6111.~~ 43587  
~~of the Revised Code shall pay a fee based on each point source to~~ 43588  
~~which the issuance is applicable in accordance with the following~~ 43589  
~~schedule:~~ 43590

| <del>Design flow discharge (gallons per day)</del> | <del>Fee</del>  |       |
|--|-----------------|-------|
| <del>0 to 1000</del>                               | <del>\$ 0</del> | 43592 |
| <del>1,001 to 5000</del>                           | <del>100</del>  | 43593 |
| <del>5,001 to 50,000</del>                         | <del>200</del>  | 43594 |
| <del>50,001 to 100,000</del>                       | <del>300</del>  | 43595 |
| <del>100,001 to 300,000</del>                      | <del>525</del>  | 43596 |
| <del>over 300,000</del>                            | <del>750</del>  | 43597 |

~~(b) Notwithstanding the fee schedule specified in division~~ 43598  
~~(L)(1)(a) of this section, the fee for a water discharge permit~~ 43599  
~~that is applicable to coal mining operations regulated under~~ 43600  
~~Chapter 1513. of the Revised Code shall be two hundred fifty~~ 43601  
~~dollars per mine.~~ 43602

~~(c) Notwithstanding the fee schedule specified in division~~ 43603

~~(L)(1)(a) of this section, the fee for a water discharge permit 43604  
for a public discharger identified by I in the third character of 43605  
the permittee's NPDES permit number shall not exceed seven hundred 43606  
fifty dollars. 43607~~

~~(2) A person applying for a plan approval for a wastewater 43608  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 43609  
of the Revised Code shall pay a nonrefundable fee of one hundred 43610  
dollars plus sixty-five one-hundredths of one per cent of the 43611  
estimated project cost through June 30, ~~2018~~ 2020, and a 43612  
nonrefundable application fee of one hundred dollars plus 43613  
two-tenths of one per cent of the estimated project cost on and 43614  
after July 1, ~~2018~~ 2020, except that the total fee shall not 43615  
exceed fifteen thousand dollars through June 30, ~~2018~~ 2020, and 43616  
five thousand dollars on and after July 1, ~~2018~~ 2020. The fee 43617  
shall be paid at the time the application is submitted. 43618~~

~~(3) A person issued a modification of a water discharge 43619  
permit shall pay a fee equal to one half the fee that otherwise 43620  
would be charged for a water discharge permit, except that the fee 43621  
for the modification shall not exceed four hundred dollars. 43622~~

~~(4)(2) A person who has entered into an agreement with the 43623  
director under section 6111.14 of the Revised Code shall pay an 43624  
administrative service fee for each plan submitted under that 43625  
section for approval that shall not exceed the minimum amount 43626  
necessary to pay administrative costs directly attributable to 43627  
processing plan approvals. The director annually shall calculate 43628  
the fee and shall notify all persons who have entered into 43629  
agreements under that section, or who have applied for agreements, 43630  
of the amount of the fee. 43631~~

~~(5)(3)(a)(i) Not later than January 30, ~~2016~~ 2018, and 43632  
January 30, ~~2017~~ 2019, a person holding an NPDES discharge permit 43633  
issued pursuant to Chapter 6111. of the Revised Code with an 43634  
average daily discharge flow of five thousand gallons or more 43635~~

shall pay a nonrefundable annual discharge fee. Any person who 43636  
fails to pay the fee at that time shall pay an additional amount 43637  
that equals ten per cent of the required annual discharge fee. 43638

(ii) The billing year for the annual discharge fee 43639  
established in division (L)~~(5)~~(3)(a)(i) of this section shall 43640  
consist of a twelve-month period beginning on the first day of 43641  
January of the year preceding the date when the annual discharge 43642  
fee is due. In the case of an existing source that permanently 43643  
ceases to discharge during a billing year, the director shall 43644  
reduce the annual discharge fee, including the surcharge 43645  
applicable to certain industrial facilities pursuant to division 43646  
(L)~~(5)~~(3)(c) of this section, by one-twelfth for each full month 43647  
during the billing year that the source was not discharging, but 43648  
only if the person holding the NPDES discharge permit for the 43649  
source notifies the director in writing, not later than the first 43650  
day of October of the billing year, of the circumstances causing 43651  
the cessation of discharge. 43652

(iii) The annual discharge fee established in division 43653  
(L)~~(5)~~(3)(a)(i) of this section, except for the surcharge 43654  
applicable to certain industrial facilities pursuant to division 43655  
(L)~~(5)~~(3)(c) of this section, shall be based upon the average 43656  
daily discharge flow in gallons per day calculated using first day 43657  
of May through thirty-first day of October flow data for the 43658  
period two years prior to the date on which the fee is due. In the 43659  
case of NPDES discharge permits for new sources, the fee shall be 43660  
calculated using the average daily design flow of the facility 43661  
until actual average daily discharge flow values are available for 43662  
the time period specified in division (L)~~(5)~~(3)(a)(iii) of this 43663  
section. The annual discharge fee may be prorated for a new source 43664  
as described in division (L)~~(5)~~(3)(a)(ii) of this section. 43665

(b)(i) An NPDES permit holder that is a public discharger 43666  
shall pay the fee specified in the following schedule: 43667

|                           |                                   |       |
|---------------------------|-----------------------------------|-------|
| Average daily             | Fee due by                        | 43668 |
| discharge flow            | January 30,                       | 43669 |
|                           | <del>2016</del> <u>2018</u> , and | 43670 |
|                           | January 30, <del>2017</del>       | 43671 |
|                           | <u>2019</u>                       |       |
| 5,000 to 49,999           | \$ 200                            | 43672 |
| 50,000 to 100,000         | 500                               | 43673 |
| 100,001 to 250,000        | 1,050                             | 43674 |
| 250,001 to 1,000,000      | 2,600                             | 43675 |
| 1,000,001 to 5,000,000    | 5,200                             | 43676 |
| 5,000,001 to 10,000,000   | 10,350                            | 43677 |
| 10,000,001 to 20,000,000  | 15,550                            | 43678 |
| 20,000,001 to 50,000,000  | 25,900                            | 43679 |
| 50,000,001 to 100,000,000 | 41,400                            | 43680 |
| 100,000,001 or more       | 62,100                            | 43681 |

(ii) Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand persons shall pay an annual discharge fee under division (L)~~(5)~~(3)(b)(i) of this section that is based on the combined average daily discharge flow of the treatment works.

(c)(i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

|                |                                   |       |
|----------------|-----------------------------------|-------|
| Average daily  | Fee due by                        | 43694 |
| discharge flow | January 30,                       | 43695 |
|                | <del>2016</del> <u>2018</u> , and | 43696 |
|                | January 30, <del>2017</del>       | 43697 |
|                | <u>2019</u>                       |       |

|                            |        |       |
|----------------------------|--------|-------|
| 5,000 to 49,999            | \$ 250 | 43698 |
| 50,000 to 250,000          | 1,200  | 43699 |
| 250,001 to 1,000,000       | 2,950  | 43700 |
| 1,000,001 to 5,000,000     | 5,850  | 43701 |
| 5,000,001 to 10,000,000    | 8,800  | 43702 |
| 10,000,001 to 20,000,000   | 11,700 | 43703 |
| 20,000,001 to 100,000,000  | 14,050 | 43704 |
| 100,000,001 to 250,000,000 | 16,400 | 43705 |
| 250,000,001 or more        | 18,700 | 43706 |

(ii) In addition to the fee specified in the above schedule, 43707  
an NPDES permit holder that is an industrial discharger classified 43708  
as a major discharger during all or part of the annual discharge 43709  
fee billing year specified in division (L)~~(5)~~(3)(a)(ii) of this 43710  
section shall pay a nonrefundable annual surcharge of seven 43711  
thousand five hundred dollars not later than January 30, ~~2016~~ 43712  
2018, and not later than January 30, ~~2017~~ 2019. Any person who 43713  
fails to pay the surcharge at that time shall pay an additional 43714  
amount that equals ten per cent of the amount of the surcharge. 43715

(d) Notwithstanding divisions (L)~~(5)~~(3)(b) and (c) of this 43716  
section, a public discharger, that is not a separate municipal 43717  
storm sewer system, identified by I in the third character of the 43718  
permittee's NPDES permit number and an industrial discharger 43719  
identified by I, J, L, V, W, X, Y, or Z in the third character of 43720  
the permittee's NPDES permit number shall pay a nonrefundable 43721  
annual discharge fee of one hundred eighty dollars not later than 43722  
January 30, ~~2016~~ 2018, and not later than January 30, ~~2017~~ 2019. 43723  
Any person who fails to pay the fee at that time shall pay an 43724  
additional amount that equals ten per cent of the required fee. 43725

~~(6)~~(4) Each person obtaining a ~~national pollutant discharge~~ 43726  
~~elimination system general or individual~~ an NPDES permit for 43727  
municipal storm water discharge shall pay a nonrefundable storm 43728  
water annual discharge fee of ~~one hundred~~ ten dollars per 43729

one-tenth of a square mile of area permitted. The fee shall not 43730  
exceed ten thousand dollars and shall be payable on or before 43731  
January 30, 2004, and the thirtieth day of January of each year 43732  
thereafter. Any person who fails to pay the fee on the date 43733  
specified in division (L)~~(6)~~(4) of this section shall pay an 43734  
additional amount per year equal to ten per cent of the annual fee 43735  
that is unpaid. 43736

~~(7)~~(5) The director shall transmit all moneys collected under 43737  
division (L) of this section to the treasurer of state for deposit 43738  
into the state treasury to the credit of the surface water 43739  
protection fund created in section 6111.038 of the Revised Code. 43740

~~(8)~~(6) As used in ~~division (L)~~ of this section: 43741

(a) "NPDES" means the federally approved national pollutant 43742  
discharge elimination system individual and general program for 43743  
issuing, modifying, revoking, reissuing, terminating, monitoring, 43744  
and enforcing permits and imposing and enforcing pretreatment 43745  
requirements under Chapter 6111. of the Revised Code and rules 43746  
adopted under it. 43747

(b) "Public discharger" means any holder of an NPDES permit 43748  
identified by P in the second character of the NPDES permit number 43749  
assigned by the director. 43750

(c) "Industrial discharger" means any holder of an NPDES 43751  
permit identified by I in the second character of the NPDES permit 43752  
number assigned by the director. 43753

(d) "Major discharger" means any holder of an NPDES permit 43754  
classified as major by the regional administrator of the United 43755  
States environmental protection agency in conjunction with the 43756  
director. 43757

(M) Through June 30, ~~2018~~ 2020, a person applying for a 43758  
license or license renewal to operate a public water system under 43759  
section 6109.21 of the Revised Code shall pay the appropriate fee 43760

established under this division at the time of application to the 43761  
director. Any person who fails to pay the fee at that time shall 43762  
pay an additional amount that equals ten per cent of the required 43763  
fee. The director shall transmit all moneys collected under this 43764  
division to the treasurer of state for deposit into the drinking 43765  
water protection fund created in section 6109.30 of the Revised 43766  
Code. 43767

Except as provided in divisions (M)(4) and (5) of this 43768  
section, fees required under this division shall be calculated and 43769  
paid in accordance with the following schedule: 43770

(1) For the initial license required under section 6109.21 of 43771  
the Revised Code for any public water system that is a community 43772  
water system as defined in section 6109.01 of the Revised Code, 43773  
and for each license renewal required for such a system prior to 43774  
January 31, ~~2018~~ 2020, the fee is: 43775

| Number of service connections | Fee amount                  |       |
|-------------------------------|-----------------------------|-------|
| Not more than 49              | \$ 112                      | 43777 |
| 50 to 99                      | 176                         | 43778 |
| Number of service connections | Average cost per connection |       |
| 100 to 2,499                  | \$ 1.92                     | 43780 |
| 2,500 to 4,999                | 1.48                        | 43781 |
| 5,000 to 7,499                | 1.42                        | 43782 |
| 7,500 to 9,999                | 1.34                        | 43783 |
| 10,000 to 14,999              | 1.16                        | 43784 |
| 15,000 to 24,999              | 1.10                        | 43785 |
| 25,000 to 49,999              | 1.04                        | 43786 |
| 50,000 to 99,999              | .92                         | 43787 |
| 100,000 to 149,999            | .86                         | 43788 |
| 150,000 to 199,999            | .80                         | 43789 |
| 200,000 or more               | .76                         | 43790 |

A public water system may determine how it will pay the total 43791  
amount of the fee calculated under division (M)(1) of this 43792

section, including the assessment of additional user fees that may 43793  
be assessed on a volumetric basis. 43794

As used in division (M)(1) of this section, "service 43795  
connection" means the number of active or inactive pipes, 43796  
goosenecks, pigtails, and any other fittings connecting a water 43797  
main to any building outlet. 43798

(2) For the initial license required under section 6109.21 of 43799  
the Revised Code for any public water system that is not a 43800  
community water system and serves a nontransient population, and 43801  
for each license renewal required for such a system prior to 43802  
January 31, ~~2018~~ 2020, the fee is: 43803

| Population served | Fee amount |       |
|-------------------|------------|-------|
| Fewer than 150    | \$ 112     | 43805 |
| 150 to 299        | 176        | 43806 |
| 300 to 749        | 384        | 43807 |
| 750 to 1,499      | 628        | 43808 |
| 1,500 to 2,999    | 1,268      | 43809 |
| 3,000 to 7,499    | 2,816      | 43810 |
| 7,500 to 14,999   | 5,510      | 43811 |
| 15,000 to 22,499  | 9,048      | 43812 |
| 22,500 to 29,999  | 12,430     | 43813 |
| 30,000 or more    | 16,820     | 43814 |

As used in division (M)(2) of this section, "population 43815  
served" means the total number of individuals having access to the 43816  
water supply during a twenty-four-hour period for at least sixty 43817  
days during any calendar year. In the absence of a specific 43818  
population count, that number shall be calculated at the rate of 43819  
three individuals per service connection. 43820

(3) For the initial license required under section 6109.21 of 43821  
the Revised Code for any public water system that is not a 43822  
community water system and serves a transient population, and for 43823  
each license renewal required for such a system prior to January 43824

|  |            |       |
|--|------------|-------|
| 31, <del>2018</del> <u>2020</u> , the fee is:                                      |            | 43825 |
| Number of wells or sources, other  | Fee amount | 43826 |
| than surface water, supplying system   |            |       |
| 1  | \$112      | 43827 |
| 2  | 112        | 43828 |
| 3  | 176        | 43829 |
| 4  | 278        | 43830 |
| 5  | 568        | 43831 |
| System designated as using a   |            | 43832 |
| surface water source   | 792        | 43833 |
| As used in division (M)(3) of this section, "number of wells                       |            | 43834 |
| or sources, other than surface water, supplying system" means                      |            | 43835 |
| those wells or sources that are physically connected to the                        |            | 43836 |
| plumbing system serving the public water system.                                   |            | 43837 |
| (4) A public water system designated as using a surface water                      |            | 43838 |
| source shall pay a fee of seven hundred ninety-two dollars or the                  |            | 43839 |
| amount calculated under division (M)(1) or (2) of this section,                    |            | 43840 |
| whichever is greater.  |            | 43841 |
| (5) An applicant for an initial license who is proposing to                        |            | 43842 |
| operate a new public water supply system shall submit a fee that                   |            | 43843 |
| equals a prorated amount of the appropriate fee for the remainder                  |            | 43844 |
| of the licensing year.   |            | 43845 |
| (N)(1) A person applying for a plan approval for a public                          |            | 43846 |
| water supply system under section 6109.07 of the Revised Code                      |            | 43847 |
| shall pay a fee of one hundred fifty dollars plus thirty-five                      |            | 43848 |
| hundredths of one per cent of the estimated project cost, except                   |            | 43849 |
| that the total fee shall not exceed twenty thousand dollars                        |            | 43850 |
| through June 30, <del>2018</del> <u>2020</u> , and fifteen thousand dollars on and |            | 43851 |
| after July 1, <del>2018</del> <u>2020</u> . The fee shall be paid at the time the  |            | 43852 |
| application is submitted.  |            | 43853 |
| (2) A person who has entered into an agreement with the                            |            | 43854 |

director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2018~~ 2020, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

|                    |         |       |
|--------------------|---------|-------|
| microbiological    |         | 43869 |
| MMO-MUG            | \$2,000 | 43870 |
| MF                 | 2,100   | 43871 |
| MMO-MUG and MF     | 2,550   | 43872 |
| organic chemical   | 5,400   | 43873 |
| trace metals       | 5,400   | 43874 |
| standard chemistry | 2,800   | 43875 |
| limited chemistry  | 1,550   | 43876 |

On and after July 1, ~~2018~~ 2020, the following fee, on a per survey basis, shall be charged any such person:

|                    |          |       |
|--------------------|----------|-------|
| microbiological    | \$ 1,650 | 43879 |
| organic chemicals  | 3,500    | 43880 |
| trace metals       | 3,500    | 43881 |
| standard chemistry | 1,800    | 43882 |
| limited chemistry  | 1,000    | 43883 |

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2018~~ 2020, an individual laboratory shall not be assessed a fee under this division more

than once in any three-year period unless the person requests the 43887  
addition of analytical methods or analysts, in which case the 43888  
person shall pay eighteen hundred dollars for each additional 43889  
survey requested. 43890

As used in division (N)(3) of this section: 43891

(a) "MF" means microfiltration. 43892

(b) "MMO" means minimal medium ONPG. 43893

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 43894

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 43895

The director shall transmit all moneys collected under this 43896  
division to the treasurer of state for deposit into the drinking 43897  
water protection fund created in section 6109.30 of the Revised 43898  
Code. 43899

(O) Any person applying to the director to take an 43900  
examination for certification as an operator of a water supply 43901  
system or wastewater system under Chapter 6109. or 6111. of the 43902  
Revised Code that is administered by the director, at the time the 43903  
application is submitted, shall pay a fee in accordance with the 43904  
following schedule through November 30, ~~2018~~ 2020: 43905

|                    |       |       |
|--------------------|-------|-------|
| Class A operator   | \$ 80 | 43906 |
| Class I operator   | 105   | 43907 |
| Class II operator  | 120   | 43908 |
| Class III operator | 130   | 43909 |
| Class IV operator  | 145   | 43910 |

On and after December 1, ~~2018~~ 2020, the applicant shall pay a 43911  
fee in accordance with the following schedule: 43912

|                    |       |       |
|--------------------|-------|-------|
| Class A operator   | \$ 50 | 43913 |
| Class I operator   | 70    | 43914 |
| Class II operator  | 80    | 43915 |
| Class III operator | 90    | 43916 |

Class IV operator 100 43917

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

|                    |      |       |
|--------------------|------|-------|
| Class A operator   | \$25 | 43926 |
| Class I operator   | 35   | 43927 |
| Class II operator  | 45   | 43928 |
| Class III operator | 55   | 43929 |
| Class IV operator  | 65   | 43930 |

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

|                    |      |       |
|--------------------|------|-------|
| Class A operator   | \$45 | 43936 |
| Class I operator   | 55   | 43937 |
| Class II operator  | 65   | 43938 |
| Class III operator | 75   | 43939 |
| Class IV operator  | 85   | 43940 |

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering

water supply system or wastewater treatment system certification 43949  
examinations in this state for the calendar year. The fee shall be 43950  
paid not later than forty-five days after the end of a calendar 43951  
year. 43952

The director shall transmit all moneys collected under this 43953  
division to the treasurer of state for deposit into the drinking 43954  
water protection fund created in section 6109.30 of the Revised 43955  
Code. 43956

(P) Any person submitting an application for an industrial 43957  
water pollution control certificate under section 6111.31 of the 43958  
Revised Code, as that section existed before its repeal by H.B. 95 43959  
of the 125th general assembly, shall pay a nonrefundable fee of 43960  
five hundred dollars at the time the application is submitted. The 43961  
director shall transmit all moneys collected under this division 43962  
to the treasurer of state for deposit into the surface water 43963  
protection fund created in section 6111.038 of the Revised Code. A 43964  
person paying a certificate fee under this division shall not pay 43965  
an application fee under division (S)(1) of this section. On and 43966  
after June 26, 2003, persons shall file such applications and pay 43967  
the fee as required under sections 5709.20 to 5709.27 of the 43968  
Revised Code, and proceeds from the fee shall be credited as 43969  
provided in section 5709.212 of the Revised Code. 43970

(Q) Except as otherwise provided in division (R) of this 43971  
section, a person issued a permit by the director for a new solid 43972  
waste disposal facility other than an incineration or composting 43973  
facility, a new infectious waste treatment facility other than an 43974  
incineration facility, or a modification of such an existing 43975  
facility that includes an increase in the total disposal or 43976  
treatment capacity of the facility pursuant to Chapter 3734. of 43977  
the Revised Code shall pay a fee of ten dollars per thousand cubic 43978  
yards of disposal or treatment capacity, or one thousand dollars, 43979  
whichever is greater, except that the total fee for any such 43980

permit shall not exceed eighty thousand dollars. A person issued a 43981  
modification of a permit for a solid waste disposal facility or an 43982  
infectious waste treatment facility that does not involve an 43983  
increase in the total disposal or treatment capacity of the 43984  
facility shall pay a fee of one thousand dollars. A person issued 43985  
a permit to install a new, or modify an existing, solid waste 43986  
transfer facility under that chapter shall pay a fee of two 43987  
thousand five hundred dollars. A person issued a permit to install 43988  
a new or to modify an existing solid waste incineration or 43989  
composting facility, or an existing infectious waste treatment 43990  
facility using incineration as its principal method of treatment, 43991  
under that chapter shall pay a fee of one thousand dollars. The 43992  
increases in the permit fees under this division resulting from 43993  
the amendments made by Amended Substitute House Bill 592 of the 43994  
117th general assembly do not apply to any person who submitted an 43995  
application for a permit to install a new, or modify an existing, 43996  
solid waste disposal facility under that chapter prior to 43997  
September 1, 1987; any such person shall pay the permit fee 43998  
established in this division as it existed prior to June 24, 1988. 43999  
In addition to the applicable permit fee under this division, a 44000  
person issued a permit to install or modify a solid waste facility 44001  
or an infectious waste treatment facility under that chapter who 44002  
fails to pay the permit fee to the director in compliance with 44003  
division (V) of this section shall pay an additional ten per cent 44004  
of the amount of the fee for each week that the permit fee is 44005  
late. 44006

Permit and late payment fees paid to the director under this 44007  
division shall be credited to the general revenue fund. 44008

(R)(1) A person issued a registration certificate for a scrap 44009  
tire collection facility under section 3734.75 of the Revised Code 44010  
shall pay a fee of two hundred dollars, except that if the 44011  
facility is owned or operated by a motor vehicle salvage dealer 44012

licensed under Chapter 4738. of the Revised Code, the person shall 44013  
pay a fee of twenty-five dollars. 44014

(2) A person issued a registration certificate for a new 44015  
scrap tire storage facility under section 3734.76 of the Revised 44016  
Code shall pay a fee of three hundred dollars, except that if the 44017  
facility is owned or operated by a motor vehicle salvage dealer 44018  
licensed under Chapter 4738. of the Revised Code, the person shall 44019  
pay a fee of twenty-five dollars. 44020

(3) A person issued a permit for a scrap tire storage 44021  
facility under section 3734.76 of the Revised Code shall pay a fee 44022  
of one thousand dollars, except that if the facility is owned or 44023  
operated by a motor vehicle salvage dealer licensed under Chapter 44024  
4738. of the Revised Code, the person shall pay a fee of fifty 44025  
dollars. 44026

(4) A person issued a permit for a scrap tire monocell or 44027  
monofill facility under section 3734.77 of the Revised Code shall 44028  
pay a fee of ten dollars per thousand cubic yards of disposal 44029  
capacity or one thousand dollars, whichever is greater, except 44030  
that the total fee for any such permit shall not exceed eighty 44031  
thousand dollars. 44032

(5) A person issued a registration certificate for a scrap 44033  
tire recovery facility under section 3734.78 of the Revised Code 44034  
shall pay a fee of one hundred dollars. 44035

(6) A person issued a permit for a scrap tire recovery 44036  
facility under section 3734.78 of the Revised Code shall pay a fee 44037  
of one thousand dollars. 44038

(7) In addition to the applicable registration certificate or 44039  
permit fee under divisions (R)(1) to (6) of this section, a person 44040  
issued a registration certificate or permit for any such scrap 44041  
tire facility who fails to pay the registration certificate or 44042  
permit fee to the director in compliance with division (V) of this 44043

section shall pay an additional ten per cent of the amount of the 44044  
fee for each week that the fee is late. 44045

(8) The registration certificate, permit, and late payment 44046  
fees paid to the director under divisions (R)(1) to (7) of this 44047  
section shall be credited to the scrap tire management fund 44048  
created in section 3734.82 of the Revised Code. 44049

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 44050  
(P), and (S)(2) of this section, division (A)(2) of section 44051  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 44052  
and rules adopted under division (T)(1) of this section, any 44053  
person applying for a registration certificate under section 44054  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 44055  
variance, or plan approval under Chapter 3734. of the Revised Code 44056  
shall pay a nonrefundable fee of fifteen dollars at the time the 44057  
application is submitted. 44058

(b) Except as otherwise provided, any person applying for a 44059  
permit, variance, or plan approval under Chapter 6109. or 6111. of 44060  
the Revised Code shall pay a nonrefundable application fee of one 44061  
hundred dollars at the time the application is submitted through 44062  
June 30, ~~2018~~ 2020, and a nonrefundable application fee of fifteen 44063  
dollars at the time the application is submitted on and after July 44064  
1, ~~2018~~ 2020. ~~Except~~ 44065

(c)(i) ~~Except~~ as otherwise provided in ~~division~~ divisions 44066  
(S)~~(3)~~(1)(c)(iii) and (iv) of this section, through June 30, ~~2018~~ 44067  
2020, any person applying for ~~a national pollutant discharge~~ 44068  
~~elimination system~~ an NPDES permit under Chapter 6111. of the 44069  
Revised Code shall pay a nonrefundable application fee of two 44070  
hundred dollars at the time of application for the permit. On and 44071  
after July 1, ~~2018~~ 2020, such a person shall pay a nonrefundable 44072  
application fee of fifteen dollars at the time of application. 44073

(ii) In addition to the nonrefundable application fee, any 44074

person applying for an NPDES permit under Chapter 6111. of the 44075  
Revised Code shall pay a design flow discharge fee based on each 44076  
point source to which the issuance is applicable in accordance 44077  
with the following schedule: 44078

| <u>Design flow discharge (gallons per day)</u> | <u>Fee</u>  |       |
|--|-------------|-------|
| <u>0 to 1000</u>                               | <u>\$ 0</u> | 44080 |
| <u>1,001 to 5000</u>                           | <u>100</u>  | 44081 |
| <u>5,001 to 50,000</u>                         | <u>200</u>  | 44082 |
| <u>50,001 to 100,000</u>                       | <u>300</u>  | 44083 |
| <u>100,001 to 300,000</u>                      | <u>525</u>  | 44084 |
| <u>over 300,000</u>                            | <u>750</u>  | 44085 |

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 44086  
section, the application and design flow discharge fee for an 44087  
NPDES permit for a public discharger identified by the letter I in 44088  
the third character of the NPDES permit number shall not exceed 44089  
nine hundred fifty dollars. 44090

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 44091  
section, the application and design flow discharge fee for an 44092  
NPDES permit for a coal mining operation regulated under Chapter 44093  
1513. of the Revised Code shall not exceed four hundred fifty 44094  
dollars per mine. 44095

(v) A person issued a modification of an NPDES permit shall 44096  
pay a nonrefundable modification fee equal to the application fee 44097  
and one-half the design flow discharge fee based on each point 44098  
source, if applicable, that would be charged for an NPDES permit, 44099  
except that the modification fee shall not exceed six hundred 44100  
dollars. 44101

(d) In addition to the application fee established under 44102  
division (S)(1)(c)(i) of this section, any person applying for a 44103  
~~national pollutant discharge elimination system~~ an NPDES general 44104  
storm water construction permit shall pay a nonrefundable fee of 44105  
twenty dollars per acre for each acre that is permitted above five 44106

acres at the time the application is submitted. However, the per 44107  
acreage fee shall not exceed three hundred dollars. In addition to 44108  
the application fee established under division (S)(1)(c)(i) of 44109  
this section, any person applying for a ~~national pollutant~~ 44110  
~~discharge elimination system~~ an NPDES general storm water 44111  
industrial permit shall pay a nonrefundable fee of one hundred 44112  
fifty dollars at the time the application is submitted. 44113

(e) The director shall transmit all moneys collected under 44114  
division (S)(1) of this section pursuant to Chapter 6109. of the 44115  
Revised Code to the treasurer of state for deposit into the 44116  
drinking water protection fund created in section 6109.30 of the 44117  
Revised Code. 44118

(f) The director shall transmit all moneys collected under 44119  
division (S)(1) of this section pursuant to Chapter 6111. of the 44120  
Revised Code and under division (S)(3) of this section to the 44121  
treasurer of state for deposit into the surface water protection 44122  
fund created in section 6111.038 of the Revised Code. 44123

(g) If a registration certificate is issued under section 44124  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 44125  
the application fee paid shall be deducted from the amount of the 44126  
registration certificate fee due under division (R)(1), (2), or 44127  
(5) of this section, as applicable. 44128

(h) If a person submits an electronic application for a 44129  
registration certificate, permit, variance, or plan approval for 44130  
which an application fee is established under division (S)(1) of 44131  
this section, the person shall pay ~~the all~~ applicable application 44132  
fee fees as expeditiously as possible after the submission of the 44133  
electronic application. An application for a registration 44134  
certificate, permit, variance, or plan approval for which an 44135  
application fee is established under division (S)(1) of this 44136  
section shall not be reviewed or processed until the applicable 44137  
application fee, and any other fees established under this 44138

division, are paid. 44139

(2) Division (S)(1) of this section does not apply to an 44140  
application for a registration certificate for a scrap tire 44141  
collection or storage facility submitted under section 3734.75 or 44142  
3734.76 of the Revised Code, as applicable, if the owner or 44143  
operator of the facility or proposed facility is a motor vehicle 44144  
salvage dealer licensed under Chapter 4738. of the Revised Code. 44145

(3) A person applying for coverage under a ~~national pollutant~~ 44146  
~~discharge elimination system~~ an NPDES general discharge permit for 44147  
household sewage treatment systems shall pay the following fees: 44148

(a) A nonrefundable fee of two hundred dollars at the time of 44149  
application for initial permit coverage; 44150

(b) A nonrefundable fee of one hundred dollars at the time of 44151  
application for a renewal of permit coverage. 44152

(T) The director may adopt, amend, and rescind rules in 44153  
accordance with Chapter 119. of the Revised Code that do all of 44154  
the following: 44155

(1) Prescribe fees to be paid by applicants for and holders 44156  
of any license, permit, variance, plan approval, or certification 44157  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 44158  
the Revised Code that are not specifically established in this 44159  
section. The fees shall be designed to defray the cost of 44160  
processing, issuing, revoking, modifying, denying, and enforcing 44161  
the licenses, permits, variances, plan approvals, and 44162  
certifications. 44163

The director shall transmit all moneys collected under rules 44164  
adopted under division (T)(1) of this section pursuant to Chapter 44165  
6109. of the Revised Code to the treasurer of state for deposit 44166  
into the drinking water protection fund created in section 6109.30 44167  
of the Revised Code. 44168

The director shall transmit all moneys collected under rules 44169  
adopted under division (T)(1) of this section pursuant to Chapter 44170  
6111. of the Revised Code to the treasurer of state for deposit 44171  
into the surface water protection fund created in section 6111.038 44172  
of the Revised Code. 44173

(2) Exempt the state and political subdivisions thereof, 44174  
including education facilities or medical facilities owned by the 44175  
state or a political subdivision, or any person exempted from 44176  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 44177  
any fee required by this section; 44178

(3) Provide for the waiver of any fee, or any part thereof, 44179  
otherwise required by this section whenever the director 44180  
determines that the imposition of the fee would constitute an 44181  
unreasonable cost of doing business for any applicant, class of 44182  
applicants, or other person subject to the fee; 44183

(4) Prescribe measures that the director considers necessary 44184  
to carry out this section. 44185

(U) When the director reasonably demonstrates that the direct 44186  
cost to the state associated with the issuance of a permit ~~to~~ 44187  
~~install~~, license, variance, plan approval, or certification 44188  
exceeds the fee for the issuance or review specified by this 44189  
section, the director may condition the issuance or review on the 44190  
payment by the person receiving the issuance or review of, in 44191  
addition to the fee specified by this section, the amount, or any 44192  
portion thereof, in excess of the fee specified under this 44193  
section. The director shall not so condition issuances for which a 44194  
fee is prescribed in division ~~(L)(1)(b)~~(S)(1)(c)(iii) of this 44195  
section. 44196

(V) Except as provided in divisions (L), (M), ~~and~~ (P), and 44197  
(S) of this section or unless otherwise prescribed by a rule of 44198  
the director adopted pursuant to Chapter 119. of the Revised Code, 44199

all fees required by this section are payable within thirty days 44200  
after the issuance of an invoice for the fee by the director or 44201  
the effective date of the issuance of the license, permit, 44202  
variance, plan approval, or certification. If payment is late, the 44203  
person responsible for payment of the fee shall pay an additional 44204  
ten per cent of the amount due for each month that it is late. 44205

(W) As used in this section, "fuel-burning equipment," 44206  
"fuel-burning equipment input capacity," "incinerator," 44207  
"incinerator input capacity," "process," "process weight rate," 44208  
"storage tank," "gasoline dispensing facility," "dry cleaning 44209  
facility," "design flow discharge," and "new source treatment 44210  
works" have the meanings ascribed to those terms by applicable 44211  
rules or standards adopted by the director under Chapter 3704. or 44212  
6111. of the Revised Code. 44213

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 44214  
(J) of this section, and in any other provision of this section 44215  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 44216  
Code: 44217

(1) "Facility," "federal Clean Air Act," "person," and "Title 44218  
V permit" have the same meanings as in section 3704.01 of the 44219  
Revised Code. 44220

(2) "Title V permit program" means the following activities 44221  
as necessary to meet the requirements of Title V of the federal 44222  
Clean Air Act and 40 C.F.R. part 70, including at least: 44223

(a) Preparing and adopting, if applicable, generally 44224  
applicable rules or guidance regarding the permit program or its 44225  
implementation or enforcement; 44226

(b) Reviewing and acting on any application for a Title V 44227  
permit, permit revision, or permit renewal, including the 44228  
development of an applicable requirement as part of the processing 44229  
of a permit, permit revision, or permit renewal; 44230

|   |  |
|---|--|
| (c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;   | 44231<br>44232<br>44233  |
| (d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;   | 44234<br>44235<br>44236  |
| (e) Emission and ambient monitoring;  | 44237  |
| (f) Modeling, analyses, or demonstrations;  | 44238  |
| (g) Preparing inventories and tracking emissions;   | 44239  |
| (h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.  | 44240<br>44241<br>44242<br>44243<br>44244<br>44245<br>44246                            |
| (3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.  | 44247<br>44248<br>44249  |
| (Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due. | 44250<br>44251<br>44252<br>44253<br>44254<br>44255<br>44256<br>44257<br>44258<br>44259 |
| (2)(a) Except as provided in division (Y)(2)(d) of this   | 44260  |

section, each sewage sludge facility shall pay a minimum annual  
sewage sludge fee of one hundred dollars.

(b) The annual sludge fee required to be paid by a sewage  
sludge facility that treats or disposes of exceptional quality  
sludge in this state shall be thirty-five per cent less per dry  
ton of exceptional quality sludge than the fee assessed under  
division (Y)(1) of this section, subject to the following  
exceptions:

(i) Except as provided in division (Y)(2)(d) of this section,  
a sewage sludge facility that treats or disposes of exceptional  
quality sludge shall pay a minimum annual sewage sludge fee of one  
hundred dollars.

(ii) A sewage sludge facility that treats or disposes of  
exceptional quality sludge shall not be required to pay the annual  
sludge fee for treatment or disposal in this state of exceptional  
quality sludge generated outside of this state and contained in  
bags or other containers not greater than one hundred pounds in  
capacity.

A thirty-five per cent reduction for exceptional quality  
sludge applies to the maximum annual fees established under  
division (Y)(3) of this section.

(c) A sewage sludge facility that transfers sewage sludge to  
another sewage sludge facility in this state for further treatment  
prior to disposal in this state shall not be required to pay the  
annual sludge fee for the tons of sewage sludge that have been  
transferred. In such a case, the sewage sludge facility that  
disposes of the sewage sludge shall pay the annual sludge fee.  
However, the facility transferring the sewage sludge shall pay the  
one-hundred-dollar minimum fee required under division (Y)(2)(a)  
of this section.

In the case of a sewage sludge facility that treats sewage

sludge in this state and transfers it out of this state to another 44292  
entity for disposal, the sewage sludge facility in this state 44293  
shall be required to pay the annual sludge fee for the tons of 44294  
sewage sludge that have been transferred. 44295

(d) A sewage sludge facility that generates sewage sludge 44296  
resulting from an average daily discharge flow of less than five 44297  
thousand gallons per day is not subject to the fees assessed under 44298  
division (Y) of this section. 44299

(3) No sewage sludge facility required to pay the annual 44300  
sludge fee shall be required to pay more than the maximum annual 44301  
fee for each disposal method that the sewage sludge facility uses. 44302  
The maximum annual fee does not include the additional amount that 44303  
may be charged under division (Y)(5) of this section for late 44304  
payment of the annual sludge fee. The maximum annual fee for the 44305  
following methods of disposal of sewage sludge is as follows: 44306

(a) Incineration: five thousand dollars; 44307

(b) Preexisting land reclamation project or disposal in a 44308  
landfill: five thousand dollars; 44309

(c) Land application, land reclamation, surface disposal, or 44310  
any other disposal method not specified in division (Y)(3)(a) or 44311  
(b) of this section: twenty thousand dollars. 44312

(4)(a) In the case of an entity that generates sewage sludge 44313  
or a sewage sludge facility that treats sewage sludge and 44314  
transfers the sewage sludge to an incineration facility for 44315  
disposal, the incineration facility, and not the entity generating 44316  
the sewage sludge or the sewage sludge facility treating the 44317  
sewage sludge, shall pay the annual sludge fee for the tons of 44318  
sewage sludge that are transferred. However, the entity or 44319  
facility generating or treating the sewage sludge shall pay the 44320  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 44321  
of this section. 44322

(b) In the case of an entity that generates sewage sludge and transfers the sewage sludge to a landfill for disposal or to a sewage sludge facility for land reclamation or surface disposal, the entity generating the sewage sludge, and not the landfill or sewage sludge facility, shall pay the annual sludge fee for the tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar year following March 17, 2000, and each first day of April thereafter, the director shall issue invoices to persons who are required to pay the annual sludge fee. The invoice shall identify the nature and amount of the annual sludge fee assessed and state the first day of May as the deadline for receipt by the director of objections regarding the amount of the fee and the first day of July as the deadline for payment of the fee.

Not later than the first day of May following receipt of an invoice, a person required to pay the annual sludge fee may submit objections to the director concerning the accuracy of information regarding the number of dry tons of sewage sludge used to calculate the amount of the annual sludge fee or regarding whether the sewage sludge qualifies for the exceptional quality sludge discount established in division (Y)(2)(b) of this section. The director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall

issue with the notification a new invoice to the person 44355  
identifying the amount of the annual sludge fee assessed and 44356  
stating the first day of July as the deadline for payment. 44357

Not later than the first day of July, any person who is 44358  
required to do so shall pay the annual sludge fee. Any person who 44359  
is required to pay the fee, but who fails to do so on or before 44360  
that date shall pay an additional amount that equals ten per cent 44361  
of the required annual sludge fee. 44362

(6) The director shall transmit all moneys collected under 44363  
division (Y) of this section to the treasurer of state for deposit 44364  
into the surface water protection fund created in section 6111.038 44365  
of the Revised Code. The moneys shall be used to defray the costs 44366  
of administering and enforcing provisions in Chapter 6111. of the 44367  
Revised Code and rules adopted under it that govern the use, 44368  
storage, treatment, or disposal of sewage sludge. 44369

(7) Beginning in fiscal year 2001, and every two years 44370  
thereafter, the director shall review the total amount of moneys 44371  
generated by the annual sludge fees to determine if that amount 44372  
exceeded six hundred thousand dollars in either of the two 44373  
preceding fiscal years. If the total amount of moneys in the fund 44374  
exceeded six hundred thousand dollars in either fiscal year, the 44375  
director, after review of the fee structure and consultation with 44376  
affected persons, shall issue an order reducing the amount of the 44377  
fees levied under division (Y) of this section so that the 44378  
estimated amount of moneys resulting from the fees will not exceed 44379  
six hundred thousand dollars in any fiscal year. 44380

If, upon review of the fees under division (Y)(7) of this 44381  
section and after the fees have been reduced, the director 44382  
determines that the total amount of moneys collected and 44383  
accumulated is less than six hundred thousand dollars, the 44384  
director, after review of the fee structure and consultation with 44385  
affected persons, may issue an order increasing the amount of the 44386

fees levied under division (Y) of this section so that the 44387  
estimated amount of moneys resulting from the fees will be 44388  
approximately six hundred thousand dollars. Fees shall never be 44389  
increased to an amount exceeding the amount specified in division 44390  
(Y)(7) of this section. 44391

Notwithstanding section 119.06 of the Revised Code, the 44392  
director may issue an order under division (Y)(7) of this section 44393  
without the necessity to hold an adjudicatory hearing in 44394  
connection with the order. The issuance of an order under this 44395  
division is not an act or action for purposes of section 3745.04 44396  
of the Revised Code. 44397

(8) As used in division (Y) of this section: 44398

(a) "Sewage sludge facility" means an entity that performs 44399  
treatment on or is responsible for the disposal of sewage sludge. 44400

(b) "Sewage sludge" means a solid, semi-solid, or liquid 44401  
residue generated during the treatment of domestic sewage in a 44402  
treatment works as defined in section 6111.01 of the Revised Code. 44403  
"Sewage sludge" includes, but is not limited to, scum or solids 44404  
removed in primary, secondary, or advanced wastewater treatment 44405  
processes. "Sewage sludge" does not include ash generated during 44406  
the firing of sewage sludge in a sewage sludge incinerator, grit 44407  
and screenings generated during preliminary treatment of domestic 44408  
sewage in a treatment works, animal manure, residue generated 44409  
during treatment of animal manure, or domestic septage. 44410

(c) "Exceptional quality sludge" means sewage sludge that 44411  
meets all of the following qualifications: 44412

(i) Satisfies the class A pathogen standards in 40 C.F.R. 44413  
503.32(a); 44414

(ii) Satisfies one of the vector attraction reduction 44415  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 44416

|   |   |
|---|---|
| (iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;   | 44417<br>44418                            |
| (iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.  | 44419<br>44420                            |
| (d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.   | 44421<br>44422<br>44423                   |
| (e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.  | 44424<br>44425<br>44426                   |
| (f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil. | 44427<br>44428<br>44429<br>44430<br>44431 |
| (g) "Land reclamation" means the returning of disturbed land to productive use.   | 44432<br>44433                            |
| (h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.  | 44434<br>44435<br>44436<br>44437          |
| (i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.   | 44438<br>44439<br>44440<br>44441          |
| (j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.   | 44442<br>44443<br>44444<br>44445          |
| (k) "Annual sludge fee" means the fee assessed under division   | 44446                                     |

(Y)(1) of this section. 44447

(l) "Landfill" means a sanitary landfill facility, as defined 44448  
in rules adopted under section 3734.02 of the Revised Code, that 44449  
is licensed under section 3734.05 of the Revised Code. 44450

(m) "Preexisting land reclamation project" means a 44451  
property-specific land reclamation project that has been in 44452  
continuous operation for not less than five years pursuant to 44453  
approval of the activity by the director and includes the 44454  
implementation of a community outreach program concerning the 44455  
activity. 44456

**Sec. 3751.01.** As used in this chapter: 44457

(A) "Confidential business information" means the types or 44458  
categories of information identified in rules adopted by the 44459  
administrator of the United States environmental protection agency 44460  
under ~~division (A)(1)(g) of section 3751.02 of the Revised Code~~ 44461  
EPCRA. 44462

(B) "EPCRA" means the "Emergency Planning and Community 44463  
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, et 44464  
seq. 44465

(C) "Facility" means all buildings, equipment, structures, 44466  
and other stationary items that are located on a single site or on 44467  
contiguous or adjacent sites and that are owned or operated by the 44468  
same person or by any person who controls, is controlled by, or is 44469  
under common control with such person. 44470

~~(C)~~(D) "Manufacture" means the production, preparation, 44471  
importation, or compounding of a toxic chemical. The term also 44472  
applies to a toxic chemical produced coincidentally during the 44473  
manufacture, processing, use, or disposal of another substance or 44474  
mixture including, without limitation, byproducts and coproducts 44475  
that are separated from the other substance or mixture and 44476

impurities that remain in that substance or mixture. 44477

~~(D)~~(E) "Person" includes the state, any political subdivision 44478  
or other state or local body, the United States and any agency or 44479  
instrumentality thereof, and any entity defined as a person under 44480  
section 1.59 of the Revised Code. 44481

~~(E)~~(F) "Process" means the preparation of a toxic chemical 44482  
after its manufacture for distribution in commerce: 44483

(1) In the same form or physical state as, or in a different 44484  
form or physical state from, that in which it was received by the 44485  
person so preparing such chemical; 44486

(2) As part of an article containing the toxic chemical. 44487

~~(F)~~(G) "Release" means any spilling, leaking, pumping, 44488  
pouring, emitting, emptying, discharging, injecting, escaping, 44489  
leaching, dumping, or discharging into the environment of any 44490  
toxic chemical including, without limitation, the abandonment or 44491  
discarding of barrels, containers, and other closed receptacles 44492  
that contained a toxic chemical. 44493

~~(G)~~(H) "Toxic chemical" means a chemical listed in rules 44494  
adopted by the administrator of the United States environmental 44495  
protection agency ~~under division (A)(1)(a) of section 3751.02 of~~ 44496  
~~the Revised Code EPCRA.~~ 44497

**Sec. 3751.02.** ~~(A)~~ The director of environmental protection 44498  
~~shall~~ may do any of the following: 44499

~~(1)~~(A) Adopt rules in accordance with Chapter 119. of the 44500  
Revised Code ~~that are consistent with and equivalent in scope,~~ 44501  
~~content, and coverage to, and no more stringent than section 313~~ 44502  
~~of the "Emergency Planning and Community Right To Know Act of~~ 44503  
~~1986," 100 Stat. 1741, 42 U.S.C.A. 11023, and regulations adopted~~ 44504  
~~under that section:~~ 44505

~~(a) Identifying and listing toxic chemicals, establishing~~ 44506

~~threshold quantities for any such chemical used, manufactured, or 44507  
processed at a facility that differ from and supersede a threshold 44508  
quantity prescribed in division (C) of section 3751.03 of the 44509  
Revised Code, and establishing ranges of quantities of those 44510  
chemicals to be used in preparing toxic chemical release forms 44511  
under that section. The rules may establish different annual 44512  
threshold quantities based upon whether a toxic chemical is used, 44513  
manufactured, or processed at a facility or based upon classes of 44514  
chemicals or categories of facilities. 44515~~

~~(b) Adding or deleting standard industrial classification 44516  
codes from the list in division (A)(1) of section 3751.03 of the 44517  
Revised Code establishing the categories of facilities subject to 44518  
the reporting requirements of that section; 44519~~

~~(c) Applying the reporting requirements of section 3751.03 of 44520  
the Revised Code to owners or operators of individual facilities 44521  
in this state that manufacture, process, or otherwise use a toxic 44522  
chemical, in addition to those subject to the reporting 44523  
requirements of that section pursuant to the criteria contained in 44524  
it or rules adopted under division (A)(1)(a) or (b) of this 44525  
section; 44526~~

~~(d) Modifying the frequency for submitting the report 44527  
required by division (A) of section 3751.03 of the Revised Code 44528  
applicable to: 44529~~

~~(i) All toxic chemical release forms required to be submitted 44530  
by division (A) of section 3751.03 of the Revised Code; 44531~~

~~(ii) A class of toxic chemicals or a category of facilities; 44532~~

~~(iii) A specific toxic chemical; 44533~~

~~(iv) A specific facility. 44534~~

~~(e) Establishing procedures for receiving and fulfilling 44535  
requests from the public for information held by the director 44536~~

|  |       |
|--|-------|
| <del>under this chapter;</del>   | 44537 |
| <del>(f) Establishing procedures and criteria to protect trade secret and confidential business information from unauthorized disclosure;</del>  | 44538 |
|  | 44539 |
|  | 44540 |
| <del>(g) Identifying the types or categories of information submitted or obtained under this chapter and rules adopted under it that constitute confidential business information;</del>   | 44541 |
|  | 44542 |
|  | 44543 |
| <del>(h) Establishing other <u>establishing</u> requirements or authorizations that the director considers necessary or appropriate to implement and administer this chapter.</del>  | 44544 |
|  | 44545 |
|  | 44546 |
| <del>(2) Adopt rules in accordance with Chapter 119. of the Revised Code requiring that all claims for protection of information obtained under this chapter as a trade secret be submitted to the administrator of the United States environmental protection agency for determination under section 322 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under that section.</del>  | 44547 |
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| <del>(3) Prescribe and publish a uniform toxic release form to be used by owners or operators of facilities subject to the reporting requirements of section 3751.03 of the Revised Code. The form shall require the submission of only the information and certifications required by division (B) of section 3751.03 of the Revised Code and such additional information as is required to be provided on the uniform toxic chemical release form published by the administrator under section 313 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 11023.</del> | 44555 |
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|  | 44563 |
|  | 44564 |
| <del>(B) The director may:</del>   | 44565 |
| <del>(1) As the representative of the governor pursuant to section 313(b) of the "Emergency Planning and Community Right To Know Act</del>   | 44566 |
|  | 44567 |

of 1986," 100 Stat. 1741, 42 U.S.C.A. 10041 EPCRA, request the 44568  
administrator of the United States environmental protection agency 44569  
to apply the toxic chemical release reporting requirements of 44570  
~~section 313~~ of that act to the owner or operator of any facility 44571  
in this state that manufactures, processes, or otherwise uses a 44572  
toxic chemical if, in the director's judgment, such reporting is 44573  
warranted by the toxicity of the toxic chemical manufactured, 44574  
processed, or otherwise used at the facility; the proximity of the 44575  
facility to other facilities that release the toxic chemical or to 44576  
population centers; or the history of releases of the toxic 44577  
chemical at the facility; 44578

~~(2)(C)~~ As the representative of the governor pursuant to 44579  
~~section 313(e)(2)~~ of the "~~Emergency Planning and Community~~ 44580  
~~Right To Know Act of 1986,~~" 100 Stat. 1741, 42 U.S.C.A. 11041 44581  
EPCRA, petition the administrator to, by regulation, add a 44582  
chemical to or delete a chemical from the list of toxic chemicals 44583  
subject to the toxic chemical release reporting requirements of 44584  
~~section 313~~ of that act if, in the director's judgment, the 44585  
chemical meets the criteria of ~~paragraph (d)(2) or (3)~~ of required 44586  
by that section act. 44587

**Sec. 3751.03.** (A)(1) On or before the first day of July of 44588  
each year or as otherwise prescribed ~~in rules adopted by the~~ 44589  
administrator of the United States environmental protection agency 44590  
~~under division (A)(1)(d) of section 3751.02 of the Revised Code~~ 44591  
EPCRA, the owner or operator of a facility ~~that is in standard~~ 44592  
~~industrial classification codes 20 to 39 and any other codes added~~ 44593  
~~by rules adopted under division (A)(1)(b) of section 3751.02 of~~ 44594  
~~the Revised Code, as those standard industrial classification~~ 44595  
~~codes were in effect on July 1, 1985, that has ten or more~~ 44596  
~~full-time employees, and that manufactured, processed, or~~ 44597  
~~otherwise used during the preceding calendar year a toxic chemical~~ 44598  
~~in an amount exceeding the applicable threshold quantity~~ 44599

~~established in division (C) of this section or otherwise~~ 44600  
~~prescribed in rules adopted under division (A)(1)(a) of section~~ 44601  
~~3751.02 of the Revised Code, described in division (A)(2) of this~~ 44602  
~~section shall prepare and submit to the director of environmental~~ 44603  
~~protection administrator a completed toxic chemical release form~~ 44604  
~~for each toxic chemical that was so manufactured, processed, or~~ 44605  
~~otherwise used at the facility during the preceding calendar year.~~ 44606  
~~The electronic submission of the form to the administrator~~ 44607  
~~constitutes simultaneous submission of the form to the director of~~ 44608  
~~environmental protection for purposes of EPCRA. The~~ 44609

(2) Division (A)(1) of this section applies to the owner or 44610  
operator of a facility to which all of the following apply: 44611

(a) The facility is in standard industrial classification 44612  
codes 20 to 39, as those codes were in effect on July 1, 1985, or 44613  
in any other applicable code added by the administrator. 44614

(b) The owner or operator has ten or more full-time 44615  
employees. 44616

(c) The facility manufactured, processed, or otherwise used 44617  
during the calendar year immediately preceding the first day of 44618  
July or date otherwise prescribed by the administrator, a toxic 44619  
chemical in an amount exceeding the applicable threshold quantity 44620  
established by the administrator under EPCRA. 44621

(3) The owner or operator shall submit the information 44622  
~~required by division (B) of this section on a uniform toxic~~ 44623  
~~chemical release form prescribed by the administrator under~~ 44624  
~~division (A)(3) of section 3751.02 of the Revised Code EPCRA. If~~ 44625  
~~the director has not prescribed the form, an owner or operator~~ 44626  
~~shall submit the information required to be included on the form~~ 44627  
~~under that division to the director by means of a letter~~ 44628  
~~postmarked not later than the date on which the form is due under~~ 44629  
~~this division.~~ 44630

~~(2) In addition to the owners or operators of facilities meeting the criteria enumerated in division (A)(1) of this section, the owners and operators of facilities identified in rules adopted under division (A)(1)(c) of section 3751.02 of the Revised Code shall comply with division (A)(1) of this section. Division (A)(1) of this section does not apply to the owner or operator of a facility in a standard industrial classification code that has been deleted from the list in division (A)(1) of this section by rules adopted under division (A)(1)(b) of section 3751.02 of the Revised Code.~~

~~(B) The uniform toxic chemical release form shall contain all of the following information:~~

~~(1) The name, location of, and principal business activities conducted at the facility;~~

~~(2) Each of the following items of information regarding the toxic chemical:~~

~~(a) Whether the toxic chemical is manufactured, processed, or otherwise used and the general category or categories of use of the chemical;~~

~~(b) An estimate of the maximum amount in pounds of the toxic chemical present at the facility at any time during the preceding calendar year. The estimate shall be provided in the appropriate reporting range established by rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code.~~

~~(c) The waste treatment or disposal methods employed for each waste stream and an estimate of the efficiency typically achieved by those methods for that waste stream;~~

~~(d) The quantity of the toxic chemical entering each environmental medium annually;~~

~~(e) An indication as to whether the owner or operator chooses~~

~~to withhold information about it as a trade secret and, if so, 44661  
whether the owner or operator has filed a claim with the 44662  
administrator of the United States environmental protection agency 44663  
for protection of that information as a trade secret pursuant to 44664  
rules adopted under division (A)(2) of section 3751.02 of the 44665  
Revised Code. 44666~~

~~(3) An appropriate certification regarding the accuracy and 44667  
completeness of the report, signed by an official of the owner or 44668  
operator with management responsibility. 44669~~

~~(C) The threshold amounts for purposes of reporting toxic 44670  
chemicals under this section are as follow: 44671~~

~~(1) With respect to a toxic chemical used at a facility, ten 44672  
thousand pounds for the applicable calendar year; 44673~~

~~(2) With respect to a toxic chemical manufactured or 44674  
processed at a facility: 44675~~

~~(a) For the form required to be submitted on or before July 44676  
1, 1989, fifty thousand pounds per year; 44677~~

~~(b) For the form required to be submitted on or before July 44678  
1, 1990, and for each year thereafter, twenty five thousand pounds 44679  
per year; 44680~~

~~(c) Such other threshold quantities as may be prescribed by 44681  
rules adopted under division (A)(1)(a) of section 3751.02 of the 44682  
Revised Code. 44683~~

~~(D)(B) The toxic chemical release forms required by this 44684  
section are intended to provide information to federal, state, and 44685  
local governments and the public, including residents of 44686  
communities surrounding facilities covered by this section. 44687  
Subject to the limitations prescribed in section 3751.04 of the 44688  
Revised Code and rules adopted under division (A)(1)(f) of section 44689  
3751.02 of the Revised Code governing the protection of trade 44690~~

~~secrets and confidential business information, the director, upon 44691  
request, shall make toxic chemical release forms submitted under 44692  
this section available to inform persons about releases of toxic 44693  
chemicals to the environment, to assist government agencies, 44694  
researchers, and other persons in conducting research and 44695  
gathering data, to aid in the development of appropriate rules, 44696  
guidelines, standards, and emergency plans, and for other similar 44697  
purposes. 44698~~

~~(E)(C)~~ No owner or operator of a facility who is required by 44699  
this section to file a toxic chemical release form shall fail to 44700  
submit a toxic chemical release form as required by this section. 44701

~~(F)(D)~~ An owner or operator of a facility who is required 44702  
under this section to file a toxic chemical release form and who 44703  
knowingly makes a false statement on that form, on a record upon 44704  
which the information on that form is based, or on other 44705  
information or records required to be kept or submitted under this 44706  
chapter and the rules adopted under this chapter is guilty of 44707  
falsification under section 2921.13 of the Revised Code. 44708

**Sec. 3751.04.** (A) Except as otherwise provided in division 44709  
(D) of this section, any person required to provide information ~~to~~ 44710  
~~the director of environmental protection~~ under section 3751.03 of 44711  
the Revised Code may withhold from submission ~~to the director or~~ 44712  
~~any other person~~ the specific chemical identity, including the 44713  
chemical name and other specific identification, of the toxic 44714  
chemical on the grounds that the information constitutes a trade 44715  
secret if either of the following conditions is met: 44716

(1)(a) At the time of submitting the information sought to be 44717  
classified as a trade secret, the owner or operator of the 44718  
facility submits a claim for protection of that information as a 44719  
trade secret pursuant to ~~rules adopted~~ regulations promulgated by 44720  
the administrator of the United States environmental protection 44721

~~agency under division (A)(2) of section 3751.02 of the Revised Code EPCRA, and submits a copy of the required toxic chemical release form that indicates that such a claim has been filed and contains the generic class or category of the identity in place of the identity and that is accompanied by a copy of the substantiation supporting the trade secret claim that was submitted to the administrator of the United States environmental protection agency. The owner or operator may withhold from the copy of the explanations and supplemental information submitted to the director information identified as confidential business information in rules adopted under division (A)(1)(g) of section 3751.02 of the Revised Code.~~ 44722  
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(b) A determination of the claim remains pending pursuant to those ~~rules~~ regulations. 44734  
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(2) It has been determined by the administrator pursuant to ~~rules adopted under division (A)(2) of section 3751.02 of the Revised Code~~ those regulations that a trade secret exists. 44736  
44737  
44738

(B) No person shall withhold the specific identity of a toxic chemical on the grounds that the information is a trade secret in either of the following instances: 44739  
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(1) From any toxic chemical release form if it has been determined by the administrator pursuant to ~~rules adopted regulations promulgated~~ under ~~division (A)(2) of section 3751.02 of the Revised Code~~ EPCRA that no trade secret exists; 44742  
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(2) When required to provide the specific chemical identity to a health professional, physician, or nurse pursuant to division (D) of this section. 44746  
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(C) The governor may, pursuant to ~~section 322 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042~~ EPCRA, request the administrator of the United States environmental protection agency to provide 44749  
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specific chemical identities that are claimed or have been 44753  
determined to be trade secret information or the explanations and 44754  
supplemental information supporting trade secret protection claims 44755  
regarding facilities located in this state that are subject to 44756  
this chapter. The governor shall not make any trade secret or 44757  
confidential information obtained under this division available to 44758  
any member of the emergency planning commission created in section 44759  
3750.02 of the Revised Code or to any member of a local emergency 44760  
planning committee of an emergency planning district established 44761  
under section 3750.03 of the Revised Code who is not also an 44762  
officer or employee of the state or a political subdivision. Any 44763  
trade secret or confidential business information obtained under 44764  
this division shall be protected from unauthorized disclosure ~~in~~ 44765  
~~accordance with rules adopted under division (A)(1)(f) of section~~ 44766  
~~3751.02 of the Revised Code.~~ 44767

(D)(1) The owner or operator of a facility that is subject to 44768  
section 3751.03 of the Revised Code shall provide the specific 44769  
chemical identity of a toxic chemical, if the specific chemical 44770  
identity is known, to any health professional who submits to the 44771  
owner or operator a written request and statement of need for the 44772  
specific chemical identity. The written statement of need shall be 44773  
a statement of the health professional that the health 44774  
professional has a reasonable basis to believe that all of the 44775  
following conditions pertain to the request: 44776

(a) The information is needed for purposes of diagnosis or 44777  
treatment of an individual; 44778

(b) The individual being diagnosed or treated has been 44779  
exposed to the chemical concerned; 44780

(c) Knowledge of the specific chemical identity of the 44781  
chemical will assist in diagnosis and treatment. 44782

An owner or operator to whom such a written request and 44783

statement of need is submitted shall provide the requested 44784  
information to the health professional promptly after receiving 44785  
the request and statement of need, subject to division (D)(4) of 44786  
this section. 44787

(2) The owner or operator of a facility that is subject to 44788  
section 3751.03 of the Revised Code shall provide a copy of a 44789  
toxic chemical release form that contains the specific chemical 44790  
identity of a toxic chemical, if the specific chemical identity is 44791  
known, to any treating physician or nurse who requests that 44792  
information if the physician or nurse determines that all of the 44793  
following conditions pertain to the request: 44794

(a) A medical emergency exists; 44795

(b) The specific chemical identity of the chemical concerned 44796  
is necessary for or will assist in emergency or first aid 44797  
diagnosis or treatment; 44798

(c) The individual being diagnosed or treated has been 44799  
exposed to the chemical concerned. 44800

The owner or operator shall provide the requested information 44801  
to the physician or nurse immediately upon receiving such a 44802  
request. The owner or operator shall not require any such treating 44803  
physician or nurse to provide a written confidentiality agreement 44804  
or statement of need as a precondition for disclosure of a 44805  
specific chemical identity under this division; however, the owner 44806  
or operator may require the treating physician or nurse to provide 44807  
a written confidentiality agreement under division (D)(4) of this 44808  
section and a statement setting forth the conditions listed in 44809  
divisions (D)(2)(a) to (c) of this section as soon after the 44810  
disclosure is made as circumstances permit. 44811

(3) The owner or operator of a facility that is subject to 44812  
section 3751.03 of the Revised Code shall provide the specific 44813  
chemical identity of a toxic chemical, if the specific chemical 44814

identity is known, to any health professional, including, without 44815  
limitation, a physician, toxicologist, or epidemiologist, who is 44816  
either employed by or under contract with a political subdivision 44817  
and who submits to the owner or operator a written request for the 44818  
information, a written statement of need for the information that 44819  
meets the requirements of division (D)(3) of this section, and a 44820  
written confidentiality agreement under division (D)(4) of this 44821  
section. The owner or operator shall promptly after receipt of the 44822  
written request, statement of need, and confidentiality agreement 44823  
provide the requested information to the local health professional 44824  
who requested it. 44825

The written statement of need for a specific chemical 44826  
identity required by division (D)(3) of this section shall 44827  
describe with reasonable detail one or more of the following 44828  
health needs for the information: 44829

(a) To assess exposure of persons living in a local community 44830  
to the hazards of the chemical concerned; 44831

(b) To conduct or assess sampling to determine exposure 44832  
levels of various population groups to the chemical concerned; 44833

(c) To conduct periodic medical surveillance of population 44834  
groups exposed to the chemical concerned; 44835

(d) To provide medical treatment to individuals or population 44836  
groups exposed to the chemical concerned; 44837

(e) To conduct studies to determine the health effects of 44838  
exposure to the chemical concerned; 44839

(f) To conduct studies to aid in the identification of a 44840  
chemical that may reasonably be anticipated to cause an observed 44841  
health effect. 44842

(4) Any person who obtains information under division (D)(1) 44843  
or (3) of this section shall, as a precondition for receiving that 44844

information, enter into a written confidentiality agreement with 44845  
the owner or operator of the facility from whom the information 44846  
was requested that the person will not use the information for any 44847  
purpose other than the health needs asserted in the statement of 44848  
need provided thereunder, except as otherwise may be authorized by 44849  
the terms of the agreement or by the person providing the 44850  
information. 44851

(E) An officer or employee of the environmental protection 44852  
agency shall not request the owner or operator of a facility 44853  
subject to this chapter to submit to the officer or employee a 44854  
trade secret claim, toxic chemical release form required by 44855  
section 3751.03 of the Revised Code, substantiation of a trade 44856  
secret claim, or explanation or supporting information or copy 44857  
thereof pertaining to a trade secret claim, that contains any 44858  
information claimed or determined to be a trade secret ~~pursuant to~~ 44859  
~~rules adopted under division (A)(2) of section 3751.02 of the~~ 44860  
~~Revised Code~~ or identified as confidential business information ~~by~~ 44861  
~~rules adopted under division (A)(1)(g) of that section~~ EPCRA. If 44862  
any officer or employee of the agency knows or has reason to 44863  
believe that a trade secret claim, toxic chemical release form, 44864  
substantiation, or explanation or supporting information 44865  
pertaining to a trade secret claim contains any such information, 44866  
the officer or employee immediately shall return it to the owner 44867  
or operator of the facility who submitted it without reading it 44868  
and shall request the owner or operator to submit the appropriate 44869  
report or substantiation that does not contain the information 44870  
claimed or determined to be a trade secret or so identified as 44871  
confidential business information. 44872

(F) No officer or employee of the environmental protection 44873  
agency, health professional, physician, nurse, or other person who 44874  
receives information claimed or determined to be a trade secret 44875  
~~pursuant to rules adopted under division (A)(2) of section 3751.02~~ 44876

~~of the Revised Code or identified as confidential business information by rules adopted by regulations promulgated by the administrator under division (A)(1)(g) of section 3751.02 of the Revised Code EPCRA shall release any information so classified or identified to any person not authorized to have that information under division (C) of this section or rules adopted under division (A)(1)(f) of section 3751.02 of the Revised Code. A violation of this division is not also a violation of section 2913.02 or 2913.04 of the Revised Code.~~

**Sec. 3751.05.** ~~(A) The owner or operator of a facility required to annually file one or more toxic chemical release forms under section 3751.03 of the Revised Code shall submit with the release forms a filing fee of fifty dollars. In addition to the filing fee, the owner or operator shall submit an additional fee of fifteen dollars per release form filed but not exceeding a total additional fee of five hundred dollars.~~

~~(B) An owner or operator of a facility who fails to submit a toxic chemical release form within thirty days after the applicable filing date prescribed in that section shall submit with the form a late filing fee of fifteen per cent of the total fees due under division (A) of this section, whichever is more, in addition to the fees due under that division.~~

~~(C) The director of environmental protection may establish fees to be paid by persons, other than public officers or employees, obtaining copies of documents or information submitted to the director under this chapter and rules adopted under it. The fee shall be established at a level calculated to defray the costs of copying the documents or information. The director may charge the actual costs involved in accessing any computerized data base established by him under this chapter or by the administrator of the United States environmental protection agency under the~~

~~"Emergency Planning and Community Right To Know Act of 1986," 100 44908  
Stat. 1729, 42 U.S.C.A. 11002, needed to fulfill a request for 44909  
information regarding releases of toxic chemicals for which 44910  
reporting is required by this chapter and rules adopted under it. 44911~~

~~(D) All moneys received by the director under this section 44912  
and all civil penalties received under division (B) of section 44913  
3751.10 of the Revised Code shall be credited to the toxic 44914  
chemical release reporting fund, hereby created in the state 44915  
treasury. Moneys credited to the fund shall be expended by the 44916  
director exclusively for the purposes of implementing, 44917  
administering, and enforcing this chapter and the rules adopted 44918  
and orders issued under it. 44919~~

**Sec. 3751.10.** (A) The attorney general, the prosecuting 44920  
attorney of the county, or the city director of law of the city 44921  
where a violation has occurred or is occurring, upon the written 44922  
request of the director of environmental protection, shall 44923  
prosecute to termination or bring an action for injunction against 44924  
any person who has violated or is violating any section of this 44925  
chapter or any rule adopted or order issued under it. The court of 44926  
common pleas in which an action for injunction is filed has the 44927  
jurisdiction to and shall grant preliminary and permanent 44928  
injunctive relief upon a showing that the person against whom the 44929  
action is brought has violated or is violating any section of this 44930  
chapter or a rule adopted or order issued under it. The court 44931  
shall give precedence to such an action over all other cases. 44932

Upon the certified written request of any person, the 44933  
director shall conduct such investigations and make such inquiries 44934  
as are necessary to secure compliance with this chapter or rules 44935  
adopted or orders issued under it. The director may, upon request 44936  
or upon ~~his~~ the director's own initiative, investigate or make 44937  
inquiries into any violation of this chapter or rules adopted or 44938

orders issued under it. 44939

(B) Whoever violates division ~~(E)~~(C) of section 3751.03, 44940  
division (B)(1) or (2) of section 3751.04 of the Revised Code, or 44941  
an order issued under this chapter, shall pay a civil penalty of 44942  
not more than twenty-five thousand dollars for each day of 44943  
violation. The attorney general, the prosecuting attorney of the 44944  
county, or the city director of law of the city where a violation 44945  
of this chapter or a rule adopted or order issued under it has 44946  
occurred or is occurring, upon the written request of the 44947  
director, shall bring an action for imposition of a civil penalty 44948  
under this division against any person who has committed or is 44949  
committing any such violation. All civil penalties received under 44950  
this division shall be credited to the toxic chemical release 44951  
reporting fund created in section 3751.05 of the Revised Code. 44952

(C) Any action for injunction or civil penalties under 44953  
division (A) or (B) of this section is a civil action governed by 44954  
the Rules of Civil Procedure. 44955

**Sec. 3751.11.** A member of the emergency response commission, 44956  
officer or employee of the environmental protection agency, member 44957  
or employee of a local emergency planning committee, officer or 44958  
employee of a fire department, health professional, physician, 44959  
nurse, or other person who receives information classified as a 44960  
trade secret ~~pursuant to rules adopted under division (A)(2) of~~ 44961  
~~section 3751.02 of the Revised Code~~ or identified as confidential 44962  
business information ~~by rules adopted under division (A)(1)(g) of~~ 44963  
~~section 3751.02 of the Revised Code~~ pursuant to EPCRA and who 44964  
violates division (F) of section 3751.04 of the Revised Code or 44965  
otherwise discloses information classified as a trade secret or 44966  
identified as confidential business information pursuant to ~~those~~ 44967  
~~rules that act~~ to a person not authorized to have that information 44968  
under division (C) of section 3751.04 of the Revised Code or ~~rules~~ 44969

~~adopted under division (A)(1)(f) of section 3751.02 of the Revised Code EPCRA~~, is liable in damages in a civil action to the owner of the trade secret information for any injury or loss to person or property sustained by ~~him~~ the owner resulting from the violation or unauthorized disclosure of that information. Any owner of information so classified as a trade secret or identified as confidential business information who, as a result of a violation of division (F) of section 3751.04 of the Revised Code or by disclosure of trade secret or confidential business information to a person not authorized to have it pursuant to division (C) of section 3751.04 of the Revised Code or ~~rules adopted under division (A)(1)(f) of section 3751.02 of the Revised Code EPCRA~~, sustains any injury or loss to person or property may bring a civil action for damages and other appropriate relief against the person who violated that division or otherwise disclosed the trade secret or confidential business information to a person not so authorized to have it.

In such a civil action, if the plaintiff establishes by a preponderance of the evidence, and if the trier of fact finds, that the defendant violated that division or otherwise disclosed information classified as a trade secret or identified as confidential business information to a person not so authorized to have it, and that the plaintiff sustained injury or loss to person or property as a result of the violation or unauthorized disclosure of the information, the trier of fact may award compensatory damages and such other relief as the trier of fact finds appropriate.

In any civil action under this section the court may award costs and reasonable attorney's fees to the prevailing party.

Liability imposed under this section for a violation of division (F) of section 3751.04 of the Revised Code is in addition to other civil liability, if any, under the Revised Code or common

law of this state and in addition to any criminal penalty that is 45002  
imposed for the same violation under section 3751.99 of the 45003  
Revised Code. 45004

**Sec. 3769.087.** (A) In addition to the commission of eighteen 45005  
per cent retained by each permit holder as provided in section 45006  
3769.08 of the Revised Code, each permit holder shall retain an 45007  
additional amount equal to four per cent of the total of all 45008  
moneys wagered on each racing day on all wagering pools other than 45009  
win, place, and show, of which amount retained an amount equal to 45010  
three per cent of the total of all moneys wagered on each racing 45011  
day on those pools shall be paid in the manner prescribed under 45012  
section 3769.103 of the Revised Code, as a tax. Subject to the 45013  
restrictions contained in divisions (B), (C), and (M) of section 45014  
3769.08 of the Revised Code, from such additional moneys paid to 45015  
the tax commissioner: 45016

(1) Four-sixths shall be allocated to fund distribution as 45017  
provided in division (M) of section 3769.08 of the Revised Code. 45018

(2) One-twelfth shall be paid into the Ohio fairs fund 45019  
created by section 3769.082 of the Revised Code. 45020

(3) ~~One-sixth~~ One-twelfth of the additional moneys paid to 45021  
the tax commissioner by thoroughbred racing permit holders shall 45022  
be paid into the Ohio thoroughbred race fund created by section 45023  
3769.083 of the Revised Code. 45024

(4) One-twelfth of the additional moneys paid to the tax 45025  
commissioner by harness horse racing permit holders shall be paid 45026  
to the Ohio standardbred development fund created by section 45027  
3769.085 of the Revised Code. 45028

(5) One-sixth shall be paid into the state racing commission 45029  
operating fund created by section 3769.03 of the Revised Code. 45030

(6) One-twelfth of the additional moneys paid to the tax 45031

commissioner by quarterhorse racing permit holders shall be paid 45032  
into the Ohio thoroughbred race fund created by section 3769.083 45033  
of the Revised Code to support quarterhorse development and 45034  
purses. 45035

The remaining one per cent that is retained of the total of 45036  
all moneys wagered on each racing day on all pools other than win, 45037  
place, and show, shall be retained by racing permit holders, and, 45038  
except as otherwise provided in section 3769.089 of the Revised 45039  
Code, racing permit holders shall use one-half for purse money and 45040  
retain one-half. 45041

(B) In addition to the commission of eighteen per cent 45042  
retained by each permit holder as provided in section 3769.08 of 45043  
the Revised Code and the additional amount retained by each permit 45044  
holder as provided in division (A) of this section, each permit 45045  
holder shall retain an additional amount equal to one-half of one 45046  
per cent of the total of all moneys wagered on each racing day on 45047  
all wagering pools other than win, place, and show. The additional 45048  
amount retained under this division shall be paid in the manner 45049  
prescribed under section 3769.103 of the Revised Code, as a tax. 45050  
The tax commissioner shall pay the amount of the tax received 45051  
under this division to the state racing commission operating fund 45052  
created by section 3769.03 of the Revised Code. 45053

(C) Unless otherwise agreed to by the video lottery sales 45054  
agent and the applicable horsemen's association recognized by the 45055  
state racing commission to represent such persons, within ninety 45056  
days after September 29, 2013, for video lottery sales agents 45057  
operating as such on September 29, 2013, or within six months 45058  
after the date a video lottery sales agent begins operating as 45059  
such for video lottery sales agents not operating as such on 45060  
September 29, 2013, the state racing commission shall direct 45061  
through rule that a percentage of the lottery sales agent's 45062  
commission as determined by the state lottery commission for 45063

conducting video lottery terminal gaming on behalf of the state be 45064  
paid to the state racing commission for the benefit of breeding 45065  
and racing in this state. The percentage so determined shall not 45066  
be less than nine per cent or more than eleven per cent of the 45067  
video lottery terminal income, and shall be a sliding scale based 45068  
upon capital expenditures necessary to build the video lottery 45069  
sales agent's facility. The aggregate of one hundred per cent of 45070  
video lottery terminal income minus the lottery sales agent's 45071  
commission percentage as determined by the state lottery 45072  
commission plus the percentage of the lottery sale agent's 45073  
commission, as determined by the state racing commission or 45074  
otherwise agreed to by the video lottery sales agent and the 45075  
applicable horsemen's association recognized by the state racing 45076  
commission to represent such persons, for the benefit of breeding 45077  
and racing in this state shall not exceed forty-five per cent of 45078  
the video lottery terminal income. In addition, beginning July 1, 45079  
2013, the state lottery commission shall adopt a rule to require 45080  
the lottery sales agent conducting video lottery terminal gaming 45081  
on behalf of the state to disperse to the state lottery commission 45082  
one-half of one per cent of such a lottery sales agent's 45083  
commission for the purpose of providing funding support to 45084  
appropriate state agencies for programs that provide for gambling 45085  
addiction and other related addiction services. The state lottery 45086  
commission's rule also may require the lottery sales agent 45087  
conducting video lottery terminal gaming on behalf of the state to 45088  
disperse to the state lottery commission an additional amount up 45089  
to one-half of one per cent of such a lottery sales agent's 45090  
commission for that purpose. 45091

**Sec. 3770.02.** (A) Subject to the advice and consent of the 45092  
senate, the governor shall appoint a director of the state lottery 45093  
commission who shall serve at the pleasure of the governor. The 45094  
director shall devote full time to the duties of the office and 45095

shall hold no other office or employment. The director shall meet 45096  
all requirements for appointment as a member of the commission and 45097  
shall, by experience and training, possess management skills that 45098  
equip the director to administer an enterprise of the nature of a 45099  
state lottery. The director shall receive an annual salary in 45100  
accordance with pay range 48 of section 124.152 of the Revised 45101  
Code. 45102

(B)(1) The director shall attend all meetings of the 45103  
commission and shall act as its secretary. The director shall keep 45104  
a record of all commission proceedings and shall keep the 45105  
commission's records, files, and documents at the commission's 45106  
principal office. All records of the commission's meetings shall 45107  
be available for inspection by any member of the public, upon a 45108  
showing of good cause and prior notification to the director. 45109

(2) The director shall be the commission's executive officer 45110  
and shall be responsible for keeping all commission records and 45111  
supervising and administering the state lottery in accordance with 45112  
this chapter, and carrying out all commission rules adopted under 45113  
section 3770.03 of the Revised Code. 45114

(C)(1) The director shall appoint ~~an assistant director,~~ 45115  
~~deputy directors of marketing, operations, sales, finance, public~~ 45116  
~~relations, security, and administration, as necessary~~ and as many 45117  
regional managers as are required. The director may also appoint 45118  
necessary professional, technical, and clerical assistants. All 45119  
such officers and employees shall be appointed and compensated 45120  
pursuant to Chapter 124. of the Revised Code. Regional and 45121  
assistant regional managers, sales representatives, and any 45122  
lottery executive account representatives shall remain in the 45123  
unclassified service. The assistant director shall act as director 45124  
in the absence or disability of the director. If the director does 45125  
not appoint an assistant director, the director shall designate a 45126  
deputy director to act as director in the absence or disability of 45127

the director. 45128

(2) The director, in consultation with the director of 45129  
administrative services, may establish standards of proficiency 45130  
and productivity for commission field representatives. 45131

(D) The director shall request the bureau of criminal 45132  
identification and investigation, the department of public safety, 45133  
or any other state, local, or federal agency to supply the 45134  
director with the criminal records of any job applicant and may 45135  
periodically request the criminal records of commission employees. 45136  
At or prior to the time of making such a request, the director 45137  
shall require a job applicant or commission employee to obtain 45138  
fingerprint cards prescribed by the superintendent of the bureau 45139  
of criminal identification and investigation at a qualified law 45140  
enforcement agency, and the director shall cause these fingerprint 45141  
cards to be forwarded to the bureau of criminal identification and 45142  
investigation and the federal bureau of investigation. The 45143  
commission shall assume the cost of obtaining the fingerprint 45144  
cards and shall pay to each agency supplying criminal records for 45145  
each investigation under this division a reasonable fee, as 45146  
determined by the agency. 45147

(E) The director shall license lottery sales agents pursuant 45148  
to section 3770.05 of the Revised Code and, when it is considered 45149  
necessary, may revoke or suspend the license of any lottery sales 45150  
agent. The director may license video lottery technology 45151  
providers, independent testing laboratories, and gaming employees, 45152  
and promulgate rules relating thereto. When the director considers 45153  
it necessary, the director may suspend or revoke the license of a 45154  
video lottery technology provider, independent testing laboratory, 45155  
or gaming employee, including suspension or revocation without 45156  
affording an opportunity for a prior hearing under section 119.07 45157  
of the Revised Code when the public safety, convenience, or trust 45158  
requires immediate action. 45159

(F) The director shall confer at least once each month with the commission, at which time the director shall advise it regarding the operation and administration of the lottery. The director shall make available at the request of the commission all documents, files, and other records pertaining to the operation and administration of the lottery. The director shall prepare and make available to the commission each month a complete and accurate accounting of lottery revenues, prize money disbursements and the cost of goods and services awarded as prizes, operating expenses, and all other relevant financial information, including an accounting of all transfers made from any lottery funds in the custody of the treasurer of state to benefit education.

(G) The director may enter into contracts for the operation or promotion of the lottery pursuant to Chapter 125. of the Revised Code.

(H)(1) Pursuant to rules adopted by the commission under section 3770.03 of the Revised Code, the director shall require any lottery sales agents to deposit to the credit of the state lottery fund, in banking institutions designated by the treasurer of state, net proceeds due the commission as determined by the director.

(2) Pursuant to rules adopted by the commission under Chapter 119. of the Revised Code, the director may impose penalties for the failure of a sales agent to transfer funds to the commission in a timely manner. Penalties may include monetary penalties, immediate suspension or revocation of a license, or any other penalty the commission adopts by rule.

(I) The director may arrange for any person, or any banking institution, to perform functions and services in connection with the operation of the lottery as the director may consider necessary to carry out this chapter.

(J)(1) As used in this chapter, "statewide joint lottery game" means a lottery game that the commission sells solely within this state under an agreement with other lottery jurisdictions to sell the same lottery game solely within their statewide or other jurisdictional boundaries.

(2) If the governor directs the director to do so, the director shall enter into an agreement with other lottery jurisdictions to conduct statewide joint lottery games. If the governor signs the agreement personally or by means of an authenticating officer pursuant to section 107.15 of the Revised Code, the director then may conduct statewide joint lottery games under the agreement.

(3) The entire net proceeds from any statewide joint lottery games shall be used to fund elementary, secondary, vocational, and special education programs in this state.

(4) The commission shall conduct any statewide joint lottery games in accordance with rules it adopts under division (B)(5) of section 3770.03 of the Revised Code.

(K)(1) The director shall enter into an agreement with the department of mental health and addiction services under which the department shall provide a program of gambling addiction services on behalf of the commission. The commission shall pay the costs of the program provided pursuant to the agreement.

(2) As used in this section, "gambling addiction services" has the same meaning as in section 5119.01 of the Revised Code.

**Sec. 3770.03.** (A) The state lottery commission shall promulgate rules under which a statewide lottery may be conducted, which includes, and since the original enactment of this section has included, the authority for the commission to operate video lottery terminal games. Any reference in this chapter to tickets

shall not be construed to in any way limit the authority of the 45221  
commission to operate video lottery terminal games. Nothing in 45222  
this chapter shall restrict the authority of the commission to 45223  
promulgate rules related to the operation of games utilizing video 45224  
lottery terminals as described in section 3770.21 of the Revised 45225  
Code. The rules shall be promulgated pursuant to Chapter 119. of 45226  
the Revised Code, except that instant game rules shall be 45227  
promulgated pursuant to section 111.15 of the Revised Code but are 45228  
not subject to division (D) of that section. Subjects covered in 45229  
these rules shall include, but need not be limited to, the 45230  
following: 45231

(1) The type of lottery to be conducted; 45232

(2) The prices of tickets in the lottery; 45233

(3) The number, nature, and value of prize awards, the manner 45234  
and frequency of prize drawings, and the manner in which prizes 45235  
shall be awarded to holders of winning tickets. 45236

(B) The commission shall promulgate rules, in addition to 45237  
those described in division (A) of this section, pursuant to 45238  
Chapter 119. of the Revised Code under which a statewide lottery 45239  
and statewide joint lottery games may be conducted. Subjects 45240  
covered in these rules shall include, but not be limited to, the 45241  
following: 45242

(1) The locations at which lottery tickets may be sold and 45243  
the manner in which they are to be sold. These rules may authorize 45244  
the sale of lottery tickets by commission personnel or other 45245  
licensed individuals from traveling show wagons at the state fair, 45246  
and at any other expositions the director of the commission 45247  
considers acceptable. These rules shall prohibit commission 45248  
personnel or other licensed individuals from soliciting from an 45249  
exposition the right to sell lottery tickets at that exposition, 45250  
but shall allow commission personnel or other licensed individuals 45251

to sell lottery tickets at an exposition if the exposition 45252  
requests commission personnel or licensed individuals to do so. 45253  
These rules may also address the accessibility of sales agent 45254  
locations to commission products in accordance with the "Americans 45255  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 45256  
et seq. 45257

(2) The manner in which lottery sales revenues are to be 45258  
collected, including authorization for the director to impose 45259  
penalties for failure by lottery sales agents to transfer revenues 45260  
to the commission in a timely manner; 45261

(3) The amount of compensation to be paid licensed lottery 45262  
sales agents; 45263

(4) The substantive criteria for the licensing of lottery 45264  
sales agents consistent with section 3770.05 of the Revised Code, 45265  
and procedures for revoking or suspending their licenses 45266  
consistent with Chapter 119. of the Revised Code. If 45267  
circumstances, such as the nonpayment of funds owed by a lottery 45268  
sales agent, or other circumstances related to the public safety, 45269  
convenience, or trust, require immediate action, the director may 45270  
suspend a license without affording an opportunity for a prior 45271  
hearing under section 119.07 of the Revised Code. 45272

(5) Special game rules to implement any agreements signed by 45273  
the governor that the director enters into with other lottery 45274  
jurisdictions under division (J) of section 3770.02 of the Revised 45275  
Code to conduct statewide joint lottery games. The rules shall 45276  
require that the entire net proceeds of those games that remain, 45277  
after associated operating expenses, prize disbursements, lottery 45278  
sales agent bonuses, commissions, and reimbursements, and any 45279  
other expenses necessary to comply with the agreements or the 45280  
rules are deducted from the gross proceeds of those games, be 45281  
transferred to the lottery profits education fund under division 45282  
(B) of section 3770.06 of the Revised Code. 45283

(6) Any other subjects the commission determines are 45284  
necessary for the operation of video lottery terminal games, 45285  
including the establishment of any fees, fines, ~~or~~ payment 45286  
schedules, or the establishment of a voluntary exclusion program. 45287

(C) Chapter 2915. of the Revised Code does not apply to, 45288  
affect, or prohibit lotteries conducted pursuant to this chapter. 45289

(D) The commission may promulgate rules, in addition to those 45290  
described in divisions (A) and (B) of this section, that establish 45291  
standards governing the display of advertising and celebrity 45292  
images on lottery tickets and on other items that are used in the 45293  
conduct of, or to promote, the statewide lottery and statewide 45294  
joint lottery games. Any revenue derived from the sale of 45295  
advertising displayed on lottery tickets and on those other items 45296  
shall be considered, for purposes of section 3770.06 of the 45297  
Revised Code, to be related proceeds in connection with the 45298  
statewide lottery or gross proceeds from statewide joint lottery 45299  
games, as applicable. 45300

(E)(1) The commission shall meet with the director at least 45301  
once each month and shall convene other meetings at the request of 45302  
the chairperson or any five of the members. No action taken by the 45303  
commission shall be binding unless at least five of the members 45304  
present vote in favor of the action. A written record shall be 45305  
made of the proceedings of each meeting and shall be transmitted 45306  
forthwith to the governor, the president of the senate, the senate 45307  
minority leader, the speaker of the house of representatives, and 45308  
the house minority leader. 45309

(2) The director shall present to the commission a report 45310  
each month, showing the total revenues, prize disbursements, and 45311  
operating expenses of the state lottery for the preceding month. 45312  
As soon as practicable after the end of each fiscal year, the 45313  
commission shall prepare and transmit to the governor and the 45314  
general assembly a report of lottery revenues, prize 45315

disbursements, and operating expenses for the preceding fiscal 45316  
year and any recommendations for legislation considered necessary 45317  
by the commission. 45318

**Sec. 3770.06.** (A) There is hereby created the state lottery 45319  
gross revenue fund, which shall be in the custody of the treasurer 45320  
of state but shall not be part of the state treasury. All gross 45321  
revenues received from sales of lottery tickets, fines, fees, and 45322  
related proceeds in connection with the statewide lottery and all 45323  
gross proceeds from statewide joint lottery games shall be 45324  
deposited into the fund. The treasurer of state shall invest any 45325  
portion of the fund not needed for immediate use in the same 45326  
manner as, and subject to all provisions of law with respect to 45327  
the investment of, state funds. The treasurer of state shall 45328  
disburse money from the fund on order of the director of the state 45329  
lottery commission or the director's designee. 45330

Except for gross proceeds from statewide joint lottery games, 45331  
all revenues of the state lottery gross revenue fund that are not 45332  
paid to holders of winning lottery tickets, that are not required 45333  
to meet short-term prize liabilities, that are not credited to 45334  
lottery sales agents in the form of bonuses, commissions, or 45335  
reimbursements, that are not paid to financial institutions to 45336  
reimburse those institutions for sales agent nonsufficient funds, 45337  
and that are collected from sales agents for remittance to 45338  
insurers under contract to provide sales agent bonding services 45339  
shall be transferred to the state lottery fund, which is hereby 45340  
created in the state treasury. In addition, all revenues of the 45341  
state lottery gross revenue fund that represent the gross proceeds 45342  
from the statewide joint lottery games and that are not paid to 45343  
holders of winning lottery tickets, that are not required to meet 45344  
short-term prize liabilities, that are not credited to lottery 45345  
sales agents in the form of bonuses, commissions, or 45346  
reimbursements, and that are not necessary to cover operating 45347

expenses associated with those games or to otherwise comply with 45348  
the agreements signed by the governor that the director enters 45349  
into under division (J) of section 3770.02 of the Revised Code or 45350  
the rules the commission adopts under division (B)(5) of section 45351  
3770.03 of the Revised Code shall be transferred to the state 45352  
lottery fund. All investment earnings of the fund shall be 45353  
credited to the fund. Moneys shall be disbursed from the fund 45354  
pursuant to vouchers approved by the director. Total disbursements 45355  
for monetary prize awards to holders of winning lottery tickets in 45356  
connection with the statewide lottery and purchases of goods and 45357  
services awarded as prizes to holders of winning lottery tickets 45358  
shall be of an amount equal to at least fifty per cent of the 45359  
total revenue accruing from the sale of lottery tickets. 45360

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 45361  
there is hereby established in the state treasury the lottery 45362  
profits education fund. Whenever, in the judgment of the director 45363  
of the state lottery commission, the amount to the credit of the 45364  
state lottery fund that does not represent proceeds from statewide 45365  
joint lottery games is in excess of that needed to meet the 45366  
maturing obligations of the commission and as working capital for 45367  
its further operations, the director of the state lottery 45368  
commission shall recommend the amount of the excess to be 45369  
transferred to the lottery profits education fund, and the 45370  
director of budget and management may transfer the excess to the 45371  
lottery profits education fund in connection with the statewide 45372  
lottery. In addition, whenever, in the judgment of the director of 45373  
the state lottery commission, the amount to the credit of the 45374  
state lottery fund that represents proceeds from statewide joint 45375  
lottery games equals the entire net proceeds of those games as 45376  
described in division (B)(5) of section 3770.03 of the Revised 45377  
Code and the rules adopted under that division, the director of 45378  
the state lottery commission shall recommend the amount of the 45379  
proceeds to be transferred to the lottery profits education fund, 45380

and the director of budget and management may transfer those 45381  
proceeds to the lottery profits education fund. Investment 45382  
earnings of the lottery profits education fund shall be credited 45383  
to the fund. 45384

The lottery profits education fund shall be used solely for 45385  
the support of elementary, secondary, vocational, and special 45386  
education programs as determined in appropriations made by the 45387  
general assembly, or as provided in applicable bond proceedings 45388  
for the payment of debt service on obligations issued to pay costs 45389  
of capital facilities, including those for a system of common 45390  
schools throughout the state pursuant to section 2n of Article 45391  
VIII, Ohio Constitution. When determining the availability of 45392  
money in the lottery profits education fund, the director of 45393  
budget and management may consider all balances and estimated 45394  
revenues of the fund. 45395

(C) There is hereby established in the state treasury the 45396  
deferred prizes trust fund. With the approval of the director of 45397  
budget and management, an amount sufficient to fund annuity prizes 45398  
shall be transferred from the state lottery fund and credited to 45399  
the trust fund. The treasurer of state shall credit all earnings 45400  
arising from investments purchased under this division to the 45401  
trust fund. Within sixty days after the end of each fiscal year, 45402  
the treasurer of state shall certify to the director of budget and 45403  
management whether the actuarial amount of the trust fund is 45404  
sufficient over the fund's life for continued funding of all 45405  
remaining deferred prize liabilities as of the last day of the 45406  
fiscal year just ended. Also, within that sixty days, the director 45407  
of budget and management shall certify the amount of investment 45408  
earnings necessary to have been credited to the trust fund during 45409  
the fiscal year just ending to provide for such continued funding 45410  
of deferred prizes. Any earnings credited in excess of the latter 45411  
certified amount shall be transferred to the lottery profits 45412

education fund. 45413

To provide all or a part of the amounts necessary to fund 45414  
deferred prizes awarded by the commission in connection with the 45415  
statewide lottery, the treasurer of state, in consultation with 45416  
the commission, may invest moneys contained in the deferred prizes 45417  
trust fund which represents proceeds from the statewide lottery in 45418  
obligations of the type permitted for the investment of state 45419  
funds but whose maturities are thirty years or less. 45420  
Notwithstanding the requirements of any other section of the 45421  
Revised Code, to provide all or part of the amounts necessary to 45422  
fund deferred prizes awarded by the commission in connection with 45423  
statewide joint lottery games, the treasurer of state, in 45424  
consultation with the commission, may invest moneys in the trust 45425  
fund which represent proceeds derived from the statewide joint 45426  
lottery games in accordance with the rules the commission adopts 45427  
under division (B)(5) of section 3770.03 of the Revised Code. 45428  
Investments of the trust fund are not subject to the provisions of 45429  
division (A)(10) of section 135.143 of the Revised Code limiting 45430  
to twenty-five per cent the amount of the state's total average 45431  
portfolio that may be invested in debt interests other than 45432  
commercial paper and limiting to five per cent the amount that may 45433  
be invested in debt interests, including commercial paper, of a 45434  
single issuer. 45435

All purchases made under this division shall be effected on a 45436  
delivery versus payment method and shall be in the custody of the 45437  
treasurer of state. 45438

The treasurer of state may retain an investment advisor, if 45439  
necessary. The commission shall pay any costs incurred by the 45440  
treasurer of state in retaining an investment advisor. 45441

(D) The auditor of state shall conduct annual audits of all 45442  
funds and any other audits as the auditor of state or the general 45443  
assembly considers necessary. The auditor of state may examine all 45444

records, files, and other documents of the commission, and records 45445  
of lottery sales agents that pertain to their activities as 45446  
agents, for purposes of conducting authorized audits. 45447

(E) The state lottery commission shall establish an internal 45448  
audit plan before the beginning of each fiscal year, subject to 45449  
the approval of the office of internal audit in the office of 45450  
budget and management. At the end of each fiscal year, the 45451  
commission shall prepare and submit an annual report to the office 45452  
of internal audit for the office's review and approval, specifying 45453  
the internal audit work completed by the end of that fiscal year 45454  
and reporting on compliance with the annual internal audit plan. 45455  
Any preliminary or final report of an internal audit's findings 45456  
and recommendations, which is produced by the office of internal 45457  
audit of the state lottery commission, and all work papers of the 45458  
internal audit, is confidential and not a public record under 45459  
section 149.43 of the Revised Code until the final report of an 45460  
internal audit's findings and recommendations has been submitted 45461  
to the director of the commission and the chairperson of the 45462  
commission, or the chairperson's commission member designee. 45463

(F) Whenever, in the judgment of the director of budget and 45464  
management, an amount of net state lottery proceeds is necessary 45465  
to be applied to the payment of debt service on obligations, all 45466  
as defined in sections 151.01 and 151.03 of the Revised Code, the 45467  
director shall transfer that amount directly from the state 45468  
lottery fund or from the lottery profits education fund to the 45469  
bond service fund defined in those sections. The provisions of 45470  
this division are subject to any prior pledges or obligation of 45471  
those amounts to the payment of bond service charges as defined in 45472  
division (C) of section 3318.21 of the Revised Code, as referred 45473  
to in division (B) of this section. 45474

**Sec. 3770.22.** (A) Any information concerning the following 45475

that is submitted, collected, or gathered as part of an 45476  
application to the state lottery commission for a video lottery 45477  
related license under this chapter is confidential and not subject 45478  
to disclosure by a state agency or political subdivision as a 45479  
public record under section 149.43 of the Revised Code: 45480

(1) A dependent of an applicant; 45481

(2) The social security number, passport number, or federal 45482  
tax identification number of an applicant or the spouse of an 45483  
applicant; 45484

(3) The home address and telephone number of an applicant or 45485  
the spouse or dependent of an applicant; 45486

(4) An applicant's birth certificate; 45487

(5) The driver's license number of an applicant or the 45488  
applicant's spouse; 45489

(6) The name or address of a previous spouse of the 45490  
applicant; 45491

(7) The date of birth of the applicant and the spouse of an 45492  
applicant; 45493

(8) The place of birth of the applicant and the spouse of an 45494  
applicant; 45495

(9) The personal financial information and records of an 45496  
applicant or of an employee or the spouse or dependent of an 45497  
applicant, including tax returns and information, and records of 45498  
criminal proceedings; 45499

(10) Any information concerning a victim of domestic 45500  
violence, sexual assault, or stalking; 45501

(11) The electronic mail address of the spouse or family 45502  
member of the applicant; 45503

(12) Any trade secret, medical records, and patents or 45504

exclusive licenses; 45505

(13) Security information, including risk prevention plans, 45506  
detection and countermeasures, location of count rooms or other 45507  
money storage areas, emergency management plans, security and 45508  
surveillance plans, equipment and usage protocols, and theft and 45509  
fraud prevention plans and countermeasures; 45510

(14) Information provided in a multijurisdictional personal 45511  
history disclosure form, including the Ohio supplement, exhibits, 45512  
attachments, and updates. 45513

(B) The individual's name, the individual's place of 45514  
employment, the individual's job title, and the individual's 45515  
gaming experience that is provided for an individual who holds, 45516  
held, or has applied for a video lottery related license under 45517  
this chapter is not confidential. The reason for denial or 45518  
revocation of a video lottery related license or for disciplinary 45519  
action against the individual is not confidential. 45520

(C) An individual who holds, held, or has applied for a video 45521  
lottery related license under this chapter may waive the 45522  
confidentiality requirements of division (A) of this section. 45523

(D) Confidential information received by the commission from 45524  
another jurisdiction relating to a person who holds, held, or has 45525  
applied for a license under this chapter is confidential and not 45526  
subject to disclosure as a public record under section 149.43 of 45527  
the Revised Code. The commission may share the information 45528  
referenced in this division with, or disclose the information to, 45529  
the inspector general, any appropriate prosecuting authority, any 45530  
law enforcement agency, or any other appropriate governmental or 45531  
licensing agency, if the agency that receives the information 45532  
complies with the same requirements regarding confidentiality as 45533  
those with which the commission must comply. 45534

The applicant shall complete a cover sheet for the 45535

application on which the applicant shall disclose the applicant's 45536  
name, the business address of the lottery sales agent, management 45537  
company, holding company, or gaming-related vendor employing the 45538  
applicant, the business address and telephone number of such 45539  
employer, and the county, state, and country in which the 45540  
applicant's residence is located. 45541

(E) The identity and personal information of a person 45542  
participating in a voluntary exclusion program implemented either 45543  
by the lottery commission or a video lottery terminal sales agent 45544  
shall be confidential and only shall be disseminated according to 45545  
the following: 45546

(1) The commission may disseminate the information to a video 45547  
lottery terminal sales agent and the agents and employees of the 45548  
agent for purposes of enforcement. 45549

(2) A video lottery terminal sales agent operating a 45550  
voluntary exclusion program may disseminate the information to the 45551  
agents, employees of the agent, and to the commission for purposes 45552  
of enforcement. 45553

(3) Either the commission or a video lottery terminal sales 45554  
agent operating a voluntary exclusion program may disseminate the 45555  
information to other entities upon request of the participant and 45556  
agreement by the commission. 45557

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 45558  
of resort, assembly, education, entertainment, lodging, dwelling, 45559  
trade, manufacture, repair, storage, traffic, or occupancy by the 45560  
public, any residential building, and all other buildings or parts 45561  
and appurtenances of those buildings erected within this state, 45562  
shall be so constructed, erected, equipped, and maintained that 45563  
they shall be safe and sanitary for their intended use and 45564  
occupancy. 45565

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code shall be construed to limit the power of the ~~manufactured homes commission~~ division of industrial compliance of the department of commerce to adopt rules of uniform application governing manufactured home parks pursuant to section 4781.26 of the Revised Code.

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised Code do not apply to either of the following:

(1) Buildings or structures that are incident to the use for agricultural purposes of the land on which the buildings or structures are located, provided those buildings or structures are not used in the business of retail trade. For purposes of this division, a building or structure is not considered used in the business of retail trade if fifty per cent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller.

(2) Existing single-family, two-family, and three-family detached dwelling houses for which applications have been submitted to the director of job and family services pursuant to section 5104.03 of the Revised Code for the purposes of operating type A family day-care homes as defined in section 5104.01 of the Revised Code.

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code:

(1) "Agricultural purposes" include agriculture, farming, dairying, pasturage, apiculture, algaculture meaning the farming of algae, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry.

(2) "Building" means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances.

(3) "Industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined by division (C)(4) of this section or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

(5) "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the ~~manufactured homes commission~~ division of industrial compliance of the department of commerce pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed.

(6) "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

(a) The structure is affixed to a permanent foundation and is 45628  
connected to appropriate facilities; 45629

(b) The structure, excluding any addition, has a width of at 45630  
least twenty-two feet at one point, a length of at least 45631  
twenty-two feet at one point, and a total living area, excluding 45632  
garages, porches, or attachments, of at least nine hundred square 45633  
feet; 45634

(c) The structure has a minimum 3:12 residential roof pitch, 45635  
conventional residential siding, and a six-inch minimum eave 45636  
overhang, including appropriate guttering; 45637

(d) The structure was manufactured after January 1, 1995; 45638

(e) The structure is not located in a manufactured home park 45639  
as defined by section 4781.01 of the Revised Code. 45640

(7) "Safe," with respect to a building, means it is free from 45641  
danger or hazard to the life, safety, health, or welfare of 45642  
persons occupying or frequenting it, or of the public and from 45643  
danger of settlement, movement, disintegration, or collapse, 45644  
whether such danger arises from the methods or materials of its 45645  
construction or from equipment installed therein, for the purpose 45646  
of lighting, heating, the transmission or utilization of electric 45647  
current, or from its location or otherwise. 45648

(8) "Sanitary," with respect to a building, means it is free 45649  
from danger or hazard to the health of persons occupying or 45650  
frequenting it or to that of the public, if such danger arises 45651  
from the method or materials of its construction or from any 45652  
equipment installed therein, for the purpose of lighting, heating, 45653  
ventilating, or plumbing. 45654

(9) "Residential building" means a one-family, two-family, or 45655  
three-family dwelling house, and any accessory structure 45656  
incidental to that dwelling house. "Residential building" includes 45657  
a one-family, two-family, or three-family dwelling house that is 45658

used as a model to promote the sale of a similar dwelling house. 45659  
"Residential building" does not include an industrialized unit as 45660  
defined by division (C)(3) of this section, a manufactured home as 45661  
defined by division (C)(4) of this section, or a mobile home as 45662  
defined by division (O) of section 4501.01 of the Revised Code. 45663

(10) "Nonresidential building" means any building that is not 45664  
a residential building or a manufactured or mobile home. 45665

(11) "Accessory structure" means a structure that is attached 45666  
to a residential building and serves the principal use of the 45667  
residential building. "Accessory structure" includes, but is not 45668  
limited to, a garage, porch, or screened-in patio. 45669

**Sec. 4104.15.** (A) All certificates of inspection for boilers, 45670  
issued prior to October 15, 1965, are valid and effective for the 45671  
period set forth in such certificates unless sooner withdrawn by 45672  
the superintendent of industrial compliance. The owner or user of 45673  
any such boiler shall obtain an appropriate certificate of 45674  
operation for such boiler, and shall not operate such boiler, or 45675  
permit it to be operated unless a certificate of operation has 45676  
been obtained in accordance with section 4104.17 of the Revised 45677  
Code. 45678

(B) ~~If, upon making the internal and external inspection 45679  
required under sections 4104.11, 4104.12, and 4104.13 of the 45680  
Revised Code, the inspector finds the boiler to be in safe working 45681  
order, with the fittings necessary to safety, and properly set up, 45682  
upon the inspector's report to the superintendent, the 45683  
superintendent shall issue to the owner or user thereof, or renew, 45684  
upon application and upon a boiler owner or user is in compliance 45685  
with sections 4104.13, 4104.17, and 4104.18 of the Revised Code, a 45686  
the superintendent, upon application, shall issue the boiler owner 45687  
or user a certificate of operation or renew the boiler owner's or 45688  
user's certificate of operation. The certificate of operation 45689~~

which shall state: 45690

(1) State the maximum pressure at which the boiler may be 45691  
operated, as ascertained by the rules of the board of building 45692  
standards. ~~Such certificates shall also state,~~ the name of the 45693  
owner or user, the location, size, and number of each boiler, and 45694  
the date of issuance, ~~and shall be;~~ 45695

(2) Be so placed as to be easily read in the engine room or 45696  
boiler room of the plant where the boiler is located, except that 45697  
the certificate of operation for a portable boiler shall be kept 45698  
on the premises and shall be accessible at all times. 45699

(C) If an inspector at any inspection finds that the boiler 45700  
or pressure vessel is not in safe working condition, or is not 45701  
provided with the fittings necessary to safety, or if the fittings 45702  
are improperly arranged, the inspector shall immediately notify 45703  
the owner or user and person in charge of the boiler and shall 45704  
report the same to the superintendent who may revoke, suspend, or 45705  
deny the certificate of operation and not renew the same until the 45706  
boiler or pressure vessel and its fittings are put in condition to 45707  
insure safety of operation, and the owner or user shall not 45708  
operate the boiler or pressure vessel, or permit it to be operated 45709  
until such certificate has been granted or restored. 45710

(D) If the superintendent or a general boiler inspector finds 45711  
that a pressure vessel or boiler or a part thereof poses an 45712  
explosion hazard that reasonably can be regarded as posing an 45713  
imminent danger of death or serious physical harm to persons, the 45714  
superintendent or the general boiler inspector shall seal the 45715  
pressure vessel or boiler and order, in writing, the operator or 45716  
owner of the pressure vessel or boiler to immediately cease the 45717  
pressure vessel's or boiler's operation. The order shall be 45718  
effective until the nonconformities are eliminated, corrected, or 45719  
otherwise remedied, or for a period of seventy-two hours from the 45720  
time of issuance, whichever occurs first. During the 45721

seventy-two-hour period, the superintendent may request that the prosecuting attorney or city attorney of Franklin county or of the county in which the pressure vessel or boiler is located obtain an injunction restraining the operator or owner of the pressure vessel or boiler from continuing its operation after the seventy-two-hour period expires until the nonconformities are eliminated, corrected, or otherwise remedied.

(E) Each boiler which has been inspected shall be assigned a number by the superintendent, which number shall be stamped on a nonferrous metal tag affixed to the boiler or its fittings by seal or otherwise. No person except an inspector shall deface or remove any such number or tag.

(F) If the owner or user of any pressure vessel or boiler disagrees with the inspector as to the necessity for shutting down a pressure vessel or boiler or for making repairs or alterations in it, or taking any other measures for safety that are requested by an inspector, the owner or user may appeal from the decision of the inspector to the superintendent, who may, after such other inspection by a general inspector or special inspector as the superintendent deems necessary, decide the issue.

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, nor an inspection or report by any inspector, shall relieve the owner or user of a pressure vessel or boiler of the duty of using due care in the inspection, operation, and repair of the pressure vessel or boiler or of any liability for damages for failure to inspect, repair, or operate the pressure vessel or boiler safely.

**Sec. 4104.18.** (A) The owner or user of a boiler required under section 4104.12 of the Revised Code to be inspected upon installation, and the owner or user of a boiler for which a certificate of inspection has been issued ~~which~~ that is replaced with an appropriate certificate of operation, shall pay to the

superintendent of industrial compliance a an initial certificate 45753  
of operation fee in the following amount ~~of fifty, as applicable:~~ 45754

(1) Fifty dollars for boilers subject to annual inspections 45755  
under section 4104.11 of the Revised Code, ~~one;~~ 45756

(2) One hundred dollars for boilers subject to biennial 45757  
inspection under section 4104.13 of the Revised Code, ~~one;~~ 45758

(3) One hundred fifty dollars for boilers subject to 45759  
triennial inspection under section 4104.11 of the Revised Code, ~~or~~ 45760  
~~two;~~ 45761

(4) Two hundred fifty dollars for boilers subject to 45762  
quinquennial inspection under section 4104.13 of the Revised Code. 45763

(B) The owner or user of a boiler required under section 45764  
4104.12 of the Revised Code to be inspected upon installation, and 45765  
the owner or user of a boiler for which a certificate of 45766  
inspection has been issued that is replaced with an appropriate 45767  
certificate of operation, shall pay to the superintendent of 45768  
industrial compliance an annual certificate of operation renewal 45769  
fee in the following amount, as applicable: 45770

(1) Fifty dollars for boilers subject to annual inspections 45771  
under section 4101.11 of the Revised Code; 45772

(2) One hundred dollars for boilers subject to biennial 45773  
inspections under section 4104.13 of the Revised Code; 45774

(3) One hundred fifty dollars for boilers subject to 45775  
triennial inspections under section 4104.11 of the Revised Code; 45776

(4) Two hundred fifty dollars for boilers subject to 45777  
quinquennial inspections under section 4104.13 of the Revised 45778  
Code. 45779

(C) The fee for complete inspection during construction by a 45780  
general inspector on boilers and pressure vessels manufactured 45781  
within the state shall be thirty-five dollars per hour. Boiler and 45782

pressure vessel manufacturers other than those located in the 45783  
state may secure inspection by a general inspector on work during 45784  
construction, upon application to the superintendent, and upon 45785  
payment of a fee of thirty-five dollars per hour, plus the 45786  
necessary traveling and hotel expenses incurred by the inspector. 45787

~~(C)~~(D) The application fee for applicants for steam engineer, 45788  
high pressure boiler operator, or low pressure boiler operator 45789  
licenses is seventy-five dollars. The fee for each original or 45790  
renewal steam engineer, high pressure boiler operator, or low 45791  
pressure boiler operator license is fifty dollars. 45792

~~(D)~~ The director of commerce, subject to the approval of the 45793  
controlling board, may establish fees in excess of the fees 45794  
provided in divisions (A), (B), and (C) of this section. (E) The 45795  
superintendent of industrial compliance, by rule adopted in 45796  
accordance with Chapter 119. of the Revised Code, may increase the 45797  
fees required by this section and may establish fees to pay the 45798  
costs of the division to fulfill its duties established by this 45799  
chapter. The fees shall bear some reasonable relationship to the 45800  
cost of administering and enforcing the provisions of this 45801  
chapter. Any moneys collected under this section shall be paid 45802  
into the state treasury to the credit of the industrial compliance 45803  
operating fund created in section 121.084 of the Revised Code. 45804

~~(E)~~(F) Any person who fails to pay an invoiced renewal fee or 45805  
an invoiced inspection fee required for any inspection conducted 45806  
by the division of industrial compliance pursuant to this chapter 45807  
within forty-five days of the invoice date shall pay a late 45808  
payment fee equal to twenty-five per cent of the invoiced fee. 45809

~~(F)~~(G) In addition to the fees assessed in divisions (A) ~~and,~~ 45810  
(B), and (C) of this section, the board of building standards 45811  
shall assess the owner or user a fee of three dollars and 45812  
twenty-five cents for each certificate of operation or renewal 45813  
thereof issued under ~~division~~ divisions (A) and (B) of this 45814

section and for each inspection conducted under division ~~(B)~~(C) of 45815  
this section. The board shall adopt rules, in accordance with 45816  
Chapter 119. of the Revised Code, specifying the manner by which 45817  
the superintendent shall collect and remit to the board the fees 45818  
assessed under this division and requiring that remittance of the 45819  
fees be made at least quarterly. 45820

**Sec. 4105.17.** (A) The fee for each ~~inspection, or~~ attempted 45821  
inspection that, due to no fault of a general inspector or the 45822  
division of industrial compliance, is not successfully completed, 45823  
by a general inspector before the operation of a permanent new 45824  
elevator prior to the issuance of a certificate of operation, 45825  
before operation of an elevator being put back into service after 45826  
a repair or after an adjudication under section 4105.11 of the 45827  
Revised Code, or as a result of the operation of section 4105.08 45828  
of the Revised Code and is an elevator required to be inspected 45829  
under this chapter is one hundred twenty dollars plus ten dollars 45830  
for each floor where the elevator stops. ~~The superintendent of~~ 45831  
~~industrial compliance may assess an additional fee of one hundred~~ 45832  
~~twenty dollars plus ten dollars for each floor where an elevator~~ 45833  
~~stops for the reinspection of an elevator when a previous attempt~~ 45834  
~~to inspect that elevator has been unsuccessful through no fault of~~ 45835  
~~a general inspector or the division of industrial compliance.~~ 45836

(B) The fee for each ~~inspection, or~~ attempted inspection, 45837  
that due to no fault of the general inspector or the division, is 45838  
not successfully completed by a general inspector before operation 45839  
of a permanent new escalator or moving walk prior to the issuance 45840  
of a certificate of operation, before operation of an escalator or 45841  
moving walk being put back in service after a repair, or as a 45842  
result of the operation of section 4105.08 of the Revised Code is 45843  
three hundred dollars. ~~The superintendent may assess an additional~~ 45844  
~~fee of one hundred fifty dollars for the reinspection of an~~ 45845  
~~escalator or moving walk when a previous attempt to inspect that~~ 45846

~~escalator or moving walk has been unsuccessful through no fault of~~ 45847  
~~the general inspector or the division.~~ 45848

(C) The fee for issuing or renewing a certificate of 45849  
operation under section 4105.15 of the Revised Code for an 45850  
elevator that is inspected every six months in accordance with 45851  
division (A) of section 4105.10 of the Revised Code is two hundred 45852  
twenty dollars plus twelve dollars for each floor where the 45853  
elevator stops, except where the elevator has been inspected by a 45854  
special inspector in accordance with section 4105.07 of the 45855  
Revised Code. 45856

(D) The fee for issuing or renewing a certificate of 45857  
operation under section 4105.05 of the Revised Code for an 45858  
elevator that is inspected every twelve months in accordance with 45859  
division (A) of section 4105.10 of the Revised Code is fifty-five 45860  
dollars plus ten dollars for each floor where the elevator stops, 45861  
except where the elevator has been inspected by a special 45862  
inspector in accordance with section 4105.07 of the Revised Code. 45863

(E) The fee for issuing or renewing a certificate of 45864  
operation under section 4105.15 of the Revised Code for an 45865  
escalator or moving walk is three hundred dollars, except where 45866  
the escalator or moving walk has been inspected by a special 45867  
inspector in accordance with section 4105.07 of the Revised Code. 45868

(F) All other fees to be charged for any examination given or 45869  
other service performed by the division pursuant to this chapter 45870  
shall be prescribed by the director of commerce. The fees shall be 45871  
reasonably related to the costs of such examination or other 45872  
service. 45873

(G) The director of commerce, subject to the approval of the 45874  
controlling board, may establish fees in excess of the fees 45875  
provided in divisions (A), (B), (C), (D), and (E) of this section. 45876  
Any moneys collected under this section shall be paid into the 45877

state treasury to the credit of the industrial compliance 45878  
operating fund created in section 121.084 of the Revised Code. 45879

(H) Any person who fails to pay an inspection fee required 45880  
for any inspection ~~conducted~~ attempted by the division pursuant to 45881  
this chapter within forty-five days after the inspection is 45882  
~~conducted attempted,~~ or who fails to pay a certificate of 45883  
operation fee pursuant to this chapter within forty-five days 45884  
after the certificate's expiration, shall pay a late payment fee 45885  
equal to twenty-five per cent of the inspection fee. 45886

(I) In addition to the fees assessed in divisions (A), (B), 45887  
(C), (D), and (E) of this section, the board of building standards 45888  
shall assess a fee of three dollars and twenty-five cents for each 45889  
certificate of operation or renewal thereof issued under divisions 45890  
(A), (B), (C), (D), or (E) of this section and for each permit 45891  
issued under section 4105.16 of the Revised Code. The board shall 45892  
adopt rules, in accordance with Chapter 119. of the Revised Code, 45893  
specifying the manner by which the superintendent shall collect 45894  
and remit to the board the fees assessed under this division and 45895  
requiring that remittance of the fees be made at least quarterly. 45896

(J) The superintendent, by rule adopted in accordance with 45897  
Chapter 119. of the Revised Code, may increase the fees required 45898  
by this section and may establish fees to pay the costs of the 45899  
division to fulfill its duties established by this chapter. The 45900  
fees shall bear some reasonable relationship to the cost of 45901  
administering and enforcing this chapter. 45902

(K) For purposes of this section: 45903

(1) "Escalator" means a power driven, inclined, continuous 45904  
stairway used for raising or lowering passengers. 45905

(2) "Moving walk" means a passenger carrying device on which 45906  
passengers stand or walk, with a passenger carrying surface that 45907  
is uninterrupted and remains parallel to its direction of motion. 45908

Sec. 4109.06. (A) This chapter does not apply to the 45909  
following: 45910

(1) Minors who are students working on any properly guarded 45911  
machines in the manual training department of any school when the 45912  
work is performed under the personal supervision of an instructor; 45913

(2) Students participating in a ~~vocational~~ career-technical 45914  
or STEM program approved by the Ohio department of education or 45915  
students participating in any eligible classes through the college 45916  
credit plus program established under Chapter 3365. of the Revised 45917  
Code that include a recognized pre-apprenticeship program that 45918  
imparts the skills and knowledge needed for successful 45919  
participation in a registered apprenticeship occupation course; 45920

(3) A minor participating in a play, pageant, or concert 45921  
produced by an outdoor historical drama corporation, a 45922  
professional traveling theatrical production, a professional 45923  
concert tour, or a personal appearance tour as a professional 45924  
motion picture star, or as an actor or performer in motion 45925  
pictures or in radio or television productions in accordance with 45926  
the rules adopted pursuant to division (A) of section 4109.05 of 45927  
the Revised Code; 45928

(4) The participation, without remuneration of a minor and 45929  
with the consent of a parent or guardian, in a performance given 45930  
by a church, school, or academy, or at a concert or entertainment 45931  
given solely for charitable purposes, or by a charitable or 45932  
religious institution; 45933

(5) Minors who are employed by their parents in occupations 45934  
other than occupations prohibited by rule adopted under this 45935  
chapter; 45936

(6) Minors engaged in the delivery of newspapers to the 45937  
consumer; 45938

|  |   |
|--|---|
| (7) Minors who have received a high school diploma or a certificate of attendance from an accredited secondary school or a certificate of high school equivalence;   | 45939<br>45940<br>45941                   |
| (8) Minors who are currently heads of households or are parents contributing to the support of their children;   | 45942<br>45943                            |
| (9) Minors engaged in lawn mowing, snow shoveling, and other related employment;   | 45944<br>45945                            |
| (10) Minors employed in agricultural employment in connection with farms operated by their parents, grandparents, or guardians where they are members of the guardians' household. Minors are not exempt from this chapter if they reside in agricultural labor camps as defined in section 3733.41 of the Revised Code; | 45946<br>45947<br>45948<br>45949<br>45950 |
| (11) Students participating in a program to serve as precinct officers as authorized by section 3501.22 of the Revised Code.   | 45951<br>45952                            |
| (B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to the following:   | 45953<br>45954                            |
| (1) Minors who work in a sheltered workshop operated by a county board of developmental disabilities;  | 45955<br>45956                            |
| (2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses incurred by the minor or except for meals provided to the minor;   | 45957<br>45958<br>45959                   |
| (3) Minors who are employed in agricultural employment and who do not reside in agricultural labor camps.  | 45960<br>45961                            |
| (C) Division (D) of section 4109.07 of the Revised Code does not apply to minors who have their employment hours established as follows:   | 45962<br>45963<br>45964                   |
| (1) A minor adjudicated to be an unruly child or delinquent child who, as a result of the adjudication, is placed on probation may either file a petition in the juvenile court in whose jurisdiction the minor resides, or apply to the superintendent or   | 45965<br>45966<br>45967<br>45968          |

to the chief administrative officer who issued the minor's age and 45969  
schooling certificate pursuant to section 3331.01 of the Revised 45970  
Code, alleging the restrictions on the hours of employment 45971  
described in division (D) of section 4109.07 of the Revised Code 45972  
will cause a substantial hardship or are not in the minor's best 45973  
interests. Upon receipt of a petition or application, the court, 45974  
the superintendent, or the chief administrative officer, as 45975  
appropriate, shall consult with the person required to supervise 45976  
the minor on probation. If after that consultation, the court, the 45977  
superintendent, or the chief administrative officer finds the 45978  
minor has failed to show the restrictions will result in a 45979  
substantial hardship or that the restrictions are not in the 45980  
minor's best interests, the court, the superintendent, or the 45981  
chief administrative officer shall uphold the restrictions. If 45982  
after that consultation, the court, the superintendent, or the 45983  
chief administrative officer finds the minor has shown the 45984  
restricted hours will cause a substantial hardship or are not in 45985  
the minor's best interests, the court, the superintendent, or the 45986  
chief administrative officer shall establish differing hours of 45987  
employment for the minor and notify the minor and the minor's 45988  
employer of those hours, which shall be binding in lieu of the 45989  
restrictions on the hours of employment described in division (D) 45990  
of section 4109.07 of the Revised Code. 45991

(2) Any minor to whom division (C)(1) of this section does 45992  
not apply may either file a petition in the juvenile court in 45993  
whose jurisdiction the person resides, or apply to the 45994  
superintendent or to the chief administrative officer who issued 45995  
the minor's age and schooling certificate pursuant to section 45996  
3331.01 of the Revised Code, alleging the restrictions on the 45997  
hours of employment described in division (D) of section 4109.07 45998  
of the Revised Code will cause a substantial hardship or are not 45999  
in the minor's best interests. 46000

If, as a result of a petition or application, the court, the superintendent, or the chief administrative officer, as appropriate, finds the minor has failed to show such restrictions will result in a substantial hardship or that the restrictions are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall uphold the restrictions. If the court, the superintendent, or the chief administrative officer finds the minor has shown the restricted hours will cause a substantial hardship or are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall establish the hours of employment for the minor and shall notify the minor and the minor's employer of those hours.

(D) Section 4109.03, divisions (A) and (C) of section 4109.02, and division (B) of section 4109.08 of the Revised Code do not apply to minors who are sixteen or seventeen years of age and who are employed at a seasonal amusement or recreational establishment.

(E) As used in this section, "certificate of high school equivalence" means either:

(1) A statement issued by the department of education that the holder of the statement has achieved the equivalent of a high school education as measured by scores obtained on a high school equivalency test approved by the department pursuant to division (B) of section 3301.80 of the Revised Code;

(2) A statement issued by a primary-secondary education or higher education agency of another state that the holder of the statement has achieved the equivalent of a high school education as measured by scores obtained on a similar nationally recognized high school equivalency test.

**Sec. 4141.29.** Each eligible individual shall receive benefits as compensation for loss of remuneration due to involuntary total

or partial unemployment in the amounts and subject to the 46032  
conditions stipulated in this chapter. 46033

(A) No individual is entitled to a waiting period or benefits 46034  
for any week unless the individual: 46035

(1) Has filed a valid application for determination of 46036  
benefit rights in accordance with section 4141.28 of the Revised 46037  
Code; 46038

(2) Has made a claim for benefits in accordance with section 46039  
4141.28 of the Revised Code; 46040

(3)(a) Has registered for work and thereafter continues to 46041  
report to an employment office or other registration place 46042  
maintained or designated by the director of job and family 46043  
services. Registration shall be made in accordance with the time 46044  
limits, frequency, and manner prescribed by the director. 46045

(b) For purposes of division (A)(3) of this section, an 46046  
individual has "registered" upon doing any of the following: 46047

(i) Filing an application for benefit rights; 46048

(ii) Making a weekly claim for benefits; 46049

(iii) Reopening an existing claim following a period of 46050  
employment or nonreporting. 46051

(c) After an applicant is registered, that registration 46052  
continues for a period of three calendar weeks, including the week 46053  
during which the applicant registered. However, an individual is 46054  
not registered for purposes of division (A)(3) of this section 46055  
during any period in which the individual fails to report, as 46056  
instructed by the director, or fails to reopen an existing claim 46057  
following a period of employment. 46058

(d) The director may, for good cause, extend the period of 46059  
registration. 46060

(e) For purposes of this section, "report" means contact by 46061

phone, access electronically, or be present for an in-person 46062  
appointment, as designated by the director. 46063

(4)(a)(i) Is able to work and available for suitable work 46064  
and, except as provided in division (A)(4)(a)(ii) or (iii) of this 46065  
section, is actively seeking suitable work either in a locality in 46066  
which the individual has earned wages subject to this chapter 46067  
during the individual's base period, or if the individual leaves 46068  
that locality, then in a locality where suitable work normally is 46069  
performed. 46070

(ii) The director may waive the requirement that a claimant 46071  
be actively seeking work when the director finds that the 46072  
individual has been laid off and the employer who laid the 46073  
individual off has notified the director within ten days after the 46074  
layoff, that work is expected to be available for the individual 46075  
within a specified number of days not to exceed forty-five 46076  
calendar days following the last day the individual worked. In the 46077  
event the individual is not recalled within the specified period, 46078  
this waiver shall cease to be operative with respect to that 46079  
layoff. 46080

(iii) The director may waive the requirement that a claimant 46081  
be actively seeking work if the director determines that the 46082  
individual has been laid off and the employer who laid the 46083  
individual off has notified the director in accordance with 46084  
division (C) of section 4141.28 of the Revised Code that the 46085  
employer has closed the employer's entire plant or part of the 46086  
employer's plant for a purpose other than inventory or vacation 46087  
that will cause unemployment for a definite period not exceeding 46088  
twenty-six weeks beginning on the date the employer notifies the 46089  
director, for the period of the specific shutdown, if all of the 46090  
following apply: 46091

(I) The employer and the individuals affected by the layoff 46092  
who are claiming benefits under this chapter jointly request the 46093

exemption. 46094

(II) The employer provides that the affected individuals 46095  
shall return to work for the employer within twenty-six weeks 46096  
after the date the employer notifies the director. 46097

(III) The director determines that the waiver of the active 46098  
search for work requirement will promote productivity and economic 46099  
stability within the state. 46100

(iv) Division (A)(4)(a)(iii) of this section does not exempt 46101  
an individual from meeting the other requirements specified in 46102  
division (A)(4)(a)(i) of this section to be able to work and 46103  
otherwise fully be available for work. An exemption granted under 46104  
division (A)(4)(a)(iii) of this section may be granted only with 46105  
respect to a specific plant closing. 46106

(b)(i) The individual shall be instructed as to the efforts 46107  
that the individual must make in the search for suitable work, 46108  
including that, within six months after October 11, 2013, the 46109  
individual shall register with the OhioMeansJobs web site, except 46110  
in any of the following circumstances: 46111

(I) The individual is an individual described in division 46112  
(A)(4)(b)(iii) of this section; 46113

(II) Where the active search for work requirement has been 46114  
waived under division (A)(4)(a) of this section; 46115

(III) Where the active search for work requirement is 46116  
considered to be met under division (A)(4)(c), (d), or (e) of this 46117  
section. 46118

(ii) An individual who is registered with the OhioMeansJobs 46119  
web site shall receive a weekly listing of available jobs based on 46120  
information provided by the individual at the time of 46121  
registration. For each week that the individual claims benefits, 46122  
the individual shall keep a record of the individual's work search 46123

efforts and shall produce that record in the manner and means 46124  
prescribed by the director. 46125

(iii) No individual shall be required to register with the 46126  
OhioMeansJobs web site if the individual is legally prohibited 46127  
from using a computer, has a physical or visual impairment that 46128  
makes the individual unable to use a computer, or has a limited 46129  
ability to read, write, speak, or understand a language in which 46130  
the OhioMeansJobs web site is available. 46131

(iv) As used in division (A)(4)(b) of this section: 46132

(I) "OhioMeansJobs web site" ~~means the electronic job~~ 46133  
~~placement system operated by the state~~ has the same meaning as in 46134  
section 6301.01 of the Revised Code. 46135

(II) "Registration" includes the creation, electronic 46136  
posting, and maintenance of an active, searchable resume. 46137

(c) An individual who is attending a training course approved 46138  
by the director meets the requirement of this division, if 46139  
attendance was recommended by the director and the individual is 46140  
regularly attending the course and is making satisfactory 46141  
progress. An individual also meets the requirements of this 46142  
division if the individual is participating and advancing in a 46143  
training program, as defined in division (P) of section 5709.61 of 46144  
the Revised Code, and if an enterprise, defined in division (B) of 46145  
section 5709.61 of the Revised Code, is paying all or part of the 46146  
cost of the individual's participation in the training program 46147  
with the intention of hiring the individual for employment as a 46148  
new employee, as defined in division (L) of section 5709.61 of the 46149  
Revised Code, for at least ninety days after the individual's 46150  
completion of the training program. 46151

(d) An individual who becomes unemployed while attending a 46152  
regularly established school and whose base period qualifying 46153  
weeks were earned in whole or in part while attending that school, 46154

meets the availability and active search for work requirements of 46155  
division (A)(4)(a) of this section if the individual regularly 46156  
attends the school during weeks with respect to which the 46157  
individual claims unemployment benefits and makes self available 46158  
on any shift of hours for suitable employment with the 46159  
individual's most recent employer or any other employer in the 46160  
individual's base period, or for any other suitable employment to 46161  
which the individual is directed, under this chapter. 46162

(e) An individual who is a member in good standing with a 46163  
labor organization that refers individuals to jobs meets the 46164  
active search for work requirement specified in division (A)(4)(a) 46165  
of this section if the individual provides documentation that the 46166  
individual is eligible for a referral or placement upon request 46167  
and in a manner prescribed by the director. 46168

(f) Notwithstanding any other provisions of this section, no 46169  
otherwise eligible individual shall be denied benefits for any 46170  
week because the individual is in training approved under section 46171  
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 46172  
2296, nor shall that individual be denied benefits by reason of 46173  
leaving work to enter such training, provided the work left is not 46174  
suitable employment, or because of the application to any week in 46175  
training of provisions in this chapter, or any applicable federal 46176  
unemployment compensation law, relating to availability for work, 46177  
active search for work, or refusal to accept work. 46178

For the purposes of division (A)(4)(f) of this section, 46179  
"suitable employment" means with respect to an individual, work of 46180  
a substantially equal or higher skill level than the individual's 46181  
past adversely affected employment, as defined for the purposes of 46182  
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 46183  
wages for such work at not less than eighty per cent of the 46184  
individual's average weekly wage as determined for the purposes of 46185  
that federal act. 46186

(5) Is unable to obtain suitable work. An individual who is provided temporary work assignments by the individual's employer under agreed terms and conditions of employment, and who is required pursuant to those terms and conditions to inquire with the individual's employer for available work assignments upon the conclusion of each work assignment, is not considered unable to obtain suitable employment if suitable work assignments are available with the employer but the individual fails to contact the employer to inquire about work assignments.

(6) Participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust benefits under this chapter, including compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than extended compensation, and needs reemployment services pursuant to the profiling system established by the director under division (K) of this section, unless the director determines that:

(a) The individual has completed such services; or

(b) There is justifiable cause for the claimant's failure to participate in such services.

Ineligibility for failure to participate in reemployment services as described in division (A)(6) of this section shall be for the week or weeks in which the claimant was scheduled and failed to participate without justifiable cause.

(7) Participates in the reemployment and eligibility assessment program, or other reemployment services, as required by the director. As used in division (A)(7) of this section, "reemployment services" includes job search assistance activities, skills assessments, and the provision of labor market statistics or analysis.

(a) For purposes of division (A)(7) of this section, participation is required unless the director determines that

either of the following circumstances applies to the individual: 46218

(i) The individual has completed similar services. 46219

(ii) Justifiable cause exists for the failure of the 46220  
individual to participate in those services. 46221

(b) Within six months after October 11, 2013, notwithstanding 46222  
any earlier contact an individual may have had with a local 46223  
~~one-stop county office~~ OhioMeansJobs center, ~~including~~ as 46224  
~~described~~ defined in section ~~6301.08~~ 6301.01 of the Revised Code, 46225  
beginning with the eighth week after the week during which an 46226  
individual first files a valid application for determination of 46227  
benefit rights in the individual's benefit year, the individual 46228  
shall report to a local ~~one-stop county office~~ OhioMeansJobs 46229  
center for reemployment services in the manner prescribed by the 46230  
director. 46231

(c) An individual whose active search for work requirement 46232  
has been waived under division (A)(4)(a) of this section or is 46233  
considered to be satisfied under division (A)(4)(c), (d), or (e) 46234  
of this section is exempt from the requirements of division (A)(7) 46235  
of this section. 46236

(B) An individual suffering total or partial unemployment is 46237  
eligible for benefits for unemployment occurring subsequent to a 46238  
waiting period of one week and no benefits shall be payable during 46239  
this required waiting period. Not more than one week of waiting 46240  
period shall be required of any individual in any benefit year in 46241  
order to establish the individual's eligibility for total or 46242  
partial unemployment benefits. 46243

(C) The waiting period for total or partial unemployment 46244  
shall commence on the first day of the first week with respect to 46245  
which the individual first files a claim for benefits at an 46246  
employment office or other place of registration maintained or 46247  
designated by the director or on the first day of the first week 46248

with respect to which the individual has otherwise filed a claim 46249  
for benefits in accordance with the rules of the department of job 46250  
and family services, provided such claim is allowed by the 46251  
director. 46252

(D) Notwithstanding division (A) of this section, no 46253  
individual may serve a waiting period or be paid benefits under 46254  
the following conditions: 46255

(1) For any week with respect to which the director finds 46256  
that: 46257

(a) The individual's unemployment was due to a labor dispute 46258  
other than a lockout at any factory, establishment, or other 46259  
premises located in this or any other state and owned or operated 46260  
by the employer by which the individual is or was last employed; 46261  
and for so long as the individual's unemployment is due to such 46262  
labor dispute. No individual shall be disqualified under this 46263  
provision if either of the following applies: 46264

(i) The individual's employment was with such employer at any 46265  
factory, establishment, or premises located in this state, owned 46266  
or operated by such employer, other than the factory, 46267  
establishment, or premises at which the labor dispute exists, if 46268  
it is shown that the individual is not financing, participating 46269  
in, or directly interested in such labor dispute; 46270

(ii) The individual's employment was with an employer not 46271  
involved in the labor dispute but whose place of business was 46272  
located within the same premises as the employer engaged in the 46273  
dispute, unless the individual's employer is a wholly owned 46274  
subsidiary of the employer engaged in the dispute, or unless the 46275  
individual actively participates in or voluntarily stops work 46276  
because of such dispute. If it is established that the claimant 46277  
was laid off for an indefinite period and not recalled to work 46278  
prior to the dispute, or was separated by the employer prior to 46279

the dispute for reasons other than the labor dispute, or that the individual obtained a bona fide job with another employer while the dispute was still in progress, such labor dispute shall not render the employee ineligible for benefits.

(b) The individual has been given a disciplinary layoff for misconduct in connection with the individual's work.

(2) For the duration of the individual's unemployment if the director finds that:

(a) The individual quit work without just cause or has been discharged for just cause in connection with the individual's work, provided division (D)(2) of this section does not apply to the separation of a person under any of the following circumstances:

(i) Separation from employment for the purpose of entering the armed forces of the United States if the individual is inducted into the armed forces within one of the following periods:

(I) Thirty days after separation;

(II) One hundred eighty days after separation if the individual's date of induction is delayed solely at the discretion of the armed forces.

(ii) Separation from employment pursuant to a labor-management contract or agreement, or pursuant to an established employer plan, program, or policy, which permits the employee, because of lack of work, to accept a separation from employment;

(iii) The individual has left employment to accept a recall from a prior employer or, except as provided in division (D)(2)(a)(iv) of this section, to accept other employment as provided under section 4141.291 of the Revised Code, or left or

was separated from employment that was concurrent employment at 46310  
the time of the most recent separation or within six weeks prior 46311  
to the most recent separation where the remuneration, hours, or 46312  
other conditions of such concurrent employment were substantially 46313  
less favorable than the individual's most recent employment and 46314  
where such employment, if offered as new work, would be considered 46315  
not suitable under the provisions of divisions (E) and (F) of this 46316  
section. Any benefits that would otherwise be chargeable to the 46317  
account of the employer from whom an individual has left 46318  
employment or was separated from employment that was concurrent 46319  
employment under conditions described in division (D)(2)(a)(iii) 46320  
of this section, shall instead be charged to the mutualized 46321  
account created by division (B) of section 4141.25 of the Revised 46322  
Code, except that any benefits chargeable to the account of a 46323  
reimbursing employer under division (D)(2)(a)(iii) of this section 46324  
shall be charged to the account of the reimbursing employer and 46325  
not to the mutualized account, except as provided in division 46326  
(D)(2) of section 4141.24 of the Revised Code. 46327

(iv) When an individual has been issued a definite layoff 46328  
date by the individual's employer and before the layoff date, the 46329  
individual quits to accept other employment, the provisions of 46330  
division (D)(2)(a)(iii) of this section apply and no 46331  
disqualification shall be imposed under division (D) of this 46332  
section. However, if the individual fails to meet the employment 46333  
and earnings requirements of division (A)(2) of section 4141.291 46334  
of the Revised Code, then the individual, pursuant to division 46335  
(A)(5) of this section, shall be ineligible for benefits for any 46336  
week of unemployment that occurs prior to the layoff date. 46337

(b) The individual has refused without good cause to accept 46338  
an offer of suitable work when made by an employer either in 46339  
person or to the individual's last known address, or has refused 46340  
or failed to investigate a referral to suitable work when directed 46341

to do so by a local employment office of this state or another 46342  
state, provided that this division shall not cause a 46343  
disqualification for a waiting week or benefits under the 46344  
following circumstances: 46345

(i) When work is offered by the individual's employer and the 46346  
individual is not required to accept the offer pursuant to the 46347  
terms of the labor-management contract or agreement; or 46348

(ii) When the individual is attending a training course 46349  
pursuant to division (A)(4) of this section except, in the event 46350  
of a refusal to accept an offer of suitable work or a refusal or 46351  
failure to investigate a referral, benefits thereafter paid to 46352  
such individual shall not be charged to the account of any 46353  
employer and, except as provided in division (B)(1)(b) of section 46354  
4141.241 of the Revised Code, shall be charged to the mutualized 46355  
account as provided in division (B) of section 4141.25 of the 46356  
Revised Code. 46357

(c) Such individual quit work to marry or because of marital, 46358  
parental, filial, or other domestic obligations. 46359

(d) The individual became unemployed by reason of commitment 46360  
to any correctional institution. 46361

(e) The individual became unemployed because of dishonesty in 46362  
connection with the individual's most recent or any base period 46363  
work. Remuneration earned in such work shall be excluded from the 46364  
individual's total base period remuneration and qualifying weeks 46365  
that otherwise would be credited to the individual for such work 46366  
in the individual's base period shall not be credited for the 46367  
purpose of determining the total benefits to which the individual 46368  
is eligible and the weekly benefit amount to be paid under section 46369  
4141.30 of the Revised Code. Such excluded remuneration and 46370  
noncredited qualifying weeks shall be excluded from the 46371  
calculation of the maximum amount to be charged, under division 46372

(D) of section 4141.24 and section 4141.33 of the Revised Code, 46373  
against the accounts of the individual's base period employers. In 46374  
addition, no benefits shall thereafter be paid to the individual 46375  
based upon such excluded remuneration or noncredited qualifying 46376  
weeks. 46377

For purposes of division (D)(2)(e) of this section, 46378  
"dishonesty" means the commission of substantive theft, fraud, or 46379  
deceitful acts. 46380

(E) No individual otherwise qualified to receive benefits 46381  
shall lose the right to benefits by reason of a refusal to accept 46382  
new work if: 46383

(1) As a condition of being so employed the individual would 46384  
be required to join a company union, or to resign from or refrain 46385  
from joining any bona fide labor organization, or would be denied 46386  
the right to retain membership in and observe the lawful rules of 46387  
any such organization. 46388

(2) The position offered is vacant due directly to a strike, 46389  
lockout, or other labor dispute. 46390

(3) The work is at an unreasonable distance from the 46391  
individual's residence, having regard to the character of the work 46392  
the individual has been accustomed to do, and travel to the place 46393  
of work involves expenses substantially greater than that required 46394  
for the individual's former work, unless the expense is provided 46395  
for. 46396

(4) The remuneration, hours, or other conditions of the work 46397  
offered are substantially less favorable to the individual than 46398  
those prevailing for similar work in the locality. 46399

(F) Subject to the special exceptions contained in division 46400  
(A)(4)(f) of this section and section 4141.301 of the Revised 46401  
Code, in determining whether any work is suitable for a claimant 46402  
in the administration of this chapter, the director, in addition 46403

to the determination required under division (E) of this section, 46404  
shall consider the degree of risk to the claimant's health, 46405  
safety, and morals, the individual's physical fitness for the 46406  
work, the individual's prior training and experience, the length 46407  
of the individual's unemployment, the distance of the available 46408  
work from the individual's residence, and the individual's 46409  
prospects for obtaining local work. 46410

(G) The "duration of unemployment" as used in this section 46411  
means the full period of unemployment next ensuing after a 46412  
separation from any base period or subsequent work and until an 46413  
individual has become reemployed in employment subject to this 46414  
chapter, or the unemployment compensation act of another state, or 46415  
of the United States, and until such individual has worked six 46416  
weeks and for those weeks has earned or been paid remuneration 46417  
equal to six times an average weekly wage of not less than: 46418  
eighty-five dollars and ten cents per week beginning on June 26, 46419  
1990; and beginning on and after January 1, 1992, twenty-seven and 46420  
one-half per cent of the statewide average weekly wage as computed 46421  
each first day of January under division (B)(3) of section 4141.30 46422  
of the Revised Code, rounded down to the nearest dollar, except 46423  
for purposes of division (D)(2)(c) of this section, such term 46424  
means the full period of unemployment next ensuing after a 46425  
separation from such work and until such individual has become 46426  
reemployed subject to the terms set forth above, and has earned 46427  
wages equal to one-half of the individual's average weekly wage or 46428  
sixty dollars, whichever is less. 46429

(H) If a claimant is disqualified under division (D)(2)(a), 46430  
(c), or (d) of this section or found to be qualified under the 46431  
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 46432  
this section or division (A)(2) of section 4141.291 of the Revised 46433  
Code, then benefits that may become payable to such claimant, 46434  
which are chargeable to the account of the employer from whom the 46435

individual was separated under such conditions, shall be charged 46436  
to the mutualized account provided in section 4141.25 of the 46437  
Revised Code, provided that no charge shall be made to the 46438  
mutualized account for benefits chargeable to a reimbursing 46439  
employer, except as provided in division (D)(2) of section 4141.24 46440  
of the Revised Code. In the case of a reimbursing employer, the 46441  
director shall refund or credit to the account of the reimbursing 46442  
employer any over-paid benefits that are recovered under division 46443  
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 46444  
other states, the United States, or Canada that are subject to 46445  
agreements and arrangements that are established pursuant to 46446  
section 4141.43 of the Revised Code shall be credited or 46447  
reimbursed according to the agreements and arrangements to which 46448  
the chargeable amounts are subject. 46449

(I)(1) Benefits based on service in employment as provided in 46450  
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 46451  
shall be payable in the same amount, on the same terms, and 46452  
subject to the same conditions as benefits payable on the basis of 46453  
other service subject to this chapter; except that after December 46454  
31, 1977: 46455

(a) Benefits based on service in an instructional, research, 46456  
or principal administrative capacity in an institution of higher 46457  
education, as defined in division (Y) of section 4141.01 of the 46458  
Revised Code; or for an educational institution as defined in 46459  
division (CC) of section 4141.01 of the Revised Code, shall not be 46460  
paid to any individual for any week of unemployment that begins 46461  
during the period between two successive academic years or terms, 46462  
or during a similar period between two regular but not successive 46463  
terms or during a period of paid sabbatical leave provided for in 46464  
the individual's contract, if the individual performs such 46465  
services in the first of those academic years or terms and has a 46466  
contract or a reasonable assurance that the individual will 46467

perform services in any such capacity for any such institution in 46468  
the second of those academic years or terms. 46469

(b) Benefits based on service for an educational institution 46470  
or an institution of higher education in other than an 46471  
instructional, research, or principal administrative capacity, 46472  
shall not be paid to any individual for any week of unemployment 46473  
which begins during the period between two successive academic 46474  
years or terms of the employing educational institution or 46475  
institution of higher education, provided the individual performed 46476  
those services for the educational institution or institution of 46477  
higher education during the first such academic year or term and, 46478  
there is a reasonable assurance that such individual will perform 46479  
those services for any educational institution or institution of 46480  
higher education in the second of such academic years or terms. 46481

If compensation is denied to any individual for any week 46482  
under division (I)(1)(b) of this section and the individual was 46483  
not offered an opportunity to perform those services for an 46484  
institution of higher education or for an educational institution 46485  
for the second of such academic years or terms, the individual is 46486  
entitled to a retroactive payment of compensation for each week 46487  
for which the individual timely filed a claim for compensation and 46488  
for which compensation was denied solely by reason of division 46489  
(I)(1)(b) of this section. An application for retroactive benefits 46490  
shall be timely filed if received by the director or the 46491  
director's deputy within or prior to the end of the fourth full 46492  
calendar week after the end of the period for which benefits were 46493  
denied because of reasonable assurance of employment. The 46494  
provision for the payment of retroactive benefits under division 46495  
(I)(1)(b) of this section is applicable to weeks of unemployment 46496  
beginning on and after November 18, 1983. The provisions under 46497  
division (I)(1)(b) of this section shall be retroactive to 46498  
September 5, 1982, only if, as a condition for full tax credit 46499

against the tax imposed by the "Federal Unemployment Tax Act," 53 46500  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 46501  
secretary of labor determines that retroactivity is required by 46502  
federal law. 46503

(c) With respect to weeks of unemployment beginning after 46504  
December 31, 1977, benefits shall be denied to any individual for 46505  
any week which commences during an established and customary 46506  
vacation period or holiday recess, if the individual performs any 46507  
services described in divisions (I)(1)(a) and (b) of this section 46508  
in the period immediately before the vacation period or holiday 46509  
recess, and there is a reasonable assurance that the individual 46510  
will perform any such services in the period immediately following 46511  
the vacation period or holiday recess. 46512

(d) With respect to any services described in division 46513  
(I)(1)(a), (b), or (c) of this section, benefits payable on the 46514  
basis of services in any such capacity shall be denied as 46515  
specified in division (I)(1)(a), (b), or (c) of this section to 46516  
any individual who performs such services in an educational 46517  
institution or institution of higher education while in the employ 46518  
of an educational service agency. For this purpose, the term 46519  
"educational service agency" means a governmental agency or 46520  
governmental entity that is established and operated exclusively 46521  
for the purpose of providing services to one or more educational 46522  
institutions or one or more institutions of higher education. 46523

(e) Any individual employed by a county board of 46524  
developmental disabilities shall be notified by the thirtieth day 46525  
of April each year if the individual is not to be reemployed the 46526  
following academic year. 46527

(f) Any individual employed by a school district, other than 46528  
a municipal school district as defined in section 3311.71 of the 46529  
Revised Code, shall be notified by the first day of June each year 46530  
if the individual is not to be reemployed the following academic 46531

year. 46532

(2) No disqualification will be imposed, between academic 46533  
years or terms or during a vacation period or holiday recess under 46534  
this division, unless the director or the director's deputy has 46535  
received a statement in writing from the educational institution 46536  
or institution of higher education that the claimant has a 46537  
contract for, or a reasonable assurance of, reemployment for the 46538  
ensuing academic year or term. 46539

(3) If an individual has employment with an educational 46540  
institution or an institution of higher education and employment 46541  
with a noneducational employer, during the base period of the 46542  
individual's benefit year, then the individual may become eligible 46543  
for benefits during the between-term, or vacation or holiday 46544  
recess, disqualification period, based on employment performed for 46545  
the noneducational employer, provided that the employment is 46546  
sufficient to qualify the individual for benefit rights separately 46547  
from the benefit rights based on school employment. The weekly 46548  
benefit amount and maximum benefits payable during a 46549  
disqualification period shall be computed based solely on the 46550  
nonschool employment. 46551

(J) Benefits shall not be paid on the basis of employment 46552  
performed by an alien, unless the alien had been lawfully admitted 46553  
to the United States for permanent residence at the time the 46554  
services were performed, was lawfully present for purposes of 46555  
performing the services, or was otherwise permanently residing in 46556  
the United States under color of law at the time the services were 46557  
performed, under section 212(d)(5) of the "Immigration and 46558  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 46559

(1) Any data or information required of individuals applying 46560  
for benefits to determine whether benefits are not payable to them 46561  
because of their alien status shall be uniformly required from all 46562  
applicants for benefits. 46563

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of the individual's alien status shall be made except upon a preponderance of the evidence that the individual had not, in fact, been lawfully admitted to the United States.

(K) The director shall establish and utilize a system of profiling all new claimants under this chapter that:

(1) Identifies which claimants will be likely to exhaust regular compensation and will need job search assistance services to make a successful transition to new employment;

(2) Refers claimants identified pursuant to division (K)(1) of this section to reemployment services, such as job search assistance services, available under any state or federal law;

(3) Collects follow-up information relating to the services received by such claimants and the employment outcomes for such claimant's subsequent to receiving such services and utilizes such information in making identifications pursuant to division (K)(1) of this section; and

(4) Meets such other requirements as the United States secretary of labor determines are appropriate.

(L) Except as otherwise provided in division (A)(6) of this section, ineligibility pursuant to division (A) of this section shall begin on the first day of the week in which the claimant becomes ineligible for benefits and shall end on the last day of the week preceding the week in which the claimant satisfies the eligibility requirements.

(M) The director may adopt rules that the director considers necessary for the administration of division (A) of this section.

**Sec. 4141.43.** (A) The director of job and family services may

cooperate with the industrial commission, the bureau of workers' 46594  
compensation, the United States internal revenue service, the 46595  
United States employment service, and other similar departments 46596  
and agencies, as determined by the director, in the exchange or 46597  
disclosure of information as to wages, employment, payrolls, 46598  
unemployment, and other information. The director may employ, 46599  
jointly with one or more of such agencies or departments, 46600  
auditors, examiners, inspectors, and other employees necessary for 46601  
the administration of this chapter and employment and training 46602  
services for workers in the state. 46603

(B) The director may make the state's record relating to the 46604  
administration of this chapter available to the railroad 46605  
retirement board and may furnish the board at the board's expense 46606  
such copies thereof as the board deems necessary for its purposes. 46607

(C) The director may afford reasonable cooperation with every 46608  
agency of the United States charged with the administration of any 46609  
unemployment compensation law. 46610

(D) The director may enter into arrangements with the 46611  
appropriate agencies of other states or of the United States or 46612  
Canada whereby individuals performing services in this and other 46613  
states for a single employer under circumstances not specifically 46614  
provided for in division (B) of section 4141.01 of the Revised 46615  
Code or in similar provisions in the unemployment compensation 46616  
laws of such other states shall be deemed to be engaged in 46617  
employment performed entirely within this state or within one of 46618  
such other states or within Canada, and whereby potential rights 46619  
to benefits accumulated under the unemployment compensation laws 46620  
of several states or under such a law of the United States, or 46621  
both, or of Canada may constitute the basis for the payment of 46622  
benefits through a single appropriate agency under terms that the 46623  
director finds will be fair and reasonable as to all affected 46624  
interests and will not result in any substantial loss to the 46625

unemployment compensation fund. 46626

(E) The director may enter into agreements with the 46627  
appropriate agencies of other states or of the United States or 46628  
Canada: 46629

(1) Whereby services or wages upon the basis of which an 46630  
individual may become entitled to benefits under the unemployment 46631  
compensation law of another state or of the United States or 46632  
Canada shall be deemed to be employment or wages for employment by 46633  
employers for the purposes of qualifying claimants for benefits 46634  
under this chapter, and the director may estimate the number of 46635  
weeks of employment represented by the wages reported to the 46636  
director for such claimants by such other agency, provided such 46637  
other state agency or agency of the United States or Canada has 46638  
agreed to reimburse the unemployment compensation fund for such 46639  
portion of benefits paid under this chapter upon the basis of such 46640  
services or wages as the director finds will be fair and 46641  
reasonable as to all affected interests; 46642

(2) Whereby the director will reimburse other state or 46643  
federal or Canadian agencies charged with the administration of 46644  
unemployment compensation laws with such reasonable portion of 46645  
benefits, paid under the law of such other states or of the United 46646  
States or of Canada upon the basis of employment or wages for 46647  
employment by employers, as the director finds will be fair and 46648  
reasonable as to all affected interests. Reimbursements so payable 46649  
shall be deemed to be benefits for the purpose of section 4141.09 46650  
and division (A) of section 4141.30 of the Revised Code. However, 46651  
no reimbursement so payable shall be charged against any 46652  
employer's account for the purposes of section 4141.24 of the 46653  
Revised Code if the employer's account, under the same or similar 46654  
circumstances, with respect to benefits charged under the 46655  
provisions of this chapter, other than this section, would not be 46656  
charged or, if the claimant at the time the claimant files the 46657

combined wage claim cannot establish benefit rights under this 46658  
chapter. This noncharging shall not be applicable to a nonprofit 46659  
organization that has elected to make payments in lieu of 46660  
contributions under section 4141.241 of the Revised Code, except 46661  
as provided in division (D)(2) of section 4141.24 of the Revised 46662  
Code. The director may make to other state or federal or Canadian 46663  
agencies and receive from such other state or federal or Canadian 46664  
agencies reimbursements from or to the unemployment compensation 46665  
fund, in accordance with arrangements pursuant to this section. 46666

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of 46667  
the Revised Code, the director may enter into agreements with 46668  
other states whereby services performed for a crew leader, as 46669  
defined in division (BB) of section 4141.01 of the Revised Code, 46670  
may be covered in the state in which the crew leader either: 46671

(a) Has the crew leader's place of business or from which the 46672  
crew leader's business is operated or controlled; 46673

(b) Resides if the crew leader has no place of business in 46674  
any state. 46675

(F) The director may apply for an advance to the unemployment 46676  
compensation fund and do all things necessary or required to 46677  
obtain such advance and arrange for the repayment of such advance 46678  
in accordance with Title XII of the "Social Security Act" as 46679  
amended. 46680

(G) The director may enter into reciprocal agreements or 46681  
arrangements with the appropriate agencies of other states in 46682  
regard to services on vessels engaged in interstate or foreign 46683  
commerce whereby such services for a single employer, wherever 46684  
performed, shall be deemed performed within this state or within 46685  
such other states. 46686

(H) The director shall participate in any arrangements for 46687  
the payment of compensation on the basis of combining an 46688

individual's wages and employment, covered under this chapter, 46689  
with the individual's wages and employment covered under the 46690  
unemployment compensation laws of other states which are approved 46691  
by the United States secretary of labor in consultation with the 46692  
state unemployment compensation agencies as reasonably calculated 46693  
to assure the prompt and full payment of compensation in such 46694  
situations and which include provisions for: 46695

(1) Applying the base period of a single state law to a claim 46696  
involving the combining of an individual's wages and employment 46697  
covered under two or more state unemployment compensation laws, 46698  
and 46699

(2) Avoiding the duplicate use of wages and employment by 46700  
reason of such combining. 46701

(I) The director shall cooperate with the United States 46702  
department of labor to the fullest extent consistent with this 46703  
chapter, and shall take such action, through the adoption of 46704  
appropriate rules, regulations, and administrative methods and 46705  
standards, as may be necessary to secure to this state and its 46706  
citizens all advantages available under the provisions of the 46707  
"Social Security Act" that relate to unemployment compensation, 46708  
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 46709  
U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 46710  
113, 29 U.S.C.A. 49, ~~and~~ the "Federal-State Extended Unemployment 46711  
Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the 46712  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 46713  
~~2801 et seq~~ "Workforce Innovation and Opportunity Act," 29 46714  
U.S.C.A. 3101 et seq. 46715

(J) The director may disclose wage information furnished to 46716  
or maintained by the director under Chapter 4141. of the Revised 46717  
Code to a consumer reporting agency as defined by the "Fair Credit 46718  
Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for 46719  
the purpose of verifying an individual's income under a written 46720

agreement that requires all of the following: 46721

(1) A written statement of informed consent from the 46722  
individual whose information is to be disclosed; 46723

(2) A written statement confirming that the consumer 46724  
reporting agency and any other entity to which the information is 46725  
disclosed or released will safeguard the information from illegal 46726  
or unauthorized disclosure; 46727

(3) A written statement confirming that the consumer 46728  
reporting agency will pay to the bureau all costs associated with 46729  
the disclosure. 46730

The director shall prescribe a manner and format in which 46731  
this information may be provided. 46732

(K) The director shall adopt rules defining the requirements 46733  
of the release of individual income verification information 46734  
specified in division (J) of this section, which shall include all 46735  
terms and conditions necessary to meet the requirements of federal 46736  
law as interpreted by the United States department of labor or 46737  
considered necessary by the director for the proper administration 46738  
of this division. 46739

(L) The director shall disclose information furnished to or 46740  
maintained by the director under this chapter upon request and on 46741  
a reimbursable basis as required by section 303 of the "Social 46742  
Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 46743  
Revenue Code," 26 U.S.C.A. 3304. 46744

**Sec. 4141.51.** (A) An employer who wishes to participate in 46745  
the SharedWork Ohio program shall submit a plan to the director of 46746  
job and family services in which the employer does all of the 46747  
following: 46748

(1) Identifies the participating employees by name, social 46749  
security number, affected unit, and normal weekly hours of work; 46750

(2) Describes the manner in which the employer will implement the requirements of the SharedWork Ohio program, including the proposed reduction percentage, which shall be between ten per cent and fifty per cent, and any temporary closure of the participating employer's business for equipment maintenance or other similar circumstances that the employer knows may occur during the effective period of an approved plan;

(3) Includes a plan for giving advance notice, if feasible, to an employee whose normal weekly hours of work are to be reduced and, if advance notice is not feasible, an explanation of why that notice is not feasible;

(4) Includes a certification by the employer that the aggregate reduction in the number of hours worked by the employees of the employer is in lieu of layoffs and includes an estimate of the number of layoffs that would have occurred absent the ability to participate in the SharedWork Ohio program;

(5) Includes a certification by the employer that if the employer provides health benefits and retirement benefits under a defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, or contributions under a defined contribution plan as defined in 26 U.S.C. 414(i), as amended, to any employee whose normal weekly hours of work are reduced under the program that such benefits will continue to be provided to an employee participating in the SharedWork Ohio program under the same terms and conditions as though the normal weekly hours of work of the employee had not been reduced or to the same extent as other employees not participating in the program;

(6) Permits eligible employees to participate, as appropriate, in training to enhance job skills approved by the director, including employer-sponsored training or worker training funded under the federal ~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801 et seq., as amended~~ "Workforce

|   |   |
|---|---|
| <u>Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.;</u>   | 46783   |
| (7) Includes any other information as required by the United States secretary of labor or the director under the rules the director adopts under section 4141.50 of the Revised Code;   | 46784<br>46785<br>46786                                     |
| (8) Includes an attestation by the employer that the terms of the written plan submitted by the employer and implementation of that plan are consistent with obligations of the employer under the applicable federal and state laws;   | 46787<br>46788<br>46789<br>46790                            |
| (9) Includes a certification by the employer that the employer will promptly notify the director of any change in the business that includes the sale or transfer of all or part of the business, and that the employer will notify any successor in interest to the employer's business prior to the transfer of all or part of the business, of the existence of any approved shared work plan; | 46791<br>46792<br>46793<br>46794<br>46795<br>46796<br>46797 |
| (10) Includes a certification by the employer that, as of the date the employer submits the plan, the employer is current on all reports and has paid all contributions, reimbursements, interest, and penalties due under this chapter;  | 46798<br>46799<br>46800<br>46801                            |
| (11) Includes an assurance from the employer that the employer will remain current on all employer reporting and payments of contributions, reimbursements, interest, and penalties as required by this chapter;  | 46802<br>46803<br>46804<br>46805                            |
| (12) Includes a certification by the employer that none of the participating employees are employed on a seasonal, temporary, or intermittent basis;  | 46806<br>46807<br>46808                                     |
| (13) Includes an assurance from the employer that the employer will not reduce a participating employee's normal weekly hours of work by more than the reduction percentage, except in the event of a temporary closure of the employer's business for equipment maintenance, or when the employee takes approved time  | 46809<br>46810<br>46811<br>46812<br>46813                   |

off during the week with pay, and the combined work hours and paid 46814  
leave hours equal the number of hours the employee would have 46815  
worked under the plan. 46816

(B) The director shall approve a shared work plan if an 46817  
employer includes in the plan all of the information, 46818  
certifications, and assurances required under division (A) of this 46819  
section. 46820

(C) The director shall approve or deny a shared work plan and 46821  
shall send a written notice to the employer stating whether the 46822  
director approved or denied the plan not later than thirty days 46823  
after the director receives the plan. If the director denies 46824  
approval of a shared work plan, the director shall state the 46825  
reasons for denying approval in the written notice sent to the 46826  
employer. 46827

(D) The director shall enforce the requirements of the 46828  
SharedWork Ohio program in the same manner as the director 46829  
enforces the requirements of this chapter, including under section 46830  
4141.40 of the Revised Code. 46831

**Sec. 4301.42.** For the purpose of providing revenue for the 46832  
support of the state, a tax is hereby levied on the sale of beer 46833  
in sealed bottles and cans ~~having twelve ounces or less of liquid~~ 46834  
~~content, at the rate of fourteen one hundredths at one of the~~ 46835  
following rates: 46836

(A) For beer containing not more than twelve per cent alcohol 46837  
by volume, two hundred thirty-nine one-thousandths of one cent on 46838  
each ounce of liquid content or fractional part of each ounce of 46839  
liquid content, ~~and on such containers in excess of twelve ounces,~~ 46840  
~~at the rate of eighty four one hundredths;~~ 46841

(B) For beer containing more than twelve per cent alcohol by 46842  
volume, seven hundred eighty-one one-thousandths of one cent on 46843

each ~~six ounces~~ ounce of liquid content or fractional part of each 46844  
~~six ounces~~ ounce of liquid content. ~~Sections~~ 46845

Sections 4307.01 to 4307.12 of the Revised Code apply in the 46846  
administration of ~~that~~ the tax imposed by this section. 46847  
Manufacturers, bottlers, and canners of beer, wholesale dealers in 46848  
beer, and S permit holders have the duty to pay the tax ~~imposed by~~ 46849  
~~this section and are entitled to the privileges~~ in the manner 46850  
provided in section 4303.33 of the Revised Code. 46851

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 46852  
the Revised Code: 46853

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 46854  
fluid ounces. 46855

(2) "Sale" or "sell" includes exchange, barter, gift, 46856  
distribution, and, except with respect to A-4 permit holders, 46857  
offer for sale. 46858

(B) For the purposes of providing revenues for the support of 46859  
the state and encouraging the grape industries in the state, a tax 46860  
is hereby levied on the sale or distribution of wine ~~in Ohio~~, 46861  
except for known sacramental purposes, ~~at the rate of thirty cents~~ 46862  
~~per wine gallon for sparkling and carbonated wine and champagne,~~ 46863  
and vermouth at one of the following rates: 46864

(1) For wine containing not less than four per cent of 46865  
alcohol by volume and not more than fourteen per cent of alcohol 46866  
by volume, ~~ninety eight cents per wine gallon for~~ and sparkling 46867  
and carbonated wine and champagne, fifty-one cents per wine 46868  
gallon; 46869

(2) For wine containing more than fourteen per cent but not 46870  
more than twenty-one per cent of alcohol by volume and vermouth, 46871  
one dollar and ~~eight~~ sixty-seven cents per wine gallon ~~for~~ 46872  
~~vermouth, and one dollar and forty eight cents per wine gallon for~~ 46873

~~sparkling and carbonated wine and champagne, the.~~ 46874

The tax ~~to~~ levied under division (B) of this section shall be 46875  
paid by the holders of A-2, A-2f, and B-5 permits or by any other 46876  
person selling or distributing wine upon which no tax has been 46877  
paid. From the tax paid under this section on wine, vermouth, and 46878  
sparkling and carbonated wine and champagne, the treasurer of 46879  
state shall credit to the Ohio grape industries fund created under 46880  
section 924.54 of the Revised Code a sum equal to one cent per 46881  
gallon for each gallon upon which the tax is paid. 46882

(C) For the purpose of providing revenues for the support of 46883  
the state, there is hereby levied a tax on prepared and bottled 46884  
highballs, cocktails, cordials, and other mixed beverages at the 46885  
rate of ~~one dollar~~ two dollars and ~~twenty~~ four cents per wine 46886  
gallon to be paid by holders of A-4 permits or by any other person 46887  
selling or distributing those products upon which no tax has been 46888  
paid. Only one sale of the same article shall be used in computing 46889  
the amount of tax due. The tax on mixed beverages to be paid by 46890  
holders of A-4 permits under this section shall not attach until 46891  
the ownership of the mixed beverage is transferred for valuable 46892  
consideration to a wholesaler or retailer, and no payment of the 46893  
tax shall be required prior to that time. 46894

(D) During the period of July 1, ~~2015~~ 2017, through June 30, 46895  
~~2017~~ 2019, from the tax paid under this section on wine, vermouth, 46896  
and sparkling and carbonated wine and champagne, the treasurer of 46897  
state shall credit to the Ohio grape industries fund created under 46898  
section 924.54 of the Revised Code a sum equal to two cents per 46899  
gallon upon which the tax is paid. The amount credited under this 46900  
division is in addition to the amount credited to the Ohio grape 46901  
industries fund under division (B) of this section. 46902

(E) For the purpose of providing revenues for the support of 46903  
the state, there is hereby levied a tax on cider at the rate of 46904  
~~twenty-four~~ forty and eight-tenths cents per wine gallon to be 46905

paid by the holders of A-2, A-2f, and B-5 permits or by any other 46906  
person selling or distributing cider upon which no tax has been 46907  
paid. Only one sale of the same article shall be used in computing 46908  
the amount of the tax due. 46909

**Sec. 4303.26.** (A) Applications for regular permits authorized 46910  
by sections 4303.02 to 4303.23 of the Revised Code may be filed 46911  
with the division of liquor control. No permit shall be issued by 46912  
the division until fifteen days after the application for it is 46913  
filed. An applicant for the issuance of a new permit shall pay a 46914  
processing fee of one hundred dollars when filing application for 46915  
the permit, if the permit is then available, or shall pay the 46916  
processing fee when a permit becomes available, if it is not 46917  
available when the applicant initially files the application. When 46918  
an application for a new class C or D permit is filed, when class 46919  
C or D permits become available, or when an application for 46920  
transfer of ownership of a class C or D permit or transfer of a 46921  
location of a class C or D permit is filed, no permit shall be 46922  
issued, nor shall the location or the ownership of a permit be 46923  
transferred, by the division until the division notifies the 46924  
legislative authority of the municipal corporation, if the 46925  
business or event is or is to be located within the corporate 46926  
limits of a municipal corporation, or the clerk of the board of 46927  
county commissioners and the fiscal officer of the board of 46928  
township trustees in the county in which the business or event is 46929  
or is to be conducted, if the business is or is to be located 46930  
outside the corporate limits of a municipal corporation, and an 46931  
opportunity is provided officials or employees of the municipal 46932  
corporation or county and township, who shall be designated by the 46933  
legislative authority ~~of the municipal corporation~~ or the board of 46934  
county commissioners or board of township trustees, for a complete 46935  
hearing upon the advisability of the issuance, transfer of 46936  
ownership, or transfer of location of the permit. In this hearing, 46937

no objection to the issuance, transfer of ownership, or transfer 46938  
of location of the permit shall be based upon noncompliance of the 46939  
proposed permit premises with local zoning regulations which 46940  
prohibit the sale of beer or intoxicating liquor, in an area zoned 46941  
for commercial or industrial uses, for a permit premises that 46942  
would otherwise qualify for a proper permit issued by the 46943  
division. 46944

When the division sends notice to the legislative or 46945  
executive authority of the political subdivision, as required by 46946  
this section, the division shall also so notify, by certified 46947  
mail, return receipt requested, or by personal service, the chief 46948  
peace officer of the political subdivision. Upon the request of 46949  
the chief peace officer, the division shall send the chief peace 46950  
officer a copy of the application for the issuance or the transfer 46951  
of ownership or location of the permit and all other documents or 46952  
materials filed by the applicant or applicants in relation to the 46953  
application. The chief peace officer may appear and testify, 46954  
either in person or through a representative, at any hearing held 46955  
on the advisability of the issuance, transfer of ownership, or 46956  
transfer of location of the permit. The hearing shall be held in 46957  
the central office of the division, except that upon written 46958  
request of the legislative authority of the municipal corporation 46959  
or the board of county commissioners or board of township 46960  
trustees, the hearing shall be held in the county seat of the 46961  
county where the applicant's business is or is to be conducted. 46962

If the business or event specified in an application for the 46963  
issuance, transfer of ownership, or transfer of location of any 46964  
regular permit authorized by sections 4303.02 to 4303.23 of the 46965  
Revised Code, except for an F-2 permit, is, or is to be operated, 46966  
within five hundred feet from the boundaries of a parcel of real 46967  
estate having situated on it a school, church, library, public 46968  
playground, or township park, no permit shall be issued, nor shall 46969

the location or the ownership of a permit be transferred, by the 46970  
division until written notice of the filing of the application 46971  
with the division is served, by certified mail, return receipt 46972  
requested, or by personal service, upon the authorities in control 46973  
of the school, church, library, public playground, or township 46974  
park and an opportunity is provided them for a complete hearing 46975  
upon the advisability of the issuance, transfer of ownership, or 46976  
transfer of location of the permit. In this hearing, no objection 46977  
to the issuance, transfer of ownership, or transfer of location of 46978  
the permit shall be based upon the noncompliance of the proposed 46979  
permit premises with local zoning regulations which prohibit the 46980  
sale of beer or intoxicating liquor, in an area zoned for 46981  
commercial or industrial uses, for a permit premises that would 46982  
otherwise qualify for a proper permit issued by the division. Upon 46983  
the written request of any of these authorities, the hearing shall 46984  
be held in the county seat of the county where the applicant's 46985  
business is or is to be conducted. 46986

A request for any hearing authorized by this section shall be 46987  
made no later than thirty days from the time of notification by 46988  
the division. This thirty-day period begins on the date the 46989  
division mails notice to the legislative authority or the date on 46990  
which the division mails notice to or, by personal service, serves 46991  
notice upon, the institution. The division shall conduct a hearing 46992  
if the request for the hearing is postmarked by the deadline date. 46993  
The division may allow, upon cause shown by the requesting 46994  
legislative authority or board, an extension of thirty additional 46995  
days for the legislative authority of the municipal corporation, 46996  
board of township trustees of the township, or board of county 46997  
commissioners of the county in which a permit premises is or is to 46998  
be located to object to the issuance, transfer of ownership, or 46999  
transfer of location of a permit. The request for the extension 47000  
shall be made by the legislative authority or board to the 47001  
division no later than thirty days after the time of notification 47002

by the division. 47003

(B)(1) When an application for transfer of ownership of a 47004  
permit is filed with the division, the division shall give notice 47005  
of the application to the ~~department of taxation~~ tax commissioner. 47006  
Within twenty days after receiving this notification, the 47007  
~~department of taxation~~ commissioner shall notify the division of 47008  
liquor control and the proposed transferee of the permit if the 47009  
permit holder owes to this state any delinquent horse-racing 47010  
taxes, alcoholic beverage taxes, motor fuel taxes, petroleum 47011  
activity taxes, sales or use taxes or, cigarette taxes, other 47012  
tobacco product taxes, income taxes withheld from employee 47013  
compensation, commercial activity taxes, or gross casino revenue 47014  
taxes, or has failed to file any sales tax returns or employee 47015  
income tax withholding corresponding returns or submit any 47016  
information required by the commissioner, as required for such 47017  
taxes, to the extent that the any delinquent taxes and delinquent 47018  
returns are payment or return, or any failure to submit 47019  
information, is known to the department of taxation at that the 47020  
time of the application. The division shall not transfer ownership 47021  
of the permit until payments known to be delinquent are resolved, 47022  
returns known to be delinquent are filed, and ~~until the tax or~~ 47023  
~~withholding delinquency is resolved~~ any information required by 47024  
the commissioner has been provided. As used in this division, 47025  
"resolved" means that the ~~tax or withholding delinquency~~ 47026  
delinquent payment has been paid in full or an amount sufficient 47027  
to satisfy the ~~delinquency~~ delinquent payment is in escrow for the 47028  
benefit of the state. The ~~department of taxation~~ commissioner 47029  
shall notify the division of the resolution. After the division 47030  
has received the notification from the ~~department of taxation~~ 47031  
commissioner, the division may proceed to transfer ownership of 47032  
the permit. Nothing in this division shall be construed to affect 47033  
or limit the responsibilities or liabilities of the transferor or 47034  
the transferee imposed by Chapter 3769., 4301., 4303., 4305., 47035

5735., 5736., 5739. or, 5741., 5743., 5747., 5751., or 5753. of 47036  
the Revised Code. 47037

~~(2) Notwithstanding section 5703.21 of the Revised Code,~~ 47038  
~~nothing prohibits the department of taxation from disclosing to~~ 47039  
~~the division or to the proposed transferee or the proposed~~ 47040  
~~transferee's designated agent any information pursuant to division~~ 47041  
~~(B)(1) of this section.~~ 47042

(C) No F or F-2 permit shall be issued for an event until the 47043  
applicant has, by means of a form that the division shall provide 47044  
to the applicant, notified the chief peace officer of the 47045  
political subdivision in which the event will be conducted of the 47046  
date, time, place, and duration of the event. 47047

(D) The division of liquor control shall notify an applicant 47048  
for a permit authorized by sections 4303.02 to 4303.23 of the 47049  
Revised Code of an action pending or judgment entered against a 47050  
liquor permit premises, of which the division has knowledge, 47051  
pursuant to section 3767.03 or 3767.05 of the Revised Code if the 47052  
applicant is applying for a permit at the location of the premises 47053  
that is the subject of the action under section 3767.03 or 47054  
judgment under section 3767.05 of the Revised Code. 47055

**Sec. 4303.271.** (A) Except as provided in divisions (B) and 47056  
(D) of this section, the holder of a permit issued under sections 47057  
4303.02 to 4303.232 of the Revised Code, who files an application 47058  
for the renewal of the same class of permit for the same premises, 47059  
shall be entitled to the renewal of the permit. The division of 47060  
liquor control shall renew the permit unless the division rejects 47061  
for good cause any renewal application, subject to the right of 47062  
the applicant to appeal the rejection to the liquor control 47063  
commission. 47064

(B) The legislative authority of the municipal corporation, 47065  
the board of township trustees, or the board of county 47066

commissioners of the county in which a permit premises is located 47067  
may object to the renewal of a permit issued under sections 47068  
4303.11 to 4303.183 of the Revised Code for any of the reasons 47069  
contained in division (A) of section 4303.292 of the Revised Code. 47070  
Any objection shall be made no later than thirty days prior to the 47071  
expiration of the permit, and the division shall accept the 47072  
objection if it is postmarked no later than thirty days prior to 47073  
the expiration of the permit. The objection shall be made by a 47074  
resolution specifying the reasons for objecting to the renewal and 47075  
requesting a hearing, but no objection shall be based upon 47076  
noncompliance of the permit premises with local zoning regulations 47077  
that prohibit the sale of beer or intoxicating liquor in an area 47078  
zoned for commercial or industrial uses, for a permit premises 47079  
that would otherwise qualify for a proper permit issued by the 47080  
division. The resolution shall be accompanied by a statement by 47081  
the chief legal officer of the political subdivision that, in the 47082  
chief legal officer's opinion, the objection is based upon 47083  
substantial legal grounds within the meaning and intent of 47084  
division (A) of section 4303.292 of the Revised Code. 47085

Upon receipt of a resolution of a legislative authority or 47086  
board objecting to the renewal of a permit and a statement from 47087  
the chief legal officer, the division shall set a time for the 47088  
hearing and send by certified mail to the permit holder, at the 47089  
permit holder's usual place of business, a copy of the resolution 47090  
and notice of the hearing. The division shall then hold a hearing 47091  
in the central office of the division, except that, upon written 47092  
request of the legislative authority or board, the hearing shall 47093  
be held in the county seat of the county in which the permit 47094  
premises is located, to determine whether the renewal shall be 47095  
denied for any of the reasons contained in division (A) of section 47096  
4303.292 of the Revised Code. Only the reasons for refusal 47097  
contained in division (A) of section 4303.292 of the Revised Code 47098  
and specified in the resolution of objection shall be considered 47099

at the hearing. 47100

The permit holder and the objecting legislative authority or 47101  
board shall be parties to the proceedings under this section and 47102  
shall have the right to be present, to be represented by counsel, 47103  
to offer evidence, to require the attendance of witnesses, and to 47104  
cross-examine witnesses at the hearing. 47105

(C) An application for renewal of a permit shall be filed 47106  
with the division at least fifteen days prior to the expiration of 47107  
an existing permit, and the existing permit shall continue in 47108  
effect as provided in section 119.06 of the Revised Code until the 47109  
application is approved or rejected by the division. Any holder of 47110  
a permit, which has expired through failure to be renewed as 47111  
provided in this section, shall obtain a renewal of the permit, 47112  
upon filing an application for renewal with the division, at any 47113  
time within thirty days from the date of the expired permit. A 47114  
penalty of ten per cent of the permit fee shall be paid by the 47115  
permit holder if the application for renewal is not filed at least 47116  
fifteen days prior to the expiration of the permit. 47117

(D)(1) Annually, the tax commissioner shall cause the 47118  
horse-racing, alcoholic beverage, motor fuel, petroleum activity, 47119  
sales and or use, cigarette, other tobacco products, employer 47120  
withholding, commercial activity, and gross casino revenue tax 47121  
records in the department of taxation for each holder of a permit 47122  
issued under sections 4303.02 to 4303.232 of the Revised Code to 47123  
be examined to determine if the permit holder is delinquent in 47124  
filing any ~~sales or withholding tax~~ returns ~~or has any outstanding~~ 47125  
~~liability for sales or withholding tax, penalties, or interest~~ 47126  
~~imposed pursuant to Chapter 5739. or sections 5747.06 and 5747.07~~ 47127  
~~of the Revised Code, submitting any information required by the~~ 47128  
commissioner, or remitting any payments with respect to those 47129  
taxes or any fees, charges, penalties, or interest related to 47130  
those taxes. If 47131

If any delinquency or liability exists, the commissioner 47132  
shall send a notice of that fact by certified mail, return receipt 47133  
requested, to the permit holder at the mailing address shown in 47134  
the records of the department. The notice shall specify, in as 47135  
much detail as is possible, the periods for which returns have not 47136  
been filed and the nature and amount of unpaid assessments and 47137  
other liabilities and shall be sent on or before the first day of 47138  
the third month preceding the month in which the permit expires. 47139  
The commissioner also shall notify the division of liquor control 47140  
of the delinquency or liability, identifying the permit holder by 47141  
name and permit number. 47142

(2)(a) Except as provided in division (D)(4) of this section, 47143  
the division of liquor control shall not renew the permit of any 47144  
permit holder the tax commissioner has identified as being 47145  
delinquent in filing any ~~sales or withholding tax~~ returns ~~or as~~ 47146  
~~being liable for outstanding sales or withholding tax, penalties,~~ 47147  
~~or interest, providing any information, or remitting any payments~~ 47148  
with respect to the taxes listed in division (D)(1) of this 47149  
section as of the first day of the sixth month preceding the month 47150  
in which the permit expires, or of any permit holder the 47151  
commissioner has identified as having been assessed by the 47152  
department on or before the first day of the third month preceding 47153  
the month in which the permit expires, until the division is 47154  
notified by the ~~tax~~ commissioner that the delinquency, liability, 47155  
or assessment has been resolved. 47156

(b)(i) Within ninety days after the date on which the permit 47157  
expires, any permit holder whose permit is not renewed under this 47158  
division may file an appeal with the liquor control commission. 47159  
The commission shall notify the tax commissioner regarding the 47160  
filing of any such appeal. During the period in which the appeal 47161  
is pending, the permit shall not be renewed by the division. The 47162  
permit shall be reinstated if the permit holder and the ~~tax~~ 47163

commissioner or the attorney general demonstrate to the liquor 47164  
control commission that the commissioner's notification of a 47165  
delinquency or assessment was in error or that the issue of the 47166  
delinquency or assessment has been resolved. 47167

(ii) A permit holder who has filed an appeal under division 47168  
(D)(2)(b)(i) of this section may file a motion to withdraw the 47169  
appeal. The division of liquor control may renew a permit holder's 47170  
permit if the permit holder has withdrawn such an appeal and the 47171  
division receives written certification from the tax commissioner 47172  
that the permit holder's delinquency or assessment has been 47173  
resolved. 47174

(3) A permit holder notified of delinquency or liability 47175  
under this section may protest the notification to the tax 47176  
commissioner on the basis that no ~~returns are~~ return or 47177  
information is delinquent and no tax, ~~penalties fee, charge,~~ 47178  
penalty, or interest is outstanding. The commissioner shall 47179  
expeditiously consider any evidence submitted by the permit holder 47180  
and, if it is determined that the notification was in error, 47181  
immediately shall inform the division of liquor control that the 47182  
renewal application may be granted. The renewal shall not be 47183  
denied if the delinquency or unreported liability is the subject 47184  
of a bona fide dispute ~~pursuant to section 5717.02, 5717.04,~~ 47185  
~~5739.13, or 5747.13 of the Revised Code~~ as to the validity of the 47186  
delinquency or unreported liability and is the subject of an 47187  
assessment and of an appeal properly filed by the permit holder. 47188

(4) If the commissioner concludes that under the 47189  
circumstances the permit holder's delinquency or liability has 47190  
been conditionally resolved, the commissioner shall allow the 47191  
permit to be renewed, conditioned upon the permit holder's 47192  
continuing performance in satisfying the delinquency and 47193  
liability. The conditional nature of the renewal shall be 47194  
specified in the notification given to the division of liquor 47195

control under division (D)(1) of this section. Upon receipt of 47196  
notice of the resolution, the division shall issue a conditional 47197  
renewal. If the taxpayer defaults on any agreement to pay the 47198  
delinquency or liability or fails to keep subsequent tax or fee 47199  
payments current, the liquor control commission, upon request and 47200  
proof of the default or failure to keep subsequent tax or fee 47201  
payments current, shall indefinitely suspend the permit holder's 47202  
permit until all taxes or fees and interest due are paid. 47203

(5) The commissioner may adopt rules to assist in 47204  
administering the duties imposed by this section. 47205

**Sec. 4303.33.** (A) ~~Every A-1 or A-1e permit holder in this 47206  
state, every bottler, importer, wholesale dealer, broker,  
producer, or manufacturer of beer outside this state and within 47207  
the United States, and every B-1 permit holder and importer 47208  
importing beer from any manufacturer, bottler, person, or group of 47209  
persons however organized outside the United States for sale or 47210  
distribution for sale in this state, on or before the eighteenth 47211  
day of each month, shall make and file with the tax commissioner 47212  
upon a form prescribed by the tax commissioner an advance tax 47213  
payment in an amount estimated to equal the taxpayer's tax 47214  
liability for the month in which the advance tax payment is made. 47215  
If the advance tax payment credits claimed on the report are for 47216  
advance tax payments received by the tax commissioner on or before 47217  
the eighteenth day of the month covered by the report, the 47218  
taxpayer is entitled to an additional credit of three per cent of 47219  
the advance tax payment and a discount of three per cent shall be 47220  
allowed the taxpayer at the time of filing the report if filed as 47221  
provided in division (B) of this section on any amount by which 47222  
the tax liability reflected in the report exceeds the advance tax 47223  
payment estimate by not more than ten per cent. The additional 47224  
three per cent credit and three per cent discount shall be in 47225  
consideration for advancing the payment of the tax and other 47226  
47227~~

~~services performed by the permit holder and other taxpayers in the 47228  
collection of the tax. 47229~~

~~"Advance tax payment credit" means credit for payments made 47230  
by an A-1, A-1c, or B-1 permit holder and any other persons during 47231  
the period covered by a report which was made in anticipation of 47232  
the tax liability required to be reported on that report. 47233~~

~~"Tax liability" as used in division (A) of this section means 47234  
the total gross tax liability of an A-1, A-1c, or B-1 permit 47235  
holder and any other persons for the period covered by a report 47236  
before any allowance for credits and discount. 47237~~

~~(B) Every A-1 or A-1c permit holder in this state, every 47238  
bottler, importer, wholesale dealer, broker, producer, or 47239  
manufacturer of beer outside this state and within the United 47240  
States, every B-1 permit holder importing beer from any 47241  
manufacturer, bottler, person, or group of persons however 47242  
organized outside the United States, and every S permit holder, on 47243  
or before the tenth day of each month, shall make and file a 47244  
report for the preceding month upon a form prescribed by the tax 47245  
commissioner which report shall show the amount of beer produced, 47246  
sold, and distributed for sale in this state by the A-1 or A-1c 47247  
permit holder, sold and distributed for sale in this state by each 47248  
manufacturer, bottler, importer, wholesale dealer, or broker 47249  
outside this state and within the United States, the amount of 47250  
beer imported into this state from outside the United States and 47251  
sold and distributed for sale in this state by the B-1 permit 47252  
holder or importer, and the amount of beer sold in this state by 47253  
the S permit holder. 47254~~

~~The report shall be filed by ~~mailing~~ remitting it to the tax 47255  
commissioner, together with payment of the tax levied by sections 47256  
4301.42 and 4305.01 of the Revised Code shown to be due on the 47257  
report ~~after deduction of advance payment credits and any 47258~~~~

~~additional credits or discounts provided for under this section.~~ 47259

~~(C)~~(B)(1) Every A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, and 47260  
S permit holder in this state, on or before the ~~eighteenth~~ tenth 47261  
day of each month, shall make and file a report with the tax 47262  
commissioner upon a form prescribed by the tax commissioner which 47263  
report shall show, on the report of each A-2, A-2f, A-4, B-2a, and 47264  
S permit holder the amount of wine, cider, and mixed beverages 47265  
produced and sold, or sold in this state by each such A-2, A-2f, 47266  
A-4, B-2a, and S permit holder for the ~~next~~ preceding calendar 47267  
month and such other information as the tax commissioner requires, 47268  
and on the report of each such B-2, B-3, B-4, and B-5 permit 47269  
holder the amount of wine, cider, and mixed beverages purchased 47270  
from an importer, broker, wholesale dealer, producer, or 47271  
manufacturer located outside this state and sold and distributed 47272  
in this state by such B-2, B-3, B-4, and B-5 permit holder, for 47273  
the ~~next~~ preceding calendar month and such other information as 47274  
the tax commissioner requires. 47275

(2) Every such A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, and 47276  
S permit holder in this state shall remit with the report the tax 47277  
levied by sections 4301.43 and, if applicable, 4301.432 of the 47278  
Revised Code ~~less a discount thereon of three per cent of the~~ 47279  
~~total tax so levied and paid, provided the return is filed~~ 47280  
~~together with remittance of~~ in the amount ~~of tax~~ shown to be due 47281  
~~thereon on the report~~, within the time prescribed. Any permit 47282  
holder or other persons who fail to file a report under this 47283  
section, for each day the person so fails, may be required to 47284  
forfeit and pay into the state treasury the sum of one dollar as 47285  
revenue arising from the tax imposed by sections 4301.42, 4301.43, 47286  
4301.432, and 4305.01 of the Revised Code, and that sum may be 47287  
collected by assessment in the manner provided in section 4305.13 47288  
of the Revised Code. 47289

(3) If the tax commissioner determines that the quantity 47290

reported by a person does not warrant monthly reporting, the 47291  
commissioner may authorize the filing of returns and the payment 47292  
of the tax required by this section for periods longer than one 47293  
month. 47294

~~(D)~~(C) Every B-1 permit holder and importer in this state 47295  
importing beer from any manufacturer, bottler, person, or group of 47296  
persons however organized, outside the United States, if required 47297  
by the tax commissioner shall post a bond payable to the state in 47298  
such form and amount as the commissioner prescribes with surety to 47299  
the satisfaction of the tax commissioner, conditioned upon the 47300  
payment to the tax commissioner of taxes levied by sections 47301  
4301.42 and 4305.01 of the Revised Code. 47302

~~(E)~~(D) No such wine, beer, cider, or mixed beverages sold or 47303  
distributed in this state shall be taxed more than once under 47304  
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 47305

~~(F)~~(E) As used in this section: 47306

(1) "Cider" has the same meaning as in section 4301.01 of the 47307  
Revised Code. 47308

(2) "Wine" has the same meaning as in section 4301.01 of the 47309  
Revised Code, except that "wine" does not include cider. 47310

~~(G)~~(F) All money collected by the tax commissioner under this 47311  
section shall be paid to the treasurer of state as revenue arising 47312  
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 47313  
4305.01 of the Revised Code. 47314

**Sec. 4303.332.** ~~An~~ The first three hundred ten thousand 47315  
gallons of beer sold or distributed in this state during the 47316  
calendar year by an A-1c permit holder in this state shall receive 47317  
a credit against taxes levied in the following calendar year be 47318  
exempt from taxies levied under sections 4301.42 and 4305.01 of 47319  
the Revised Code ~~on not more than nine million three hundred~~ 47320

~~thousand gallons of beer sold or distributed in this state. The 47321  
credit may be claimed monthly against taxes levied under one or 47322  
more of those sections as the reports required by section 4303.33 47323  
of the Revised Code are due. At the time the report for December 47324  
is due for a calendar year during which a permit holder is 47325  
eligible to receive a credit under this section, if the permit 47326  
holder has claimed less than the credit due on nine million three 47327  
hundred thousand gallons, including credit claimed on the December 47328  
report, the permit holder may claim a refund of taxes previously 47329  
reported and paid under section 4303.33 of the Revised Code during 47330  
the calendar year on a number of gallons equal to the difference 47331  
between nine million three hundred thousand gallons and the number 47332  
of gallons for which a credit has been claimed under this section. 47333  
For the purpose of providing this refund, taxes previously paid 47334  
under section 4303.33 of the Revised Code during the calendar year 47335  
shall not be considered final until the December report is filed. 47336  
The tax commissioner shall prescribe forms for and allow the 47337  
credits and refunds authorized by this section. 47338~~

47339

**Sec. 4303.333.** ~~(A) An A-2 or A-2f permit holder in this state 47340  
whose total production of wine, wherever produced, which but for 47341  
this exemption is taxable under section 4301.43 of the Revised 47342  
Code does not exceed five hundred thousand gallons in a calendar 47343  
year, shall be allowed an exemption from the taxes levied under 47344  
section 4301.43 of the Revised Code on wine produced and sold or 47345  
distributed in this state. The exemption Both of the following are 47346  
exempted from taxes levied under section 4301.43 of the Revised 47347  
Code: 47348~~

~~(A) Wine produced and sold or distributed in this state by an 47349  
A-2 or A-2f permit holder in this state, provided the permit 47350  
holder's total production of wine otherwise taxable under that 47351~~

section but for this division does not exceed five hundred 47352  
thousand gallons in a calendar year; 47353

(B) The first three hundred ten thousand gallons of cider 47354  
produced and sold or distributed in this state during the calendar 47355  
year by an A-2 or A-2f permit holder in this state. 47356

The exemptions authorized under this section may be claimed 47357  
monthly against current taxes levied under ~~such~~ section 4301.43 of 47358  
the Revised Code as the reports required by section 4303.33 of the 47359  
Revised Code are due. At the time the report for December is due 47360  
for a calendar year during which a permit holder claimed an 47361  
exemption under this section, if the permit holder has paid the 47362  
tax levied under section 4301.43 of the Revised Code, the permit 47363  
holder may claim a refund of such tax paid during the calendar 47364  
year or shall remit any additional tax due because it did not 47365  
qualify for the exemption on the December report. For the purpose 47366  
of providing this refund, taxes previously paid under section 47367  
4303.33 of the Revised Code during the calendar year shall not be 47368  
considered final until the December report is filed. 47369

~~(B)~~ The tax commissioner shall prescribe forms for ~~and allow~~ 47370  
the exemptions and refunds authorized by this section. 47371

**Sec. 4305.01.** For the purpose of reimbursing the state for 47372  
the expenses of administering Chapters 4301. and 4303. of the 47373  
Revised Code and to provide revenues for the support of the state, 47374  
a tax is hereby levied on the sale or distribution in this state 47375  
of beer, whether in barrels or other containers, excepting in 47376  
sealed bottles or cans, at ~~the rate of five dollars and~~ 47377  
~~fifty eight cents~~ one of the following rates: 47378

(A) For beer containing not more than twelve per cent alcohol 47379  
by volume, nine dollars and forty-nine cents per barrel of 47380  
thirty-one gallons; 47381

(B) For beer containing more than twelve per cent alcohol by volume, thirty-one dollars per barrel of thirty-one gallons. 47382  
47383

The tax commissioner shall exercise, with respect to the 47384  
administration of the tax imposed by this section, all the powers 47385  
and duties vested in or imposed by sections 4307.04 to 4307.07 of 47386  
the Revised Code, so far as consistent with this section. 47387  
Manufacturers and consignees of beer in barrels or other 47388  
containers, excepting in sealed bottles or cans, and railroad 47389  
companies, express companies, and other public carriers 47390  
transporting shipments of such beer are subject, with respect to 47391  
such tax, to the same duties and entitled to the same privileges 47392  
as are required or permitted by those sections. 47393

The revenue derived from the tax on the sale and distribution 47394  
of beer pursuant to this section and section 4301.42 of the 47395  
Revised Code shall be ~~for the use of~~ credited to the general 47396  
revenue fund. 47397

The tax refund fund created by section 5703.052 of the 47398  
Revised Code may be drawn upon by the tax commissioner for any 47399  
refunds authorized to be made by the commissioner in sections 47400  
4303.33, 4307.05, and 4307.07 of the Revised Code for beer. 47401

Sec. 4501.07. There is hereby created the public safety 47402  
highway patrol custodial fund, which shall be in the custody of 47403  
the treasurer of state, but shall not be part of the state 47404  
treasury. Except as otherwise provided in section 5502.1321 of the 47405  
Revised Code, all money seized during investigations or other 47406  
enforcement activities of the highway patrol shall be deposited 47407  
into the fund or otherwise safeguarded as provided in Chapter 47408  
2981. of the Revised Code. The director of public safety shall 47409  
transfer money upon resolution of all legal proceedings in 47410  
accordance with Chapter 2981. of the Revised Code. 47411

**Sec. 4503.15.** Owners and lessees of motor vehicles who are 47412  
residents of this state and hold an unrevoked and unexpired 47413  
license duly admitting them to the practice of medicine in this 47414  
state, upon application, accompanied by proof of the issuance to 47415  
the applicant by this state of a ~~certificate~~ license issued 47416  
pursuant to section 4731.14 of the Revised Code authorizing the 47417  
person to engage in the practice of medicine, upon complying with 47418  
the motor vehicle laws relating to registration and licensing of 47419  
motor vehicles, and upon payment of the regular license fee, as 47420  
prescribed under sections 4503.04 and 4503.10 of the Revised Code, 47421  
and the payment of an additional fee of ten dollars, which shall 47422  
be for the purpose of compensating the bureau of motor vehicles 47423  
for additional services required in the issuing of license plates 47424  
under this section, shall be issued a validation sticker and 47425  
license plates, or a validation sticker alone when required by 47426  
section 4503.191 of the Revised Code, for passenger cars and other 47427  
vehicles of a class approved by the registrar. Such license 47428  
plates, in addition to the letters and numbers ordinarily 47429  
inscribed thereon, shall be inscribed with the word "physician." 47430

**Sec. 4503.503.** (A) The owner or lessee of any passenger car, 47431  
noncommercial motor vehicle, recreational vehicle, or other 47432  
vehicle of a class approved by the registrar of motor vehicles may 47433  
apply to the registrar for the registration of the vehicle and 47434  
issuance of "Ohio agriculture" license plates. The application for 47435  
"Ohio agriculture" license plates may be combined with a request 47436  
for a special reserved license plate under section 4503.40 or 47437  
4503.42 of the Revised Code. Upon receipt of the completed 47438  
application and compliance with division (B) of this section, the 47439  
registrar shall issue to the applicant the appropriate vehicle 47440  
registration and a set of "Ohio agriculture" license plates with a 47441  
validation sticker or a validation sticker alone when required by 47442

section 4503.191 of the Revised Code. 47443

In addition to the letters and numbers ordinarily inscribed 47444  
thereon, "Ohio agriculture" license plates shall be inscribed with 47445  
words and markings selected and designed by the Ohio farm bureau 47446  
federation, in consultation with representatives of agricultural 47447  
commodity organizations of this state. The registrar shall approve 47448  
the final design. "Ohio agriculture" license plates shall bear 47449  
county identification stickers that identify the county of 47450  
registration as required under section 4503.19 of the Revised 47451  
Code. 47452

(B) "Ohio agriculture" license plates and validation stickers 47453  
shall be issued upon payment of the regular license tax as 47454  
prescribed under section 4503.04 of the Revised Code, any 47455  
applicable motor vehicle tax levied under Chapter 4504. of the 47456  
Revised Code, any applicable fee prescribed by section 4503.40 or 47457  
4503.42 of the Revised Code, a bureau of motor vehicles 47458  
administrative fee of ten dollars, the contribution specified 47459  
under division (C) of this section, and compliance with all other 47460  
applicable laws relating to the registration of motor vehicles. 47461

(C) For each application for registration and registration 47462  
renewal received under this section, the registrar shall collect a 47463  
contribution of twenty dollars. The registrar shall transmit this 47464  
contribution to the treasurer of state for deposit in the ~~Ohio~~ 47465  
~~agriculture license plate scholarship~~ state treasury to the credit 47466  
of the agro Ohio fund created in section ~~901.90~~ 901.04 of the 47467  
Revised Code. 47468

(D) The registrar shall deposit the bureau administrative fee 47469  
of ten dollars specified in division (B) of this section, the 47470  
purpose of which is to compensate the bureau for the additional 47471  
services required in the issuing of the applicant's "Ohio 47472  
agriculture" license plates, into the state bureau of motor 47473

vehicles fund created in section 4501.25 of the Revised Code. 47474

**Sec. 4503.77.** (A) As used in this section: 47475

(1) "Nonstandard license plate" means all of the following: 47476

(a) A license plate issued under sections 4503.52, 4503.55, 47477  
4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the 47478  
Revised Code; 47479

(b) A license plate issued under a program that is 47480  
reestablished under division (D) of this section and that meets 47481  
the requirements contained in division (B) of section 4503.78 of 47482  
the Revised Code; 47483

(c) Except as may otherwise be specifically provided by law, 47484  
any license plate created after August 21, 1997. 47485

(2) For purposes of license plates issued under sections 47486  
4503.503 and 4503.504 of the Revised Code, "sponsor" includes ~~the~~ 47487  
~~Ohio agriculture license plate scholarship fund board created in~~ 47488  
~~section 901.90 of the Revised Code and~~ the director of 47489  
agriculture. 47490

(B)(1) If, during any calendar year, the total number of 47491  
motor vehicle registrations involving a particular type of 47492  
nonstandard license plate is less than twenty-five, including both 47493  
new registrations and registration renewals, the registrar of 47494  
motor vehicles, on or after the first day of January, but not 47495  
later than the fifteenth day of January of the following year, 47496  
shall send a written notice to the sponsor of that type of 47497  
nonstandard license plate, if a sponsor exists, informing the 47498  
sponsor of this fact. The registrar also shall inform the sponsor 47499  
that if, during the calendar year in which the written notice is 47500  
sent, the total number of motor vehicle registrations involving 47501  
the sponsor's nonstandard license plate again is less than 47502  
twenty-five, the program involving that type of nonstandard 47503

license plate will be terminated on the thirty-first day of 47504  
December of the calendar year in which the written notice is sent 47505  
and, except as provided in division (C) of this section, no motor 47506  
vehicle registration application involving either the actual 47507  
issuance of that type of nonstandard license plate or the 47508  
registration renewal of a motor vehicle displaying that type of 47509  
nonstandard license plate will be accepted by the registrar or a 47510  
deputy registrar beginning the first day of January of the next 47511  
calendar year. The registrar also shall inform the sponsor that if 47512  
the program involving the sponsor's nonstandard license plate is 47513  
terminated under this section, it may be reestablished pursuant to 47514  
division (D) of this section. 47515

(2) If, during any calendar year, the total number of motor 47516  
vehicle registrations involving a particular type of nonstandard 47517  
license plate is less than twenty-five, including both new 47518  
registrations and registration renewals, and no sponsor exists for 47519  
that license plate, the registrar shall issue a public notice on 47520  
or after the first day of January, but not later than the 47521  
fifteenth day of January of the following year, stating that fact. 47522  
The notice also shall inform the public that if, during the 47523  
calendar year in which the registrar issues the public notice, the 47524  
total number of motor vehicle registrations for that type of 47525  
nonstandard license plate, including both new registrations and 47526  
registration renewals, again is less than twenty-five, the program 47527  
involving that type of nonstandard license plate will be 47528  
terminated on the thirty-first day of December of the calendar 47529  
year in which the registrar issues the public notice and, except 47530  
as provided in division (C) of this section, no motor vehicle 47531  
registration application involving either the actual issuance of 47532  
that type of nonstandard license plate or the registration renewal 47533  
of a motor vehicle displaying that type of nonstandard license 47534  
plate will be accepted by the registrar or a deputy registrar 47535  
beginning on the first day of January of the next calendar year. 47536

(C) If the program involving a type of nonstandard license plate is terminated under division (B) of this section, the registration of any motor vehicle displaying that type of nonstandard license plate at the time of termination may be renewed so long as the nonstandard license plates remain serviceable. If the nonstandard license plates of such a motor vehicle become unfit for service, the owner of the motor vehicle may apply for the issuance of nonstandard license plates of that same type, but the registrar or deputy registrar shall issue such nonstandard license plates only if at the time of application the stock of the bureau contains license plates of that type of nonstandard license plate. If, at the time of such application, the stock of the bureau does not contain license plates of that type of nonstandard license plate, the registrar or deputy registrar shall inform the owner of that fact, and the application shall be refused.

If the program involving a type of nonstandard license plate is terminated under division (B) of this section and the registration of motor vehicles displaying such license plates continues as permitted by this division, the registrar, for as long as such registrations continue to be issued, shall continue to collect and distribute any contribution that was required to be collected and distributed prior to the termination of that program.

(D) If the program involving a nonstandard license plate is terminated under division (B)(1) of this section, the sponsor of that license plate may apply to the registrar for the reestablishment of the program. If the program involving that nonstandard license plate is reestablished, the reestablishment is subject to division (B) of section 4503.78 of the Revised Code.

**Sec. 4505.181.** (A) Notwithstanding section 4505.18 of the

Revised Code, a motor vehicle dealer or person acting on behalf of 47568  
a motor vehicle dealer may display, offer for sale, or sell a used 47569  
motor vehicle and a manufactured housing dealer or person acting 47570  
on behalf of a manufactured housing dealer may display, offer for 47571  
sale, or sell a used manufactured home or used mobile home without 47572  
having first obtained a certificate of title for the vehicle in 47573  
the name of the dealer by complying with this section. 47574

(1) The dealer or person acting on behalf of the dealer shall 47575  
possess a bill of sale for each used motor vehicle, used 47576  
manufactured home, and used mobile home proposed to be displayed, 47577  
offered for sale, or sold under this section or a properly 47578  
executed power of attorney or other related documents from the 47579  
prior owner of the motor vehicle, manufactured home, or mobile 47580  
home giving the dealer or person acting on behalf of the dealer 47581  
authority to have a certificate of title to the motor vehicle, 47582  
manufactured home, or mobile home issued in the name of the 47583  
dealer, and shall retain copies of all such documents in the 47584  
dealer's or person's files until such time as a certificate of 47585  
title in the dealer's name is issued for each such motor vehicle, 47586  
manufactured home, or mobile home by the clerk of the court of 47587  
common pleas. Such documents shall be available for inspection by 47588  
the bureau of motor vehicles and the ~~manufactured homes commission~~ 47589  
division of real estate of the department of commerce during 47590  
normal business hours. 47591

(2) If the attorney general has paid a retail purchaser of 47592  
the dealer or a secured party under division (D), (E), or (G) of 47593  
this section within three years prior to such date, the dealer 47594  
shall post with the attorney general's office in favor of this 47595  
state a bond of a surety company authorized to do business in this 47596  
state, in an amount of not less than twenty-five thousand dollars, 47597  
to be used solely for the purpose of compensating retail 47598  
purchasers of motor vehicles, manufactured homes, or mobile homes 47599

who suffer damages due to failure of the dealer or person acting 47600  
on behalf of the dealer to comply with this section. Failure to 47601  
post a bond constitutes a deceptive act or practice in connection 47602  
with a consumer transaction and is a violation of section 1345.02 47603  
of the Revised Code. The dealer's surety shall notify the 47604  
registrar and attorney general when a bond of a motor vehicle 47605  
dealer is canceled and shall notify the ~~manufactured homes~~ 47606  
~~commission~~ division of real estate of the department of commerce 47607  
and the attorney general when a bond of a manufactured housing 47608  
dealer is canceled. Such notification of cancellation shall 47609  
include the effective date of and reason for cancellation. 47610

(B) If a retail purchaser purchases a used motor vehicle, 47611  
used manufactured home, or used mobile home for which the dealer, 47612  
pursuant to and in accordance with division (A) of this section, 47613  
does not have a certificate of title issued in the name of the 47614  
dealer at the time of the sale, the retail purchaser has an 47615  
unconditional right to demand the dealer rescind the transaction 47616  
if one of the following applies: 47617

(1) The dealer fails, on or before the fortieth day following 47618  
the date of the sale, to obtain a title in the name of the retail 47619  
purchaser. 47620

(2) The title for the vehicle indicates that it is a rebuilt 47621  
salvage vehicle, and the fact that it is a rebuilt salvage vehicle 47622  
was not disclosed to the retail purchaser in writing prior to the 47623  
execution of the purchase agreement. 47624

(3) The title for the vehicle indicates that the dealer has 47625  
made an inaccurate odometer disclosure to the retail purchaser. 47626

(4) The title for the vehicle indicates that it is a 47627  
"buyback" vehicle as defined in section 1345.71 of the Revised 47628  
Code, and the fact that it is a "buyback" vehicle was not 47629  
disclosed to the retail purchaser in the written purchase 47630

agreement. 47631

(5) The motor vehicle is a used manufactured home or used 47632  
mobile home, as defined by section 4781.01 of the Revised Code, 47633  
that has been repossessed under Chapter 1309. or 1317. of the 47634  
Revised Code, but a certificate of title for the repossessed home 47635  
has not yet been transferred by the repossessing party to the 47636  
dealer on the date the retail purchaser purchases the used 47637  
manufactured home or used mobile home from the dealer, and the 47638  
dealer fails to obtain a certificate of title on or before the 47639  
fortieth day after the dealer obtains the certificate of title for 47640  
the home from the repossessing party or the date on which an 47641  
occupancy permit for the home is delivered to the purchaser by the 47642  
appropriate legal authority, whichever occurs later. 47643

(C)(1) If the circumstance described in division (B)(1) of 47644  
this section applies, a retail purchaser or the retail purchaser's 47645  
representative shall provide the dealer notice of the request for 47646  
recision. Such notification shall occur not later than sixty days 47647  
from the date the motor vehicle is titled in the name of the 47648  
retail purchaser. The dealer shall have the opportunity to comply 47649  
with the dealer's obligation to refund the full purchase price of 47650  
the motor vehicle. Reimbursement shall be only in such a manner as 47651  
to reimburse the retail purchaser any money the retail purchaser 47652  
actually paid and, in the case of a lender of the retail 47653  
purchaser, the amount paid by the lender to purchase the contract 47654  
or finance the sale of the vehicle. If a vehicle was taken in 47655  
trade as a down payment, the dealer shall return the vehicle to 47656  
the consumer, unless the dealer remitted payment to a third party 47657  
to satisfy any security interest. If the dealer remitted payment, 47658  
the dealer shall reimburse the purchaser the value of the vehicle, 47659  
as evidenced by the bill of sale. 47660

(2) If any of the circumstances described in ~~divisions~~ 47661  
division (B)(2), (3), or (4) of this section apply, a retail 47662

purchaser or the retail purchaser's representative shall provide 47663  
notice to the dealer of a request for rescission. Such notification 47664  
shall occur not later than one hundred eighty days from the date 47665  
the vehicle is titled in the name of the retail purchaser. Upon 47666  
timely notification, the dealer shall have the opportunity to 47667  
comply with the dealer's obligation to refund the full purchase 47668  
price of the motor vehicle. Reimbursement shall be only in such a 47669  
manner as to reimburse the retail purchaser any money the retail 47670  
purchaser actually paid and, in the case of a lender of the retail 47671  
purchaser, the amount paid by the lender to purchase the contract 47672  
or finance the sale of the vehicle. If a vehicle was taken in 47673  
trade as a down payment, the dealer shall return the vehicle to 47674  
the consumer, unless the dealer remitted payment to a third party 47675  
to satisfy any security interest. If the dealer remitted payment, 47676  
the dealer shall reimburse the purchaser the value of the vehicle, 47677  
as evidenced by the bill of sale. 47678

(3) If any of the circumstances described in division (B)(5) 47679  
of this section apply, a retail purchaser or the retail 47680  
purchaser's representative shall notify the dealer and afford the 47681  
dealer the opportunity to comply with the dealer's obligation to 47682  
rescind the manufactured home or mobile home transaction. 47683

(4) If the retail purchaser does not deliver notice to the 47684  
dealer within the applicable time period specified in division 47685  
(C)(1), (2), or (3) of this section, the retail purchaser shall 47686  
not be entitled to any recovery or have any cause of action under 47687  
this section. 47688

(5) Nothing in division (C) of this section shall be 47689  
construed as prohibiting the dealer and the retail purchaser or 47690  
their representatives from negotiating a compromise resolution 47691  
that is satisfactory to both parties. 47692

(D) If a retail purchaser notifies a dealer of one or more of 47693  
the circumstances listed in division (B) of this section within 47694

the applicable time period specified in division (C)(1), (2), or 47695  
(3) of this section and the dealer fails to comply with the 47696  
requirements for rescission as prescribed in division (C) of this 47697  
section or reach a satisfactory compromise with the retail 47698  
purchaser within seven business days of presentation of the retail 47699  
purchaser's rescission claim, the retail purchaser may apply to the 47700  
attorney general for payment from the fund of the full purchase 47701  
price to the retail purchaser. 47702

(E)(1) Upon application by a retail purchaser for payment 47703  
from the fund, if the attorney general is satisfied that one or 47704  
more of the circumstances contained in divisions (B)(1) to (5) of 47705  
this section exist, and notification has been given within the 47706  
applicable time period specified in division (C)(1), (2), or (3) 47707  
of this section, the attorney general shall cause at maximum the 47708  
full purchase price of the vehicle, manufactured home, or mobile 47709  
home plus the cost of any additional temporary license placards to 47710  
be paid to the retail purchaser from the fund. The attorney 47711  
general may require delivery of the vehicle, manufactured home, or 47712  
mobile home to the attorney general prior to reimbursement from 47713  
the fund. Reimbursement shall be only in such a manner as to do 47714  
either of the following: 47715

(a) Reimburse the retail purchaser any money the retail 47716  
purchaser actually paid and, in the case of a lender of the retail 47717  
purchaser, the amount paid by the lender to purchase the contract 47718  
or finance the sale of the vehicle; 47719

(b) If the retail purchaser wishes to retain the vehicle, the 47720  
attorney general, in the attorney general's sole discretion, may 47721  
pay a lienholder of record or other holder of a secured interest 47722  
in such manner that title can be transferred to the retail 47723  
purchaser free of encumbrances, other than a security interest 47724  
granted by the retail purchaser at the time of vehicle purchase. 47725

(2) The attorney general, in the attorney general's sole 47726

discretion, also may cause the cost of additional temporary license placards to be paid from the fund. 47727  
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(F) The attorney general may sell or otherwise dispose of any used motor vehicle, manufactured home, or mobile home that is delivered to the attorney general under this section, and may collect the proceeds of any bond posted under division (A) of this section by a dealer who has failed to comply with division (D) of this section. The proceeds from all such sales and collections shall be deposited into the title defect recision fund for use as specified in section 1345.52 of the Revised Code. 47729  
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(G) If a dealer fails to submit payment of a secured interest on a trade-in vehicle as agreed to by the dealer and retail purchaser and none of the circumstances in divisions (B)(1) to (5) applies, the retail purchaser may apply to the attorney general for payment to the secured creditor from the fund. The attorney general shall demand immediate payment from the dealer and if payment has not been made or is not immediately forthcoming, the attorney general may cause an amount equal to that which the dealer agreed to pay to the secured creditor to be paid from the fund, along with any additional interest and late fees resulting from the dealer's failure to pay the secured creditor in a timely manner. 47737  
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(H) Failure by a dealer to comply with both divisions (B) and (C) of this section constitutes a deceptive act or practice in connection with a consumer transaction, and is a violation of section 1345.02 of the Revised Code. 47749  
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(I) The remedy provided in this section to retail purchasers is in addition to any remedies otherwise available to the retail purchaser for the same conduct of the dealer or person acting on behalf of the dealer under federal law or the laws of this state or a political subdivision of this state. 47753  
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(J) If, at any time during any calendar year, the balance in the title defect recision fund is less than three hundred thousand dollars, the attorney general may assess all motor vehicle dealers licensed under Chapter 4517. of the Revised Code and all manufactured housing dealers licensed under Chapter 4781. of the Revised Code one hundred fifty dollars for deposit into the title defect rescision fund until the balance in the fund reaches three hundred thousand dollars. A notice of assessment shall be sent to each dealer at its licensed location.

If a motor vehicle dealer or manufactured housing dealer fails to comply with this division, the attorney general may bring a civil action in a court of competent jurisdiction to collect the amount the dealer failed to pay to the attorney general for deposit into the fund.

(K) Nothing in this section shall be construed as providing for payment of attorney fees to the retail purchaser.

(L) As used in this section:

(1) "Full purchase price" means the contract price, including charges for dealer installed options and accessories, all finance, credit insurance, and service contract charges incurred by the retail purchaser, all sales tax, license and registration fees, and the amount of any negative equity that was not already paid by the dealer to a third party to satisfy a lien, as reflected in the contract.

(2) "Retail purchaser" means a person, other than a motor vehicle dealer or a manufactured housing dealer, who in good faith purchases a used motor vehicle for purposes other than resale.

**Sec. 4511.19.** (A)(1) No person shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:

- (a) The person is under the influence of alcohol, a drug of abuse, or a combination of them. 47788  
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- (b) The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood. 47790  
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- (c) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma. 47794  
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- (d) The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath. 47798  
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- (e) The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine. 47802  
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- (f) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood. 47806  
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- (g) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma. 47809  
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- (h) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath. 47812  
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- (i) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine. 47815  
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(j) Except as provided in division (K) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

(i) The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

(ii) The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.

(iii) The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

(iv) The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

(v) The person has a concentration of heroin metabolite

(6-monoacetyl morphine) in the person's urine of at least ten 47849  
nanograms of heroin metabolite (6-monoacetyl morphine) per 47850  
milliliter of the person's urine or has a concentration of heroin 47851  
metabolite (6-monoacetyl morphine) in the person's whole blood or 47852  
blood serum or plasma of at least ten nanograms of heroin 47853  
metabolite (6-monoacetyl morphine) per milliliter of the person's 47854  
whole blood or blood serum or plasma. 47855

(vi) The person has a concentration of L.S.D. in the person's 47856  
urine of at least twenty-five nanograms of L.S.D. per milliliter 47857  
of the person's urine or a concentration of L.S.D. in the person's 47858  
whole blood or blood serum or plasma of at least ten nanograms of 47859  
L.S.D. per milliliter of the person's whole blood or blood serum 47860  
or plasma. 47861

(vii) The person has a concentration of marihuana in the 47862  
person's urine of at least ten nanograms of marihuana per 47863  
milliliter of the person's urine or has a concentration of 47864  
marihuana in the person's whole blood or blood serum or plasma of 47865  
at least two nanograms of marihuana per milliliter of the person's 47866  
whole blood or blood serum or plasma. 47867

(viii) Either of the following applies: 47868

(I) The person is under the influence of alcohol, a drug of 47869  
abuse, or a combination of them, and, ~~as measured by gas~~ 47870  
~~chromatography mass spectrometry,~~ the person has a concentration 47871  
of marihuana metabolite in the person's urine of at least fifteen 47872  
nanograms of marihuana metabolite per milliliter of the person's 47873  
urine or has a concentration of marihuana metabolite in the 47874  
person's whole blood or blood serum or plasma of at least five 47875  
nanograms of marihuana metabolite per milliliter of the person's 47876  
whole blood or blood serum or plasma. 47877

(II) ~~As measured by gas chromatography mass spectrometry, the~~ 47878  
The person has a concentration of marihuana metabolite in the 47879

person's urine of at least thirty-five nanograms of marihuana 47880  
metabolite per milliliter of the person's urine or has a 47881  
concentration of marihuana metabolite in the person's whole blood 47882  
or blood serum or plasma of at least fifty nanograms of marihuana 47883  
metabolite per milliliter of the person's whole blood or blood 47884  
serum or plasma. 47885

(ix) The person has a concentration of methamphetamine in the 47886  
person's urine of at least five hundred nanograms of 47887  
methamphetamine per milliliter of the person's urine or has a 47888  
concentration of methamphetamine in the person's whole blood or 47889  
blood serum or plasma of at least one hundred nanograms of 47890  
methamphetamine per milliliter of the person's whole blood or 47891  
blood serum or plasma. 47892

(x) The person has a concentration of phencyclidine in the 47893  
person's urine of at least twenty-five nanograms of phencyclidine 47894  
per milliliter of the person's urine or has a concentration of 47895  
phencyclidine in the person's whole blood or blood serum or plasma 47896  
of at least ten nanograms of phencyclidine per milliliter of the 47897  
person's whole blood or blood serum or plasma. 47898

(xi) The state board of pharmacy has adopted a rule pursuant 47899  
to section 4729.041 of the Revised Code that specifies the amount 47900  
of salvia divinorum and the amount of salvinorin A that constitute 47901  
concentrations of salvia divinorum and salvinorin A in a person's 47902  
urine, in a person's whole blood, or in a person's blood serum or 47903  
plasma at or above which the person is impaired for purposes of 47904  
operating any vehicle, streetcar, or trackless trolley within this 47905  
state, the rule is in effect, and the person has a concentration 47906  
of salvia divinorum or salvinorin A of at least that amount so 47907  
specified by rule in the person's urine, in the person's whole 47908  
blood, or in the person's blood serum or plasma. 47909

(2) No person who, within twenty years of the conduct 47910  
described in division (A)(2)(a) of this section, previously has 47911

been convicted of or pleaded guilty to a violation of this 47912  
division, a violation of division (A)(1) or (B) of this section, 47913  
or any other equivalent offense shall do both of the following: 47914

(a) Operate any vehicle, streetcar, or trackless trolley 47915  
within this state while under the influence of alcohol, a drug of 47916  
abuse, or a combination of them; 47917

(b) Subsequent to being arrested for operating the vehicle, 47918  
streetcar, or trackless trolley as described in division (A)(2)(a) 47919  
of this section, being asked by a law enforcement officer to 47920  
submit to a chemical test or tests under section 4511.191 of the 47921  
Revised Code, and being advised by the officer in accordance with 47922  
section 4511.192 of the Revised Code of the consequences of the 47923  
person's refusal or submission to the test or tests, refuse to 47924  
submit to the test or tests. 47925

(B) No person under twenty-one years of age shall operate any 47926  
vehicle, streetcar, or trackless trolley within this state, if, at 47927  
the time of the operation, any of the following apply: 47928

(1) The person has a concentration of at least two-hundredths 47929  
of one per cent but less than eight-hundredths of one per cent by 47930  
weight per unit volume of alcohol in the person's whole blood. 47931

(2) The person has a concentration of at least 47932  
three-hundredths of one per cent but less than 47933  
ninety-six-thousandths of one per cent by weight per unit volume 47934  
of alcohol in the person's blood serum or plasma. 47935

(3) The person has a concentration of at least two-hundredths 47936  
of one gram but less than eight-hundredths of one gram by weight 47937  
of alcohol per two hundred ten liters of the person's breath. 47938

(4) The person has a concentration of at least twenty-eight 47939  
one-thousandths of one gram but less than eleven-hundredths of one 47940  
gram by weight of alcohol per one hundred milliliters of the 47941  
person's urine. 47942

(C) In any proceeding arising out of one incident, a person 47943  
may be charged with a violation of division (A)(1)(a) or (A)(2) 47944  
and a violation of division (B)(1), (2), or (3) of this section, 47945  
but the person may not be convicted of more than one violation of 47946  
these divisions. 47947

(D)(1)(a) In any criminal prosecution or juvenile court 47948  
proceeding for a violation of division (A)(1)(a) of this section 47949  
or for an equivalent offense that is vehicle-related, the result 47950  
of any test of any blood or urine withdrawn and analyzed at any 47951  
health care provider, as defined in section 2317.02 of the Revised 47952  
Code, may be admitted with expert testimony to be considered with 47953  
any other relevant and competent evidence in determining the guilt 47954  
or innocence of the defendant. 47955

(b) In any criminal prosecution or juvenile court proceeding 47956  
for a violation of division (A) or (B) of this section or for an 47957  
equivalent offense that is vehicle-related, the court may admit 47958  
evidence on the concentration of alcohol, drugs of abuse, 47959  
controlled substances, metabolites of a controlled substance, or a 47960  
combination of them in the defendant's whole blood, blood serum or 47961  
plasma, breath, urine, or other bodily substance at the time of 47962  
the alleged violation as shown by chemical analysis of the 47963  
substance withdrawn within three hours of the time of the alleged 47964  
violation. The three-hour time limit specified in this division 47965  
regarding the admission of evidence does not extend or affect the 47966  
two-hour time limit specified in division (A) of section 4511.192 47967  
of the Revised Code as the maximum period of time during which a 47968  
person may consent to a chemical test or tests as described in 47969  
that section. The court may admit evidence on the concentration of 47970  
alcohol, drugs of abuse, or a combination of them as described in 47971  
this division when a person submits to a blood, breath, urine, or 47972  
other bodily substance test at the request of a law enforcement 47973  
officer under section 4511.191 of the Revised Code or a blood or 47974

urine sample is obtained pursuant to a search warrant. Only a 47975  
physician, a registered nurse, an emergency medical 47976  
technician-intermediate, an emergency medical 47977  
technician-paramedic, or a qualified technician, chemist, or 47978  
phlebotomist shall withdraw a blood sample for the purpose of 47979  
determining the alcohol, drug, controlled substance, metabolite of 47980  
a controlled substance, or combination content of the whole blood, 47981  
blood serum, or blood plasma. This limitation does not apply to 47982  
the taking of breath or urine specimens. A person authorized to 47983  
withdraw blood under this division may refuse to withdraw blood 47984  
under this division, if in that person's opinion, the physical 47985  
welfare of the person would be endangered by the withdrawing of 47986  
blood. 47987

The bodily substance withdrawn under division (D)(1)(b) of 47988  
this section shall be analyzed in accordance with methods approved 47989  
by the director of health by an individual possessing a valid 47990  
permit issued by the director pursuant to section 3701.143 of the 47991  
Revised Code. 47992

(c) As used in division (D)(1)(b) of this section, "emergency 47993  
medical technician-intermediate" and "emergency medical 47994  
technician-paramedic" have the same meanings as in section 4765.01 47995  
of the Revised Code. 47996

(2) In a criminal prosecution or juvenile court proceeding 47997  
for a violation of division (A) of this section or for an 47998  
equivalent offense that is vehicle-related, if there was at the 47999  
time the bodily substance was withdrawn a concentration of less 48000  
than the applicable concentration of alcohol specified in 48001  
divisions (A)(1)(b), (c), (d), and (e) of this section or less 48002  
than the applicable concentration of a listed controlled substance 48003  
or a listed metabolite of a controlled substance specified for a 48004  
violation of division (A)(1)(j) of this section, that fact may be 48005  
considered with other competent evidence in determining the guilt 48006

or innocence of the defendant. This division does not limit or 48007  
affect a criminal prosecution or juvenile court proceeding for a 48008  
violation of division (B) of this section or for an equivalent 48009  
offense that is substantially equivalent to that division. 48010

(3) Upon the request of the person who was tested, the 48011  
results of the chemical test shall be made available to the person 48012  
or the person's attorney, immediately upon the completion of the 48013  
chemical test analysis. 48014

If the chemical test was obtained pursuant to division 48015  
(D)(1)(b) of this section, the person tested may have a physician, 48016  
a registered nurse, or a qualified technician, chemist, or 48017  
phlebotomist of the person's own choosing administer a chemical 48018  
test or tests, at the person's expense, in addition to any 48019  
administered at the request of a law enforcement officer. If the 48020  
person was under arrest as described in division (A)(5) of section 48021  
4511.191 of the Revised Code, the arresting officer shall advise 48022  
the person at the time of the arrest that the person may have an 48023  
independent chemical test taken at the person's own expense. If 48024  
the person was under arrest other than described in division 48025  
(A)(5) of section 4511.191 of the Revised Code, the form to be 48026  
read to the person to be tested, as required under section 48027  
4511.192 of the Revised Code, shall state that the person may have 48028  
an independent test performed at the person's expense. The failure 48029  
or inability to obtain an additional chemical test by a person 48030  
shall not preclude the admission of evidence relating to the 48031  
chemical test or tests taken at the request of a law enforcement 48032  
officer. 48033

(4)(a) As used in divisions (D)(4)(b) and (c) of this 48034  
section, "national highway traffic safety administration" means 48035  
the national highway traffic safety administration established as 48036  
an administration of the United States department of 48037  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 48038

(b) In any criminal prosecution or juvenile court proceeding 48039  
for a violation of division (A) or (B) of this section, of a 48040  
municipal ordinance relating to operating a vehicle while under 48041  
the influence of alcohol, a drug of abuse, or alcohol and a drug 48042  
of abuse, or of a municipal ordinance relating to operating a 48043  
vehicle with a prohibited concentration of alcohol, a controlled 48044  
substance, or a metabolite of a controlled substance in the whole 48045  
blood, blood serum or plasma, breath, or urine, if a law 48046  
enforcement officer has administered a field sobriety test to the 48047  
operator of the vehicle involved in the violation and if it is 48048  
shown by clear and convincing evidence that the officer 48049  
administered the test in substantial compliance with the testing 48050  
standards for any reliable, credible, and generally accepted field 48051  
sobriety tests that were in effect at the time the tests were 48052  
administered, including, but not limited to, any testing standards 48053  
then in effect that were set by the national highway traffic 48054  
safety administration, all of the following apply: 48055

(i) The officer may testify concerning the results of the 48056  
field sobriety test so administered. 48057

(ii) The prosecution may introduce the results of the field 48058  
sobriety test so administered as evidence in any proceedings in 48059  
the criminal prosecution or juvenile court proceeding. 48060

(iii) If testimony is presented or evidence is introduced 48061  
under division (D)(4)(b)(i) or (ii) of this section and if the 48062  
testimony or evidence is admissible under the Rules of Evidence, 48063  
the court shall admit the testimony or evidence and the trier of 48064  
fact shall give it whatever weight the trier of fact considers to 48065  
be appropriate. 48066

(c) Division (D)(4)(b) of this section does not limit or 48067  
preclude a court, in its determination of whether the arrest of a 48068  
person was supported by probable cause or its determination of any 48069  
other matter in a criminal prosecution or juvenile court 48070

proceeding of a type described in that division, from considering 48071  
evidence or testimony that is not otherwise disallowed by division 48072  
(D)(4)(b) of this section. 48073

(E)(1) Subject to division (E)(3) of this section, in any 48074  
criminal prosecution or juvenile court proceeding for a violation 48075  
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 48076  
or (B)(1), (2), (3), or (4) of this section or for an equivalent 48077  
offense that is substantially equivalent to any of those 48078  
divisions, a laboratory report from any laboratory personnel 48079  
issued a permit by the department of health authorizing an 48080  
analysis as described in this division that contains an analysis 48081  
of the whole blood, blood serum or plasma, breath, urine, or other 48082  
bodily substance tested and that contains all of the information 48083  
specified in this division shall be admitted as prima-facie 48084  
evidence of the information and statements that the report 48085  
contains. The laboratory report shall contain all of the 48086  
following: 48087

(a) The signature, under oath, of any person who performed 48088  
the analysis; 48089

(b) Any findings as to the identity and quantity of alcohol, 48090  
a drug of abuse, a controlled substance, a metabolite of a 48091  
controlled substance, or a combination of them that was found; 48092

(c) A copy of a notarized statement by the laboratory 48093  
director or a designee of the director that contains the name of 48094  
each certified analyst or test performer involved with the report, 48095  
the analyst's or test performer's employment relationship with the 48096  
laboratory that issued the report, and a notation that performing 48097  
an analysis of the type involved is part of the analyst's or test 48098  
performer's regular duties; 48099

(d) An outline of the analyst's or test performer's 48100  
education, training, and experience in performing the type of 48101

analysis involved and a certification that the laboratory 48102  
satisfies appropriate quality control standards in general and, in 48103  
this particular analysis, under rules of the department of health. 48104

(2) Notwithstanding any other provision of law regarding the 48105  
admission of evidence, a report of the type described in division 48106  
(E)(1) of this section is not admissible against the defendant to 48107  
whom it pertains in any proceeding, other than a preliminary 48108  
hearing or a grand jury proceeding, unless the prosecutor has 48109  
served a copy of the report on the defendant's attorney or, if the 48110  
defendant has no attorney, on the defendant. 48111

(3) A report of the type described in division (E)(1) of this 48112  
section shall not be prima-facie evidence of the contents, 48113  
identity, or amount of any substance if, within seven days after 48114  
the defendant to whom the report pertains or the defendant's 48115  
attorney receives a copy of the report, the defendant or the 48116  
defendant's attorney demands the testimony of the person who 48117  
signed the report. The judge in the case may extend the seven-day 48118  
time limit in the interest of justice. 48119

(F) Except as otherwise provided in this division, any 48120  
physician, registered nurse, emergency medical 48121  
technician-intermediate, emergency medical technician-paramedic, 48122  
or qualified technician, chemist, or phlebotomist who withdraws 48123  
blood from a person pursuant to this section or section 4511.191 48124  
or 4511.192 of the Revised Code, and any hospital, first-aid 48125  
station, or clinic at which blood is withdrawn from a person 48126  
pursuant to this section or section 4511.191 or 4511.192 of the 48127  
Revised Code, is immune from criminal liability and civil 48128  
liability based upon a claim of assault and battery or any other 48129  
claim that is not a claim of malpractice, for any act performed in 48130  
withdrawing blood from the person. The immunity provided in this 48131  
division also extends to an emergency medical service organization 48132  
that employs an emergency medical technician-intermediate or 48133

emergency medical technician-paramedic who withdraws blood under 48134  
this section. The immunity provided in this division is not 48135  
available to a person who withdraws blood if the person engages in 48136  
willful or wanton misconduct. 48137

As used in this division, "emergency medical 48138  
technician-intermediate" and "emergency medical 48139  
technician-paramedic" have the same meanings as in section 4765.01 48140  
of the Revised Code. 48141

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 48142  
to (i) or (A)(2) of this section is guilty of operating a vehicle 48143  
under the influence of alcohol, a drug of abuse, or a combination 48144  
of them. Whoever violates division (A)(1)(j) of this section is 48145  
guilty of operating a vehicle while under the influence of a 48146  
listed controlled substance or a listed metabolite of a controlled 48147  
substance. The court shall sentence the offender for either 48148  
offense under Chapter 2929. of the Revised Code, except as 48149  
otherwise authorized or required by divisions (G)(1)(a) to (e) of 48150  
this section: 48151

(a) Except as otherwise provided in division (G)(1)(b), (c), 48152  
(d), or (e) of this section, the offender is guilty of a 48153  
misdemeanor of the first degree, and the court shall sentence the 48154  
offender to all of the following: 48155

(i) If the sentence is being imposed for a violation of 48156  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 48157  
mandatory jail term of three consecutive days. As used in this 48158  
division, three consecutive days means seventy-two consecutive 48159  
hours. The court may sentence an offender to both an intervention 48160  
program and a jail term. The court may impose a jail term in 48161  
addition to the three-day mandatory jail term or intervention 48162  
program. However, in no case shall the cumulative jail term 48163  
imposed for the offense exceed six months. 48164

The court may suspend the execution of the three-day jail term under this division if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under section 5119.38 of the Revised Code. The court also may suspend the execution of any part of the three-day jail term under this division if it places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 5119. of the Revised Code by the director of mental health and addiction services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, except as otherwise provided in this division, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 5119.38 of the Revised Code. As used in this division, three consecutive days means seventy-two consecutive hours. If the

court determines that the offender is not conducive to treatment 48198  
in a drivers' intervention program, if the offender refuses to 48199  
attend a drivers' intervention program, or if the jail at which 48200  
the offender is to serve the jail term imposed can provide a 48201  
driver's intervention program, the court shall sentence the 48202  
offender to a mandatory jail term of at least six consecutive 48203  
days. 48204

The court may require the offender, under a community control 48205  
sanction imposed under section 2929.25 of the Revised Code, to 48206  
attend and satisfactorily complete any treatment or education 48207  
programs that comply with the minimum standards adopted pursuant 48208  
to Chapter 5119. of the Revised Code by the director of mental 48209  
health and addiction services, in addition to the required 48210  
attendance at drivers' intervention program, that the operators of 48211  
the drivers' intervention program determine that the offender 48212  
should attend and to report periodically to the court on the 48213  
offender's progress in the programs. The court also may impose any 48214  
other conditions of community control on the offender that it 48215  
considers necessary. 48216

(iii) In all cases, a fine of not less than three hundred 48217  
seventy-five and not more than one thousand seventy-five dollars; 48218

(iv) In all cases, a class five license suspension of the 48219  
offender's driver's or commercial driver's license or permit or 48220  
nonresident operating privilege from the range specified in 48221  
division (A)(5) of section 4510.02 of the Revised Code. The court 48222  
may grant limited driving privileges relative to the suspension 48223  
under sections 4510.021 and 4510.13 of the Revised Code. 48224

(b) Except as otherwise provided in division (G)(1)(e) of 48225  
this section, an offender who, within six years of the offense, 48226  
previously has been convicted of or pleaded guilty to one 48227  
violation of division (A) or (B) of this section or one other 48228  
equivalent offense is guilty of a misdemeanor of the first degree. 48229

The court shall sentence the offender to all of the following: 48230

(i) If the sentence is being imposed for a violation of 48231  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 48232  
mandatory jail term of ten consecutive days. The court shall 48233  
impose the ten-day mandatory jail term under this division unless, 48234  
subject to division (G)(3) of this section, it instead imposes a 48235  
sentence under that division consisting of both a jail term and a 48236  
term of house arrest with electronic monitoring, with continuous 48237  
alcohol monitoring, or with both electronic monitoring and 48238  
continuous alcohol monitoring. The court may impose a jail term in 48239  
addition to the ten-day mandatory jail term. The cumulative jail 48240  
term imposed for the offense shall not exceed six months. 48241

In addition to the jail term or the term of house arrest with 48242  
electronic monitoring or continuous alcohol monitoring or both 48243  
types of monitoring and jail term, the court shall require the 48244  
offender to be assessed by a community addiction services provider 48245  
that is authorized by section 5119.21 of the Revised Code, subject 48246  
to division (I) of this section, and shall order the offender to 48247  
follow the treatment recommendations of the services provider. The 48248  
purpose of the assessment is to determine the degree of the 48249  
offender's alcohol usage and to determine whether or not treatment 48250  
is warranted. Upon the request of the court, the services provider 48251  
shall submit the results of the assessment to the court, including 48252  
all treatment recommendations and clinical diagnoses related to 48253  
alcohol use. 48254

(ii) If the sentence is being imposed for a violation of 48255  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 48256  
section, except as otherwise provided in this division, a 48257  
mandatory jail term of twenty consecutive days. The court shall 48258  
impose the twenty-day mandatory jail term under this division 48259  
unless, subject to division (G)(3) of this section, it instead 48260  
imposes a sentence under that division consisting of both a jail 48261

term and a term of house arrest with electronic monitoring, with 48262  
continuous alcohol monitoring, or with both electronic monitoring 48263  
and continuous alcohol monitoring. The court may impose a jail 48264  
term in addition to the twenty-day mandatory jail term. The 48265  
cumulative jail term imposed for the offense shall not exceed six 48266  
months. 48267

In addition to the jail term or the term of house arrest with 48268  
electronic monitoring or continuous alcohol monitoring or both 48269  
types of monitoring and jail term, the court shall require the 48270  
offender to be assessed by a community addiction service provider 48271  
that is authorized by section 5119.21 of the Revised Code, subject 48272  
to division (I) of this section, and shall order the offender to 48273  
follow the treatment recommendations of the services provider. The 48274  
purpose of the assessment is to determine the degree of the 48275  
offender's alcohol usage and to determine whether or not treatment 48276  
is warranted. Upon the request of the court, the services provider 48277  
shall submit the results of the assessment to the court, including 48278  
all treatment recommendations and clinical diagnoses related to 48279  
alcohol use. 48280

(iii) In all cases, notwithstanding the fines set forth in 48281  
Chapter 2929. of the Revised Code, a fine of not less than five 48282  
hundred twenty-five and not more than one thousand six hundred 48283  
twenty-five dollars; 48284

(iv) In all cases, a class four license suspension of the 48285  
offender's driver's license, commercial driver's license, 48286  
temporary instruction permit, probationary license, or nonresident 48287  
operating privilege from the range specified in division (A)(4) of 48288  
section 4510.02 of the Revised Code. The court may grant limited 48289  
driving privileges relative to the suspension under sections 48290  
4510.021 and 4510.13 of the Revised Code. 48291

(v) In all cases, if the vehicle is registered in the 48292  
offender's name, immobilization of the vehicle involved in the 48293

offense for ninety days in accordance with section 4503.233 of the Revised Code and impoundment of the license plates of that vehicle for ninety days.

(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in sections 2929.21 to 2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose

a jail term in addition to the sixty-day mandatory jail term. 48326  
Notwithstanding the jail terms set forth in sections 2929.21 to 48327  
2929.28 of the Revised Code, the additional jail term shall not 48328  
exceed one year, and the cumulative jail term imposed for the 48329  
offense shall not exceed one year. 48330

(iii) In all cases, notwithstanding the fines set forth in 48331  
Chapter 2929. of the Revised Code, a fine of not less than eight 48332  
hundred fifty and not more than two thousand seven hundred fifty 48333  
dollars; 48334

(iv) In all cases, a class three license suspension of the 48335  
offender's driver's license, commercial driver's license, 48336  
temporary instruction permit, probationary license, or nonresident 48337  
operating privilege from the range specified in division (A)(3) of 48338  
section 4510.02 of the Revised Code. The court may grant limited 48339  
driving privileges relative to the suspension under sections 48340  
4510.021 and 4510.13 of the Revised Code. 48341

(v) In all cases, if the vehicle is registered in the 48342  
offender's name, criminal forfeiture of the vehicle involved in 48343  
the offense in accordance with section 4503.234 of the Revised 48344  
Code. Division (G)(6) of this section applies regarding any 48345  
vehicle that is subject to an order of criminal forfeiture under 48346  
this division. 48347

(vi) In all cases, the court shall order the offender to 48348  
participate with a community addiction services provider 48349  
authorized by section 5119.21 of the Revised Code, subject to 48350  
division (I) of this section, and shall order the offender to 48351  
follow the treatment recommendations of the services provider. The 48352  
operator of the services provider shall determine and assess the 48353  
degree of the offender's alcohol dependency and shall make 48354  
recommendations for treatment. Upon the request of the court, the 48355  
services provider shall submit the results of the assessment to 48356  
the court, including all treatment recommendations and clinical 48357

diagnoses related to alcohol use. 48358

(d) Except as otherwise provided in division (G)(1)(e) of 48359  
this section, an offender who, within six years of the offense, 48360  
previously has been convicted of or pleaded guilty to three or 48361  
four violations of division (A) or (B) of this section or other 48362  
equivalent offenses or an offender who, within twenty years of the 48363  
offense, previously has been convicted of or pleaded guilty to 48364  
five or more violations of that nature is guilty of a felony of 48365  
the fourth degree. The court shall sentence the offender to all of 48366  
the following: 48367

(i) If the sentence is being imposed for a violation of 48368  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 48369  
mandatory prison term of one, two, three, four, or five years as 48370  
required by and in accordance with division (G)(2) of section 48371  
2929.13 of the Revised Code if the offender also is convicted of 48372  
or also pleads guilty to a specification of the type described in 48373  
section 2941.1413 of the Revised Code or, in the discretion of the 48374  
court, either a mandatory term of local incarceration of sixty 48375  
consecutive days in accordance with division (G)(1) of section 48376  
2929.13 of the Revised Code or a mandatory prison term of sixty 48377  
consecutive days in accordance with division (G)(2) of that 48378  
section if the offender is not convicted of and does not plead 48379  
guilty to a specification of that type. If the court imposes a 48380  
mandatory term of local incarceration, it may impose a jail term 48381  
in addition to the sixty-day mandatory term, the cumulative total 48382  
of the mandatory term and the jail term for the offense shall not 48383  
exceed one year, and, except as provided in division (A)(1) of 48384  
section 2929.13 of the Revised Code, no prison term is authorized 48385  
for the offense. If the court imposes a mandatory prison term, 48386  
notwithstanding division (A)(4) of section 2929.14 of the Revised 48387  
Code, it also may sentence the offender to a definite prison term 48388  
that shall be not less than six months and not more than thirty 48389

months and the prison terms shall be imposed as described in 48390  
division (G)(2) of section 2929.13 of the Revised Code. If the 48391  
court imposes a mandatory prison term or mandatory prison term and 48392  
additional prison term, in addition to the term or terms so 48393  
imposed, the court also may sentence the offender to a community 48394  
control sanction for the offense, but the offender shall serve all 48395  
of the prison terms so imposed prior to serving the community 48396  
control sanction. 48397

(ii) If the sentence is being imposed for a violation of 48398  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 48399  
section, a mandatory prison term of one, two, three, four, or five 48400  
years as required by and in accordance with division (G)(2) of 48401  
section 2929.13 of the Revised Code if the offender also is 48402  
convicted of or also pleads guilty to a specification of the type 48403  
described in section 2941.1413 of the Revised Code or, in the 48404  
discretion of the court, either a mandatory term of local 48405  
incarceration of one hundred twenty consecutive days in accordance 48406  
with division (G)(1) of section 2929.13 of the Revised Code or a 48407  
mandatory prison term of one hundred twenty consecutive days in 48408  
accordance with division (G)(2) of that section if the offender is 48409  
not convicted of and does not plead guilty to a specification of 48410  
that type. If the court imposes a mandatory term of local 48411  
incarceration, it may impose a jail term in addition to the one 48412  
hundred twenty-day mandatory term, the cumulative total of the 48413  
mandatory term and the jail term for the offense shall not exceed 48414  
one year, and, except as provided in division (A)(1) of section 48415  
2929.13 of the Revised Code, no prison term is authorized for the 48416  
offense. If the court imposes a mandatory prison term, 48417  
notwithstanding division (A)(4) of section 2929.14 of the Revised 48418  
Code, it also may sentence the offender to a definite prison term 48419  
that shall be not less than six months and not more than thirty 48420  
months and the prison terms shall be imposed as described in 48421  
division (G)(2) of section 2929.13 of the Revised Code. If the 48422

court imposes a mandatory prison term or mandatory prison term and 48423  
additional prison term, in addition to the term or terms so 48424  
imposed, the court also may sentence the offender to a community 48425  
control sanction for the offense, but the offender shall serve all 48426  
of the prison terms so imposed prior to serving the community 48427  
control sanction. 48428

(iii) In all cases, notwithstanding section 2929.18 of the 48429  
Revised Code, a fine of not less than one thousand three hundred 48430  
fifty nor more than ten thousand five hundred dollars; 48431

(iv) In all cases, a class two license suspension of the 48432  
offender's driver's license, commercial driver's license, 48433  
temporary instruction permit, probationary license, or nonresident 48434  
operating privilege from the range specified in division (A)(2) of 48435  
section 4510.02 of the Revised Code. The court may grant limited 48436  
driving privileges relative to the suspension under sections 48437  
4510.021 and 4510.13 of the Revised Code. 48438

(v) In all cases, if the vehicle is registered in the 48439  
offender's name, criminal forfeiture of the vehicle involved in 48440  
the offense in accordance with section 4503.234 of the Revised 48441  
Code. Division (G)(6) of this section applies regarding any 48442  
vehicle that is subject to an order of criminal forfeiture under 48443  
this division. 48444

(vi) In all cases, the court shall order the offender to 48445  
participate with a community addiction services provider 48446  
authorized by section 5119.21 of the Revised Code, subject to 48447  
division (I) of this section, and shall order the offender to 48448  
follow the treatment recommendations of the services provider. The 48449  
operator of the services provider shall determine and assess the 48450  
degree of the offender's alcohol dependency and shall make 48451  
recommendations for treatment. Upon the request of the court, the 48452  
services provider shall submit the results of the assessment to 48453  
the court, including all treatment recommendations and clinical 48454

diagnoses related to alcohol use. 48455

(vii) In all cases, if the court sentences the offender to a 48456  
mandatory term of local incarceration, in addition to the 48457  
mandatory term, the court, pursuant to section 2929.17 of the 48458  
Revised Code, may impose a term of house arrest with electronic 48459  
monitoring. The term shall not commence until after the offender 48460  
has served the mandatory term of local incarceration. 48461

(e) An offender who previously has been convicted of or 48462  
pleaded guilty to a violation of division (A) of this section that 48463  
was a felony, regardless of when the violation and the conviction 48464  
or guilty plea occurred, is guilty of a felony of the third 48465  
degree. The court shall sentence the offender to all of the 48466  
following: 48467

(i) If the offender is being sentenced for a violation of 48468  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 48469  
mandatory prison term of one, two, three, four, or five years as 48470  
required by and in accordance with division (G)(2) of section 48471  
2929.13 of the Revised Code if the offender also is convicted of 48472  
or also pleads guilty to a specification of the type described in 48473  
section 2941.1413 of the Revised Code or a mandatory prison term 48474  
of sixty consecutive days in accordance with division (G)(2) of 48475  
section 2929.13 of the Revised Code if the offender is not 48476  
convicted of and does not plead guilty to a specification of that 48477  
type. The court may impose a prison term in addition to the 48478  
mandatory prison term. The cumulative total of a sixty-day 48479  
mandatory prison term and the additional prison term for the 48480  
offense shall not exceed five years. In addition to the mandatory 48481  
prison term or mandatory prison term and additional prison term 48482  
the court imposes, the court also may sentence the offender to a 48483  
community control sanction for the offense, but the offender shall 48484  
serve all of the prison terms so imposed prior to serving the 48485  
community control sanction. 48486

(ii) If the sentence is being imposed for a violation of 48487  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 48488  
section, a mandatory prison term of one, two, three, four, or five 48489  
years as required by and in accordance with division (G)(2) of 48490  
section 2929.13 of the Revised Code if the offender also is 48491  
convicted of or also pleads guilty to a specification of the type 48492  
described in section 2941.1413 of the Revised Code or a mandatory 48493  
prison term of one hundred twenty consecutive days in accordance 48494  
with division (G)(2) of section 2929.13 of the Revised Code if the 48495  
offender is not convicted of and does not plead guilty to a 48496  
specification of that type. The court may impose a prison term in 48497  
addition to the mandatory prison term. The cumulative total of a 48498  
one hundred twenty-day mandatory prison term and the additional 48499  
prison term for the offense shall not exceed five years. In 48500  
addition to the mandatory prison term or mandatory prison term and 48501  
additional prison term the court imposes, the court also may 48502  
sentence the offender to a community control sanction for the 48503  
offense, but the offender shall serve all of the prison terms so 48504  
imposed prior to serving the community control sanction. 48505

(iii) In all cases, notwithstanding section 2929.18 of the 48506  
Revised Code, a fine of not less than one thousand three hundred 48507  
fifty nor more than ten thousand five hundred dollars; 48508

(iv) In all cases, a class two license suspension of the 48509  
offender's driver's license, commercial driver's license, 48510  
temporary instruction permit, probationary license, or nonresident 48511  
operating privilege from the range specified in division (A)(2) of 48512  
section 4510.02 of the Revised Code. The court may grant limited 48513  
driving privileges relative to the suspension under sections 48514  
4510.021 and 4510.13 of the Revised Code. 48515

(v) In all cases, if the vehicle is registered in the 48516  
offender's name, criminal forfeiture of the vehicle involved in 48517  
the offense in accordance with section 4503.234 of the Revised 48518

Code. Division (G)(6) of this section applies regarding any 48519  
vehicle that is subject to an order of criminal forfeiture under 48520  
this division. 48521

(vi) In all cases, the court shall order the offender to 48522  
participate with a community addiction services provider 48523  
authorized by section 5119.21 of the Revised Code, subject to 48524  
division (I) of this section, and shall order the offender to 48525  
follow the treatment recommendations of the services provider. The 48526  
operator of the services provider shall determine and assess the 48527  
degree of the offender's alcohol dependency and shall make 48528  
recommendations for treatment. Upon the request of the court, the 48529  
services provider shall submit the results of the assessment to 48530  
the court, including all treatment recommendations and clinical 48531  
diagnoses related to alcohol use. 48532

(2) An offender who is convicted of or pleads guilty to a 48533  
violation of division (A) of this section and who subsequently 48534  
seeks reinstatement of the driver's or occupational driver's 48535  
license or permit or nonresident operating privilege suspended 48536  
under this section as a result of the conviction or guilty plea 48537  
shall pay a reinstatement fee as provided in division (F)(2) of 48538  
section 4511.191 of the Revised Code. 48539

(3) If an offender is sentenced to a jail term under division 48540  
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 48541  
if, within sixty days of sentencing of the offender, the court 48542  
issues a written finding on the record that, due to the 48543  
unavailability of space at the jail where the offender is required 48544  
to serve the term, the offender will not be able to begin serving 48545  
that term within the sixty-day period following the date of 48546  
sentencing, the court may impose an alternative sentence under 48547  
this division that includes a term of house arrest with electronic 48548  
monitoring, with continuous alcohol monitoring, or with both 48549  
electronic monitoring and continuous alcohol monitoring. 48550

As an alternative to a mandatory jail term of ten consecutive 48551  
days required by division (G)(1)(b)(i) of this section, the court, 48552  
under this division, may sentence the offender to five consecutive 48553  
days in jail and not less than eighteen consecutive days of house 48554  
arrest with electronic monitoring, with continuous alcohol 48555  
monitoring, or with both electronic monitoring and continuous 48556  
alcohol monitoring. The cumulative total of the five consecutive 48557  
days in jail and the period of house arrest with electronic 48558  
monitoring, continuous alcohol monitoring, or both types of 48559  
monitoring shall not exceed six months. The five consecutive days 48560  
in jail do not have to be served prior to or consecutively to the 48561  
period of house arrest. 48562

As an alternative to the mandatory jail term of twenty 48563  
consecutive days required by division (G)(1)(b)(ii) of this 48564  
section, the court, under this division, may sentence the offender 48565  
to ten consecutive days in jail and not less than thirty-six 48566  
consecutive days of house arrest with electronic monitoring, with 48567  
continuous alcohol monitoring, or with both electronic monitoring 48568  
and continuous alcohol monitoring. The cumulative total of the ten 48569  
consecutive days in jail and the period of house arrest with 48570  
electronic monitoring, continuous alcohol monitoring, or both 48571  
types of monitoring shall not exceed six months. The ten 48572  
consecutive days in jail do not have to be served prior to or 48573  
consecutively to the period of house arrest. 48574

As an alternative to a mandatory jail term of thirty 48575  
consecutive days required by division (G)(1)(c)(i) of this 48576  
section, the court, under this division, may sentence the offender 48577  
to fifteen consecutive days in jail and not less than fifty-five 48578  
consecutive days of house arrest with electronic monitoring, with 48579  
continuous alcohol monitoring, or with both electronic monitoring 48580  
and continuous alcohol monitoring. The cumulative total of the 48581  
fifteen consecutive days in jail and the period of house arrest 48582

with electronic monitoring, continuous alcohol monitoring, or both 48583  
types of monitoring shall not exceed one year. The fifteen 48584  
consecutive days in jail do not have to be served prior to or 48585  
consecutively to the period of house arrest. 48586

As an alternative to the mandatory jail term of sixty 48587  
consecutive days required by division (G)(1)(c)(ii) of this 48588  
section, the court, under this division, may sentence the offender 48589  
to thirty consecutive days in jail and not less than one hundred 48590  
ten consecutive days of house arrest with electronic monitoring, 48591  
with continuous alcohol monitoring, or with both electronic 48592  
monitoring and continuous alcohol monitoring. The cumulative total 48593  
of the thirty consecutive days in jail and the period of house 48594  
arrest with electronic monitoring, continuous alcohol monitoring, 48595  
or both types of monitoring shall not exceed one year. The thirty 48596  
consecutive days in jail do not have to be served prior to or 48597  
consecutively to the period of house arrest. 48598

(4) If an offender's driver's or occupational driver's 48599  
license or permit or nonresident operating privilege is suspended 48600  
under division (G) of this section and if section 4510.13 of the 48601  
Revised Code permits the court to grant limited driving 48602  
privileges, the court may grant the limited driving privileges in 48603  
accordance with that section. If division (A)(7) of that section 48604  
requires that the court impose as a condition of the privileges 48605  
that the offender must display on the vehicle that is driven 48606  
subject to the privileges restricted license plates that are 48607  
issued under section 4503.231 of the Revised Code, except as 48608  
provided in division (B) of that section, the court shall impose 48609  
that condition as one of the conditions of the limited driving 48610  
privileges granted to the offender, except as provided in division 48611  
(B) of section 4503.231 of the Revised Code. 48612

(5) Fines imposed under this section for a violation of 48613  
division (A) of this section shall be distributed as follows: 48614

(a) Twenty-five dollars of the fine imposed under division 48615  
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 48616  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 48617  
fine imposed under division (G)(1)(c)(iii), and two hundred ten 48618  
dollars of the fine imposed under division (G)(1)(d)(iii) or 48619  
(e)(iii) of this section shall be paid to an enforcement and 48620  
education fund established by the legislative authority of the law 48621  
enforcement agency in this state that primarily was responsible 48622  
for the arrest of the offender, as determined by the court that 48623  
imposes the fine. The agency shall use this share to pay only 48624  
those costs it incurs in enforcing this section or a municipal OVI 48625  
ordinance and in informing the public of the laws governing the 48626  
operation of a vehicle while under the influence of alcohol, the 48627  
dangers of the operation of a vehicle under the influence of 48628  
alcohol, and other information relating to the operation of a 48629  
vehicle under the influence of alcohol and the consumption of 48630  
alcoholic beverages. 48631

(b) Fifty dollars of the fine imposed under division 48632  
(G)(1)(a)(iii) of this section shall be paid to the political 48633  
subdivision that pays the cost of housing the offender during the 48634  
offender's term of incarceration. If the offender is being 48635  
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 48636  
(e), or (j) of this section and was confined as a result of the 48637  
offense prior to being sentenced for the offense but is not 48638  
sentenced to a term of incarceration, the fifty dollars shall be 48639  
paid to the political subdivision that paid the cost of housing 48640  
the offender during that period of confinement. The political 48641  
subdivision shall use the share under this division to pay or 48642  
reimburse incarceration or treatment costs it incurs in housing or 48643  
providing drug and alcohol treatment to persons who violate this 48644  
section or a municipal OVI ordinance, costs of any immobilizing or 48645  
disabling device used on the offender's vehicle, and costs of 48646  
electronic house arrest equipment needed for persons who violate 48647

this section. 48648

(c) Twenty-five dollars of the fine imposed under division 48649  
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 48650  
division (G)(1)(b)(iii) of this section shall be deposited into 48651  
the county or municipal indigent drivers' alcohol treatment fund 48652  
under the control of that court, as created by the county or 48653  
municipal corporation under division (F) of section 4511.191 of 48654  
the Revised Code. 48655

(d) One hundred fifteen dollars of the fine imposed under 48656  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 48657  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 48658  
dollars of the fine imposed under division (G)(1)(d)(iii) or 48659  
(e)(iii) of this section shall be paid to the political 48660  
subdivision that pays the cost of housing the offender during the 48661  
offender's term of incarceration. The political subdivision shall 48662  
use this share to pay or reimburse incarceration or treatment 48663  
costs it incurs in housing or providing drug and alcohol treatment 48664  
to persons who violate this section or a municipal OVI ordinance, 48665  
costs for any immobilizing or disabling device used on the 48666  
offender's vehicle, and costs of electronic house arrest equipment 48667  
needed for persons who violate this section. 48668

(e) Fifty dollars of the fine imposed under divisions 48669  
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 48670  
and (G)(1)(e)(iii) of this section shall be deposited into the 48671  
special projects fund of the court in which the offender was 48672  
convicted and that is established under division (E)(1) of section 48673  
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 48674  
of section 1907.24 of the Revised Code, to be used exclusively to 48675  
cover the cost of immobilizing or disabling devices, including 48676  
certified ignition interlock devices, and remote alcohol 48677  
monitoring devices for indigent offenders who are required by a 48678  
judge to use either of these devices. If the court in which the 48679

offender was convicted does not have a special projects fund that 48680  
is established under division (E)(1) of section 2303.201, division 48681  
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 48682  
of the Revised Code, the fifty dollars shall be deposited into the 48683  
indigent drivers interlock and alcohol monitoring fund under 48684  
division (I) of section 4511.191 of the Revised Code. 48685

(f) Seventy-five dollars of the fine imposed under division 48686  
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 48687  
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 48688  
of the fine imposed under division (G)(1)(c)(iii), and five 48689  
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 48690  
or (e)(iii) of this section shall be transmitted to the treasurer 48691  
of state for deposit into the indigent defense support fund 48692  
established under section 120.08 of the Revised Code. 48693

(g) The balance of the fine imposed under division 48694  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 48695  
section shall be disbursed as otherwise provided by law. 48696

(6) If title to a motor vehicle that is subject to an order 48697  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 48698  
this section is assigned or transferred and division (B)(2) or (3) 48699  
of section 4503.234 of the Revised Code applies, in addition to or 48700  
independent of any other penalty established by law, the court may 48701  
fine the offender the value of the vehicle as determined by 48702  
publications of the national automobile dealers association. The 48703  
proceeds of any fine so imposed shall be distributed in accordance 48704  
with division (C)(2) of that section. 48705

(7) In all cases in which an offender is sentenced under 48706  
division (G) of this section, the offender shall provide the court 48707  
with proof of financial responsibility as defined in section 48708  
4509.01 of the Revised Code. If the offender fails to provide that 48709  
proof of financial responsibility, the court, in addition to any 48710  
other penalties provided by law, may order restitution pursuant to 48711

section 2929.18 or 2929.28 of the Revised Code in an amount not 48712  
exceeding five thousand dollars for any economic loss arising from 48713  
an accident or collision that was the direct and proximate result 48714  
of the offender's operation of the vehicle before, during, or 48715  
after committing the offense for which the offender is sentenced 48716  
under division (G) of this section. 48717

(8) As used in division (G) of this section, "electronic 48718  
monitoring," "mandatory prison term," and "mandatory term of local 48719  
incarceration" have the same meanings as in section 2929.01 of the 48720  
Revised Code. 48721

(H) Whoever violates division (B) of this section is guilty 48722  
of operating a vehicle after underage alcohol consumption and 48723  
shall be punished as follows: 48724

(1) Except as otherwise provided in division (H)(2) of this 48725  
section, the offender is guilty of a misdemeanor of the fourth 48726  
degree. In addition to any other sanction imposed for the offense, 48727  
the court shall impose a class six suspension of the offender's 48728  
driver's license, commercial driver's license, temporary 48729  
instruction permit, probationary license, or nonresident operating 48730  
privilege from the range specified in division (A)(6) of section 48731  
4510.02 of the Revised Code. 48732

(2) If, within one year of the offense, the offender 48733  
previously has been convicted of or pleaded guilty to one or more 48734  
violations of division (A) or (B) of this section or other 48735  
equivalent offenses, the offender is guilty of a misdemeanor of 48736  
the third degree. In addition to any other sanction imposed for 48737  
the offense, the court shall impose a class four suspension of the 48738  
offender's driver's license, commercial driver's license, 48739  
temporary instruction permit, probationary license, or nonresident 48740  
operating privilege from the range specified in division (A)(4) of 48741  
section 4510.02 of the Revised Code. 48742

(3) If the offender also is convicted of or also pleads 48743  
guilty to a specification of the type described in section 48744  
2941.1416 of the Revised Code and if the court imposes a jail term 48745  
for the violation of division (B) of this section, the court shall 48746  
impose upon the offender an additional definite jail term pursuant 48747  
to division (E) of section 2929.24 of the Revised Code. 48748

(4) The offender shall provide the court with proof of 48749  
financial responsibility as defined in section 4509.01 of the 48750  
Revised Code. If the offender fails to provide that proof of 48751  
financial responsibility, then, in addition to any other penalties 48752  
provided by law, the court may order restitution pursuant to 48753  
section 2929.28 of the Revised Code in an amount not exceeding 48754  
five thousand dollars for any economic loss arising from an 48755  
accident or collision that was the direct and proximate result of 48756  
the offender's operation of the vehicle before, during, or after 48757  
committing the violation of division (B) of this section. 48758

(I)(1) No court shall sentence an offender to an alcohol 48759  
treatment program under this section unless the treatment program 48760  
complies with the minimum standards for alcohol treatment programs 48761  
adopted under Chapter 5119. of the Revised Code by the director of 48762  
mental health and addiction services. 48763

(2) An offender who stays in a drivers' intervention program 48764  
or in an alcohol treatment program under an order issued under 48765  
this section shall pay the cost of the stay in the program. 48766  
However, if the court determines that an offender who stays in an 48767  
alcohol treatment program under an order issued under this section 48768  
is unable to pay the cost of the stay in the program, the court 48769  
may order that the cost be paid from the court's indigent drivers' 48770  
alcohol treatment fund. 48771

(J) If a person whose driver's or commercial driver's license 48772  
or permit or nonresident operating privilege is suspended under 48773  
this section files an appeal regarding any aspect of the person's 48774

trial or sentence, the appeal itself does not stay the operation of the suspension. 48775  
48776

(K) Division (A)(1)(j) of this section does not apply to a person who operates a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply: 48777  
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(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs. 48784  
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(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions. 48787  
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(L) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (A)(1)(j) of this section also apply in a prosecution of a violation of division (D) of section 2923.16 of the Revised Code in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol. 48789  
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(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section. 48795  
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(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (N)(2) of this section, the Rules of Criminal Procedure apply to felony violations of this section. 48801  
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(2) If, on or after January 1, 2004, the supreme court  
modifies the Ohio Traffic Rules to provide procedures to govern  
felony violations of this section, the modified rules shall apply  
to felony violations of this section.

**Sec. 4561.01.** As used in ~~sections 4561.01 to 4561.25 of the~~  
~~Revised Code~~ this chapter:

(A) "Aviation" means transportation by aircraft; operation of  
aircraft; the establishment, operation, maintenance, repair, and  
improvement of airports, landing fields, and other air navigation  
facilities; and all other activities connected therewith or  
incidental thereto.

(B) "Aircraft" means any contrivance used or designed for  
navigation or flight in the air, excepting a parachute or other  
contrivance for such navigation used primarily as safety  
equipment.

(C) "Airport" means any location either on land or water  
which is used for the landing and taking off of aircraft.

(D) "Landing field" means any location either on land or  
water of such size and nature as to permit the landing or taking  
off of aircraft with safety, and used for that purpose but not  
equipped to provide for the shelter, supply, or care of aircraft.

(E) "Air navigation facility" means any facility used,  
available for use, or designed for use in aid of navigation of  
aircraft, including airports, landing fields, facilities for the  
servicing of aircraft or for the comfort and accommodation of air  
travelers, and any structures, mechanisms, lights, beacons, marks,  
communicating systems, or other instrumentalities or devices used  
or useful as an aid to the safe taking off, navigation, and  
landing of aircraft, or to the safe and efficient operation or  
maintenance of an airport or landing field, and any combination of

such facilities. 48836

(F) "Air navigation hazard" means any structure, object of 48837  
natural growth, or use of land, that obstructs the air space 48838  
required for the flight of aircraft in landing or taking off at 48839  
any airport or landing field, or that otherwise is hazardous to 48840  
such landing or taking off. 48841

(G) "Air navigation," "navigation of aircraft," or "navigate 48842  
aircraft" means the operation of aircraft in the air space over 48843  
this state. 48844

(H) "Airperson" means any individual who, as the person in 48845  
command, or as pilot, mechanic, or member of the crew, engages in 48846  
the navigation of aircraft. 48847

(I) "Airway" means a route in the air space over and above 48848  
the lands or waters of this state, designated by the Ohio aviation 48849  
board as a route suitable for the navigation of aircraft. 48850

(J) "Person" means any individual, firm, partnership, 48851  
corporation, company, association, joint stock association, or 48852  
body politic, and includes any trustee, receiver, assignee, or 48853  
other similar representative thereof. 48854

(K) "Government agency" means a state agency, state 48855  
institution of higher education, regional port authority, or any 48856  
other political subdivision of the state, or the federal 48857  
government or other states. 48858

(L) "Navigable airspace" means the imaginary surfaces around 48859  
an airport as specified in 14 C.F.R. part 77, as amended, 48860  
including any clear zone surface, horizontal surface, conical 48861  
surface, primary surface, approach surface, and transitional 48862  
surface, as well as any terminal obstacle clearance area and en 48863  
route obstacle clearance area. 48864

(M) "Obstruction" means any structure, natural or 48865

artificially made, permanent or temporary, existing or future, 48866  
that penetrates the navigable airspace. 48867

(N) "Structure" means any object, whether permanent or 48868  
temporary, including, but not limited to, a building, tower, 48869  
crane, scaffold, smokestack, earth formation, transmission line, 48870  
flagpole, ship mast, traverse way, and mobile object. 48871

(O) "Commence to install, erect, construct, or establish" 48872  
means undertaking any action that affects the natural environment 48873  
of the site of a structure or object of natural growth, including, 48874  
but not limited to, clearing of land, excavation, or planting, but 48875  
excluding surveying changes needed for temporary use of the site 48876  
and excluding uses in securing geological data, including making 48877  
necessary borings to ascertain foundation conditions. 48878

**Sec. 4561.021.** There is hereby created in ~~the division of~~ 48879  
~~multi-modal planning and programs~~ of the department of 48880  
transportation the office of aviation. The director of 48881  
transportation shall appoint the administrator of the office of 48882  
aviation, ~~who shall serve at the pleasure of the director.~~ The 48883  
administrator of the office of aviation shall be responsible to 48884  
the director for the organization, direction, and supervision of 48885  
the work of the office and the exercise of the powers and the 48886  
performance of the duties assigned to the office. Subject to 48887  
Chapter 124. of the Revised Code and civil service regulations, 48888  
the administrator, with the approval of the director, shall select 48889  
and appoint the necessary employees. The director also may employ 48890  
experts for assistance in any specific matter at a reasonable rate 48891  
of compensation. 48892

**Sec. 4561.05.** The department of transportation shall 48893  
administer Chapter 4561. of the Revised Code. The department may 48894  
adopt and promulgate such rules as it determines necessary to 48895

carry out this chapter. 48896

The department may issue and amend orders, and make, 48897  
promulgate, and amend, reasonable general and special rules and 48898  
procedure, ~~and~~ establish minimum standards, and create application 48899  
forms and establish application fees for permits issued under this 48900  
chapter. 48901

The department may establish safety rules governing 48902  
obstructions, air navigation hazards, and the location, size, use, 48903  
and equipment of airports and landing areas, and rules governing 48904  
air marking, the use of signs or lights designed to be visible 48905  
from the air, and other air navigation facilities. 48906

All rules and amendments thereto, prescribed by the 48907  
department, shall conform to and coincide with, so far as 48908  
possible, ~~the "Civil Aeronautics Act of 1938," 52 Stat. 973, 49~~ 48909  
~~U.S.C. 401, as amended, passed by the congress of the United~~ 48910  
~~States, and the air commerce regulations issued pursuant thereto~~ 48911  
any federal laws and regulations governing aviation and air 48912  
navigation, including 49 U.S.C. 401 to 501 and 14 C.F.R. part 77, 48913  
as amended. 48914

All acts of the department authorized under this section 48915  
shall be carried on in conformity with Chapter 119. of the Revised 48916  
Code. 48917

**Sec. 4561.31.** (A)(1) Except as provided in divisions (D), and 48918  
(E), ~~and (F)~~ of this section, no person shall install, erect, 48919  
construct, establish, or commence to install, erect, construct, or 48920  
establish, any structure or object of natural growth in this 48921  
state, any part of which will penetrate or is reasonably expected 48922  
to penetrate into or through any airport's ~~clear zone surface,~~ 48923  
~~horizontal surface, conical surface, primary surface, approach~~ 48924  
~~surface, or transitional surface~~ navigable airspace without first 48925  
obtaining a permit from the department of transportation under 48926

section 4561.34 of the Revised Code. ~~The replacement of an~~ 48927  
~~existing structure or object of natural growth with, respectively,~~ 48928  
~~a structure or object that is not more than ten feet or twenty per~~ 48929  
~~cent higher than the height of the existing structure or object,~~ 48930  
~~whichever is higher, does not constitute commencing to install a~~ 48931  
~~structure or object, except when any part of the structure or~~ 48932  
~~object will penetrate or is reasonably expected to penetrate into~~ 48933  
~~or through any airport's clear zone surface, horizontal surface,~~ 48934  
~~conical surface, primary surface, approach surface, or~~ 48935  
~~transitional surface. Such replacement of a like structure or~~ 48936  
~~object is not exempt from any other requirements of state or local~~ 48937  
~~law.~~ 48938

(2) No person shall substantially change, as determined by 48939  
the department, the height or location of any structure or object 48940  
of natural growth in this state, any part of which, as a result of 48941  
such change, will penetrate or is reasonably expected to penetrate 48942  
into or through any airport's ~~clear zone surface, horizontal~~ 48943  
~~surface, conical surface, primary surface, approach surface, or~~ 48944  
~~transitional surface~~ navigable airspace, and for which 48945  
installation had commenced or which was already installed prior to 48946  
October 15, 1991, without first obtaining a permit from the 48947  
department under section 4561.34 of the Revised Code. This 48948  
division does not exempt the structure or object from any other 48949  
requirements of state or local law. 48950

(3) No person shall substantially change, as determined by 48951  
the department, the height or location of any structure or object 48952  
of natural growth for which a permit was issued pursuant to 48953  
section 4561.34 of the Revised Code, without first obtaining an 48954  
amended permit from the department under that section. 48955

(B) No person shall install, erect, construct, establish, 48956  
operate, or maintain any structure or object of natural growth for 48957

which a permit has been issued under section 4561.34 of the Revised Code, except in compliance with the permit's terms and conditions and with any rules or orders issued under ~~sections 4561.30 to 4561.39 of the Revised Code~~ this chapter.

(C) The holder of a permit issued under section 4561.34 of the Revised Code, with the department's approval, may transfer the permit to another person who agrees to comply with its terms and conditions.

~~(D) Any person who receives a permit to construct, establish, substantially change, or substantially alter a structure or object of natural growth from an airport zoning board on or after October 15, 1991, under Chapter 4563. of the Revised Code is not required to apply for a permit from the department under sections 4561.30 to 4561.39 of the Revised Code, provided that the airport zoning board has adopted airport zoning regulations pursuant to section 4563.032 of the Revised Code.~~

~~(E)~~ Any person who receives a certificate from the power siting board pursuant to section 4906.03 or 4906.10 of the Revised Code on or after October 15, 1991, is not required to apply for a permit from the department under ~~sections 4561.30 to 4561.39 of the Revised Code~~ this chapter.

~~(F)~~(E) Any person who, in accordance with 14 C.F.R. ~~77.11 to 77.19~~ part 77, notified the federal aviation administration prior to June 1, 1991, that the person proposes to construct, establish, substantially change, or substantially alter a structure or object of natural growth is not required to apply for a permit from the department under ~~sections 4561.30 to 4561.39 of the Revised Code~~ this chapter in connection with the construction, establishment, substantial change, or substantial alteration of the structure or object of natural growth either as originally proposed to the federal aviation administration or as altered as the person or the federal aviation administration considers necessary, provided that

the federal aviation administration, pursuant to 14 C.F.R. ~~Part~~ 48990  
~~part~~ 77, does not determine that the proposed construction, 48991  
establishment, substantial change, or substantial alteration of 48992  
the structure or object of natural growth would be a hazard to air 48993  
navigation. 48994

~~(G)(1) Whoever violates division (A)(1) or (2) of this~~ 48995  
~~section is guilty of a misdemeanor of the third degree. Each day~~ 48996  
~~of violation constitutes a separate offense.~~ 48997

~~(2)(F)~~ Whoever violates division (A)~~(3)~~ or (B) of this 48998  
section is guilty of a misdemeanor of the first degree. Each day 48999  
of violation constitutes a separate offense. 49000

**Sec. 4561.32.** (A) In accordance with Chapter 119. of the 49001  
Revised Code, the department of transportation shall adopt, and 49002  
may amend and rescind, any rules necessary to administer sections 49003  
4561.30 to 4561.39 of the Revised Code and shall adopt rules based 49004  
in whole upon the obstruction standards set forth in 14 C.F.R. 49005  
~~77.21 to 77.29~~ part 77, as amended, to uniformly regulate the 49006  
height and location of structures and objects of natural growth in 49007  
any airport's ~~clear zone surface, horizontal surface, conical~~ 49008  
~~surface, primary surface, approach surface, or transitional~~ 49009  
~~surface~~ navigable airspace. The rules shall provide that the 49010  
department may grant a permit under section 4561.34 of the Revised 49011  
Code that includes a waiver from full compliance with the 49012  
obstruction standards. ~~The rules shall also provide that the~~ 49013  
~~department shall base its decision on whether to grant such a~~ 49014  
~~waiver on sound aeronautic principles, as set out in F.A.A.~~ 49015  
~~technical manuals, as amended, including advisory circular~~ 49016  
~~150/5300-13, "airport design standards"; 7400.2c, "airspace~~ 49017  
~~procedures handbook,"; and the U.S. terminal procedures handbook.~~ 49018

(B) The department may conduct any studies or investigations 49019  
it considers necessary to carry out sections ~~4561.30~~ 4561.31 to 49020

4561.39 4561.99 of the Revised Code. 49021

**Sec. 4561.33.** (A) An applicant for a permit required by 49022  
section 4561.31 of the Revised Code shall ~~file with the department~~ 49023  
~~of transportation an application made on forms the department~~ 49024  
~~prescribes, which shall contain the following information:~~ 49025

~~(1) A description of the structure or object of natural~~ 49026  
~~growth for which the permit is sought, its location, and the~~ 49027  
~~planned date of commencement of installation;~~ 49028

~~(2) A statement explaining the need for the structure or~~ 49029  
~~object;~~ 49030

~~(3) A statement of the reasons why the proposed location is~~ 49031  
~~best suited for the structure or object;~~ 49032

~~(4) Any additional information the applicant considers~~ 49033  
~~relevant or the department requires.~~ 49034

~~An application for an amended permit shall be in the form and~~ 49035  
~~contain the information the department prescribes.~~ 49036

~~In lieu of an application prescribed by the department, an~~ 49037  
~~applicant may file a copy of the federal aviation administration's~~ 49038  
~~form 7460-1, notice of proposed construction or alteration do the~~ 49039  
~~following not less than forty-five days nor more than two years~~ 49040  
~~prior to the proposed installation, erection, construction,~~ 49041  
~~establishment, change, alteration, or use:~~ 49042

~~(1) File a completed federal aviation administration "notice~~ 49043  
~~of proposed construction or alteration" form 7460-1 with the~~ 49044  
~~federal aviation administration;~~ 49045

~~(2) If the office of aviation requires the submission of an~~ 49046  
~~application in addition to the submission of form 7460-1, file a~~ 49047  
~~completed application with the office of aviation in the form and~~ 49048  
~~containing the information required by the office of aviation.~~ 49049

The applicant also shall pay any applicable fees at the time 49050  
the applicant submits the form, application, or both, as 49051  
applicable. 49052

The time period within which an application must be submitted 49053  
may be waived at the discretion of the administrator of the office 49054  
of aviation for unforeseen emergencies. 49055

(B) An applicant for an amended permit shall file ~~an~~ a 49056  
completed application with the office of aviation if the applicant 49057  
has received notice of the denial of a permit from the office. The 49058  
applicant shall submit the application in the form and containing 49059  
the information required by the office of aviation not less than 49060  
thirty days nor more than two years prior to the planned date of 49061  
commencement of installation or substantial change. This period 49062  
may be waived by the department for unforeseen emergencies. 49063

(C) If the structure or object in the application could have 49064  
a potential impact on a military installation, as such an impact 49065  
is described in the airfield land use compatibility study of that 49066  
military installation, the applicant shall send, within seven days 49067  
after the filing of ~~his~~ the application, a copy of the application 49068  
to the commander of the installation and the appropriate branch of 49069  
the United States department of defense. 49070

(D) It is not necessary that ownership of, option for, or 49071  
other possessory right to a specific site be held by the applicant 49072  
before an application may be filed under this section. 49073

(E) If the department has reason to believe that any person 49074  
has installed, erected, constructed, established, changed, or 49075  
altered, or is commencing to install, erect, construct, establish, 49076  
change, or alter, a structure or object of natural growth for 49077  
which a permit appears to be required under section 4561.31 of the 49078  
Revised Code, but concerning which no application for a permit 49079  
under section 4561.34 of the Revised Code has been filed, the 49080

department shall issue an order to such person to appear before 49081  
the department and show cause why a permit need not be obtained. 49082

**Sec. 4561.34.** (A) The department of transportation, subject 49083  
to Chapter 119. of the Revised Code, shall grant or deny a permit 49084  
for which an application has been filed under section 4561.33 of 49085  
the Revised Code. In determining whether to grant or deny a 49086  
permit, the department shall determine whether the height and 49087  
location of a structure or object of natural growth, as set forth 49088  
in the permit application, will be an obstruction to air 49089  
navigation based upon the rules adopted under section 4561.32 of 49090  
the Revised Code if installed, erected, constructed, or 49091  
established as proposed. In the case of an application to 49092  
substantially change an existing structure or object, the 49093  
department shall determine whether the change in the height or 49094  
location of the structure or object, as set forth in the 49095  
application, will create such an obstruction. The consideration of 49096  
safety shall be paramount to considerations of economic or 49097  
technical factors. In making a determination under this division 49098  
the department shall render its decision upon the record, but may 49099  
consider findings and recommendations of other governmental 49100  
entities and interested persons concerning the proposed structure 49101  
or object; however, those findings and recommendations are not 49102  
binding on the department. 49103

(B) The department may grant a permit under this section 49104  
subject to any modification of the height or location of a 49105  
structure or object the department considers necessary. In the 49106  
absence of such modification or unless it grants a waiver from 49107  
compliance with the obstruction standards, the department shall 49108  
deny a permit if it determines, in accordance with division (A) of 49109  
this section, that a proposed structure or object or a change to 49110  
an existing structure or object, as set forth in the application, 49111  
would be an obstruction to air navigation based upon the rules 49112

adopted under section 4561.32 of the Revised Code. 49113

(C) In rendering a decision on an application for a permit, 49114  
the department shall issue an opinion stating its reasons for the 49115  
action taken. The department shall serve upon the applicant and 49116  
each party, as provided in division (C) of section 4561.33 of the 49117  
Revised Code, a copy of its decision regarding a permit and the 49118  
opinion. 49119

**Sec. 4561.341.** Pursuant to any consultation with the power 49120  
siting board regarding an application for certification under 49121  
section 4906.03 or 4906.10 of the Revised Code, the office of 49122  
aviation ~~of the division of multi-modal planning and programs~~ of 49123  
the department of transportation shall review the application to 49124  
determine whether the facility constitutes or will constitute an 49125  
obstruction to air navigation based upon the rules adopted under 49126  
section 4561.32 of the Revised Code. Upon review of the 49127  
application, if the office determines that the facility 49128  
constitutes or will constitute an obstruction to air navigation, 49129  
it shall provide, in writing, this determination and either the 49130  
terms, conditions, and modifications that are necessary for the 49131  
applicant to eliminate the obstruction or a statement that 49132  
compliance with the obstruction standards may be waived, to the 49133  
power siting board under section 4906.03 or 4906.10 of the Revised 49134  
Code, as appropriate. 49135

**Sec. 4561.36.** (A) The department of transportation shall not 49136  
issue any permit under ~~sections 4561.30 to 4561.39 of the Revised~~ 49137  
~~Code~~ this chapter that will result in the creation of an 49138  
obstruction to air navigation based upon the rules adopted under 49139  
section 4561.32 of the Revised Code, unless the department waives 49140  
compliance with the obstruction standards included in those rules. 49141

(B) ~~Sections 4561.30 to 4561.39 of the Revised Code do~~ This 49142

chapter does not authorize the department to restrict the height 49143  
or location of structures or objects of natural growth under those 49144  
sections for any reason other than to ensure the safety of 49145  
aircraft in landing and taking off at an airport, the safety of 49146  
persons occupying or using the area, and the security of property. 49147

**Sec. 4561.37.** ~~Sections 4561.30 to 4561.39 of the Revised Code~~ 49148  
(A)(1) This chapter and rules adopted under it shall not be 49149  
construed to require the removal or lowering of, or the making of 49150  
any other change ~~in to,~~ any structure or object of natural growth 49151  
~~not conforming to rules or orders of the department of~~ 49152  
~~transportation under those sections when adopted or amended, or~~ 49153  
~~otherwise interfere with the continuance of any nonconforming use;~~ 49154  
~~except that, if ordered by the department, the~~ that was in 49155  
existence prior to October 15, 1991. 49156

(2) Division (A)(1) of this section does not apply if the 49157  
structure or object of natural growth is substantially changed, as 49158  
determined by the department of transportation, after the 49159  
effective date of this amendment. 49160

(B)(1) If any provision of this chapter or rule adopted under 49161  
it is enacted, adopted, or amended after a permit has been issued 49162  
for a structure or object of natural growth under this chapter, 49163  
the provision does not apply to that structure or object of 49164  
natural growth. 49165

(2) Division (B)(1) of this section does not apply if the 49166  
structure or object of natural growth is substantially changed, as 49167  
determined by the department, after the effective date of the 49168  
enacted, adopted, or amended provision. 49169

(C) The owner of a nonconforming structure or object with 49170  
regard to which a nonconforming use is voluntarily discontinued 49171  
for two years or more, or a nonconforming structure or object that 49172  
is permanently placed out of service or partially dismantled, 49173

destroyed, deteriorated, or decayed shall demolish or remove that 49174  
structure or object; ~~and, if ordered to do so by the department.~~ 49175  
If any nonconforming use is voluntarily discontinued for two years 49176  
or more, any future use of the premises shall be in conformity 49177  
with sections 4561.30 to 4561.39 of the Revised Code this chapter. 49178

**Sec. 4561.38.** With respect to any structure or object of 49179  
natural growth for which a permit is required under section 49180  
4561.34 of the Revised Code, rules adopted or orders issued under 49181  
~~sections 4561.30 to 4561.39 of the Revised Code~~ this chapter and 49182  
the terms and conditions of any permit issued under ~~those sections~~ 49183  
this chapter prevail in the event of a conflict with any airport 49184  
zoning regulation adopted under sections 4563.01 to 4563.21 of the 49185  
Revised Code, any local regulation under section 4905.65 of the 49186  
Revised Code, any zoning regulation otherwise applicable to the 49187  
structure or object, or the terms or conditions of any permit 49188  
issued under sections 4563.01 to 4563.21 of the Revised Code after 49189  
~~the effective date of this section~~ October 15, 1991. 49190

**Sec. 4561.39.** In addition to any other remedy provided by 49191  
law, the department of transportation may institute in any court 49192  
of competent jurisdiction an action to prevent, restrain, correct, 49193  
or abate any alleged violation or threatened violation of sections 49194  
~~4561.30~~ 4561.31 to 4561.39 of the Revised Code or any rule adopted 49195  
or order issued under them. The court may grant such relief as may 49196  
be necessary, including either of the following: 49197

(A) Authorizing the department or an agent of the department 49198  
to enter upon the property on which the structure or object of 49199  
natural growth is located; 49200

(B) Authorizing the department or an agent of the department 49201  
to remove or demolish the structure or object of natural growth or 49202  
to otherwise correct or abate the violation or threatened 49203

violation at the expense of the owner of the property. 49204

Sec. 4561.40. The department of transportation and the office 49205  
of aviation is not liable for any damages caused by a structure or 49206  
object of natural growth that is an obstruction to the navigable 49207  
airspace if either of the following applies: 49208

(A) The structure or object of natural growth was installed, 49209  
erected, constructed, established, changed, or altered without a 49210  
permit issued under this chapter. 49211

(B) A permit was issued under this chapter for the structure 49212  
or object of natural growth but the structure or object of natural 49213  
growth was installed, erected, constructed, established, changed, 49214  
or altered in a manner not in compliance with the terms and 49215  
conditions of the permit. 49216

Sec. 4563.01. As used in sections 4563.01 to 4563.21 of the 49217  
Revised Code: 49218

(A) "Airport" means any area of land designed and set aside 49219  
for the landing and taking off of aircraft, and for that purpose 49220  
possessing one or more hard surfaced runways of a length of not 49221  
less than three thousand five hundred feet, and designed for the 49222  
storing, repair, and operation of aircraft, and utilized or to be 49223  
utilized in the interest of the public for such purposes, and any 49224  
area of land designed for such purposes for which designs, plans, 49225  
and specifications conforming to the above requirements have been 49226  
approved by the office of aviation ~~of the division of multi-modal~~ 49227  
~~planning and programs~~ of the department of transportation and for 49228  
which not less than seventy per cent of the area shown by such 49229  
designs and plans to constitute the total area has been acquired. 49230  
An airport is "publicly owned" if the portion thereof used for the 49231  
landing and taking off of aircraft is owned, operated, leased to, 49232  
or leased by the United States, any agency or department thereof, 49233

this state or any other state, or any political subdivision of 49234  
this state or any other state, or any other governmental body, 49235  
public agency, or public corporation, or any combination thereof. 49236

(B) "Airport hazard" means any structure or object of natural 49237  
growth or use of land within an airport hazard area that obstructs 49238  
the air space required for the flight of aircraft in landing or 49239  
taking off at any airport or is otherwise hazardous to such 49240  
landing or taking off of aircraft. 49241

(C) "Airport hazard area" means any area of land adjacent to 49242  
an airport that has been declared to be an "airport hazard area" 49243  
by the office of aviation in connection with any airport approach 49244  
plan recommended by the office. 49245

(D) "Political subdivision" means any municipal corporation, 49246  
township, or county. 49247

(E) "Person" means any individual, firm, copartnership, 49248  
corporation, company, association, joint stock association, or 49249  
body politic and includes any trustee, receiver, assignee, or 49250  
other similar representative thereof. 49251

(F) "Structure" means any erected object, including, without 49252  
limitation, buildings, towers, smokestacks, and overhead 49253  
transmission lines. 49254

**Sec. 4563.032.** Any airport zoning board that adopts, 49255  
administers, and enforces airport zoning regulations for an 49256  
airport hazard area under section 4563.03 of the Revised Code 49257  
shall adopt, as regulations, the rules adopted by the department 49258  
of transportation under section 4561.32 of the Revised Code that 49259  
are based in whole upon the obstruction standards set forth in 14 49260  
C.F.R. ~~77.21 to 77.29~~ part 77, as amended, to uniformly regulate 49261  
the height and location of structures and objects of natural 49262  
growth in any airport's ~~clear zone surface, horizontal surface,~~ 49263

~~conical surface, primary surface, approach surface, or~~ 49264  
~~transitional surface~~ navigable airspace as defined in section 49265  
4561.01 of the Revised Code. 49266

**Sec. 4709.01.** As used in this chapter: 49267

(A)(1) Except as provided in division (A)(2) of this section, 49268  
"the practice of barbering" means any one or more of the following 49269  
when performed upon the head, neck, or face for cosmetic purposes 49270  
and when performed upon the public for pay, free, or otherwise: 49271

(a) Shaving the face, shaving around the vicinity of the ears 49272  
and neckline, or trimming facial hair; 49273

(b) Cutting or styling hair; 49274

(c) Facials, skin care, or scalp massages; 49275

(d) Shampooing, bleaching, coloring, straightening, or 49276  
permanent waving hair; 49277

(e) Cutting, fitting, or forming head caps for wigs or hair 49278  
pieces. 49279

(2) "The practice of barbering" does not include the practice 49280  
of natural hair styling. 49281

(B) "Sanitary" means free of infectious agents, disease, or 49282  
infestation by insects or vermin and free of soil, dust, or 49283  
foreign material. 49284

(C) "Barber" means any person who engages in or attempts to 49285  
engage in the practice of barbering. 49286

(D) "Barber school" means any establishment that engages in 49287  
or attempts to engage in the teaching of the practice of 49288  
barbering. 49289

(E) "Barber teacher" means any person who engages in or 49290  
attempts to engage in the teaching of the practice of barbering. 49291

(F) "Assistant barber teacher" means any person who assists a barber teacher in the teaching of the practice of barbering.

(G) "Barber pole" means a cylinder or pole with alternating stripes of any combination including red and white, and red, white, and blue, which run diagonally along the length of the cylinder or pole.

(H) "The practice of natural hair styling" means work done for a fee or other form of compensation, by any person, utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair, and which work does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair.

(I) "Braiding" means intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers.

(J) "Straight-razor license" means a license granted pursuant to division (E) of section 4709.07 of the Revised Code that permits an individual to engage in the conduct described in division (A)(1)(a) of this section.

**Sec. 4709.02.** Except as provided in this chapter, no person shall do any of the following:

(A) ~~Engage~~ Subject to division (M) of this section, engage in or attempt to engage in the practice of barbering, hold themselves out as a practicing barber, or advertise in a manner that indicates they are a barber, without a barber license issued

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| pursuant to this chapter;   | 49322                            |
| (B) Operate or attempt to operate a barber shop without a barber shop license issued pursuant to this chapter;  | 49323<br>49324                   |
| (C) Engage in or attempt to engage in the teaching of or assist in the teaching of the practice of barbering without a barber teacher or assistant barber teacher license issued pursuant to this chapter;            | 49325<br>49326<br>49327<br>49328 |
| (D) Advertise barbering services unless the establishment and personnel employed therein are licensed pursuant to this chapter;   | 49329<br>49330                   |
| (E) Use or display a barber pole for the purpose of offering barber services to the consuming public without a barber shop license issued pursuant to this chapter;   | 49331<br>49332<br>49333          |
| (F) Operate or attempt to operate a barber school without a barber school license issued pursuant to this chapter;  | 49334<br>49335                   |
| (G) Teach or attempt to teach any phase of barbering for pay, free, or otherwise without approval from the <u>state cosmetology and barber board</u> ;  | 49336<br>49337<br>49338          |
| (H) Being a barber, knowingly continue the practice of barbering, or being a student, knowingly continue as a student in any barber school, while such person has an infectious, contagious, or communicable disease; | 49339<br>49340<br>49341<br>49342 |
| (I) Obtain or attempt to obtain a license by fraudulent misrepresentation for money, other than the required fee, or any other thing of value;  | 49343<br>49344<br>49345          |
| (J) Practice or attempt to practice barbering by fraudulent misrepresentation;  | 49346<br>49347                   |
| (K) Employ another person to perform or himself perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;  | 49348<br>49349<br>49350          |
| (L) Use any room or place for barbering which is also used  | 49351                            |

for residential or other business purposes, unless it is separated 49352  
by a substantial ceiling-high partition. This does not exclude 49353  
hair care products used and sold in barber shops or the sale of 49354  
clothing and related accessories as authorized by division (F) of 49355  
section 4709.09 of the Revised Code. 49356

(M) On or after April 21, 2018, engage in or attempt to 49357  
engage in the activities described in division (A)(1)(a) of 49358  
section 4709.01 of the Revised Code without a straight-razor 49359  
license issued pursuant to this chapter; 49360

(N) Violate any rule adopted by the board or department of 49361  
health for barber shops or barber schools. 49362

**Sec. 4709.05.** In addition to any other duty imposed on the 49363  
state cosmetology and barber board under this chapter or Chapter 49364  
4713. of the Revised Code, the board shall do all of the 49365  
following: 49366

~~(A) Organize by electing a chairperson from its members to 49367~~  
~~serve a one-year term; 49368~~

~~(B) Hold regular meetings, at the times and places as it 49369~~  
determines for the purpose of conducting the examinations required 49370  
under this chapter, and hold additional meetings for the 49371  
transaction of necessary business; 49372

~~(C) Provide for suitable quarters, in the city of Columbus, 49373~~  
~~for the conduct of its business and the maintenance of its 49374~~  
~~records; 49375~~

~~(D) Adopt a common seal for the authentication of its orders, 49376~~  
~~communications, and records; 49377~~

~~(E)~~(B) Maintain a record of its proceedings and a register of 49378  
persons licensed as barbers. The register shall include each 49379  
licensee's name, place of business, residence, and licensure date 49380  
and number, and a record of all licenses issued, refused, renewed, 49381

suspended, or revoked. The records are open to public inspection 49382  
at all reasonable times. 49383

~~(F) Annually, on or before the first day of January, make a 49384  
report to the governor of all its official acts during the 49385  
preceding year, its receipts and disbursements, recommendations it 49386  
determines appropriate, and an evaluation of board activities 49387  
intended to aid or protect consumers of barber services; 49388~~

~~(G) Employ an executive director who shall do all things 49389  
requested by the board for the administration and enforcement of 49390  
this chapter. The executive director shall employ inspectors, 49391  
clerks, and other assistants as the executive director determines 49392  
necessary. 49393~~

~~(H)~~(C) Ensure that the practice of barbering is conducted 49394  
only in a licensed barber shop, except when the practice of 49395  
barbering is performed on a person whose physical or mental 49396  
disability prevents that person from going to a licensed barber 49397  
shop; 49398

~~(I)~~(D) Conduct or have conducted the examination for 49399  
applicants to practice as licensed barbers at least four times per 49400  
year at the times and places the board determines; 49401

~~(J)~~(E) Adopt rules, in accordance with Chapter 119. of the 49402  
Revised Code, to administer and enforce this chapter and which 49403  
cover all of the following: 49404

(1) Sanitary standards for the operation of barber shops and 49405  
barber schools that conform to guidelines established by the 49406  
department of health; 49407

(2) The content of the examination required of an applicant 49408  
for a barber license. The examination shall include a practical 49409  
demonstration and a written test, shall relate only to the 49410  
practice of barbering, and shall require the applicant to 49411  
demonstrate that the applicant has a thorough knowledge of and 49412

competence in the proper techniques in the safe use of chemicals 49413  
used in the practice of barbering. 49414

(3) Continuing education requirements for persons licensed 49415  
pursuant to this chapter. The board may impose continuing 49416  
education requirements upon a licensee for a violation of this 49417  
chapter or the rules adopted pursuant thereto or if the board 49418  
determines that the requirements are necessary to preserve the 49419  
health, safety, or welfare of the public. 49420

(4) Requirements for the licensure of barber schools, barber 49421  
teachers, and assistant barber teachers; 49422

(5) Requirements for students of barber schools; 49423

(6) Any other area the board determines appropriate to 49424  
administer or enforce this chapter. 49425

~~(K) Annually review the rules adopted pursuant to division 49426  
(J) of this section in order to compare those rules with the rules 49427  
adopted by the state board of cosmetology pursuant to section 49428  
4713.08 of the Revised Code. If the barber board determines that 49429  
the rules adopted by the state board of cosmetology, including, 49430  
but not limited to, rules concerning using career technical 49431  
schools, would be beneficial to the barbering profession, the 49432  
barber board shall adopt rules similar to those it determines 49433  
would be beneficial for barbers. 49434~~

~~(L)~~(F) Prior to adopting any rule under this chapter, 49435  
indicate at a formal hearing the reasons why the rule is necessary 49436  
as a protection of the persons who use barber services or as an 49437  
improvement of the professional standing of barbers in this state; 49438

~~(M)~~(G) Furnish each owner or manager of a barber shop and 49439  
barber school with a copy of all sanitary rules adopted pursuant 49440  
to division ~~(J)~~(E) of this section; 49441

~~(N)~~(H) Conduct such investigations and inspections of persons 49442

and establishments licensed or unlicensed pursuant to this chapter 49443  
and for that purpose, any member of the board or any of its 49444  
authorized agents may enter and inspect any place of business of a 49445  
licensee or a person suspected of violating this chapter or the 49446  
rules adopted pursuant thereto, during normal business hours; 49447

~~(O)~~(I) Upon the written request of an applicant and the 49448  
payment of the appropriate fee, provide to the applicant licensure 49449  
information concerning the applicant; 49450

~~(P)~~(J) Do all things necessary for the proper administration 49451  
and enforcement of this chapter. 49452

**Sec. 4709.07.** (A) Each person who desires to obtain an 49453  
initial license to practice barbering shall apply to the state 49454  
cosmetology and barber board, on forms provided by the board. The 49455  
application form shall include the name of the person applying for 49456  
the license and evidence that the applicant meets all of the 49457  
requirements of division (B) of this section. The application 49458  
shall be accompanied by two signed current photographs of the 49459  
applicant, in the size determined by the board, that show only the 49460  
head and shoulders of the applicant, and the examination 49461  
application fee. 49462

(B) In order to take the required barber examination and to 49463  
qualify for licensure as a barber, an applicant must demonstrate 49464  
that the applicant meets all of the following: 49465

(1) Is of good moral character; 49466

(2) Is at least eighteen years of age; 49467

(3) Has an eighth grade education or an equivalent education 49468  
as determined by the state board of education in the state where 49469  
the applicant resides; 49470

(4) Has graduated with at least ~~eighteen~~ one thousand eight 49471  
hundred hours of training from a board-approved barber school or 49472

has graduated with at least one thousand hours of training from a board-approved barber school in this state and has a current cosmetology or hair designer license issued pursuant to Chapter 4713. of the Revised Code. No hours of instruction earned by an applicant five or more years prior to the examination apply to the hours of study required by this division.

(C) Any applicant who meets all of the requirements of divisions (A) and (B) of this section may take the barber examination at the time and place specified by the board. If the applicant fails to attain at least a seventy-five per cent pass rate on each part of the examination, the applicant is ineligible for licensure; however, the applicant may reapply for examination within ninety days after the date of the release of the examination scores by paying the required reexamination fee. An applicant is only required to take that part or parts of the examination on which the applicant did not receive a score of seventy-five per cent or higher. If the applicant fails to reapply for examination within ninety days or fails the second examination, in order to reapply for examination for licensure the applicant shall complete an additional course of study of not less than two hundred hours, in a board-approved barber school. The board shall provide to an applicant, upon request, a report which explains the reasons for the applicant's failure to pass the examination.

(D) The board shall issue a license to practice barbering to any applicant who, to the satisfaction of the board, meets the requirements of divisions (A) and (B) of this section, who passes the required examination, and pays the initial licensure fee. Every licensed barber shall display the certificate of licensure in a conspicuous place adjacent to or near the licensed barber's work chair, along with a signed current photograph, in the size determined by the board, showing head and shoulders only.

(E) Notwithstanding any other provision in this section, a person who desires to engage in the activities described in division (A)(1)(a) of section 4709.01 of the Revised Code shall apply to the board for a straight-razor license as follows: 49505  
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(1) The applicant shall include, on a form provided by the board, the name of the person applying for the straight-razor license and evidence that the applicant meets all of the requirements of division (E)(2) of this section. The application shall be accompanied by two signed, current photographs of the applicant, in the size determined by the board, that show only the head and shoulders of the applicant, and an application fee specified by the board. 49509  
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(2) In conjunction with the application required by division (E)(1) of this section, an applicant for a straight-razor license must demonstrate the following: 49517  
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(a) That the applicant is at least eighteen years of age; 49520

(b) That the applicant has an eighth grade education or an equivalent education in the state where the applicant resides; 49521  
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(c) That the applicant has completed at least two hundred forty hours of training in the activities described in division (A)(1)(a) of section 4709.01 of the Revised Code from a board-approved barber school or has completed one hundred twenty hours of training in the activities described in division (A)(1)(a) of section 4709.01 of the Revised Code from a board-approved barber school in this state and has a current cosmetology or hair designer license issued pursuant to Chapter 4713. of the Revised Code. No hours of instruction earned by an applicant five or more years prior to the submission of an application count towards the hours of training required by this division. 49523  
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(3) The board shall issue a straight-razor license to any 49535

applicant who, to the satisfaction of the board, meets the 49536  
requirements of divisions (E)(1) and (2) of this section and pays 49537  
the initial licensure fee as established by rules adopted by the 49538  
board. Every individual maintaining an active straight-razor 49539  
license shall display the certificate of licensure in a 49540  
conspicuous place along with a signed current photograph, in the 49541  
size determined by the board, showing head and shoulders only. 49542

**Sec. 4709.08.** Any person who holds a current license or 49543  
registration to practice as a barber in any other state or 49544  
district of the United States or country whose requirements for 49545  
licensure or registration of barbers are substantially equivalent 49546  
to the requirements of this chapter and rules adopted under it and 49547  
that extends similar reciprocity to persons licensed as barbers in 49548  
this state may apply to the state cosmetology and barber board for 49549  
a barber license. The board shall, without examination, unless the 49550  
board determines to require an examination, issue a license to 49551  
practice as a licensed barber in this state if the person meets 49552  
the requirements of this section, is at least eighteen years of 49553  
age and of good moral character, and pays the required fees. The 49554  
board may waive any of the requirements of this section. 49555

**Sec. 4709.09.** (A) Each person who desires to obtain a barber 49556  
shop license shall apply to the state cosmetology and barber 49557  
board, on forms provided by the board. The board shall issue a 49558  
barber shop license to a person if the board determines that the 49559  
person meets all of the requirements of division (B) of this 49560  
section and pays the required license and inspection fees. 49561

(B) In order for a person to qualify for a license to operate 49562  
a barber shop, the barber shop shall meet all of the following 49563  
requirements: 49564

(1) Be in the charge and under the immediate supervision of a 49565

licensed barber; 49566

(2) Be equipped to provide running hot and cold water and 49567  
proper drainage; 49568

(3) Sanitize and maintain in a sanitary condition, all 49569  
instruments and supplies; 49570

(4) Keep towels and linens clean and sanitary and in a dry, 49571  
dust-proof container; 49572

(5) Display the shop license and a copy of the board's 49573  
sanitary rules in a conspicuous place in the working area. 49574

(C) Any licensed barber who leases space in a licensed barber 49575  
shop and engages in the practice of barbering independent and free 49576  
from supervision of the owner or manager of the barber shop is 49577  
considered to be engaged in the operation of a separate and 49578  
distinct barber shop and shall obtain a license to operate a 49579  
barber shop pursuant to this section. 49580

(D) A shop license is not transferable from one owner to 49581  
another and if an owner or operator of a barber shop permanently 49582  
ceases offering barber services at the shop, the owner or operator 49583  
shall return the barber shop license to the board within ten days 49584  
of the cessation of services. 49585

(E)(1) Manicurists licensed under Chapter 4713. of the 49586  
Revised Code may practice manicuring in a barber shop. 49587

(2) Tanning facilities issued a permit under section 4713.48 49588  
of the Revised Code may be operated in a barber shop. 49589

(F) Clothing and related accessories may be sold at retail in 49590  
a barber shop so long as these sales maintain the integrity of the 49591  
facility as a barber shop. 49592

**Sec. 4709.10.** (A) Each person who desires to obtain a license 49593  
to operate a barber school shall apply to the state cosmetology 49594

and barber board, on forms provided by the board. The board shall 49595  
issue a barber school license to a person if the board determines 49596  
that the person meets and will comply with all of the requirements 49597  
of division (B) of this section and pays the required licensure 49598  
and inspection fees. 49599

(B) In order for a person to qualify for a license to operate 49600  
a barber school, the barber school to be operated by the person 49601  
must meet all of the following requirements: 49602

(1) Have a training facility sufficient to meet the required 49603  
educational curriculum established by the board, including enough 49604  
space to accommodate all the facilities and equipment required by 49605  
rule by the board; 49606

(2) Provide sufficient licensed teaching personnel to meet 49607  
the minimum pupil-teacher ratio established by rule of the board; 49608

(3) Have established and provide to the board proof that it 49609  
has met all of the board requirements to operate a barber school, 49610  
as adopted by rule of the board; 49611

(4) File with the board a program of its curriculum, 49612  
accounting for not less than ~~eighteen~~ one thousand eight hundred 49613  
hours of instruction in the courses of theory and practical 49614  
demonstration required by rule of the board; 49615

(5) File with the board a surety bond in the amount of ten 49616  
thousand dollars issued by a bonding company licensed to do 49617  
business in this state. The bond shall be in the form prescribed 49618  
by the board and conditioned upon the barber school's continued 49619  
instruction in the theory and practice of barbering. The bond 49620  
shall continue in effect until notice of its termination is 49621  
provided to the board. In no event, however, shall the bond be 49622  
terminated while the barber school is in operation. Any student 49623  
who is injured or damaged by reason of a barber school's failure 49624  
to continue instruction in the theory and practice of barbering 49625

may maintain an action on the bond against the barber school or 49626  
the surety, or both, for the recovery of any money or tuition paid 49627  
in advance for instruction in the theory and practice of barbering 49628  
which was not received. The aggregate liability of the surety to 49629  
all students shall not exceed the sum of the bond. 49630

(6) Maintain adequate record keeping to ensure that it has 49631  
met the requirements for records of student progress as required 49632  
by board rule; 49633

(7) Establish minimum standards for acceptance of student 49634  
applicants for admission to the barber school. The barber school 49635  
may establish entrance requirements which are more stringent than 49636  
those prescribed by the board, but the requirements must at a 49637  
minimum require the applicant to meet all of the following: 49638

(a) Be at least seventeen years of age; 49639

(b) Be of good moral character; 49640

(c) Have an eighth grade education, or an equivalent 49641  
education as determined by the state board of education; 49642

(d) Submit two signed current photographs of ~~himself~~ the 49643  
applicant, in the size determined by the board. 49644

(8) Have a procedure to submit every student applicant's 49645  
admission application to the board for the board's review and 49646  
approval prior to the applicant's admission to the barber school; 49647

(9) Operate in a manner which reflects credit upon the 49648  
barbering profession; 49649

(10) Offer a curriculum of study which covers all aspects of 49650  
the scientific fundamentals of barbering as specified by rule of 49651  
the board; 49652

(11) Employ no more than two licensed assistant barber 49653  
teachers for each licensed barber teacher employed or fewer than 49654  
two licensed teachers or one licensed teacher and one licensed 49655

assistant teacher at each facility. 49656

(C) Each person who desires to obtain a barber teacher or 49657  
assistant barber teacher license shall apply to the ~~barber~~ board, 49658  
on forms provided by the ~~barber~~ board. The board shall only issue 49659  
a barber teacher license to a person who meets all of the 49660  
following requirements: 49661

(1) Holds a current barber license issued pursuant to this 49662  
chapter and has at least eighteen months of work experience in a 49663  
licensed barber shop or has been employed as an assistant barber 49664  
teacher under the supervision of a licensed barber teacher for at 49665  
least one year, unless, for good cause, the board waives this 49666  
requirement; 49667

(2) Meets such other requirements as adopted by rule by the 49668  
board; 49669

(3) Passes the required examination; and 49670

(4) Pays the required fees. If an applicant fails to pass the 49671  
examination, ~~he~~ the applicant may reapply for the examination and 49672  
licensure no earlier than one year after the failure to pass and 49673  
provided that during that period, ~~he~~ the applicant remains 49674  
employed as an assistant barber teacher. 49675

The board shall only issue an assistant barber teacher 49676  
license to a person who holds a current barber license issued 49677  
pursuant to this chapter and pays the required fees. 49678

(D) Any person who meets the qualifications of an assistant 49679  
teacher pursuant to division (C) of this section, may be employed 49680  
as an assistant teacher, provided that within five days after the 49681  
commencement of the employment the barber school submits to the 49682  
board, on forms provided by the board, the applicant's 49683  
qualifications. 49684

**Sec. 4709.12.** (A) The state cosmetology and barber board 49685

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| shall charge and collect the following fees:   | 49686                            |
| (1) For the application to take the barber examination,<br>ninety dollars;   | 49687<br>49688                   |
| (2) For an application to retake any part of the barber<br>examination, forty-five dollars;  | 49689<br>49690                   |
| (3) For the initial issuance of a license to practice as a<br>barber, thirty dollars;  | 49691<br>49692                   |
| (4) For the biennial renewal of the license to practice as a<br>barber, one hundred ten dollars;   | 49693<br>49694                   |
| (5) For the restoration of an expired barber license, one<br>hundred dollars, and seventy-five dollars for each lapsed year,<br>provided that the total fee shall not exceed six hundred ninety<br>dollars;    | 49695<br>49696<br>49697<br>49698 |
| (6) For the issuance of a duplicate barber or shop license,<br>forty-five dollars;   | 49699<br>49700                   |
| (7) For the inspection of a new barber shop, change of<br>ownership, or reopening of premises or facilities formerly<br>operated as a barber shop, and issuance of a shop license, one<br>hundred ten dollars; | 49701<br>49702<br>49703<br>49704 |
| (8) For the biennial renewal of a barber shop license,<br>seventy-five dollars;  | 49705<br>49706                   |
| (9) For the restoration of a barber shop license, one hundred<br>ten dollars;  | 49707<br>49708                   |
| (10) For each inspection of premises for location of a new<br>barber school, or each inspection of premises for relocation of a<br>currently licensed barber school, seven hundred fifty dollars;              | 49709<br>49710<br>49711          |
| (11) For the initial barber school license, one thousand<br>dollars, and one thousand dollars for the renewal of the license;  | 49712<br>49713                   |
| (12) For the restoration of a barber school license, one   | 49714                            |

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| thousand dollars;   | 49715   |
| (13) For the issuance of a student registration, forty dollars;   | 49716<br>49717  |
| (14) For the examination and issuance of a biennial teacher license, one hundred eighty-five dollars;   | 49718<br>49719  |
| (15) For the renewal of a biennial teacher license, one hundred fifty dollars;  | 49720<br>49721  |
| (16) For the restoration of an expired teacher license, two hundred twenty-five dollars, and sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred fifty dollars;   | 49722<br>49723<br>49724<br>49725                            |
| (17) For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, three hundred dollars;  | 49726<br>49727<br>49728                                     |
| (18) For providing licensure information concerning an applicant, upon written request of the applicant, forty dollars.   | 49729<br>49730  |
| (B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent.  | 49731<br>49732<br>49733<br>49734                            |
| (C) In addition to any other fee charged and collected under this section, the <del>barber</del> board shall ask each person renewing a license to practice as a barber whether the person wishes to make a two-dollar voluntary contribution to the Ed Jeffers barber museum. The board shall transmit any contributions to the treasurer of state for deposit into the occupational licensing fund. | 49735<br>49736<br>49737<br>49738<br>49739<br>49740<br>49741 |
| <b>Sec. 4709.13.</b> (A) The <u>state cosmetology and</u> barber board may refuse to issue or renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for  | 49742<br>49743<br>49744                                     |

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| any one or more of the following causes:  | 49745  |
| (1) Advertising by means of knowingly false or deceptive statements;  | 49746<br>49747                                     |
| (2) Habitual drunkenness or possession of or addiction to the use of any controlled drug prohibited by state or federal law;  | 49748<br>49749                                     |
| (3) Immoral or unprofessional conduct;  | 49750  |
| (4) Continuing to be employed in a barber shop wherein rules of the board or department of health are violated;   | 49751<br>49752                                     |
| (5) Employing any person who does not have a current Ohio license to perform the practice of barbering;   | 49753<br>49754                                     |
| (6) Owning, managing, operating, or controlling any barber school or portion thereof, wherein the practice of barbering is carried on, whether in the same building or not, without displaying a sign at all entrances to the places where the barbering is carried on, indicating that the work therein is done by students exclusively; | 49755<br>49756<br>49757<br>49758<br>49759<br>49760 |
| (7) Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop;   | 49761<br>49762<br>49763<br>49764                   |
| (8) Violating any sanitary rules approved by the department of health or the board;   | 49765<br>49766                                     |
| (9) Employing another person to perform or personally perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;  | 49767<br>49768<br>49769                            |
| (10) Gross incompetence.  | 49770  |
| (B)(1) The board may refuse to renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for conviction of or plea of guilty to a felony committed after the person has been issued a license under this chapter,  | 49771<br>49772<br>49773<br>49774                   |

shown by a certified copy of the record of the court in which the person was convicted or pleaded guilty. 49775  
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(2) A conviction or plea of guilty to a felony committed prior to being issued a license under this chapter shall not disqualify a person from being issued an initial license under this chapter. 49777  
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(C) Prior to taking any action under division (A) or (B) of this section, the board shall provide the person with a statement of the charges against the person and notice of the time and place of a hearing on the charges. The board shall conduct the hearing according to Chapter 119. of the Revised Code. Any person dissatisfied with a decision of the board may appeal the board's decision to the court of common pleas in Franklin county. 49781  
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(D) The board may adopt rules in accordance with Chapter 119. of the Revised Code, specifying additional grounds upon which the board may take action under division (A) of this section. 49788  
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**Sec. 4709.14.** (A) If the state cosmetology and barber board determines that any person is violating or threatening to violate any provision of this chapter or the rules adopted pursuant thereto and such violation or threatened violation is a threat to the health or safety of persons who use barber services, the board may apply to a court of competent jurisdiction in the county in which the violation or threatened violation occurred or will occur for injunctive relief and such other relief to prevent further violations. The attorney general shall, at the board's request, represent the board in any such action. 49791  
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(B) If the board determines, after a hearing conducted in accordance with Chapter 119. of the Revised Code, that any person has violated any provision of this chapter or the rules adopted pursuant thereto, the board may, in addition to any other action it may take or any other penalty imposed pursuant to this chapter, 49801  
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impose one or more fines upon the person. In no event, however, 49806  
shall the fines imposed under this division exceed five hundred 49807  
dollars for a first offense or one thousand dollars for each 49808  
subsequent offense. 49809

(C) A person who allegedly has violated a provision of this 49810  
chapter for which the board proposes to impose a fine may pay the 49811  
board the amount of the fine and waive the right to an 49812  
adjudicatory hearing conducted under Chapter 119. of the Revised 49813  
Code and described in division (B) of this section. 49814

**Sec. 4709.23.** No phase of barbering shall be taught for pay, 49815  
free, or otherwise, without approval from the state cosmetology 49816  
and barber board. 49817

**Sec. 4713.01.** As used in this chapter: 49818

"Apprentice instructor" means an individual holding a 49819  
practicing license issued by the state ~~board of~~ cosmetology and 49820  
barber board who is engaged in learning or acquiring knowledge of 49821  
the occupation of an instructor of a branch of cosmetology at a 49822  
school of cosmetology. 49823

"Beauty salon" means a salon in which an individual is 49824  
authorized to engage in all branches of cosmetology. 49825

"Biennial licensing period" means the two-year period 49826  
beginning on the first day of February of an odd-numbered year and 49827  
ending on the last day of January of the next odd-numbered year. 49828

"Boutique salon" means a salon in which an individual engages 49829  
in boutique services and no other branch of cosmetology. 49830

"Boutique services" means braiding, threading, and 49831  
shampooing. 49832

"Braiding" means intertwining the hair in a systematic motion 49833  
to create patterns in a three-dimensional form, inverting the hair 49834

against the scalp along part of a straight or curved row of 49835  
intertwined hair, or twisting the hair in a systematic motion, and 49836  
includes extending the hair with natural or synthetic hair fibers. 49837

"Branch of cosmetology" means the practice of cosmetology, 49838  
practice of esthetics, practice of hair design, practice of 49839  
manicuring, practice of natural hair styling, or practice of 49840  
boutique services. 49841

"Cosmetic therapy" has the same meaning as in section 4731.15 49842  
of the Revised Code. 49843

"Cosmetologist" means an individual authorized to engage in 49844  
all branches of cosmetology in a licensed facility. 49845

"Cosmetology" means the art or practice of embellishment, 49846  
cleansing, beautification, and styling of hair, wigs, postiches, 49847  
face, body, or nails. 49848

"Cosmetology instructor" means an individual authorized to 49849  
teach the theory and practice of all branches of cosmetology at a 49850  
school of cosmetology. 49851

"Esthetician" means an individual who engages in the practice 49852  
of esthetics but no other branch of cosmetology in a licensed 49853  
facility. 49854

"Esthetics instructor" means an individual who teaches the 49855  
theory and practice of esthetics, but no other branch of 49856  
cosmetology, at a school of cosmetology. 49857

"Esthetics salon" means a salon in which an individual 49858  
engages in the practice of esthetics but no other branch of 49859  
cosmetology. 49860

"Eye lash extensions" include temporary and semi-permanent 49861  
enhancements designed to add length, thickness, and fullness to 49862  
natural eyelashes. 49863

"Hair designer" means an individual who engages in the 49864

practice of hair design but no other branch of cosmetology in a licensed facility. 49865  
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"Hair design instructor" means an individual who teaches the theory and practice of hair design, but no other branch of cosmetology, at a school of cosmetology. 49867  
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"Hair design salon" means a salon in which an individual engages in the practice of hair design but no other branch of cosmetology. 49870  
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"Hair removal" includes tweezing, waxing, sugaring, and threading. "Hair removal" does not include electrolysis. 49873  
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"Independent contractor" means an individual who is not an employee of a salon but practices a branch of cosmetology within a salon in a licensed facility. 49875  
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"Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school of cosmetology. 49878  
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"Licensed facility" means any premises, building, or part of a building licensed under section 4713.41 of the Revised Code in which cosmetology services are authorized by the state ~~board of~~ cosmetology and barber board to be performed. 49880  
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"Advanced cosmetologist" means an individual authorized to work in a beauty salon and engage in all branches of cosmetology. 49884  
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"Advanced esthetician" means an individual authorized to work in an esthetics salon, but no other type of salon, and engage in the practice of esthetics, but no other branch of cosmetology. 49886  
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"Advanced hair designer" means an individual authorized to work in a hair design salon, but no other type of salon, and engage in the practice of hair design, but no other branch of cosmetology. 49889  
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"Advanced license" means a license to work in a salon and practice the branch of cosmetology practiced at the salon. 49893  
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"Advanced manicurist" means an individual authorized to work 49895  
in a nail salon, but no other type of salon, and engage in the 49896  
practice of manicuring, but no other branch of cosmetology. 49897

"Advanced natural hair stylist" means an individual 49898  
authorized to work in a natural hair style salon, but no other 49899  
type of salon, and engage in the practice of natural hair styling, 49900  
but no other branch of cosmetology. 49901

"Manicurist" means an individual who engages in the practice 49902  
of manicuring but no other branch of cosmetology in a licensed 49903  
facility. 49904

"Manicurist instructor" means an individual who teaches the 49905  
theory and practice of manicuring, but no other branch of 49906  
cosmetology, at a school of cosmetology. 49907

"Nail salon" means a salon in which an individual engages in 49908  
the practice of manicuring but no other branch of cosmetology. 49909

"Natural hair stylist" means an individual who engages in the 49910  
practice of natural hair styling but no other branch of 49911  
cosmetology in a licensed facility. 49912

"Natural hair style instructor" means an individual who 49913  
teaches the theory and practice of natural hair styling, but no 49914  
other branch of cosmetology, at a school of cosmetology. 49915

"Natural hair style salon" means a salon in which an 49916  
individual engages in the practice of natural hair styling but no 49917  
other branch of cosmetology. 49918

"Practice of braiding" means utilizing the technique of 49919  
intertwining hair in a systematic motion to create patterns in a 49920  
three-dimensional form, including patterns that are inverted, 49921  
upright, or singled against the scalp that follow along straight 49922  
or curved partings. It may include twisting or locking the hair 49923  
while adding bulk or length with human hair, synthetic hair, or 49924

both and using simple devices such as clips, combs, and hairpins. 49925

"Practice of braiding" does not include application of weaving, 49926  
bonding, and fusion of individual strands or wefts; application of 49927  
dyes, reactive chemicals, or other preparations to alter the color 49928  
or straighten, curl, or alter the structure of hair; embellishing 49929  
or beautifying hair by cutting or singeing, except as needed to 49930  
finish the ends of synthetic fibers used to add bulk to or 49931  
lengthen hair. 49932

"Practice of cosmetology" means the practice of all branches 49933  
of cosmetology. 49934

"Practice of esthetics" means the application of cosmetics, 49935  
tonics, antiseptics, creams, lotions, or other preparations for 49936  
the purpose of skin beautification and includes preparation of the 49937  
skin by manual massage techniques or by use of electrical, 49938  
mechanical, or other apparatus; enhancement of the skin by skin 49939  
care, facials, body treatments, hair removal, and other 49940  
treatments; and eye lash extension services. 49941

"Practice of hair design" means embellishing or beautifying 49942  
hair, wigs, or hairpieces by arranging, dressing, pressing, 49943  
curling, waving, permanent waving, cleansing, cutting, singeing, 49944  
bleaching, coloring, braiding, weaving, or similar work. "Practice 49945  
of hair design" includes utilizing techniques performed by hand 49946  
that result in tension on hair roots such as twisting, wrapping, 49947  
weaving, extending, locking, or braiding of the hair. 49948

"Practice of manicuring" means cleaning, trimming, shaping 49949  
the free edge of, or applying polish to the nails of any 49950  
individual; applying nail enhancements and embellishments to any 49951  
individual; massaging the hands and lower arms up to the elbow of 49952  
any individual; massaging the feet and lower legs up to the knee 49953  
of any individual; using lotions or softeners on the hands and 49954  
feet of any individual; or any combination of these types of 49955  
services. 49956

"Practice of natural hair styling" means utilizing techniques 49957  
performed by hand that result in tension on hair roots such as 49958  
twisting, wrapping, weaving, extending, locking, or braiding of 49959  
the hair. "Practice of natural hair styling" does not include the 49960  
application of dyes, reactive chemicals, or other preparations to 49961  
alter the color or to straighten, curl, or alter the structure of 49962  
the hair. "Practice of natural hair styling" also does not include 49963  
embellishing or beautifying hair by cutting or singeing, except as 49964  
needed to finish off the end of a braid, or by dressing, pressing, 49965  
curling, waving, permanent waving, or similar work. 49966

"Practicing license" means a license to practice a branch of 49967  
cosmetology in a licensed facility. 49968

"Salon" means a licensed facility on any premises, building, 49969  
or part of a building in which an individual engages in the 49970  
practice of one or more branches of cosmetology. "Salon" does not 49971  
include a barber shop licensed under Chapter 4709. of the Revised 49972  
Code. "Salon" does not mean a tanning facility, although a tanning 49973  
facility may be located in a salon. 49974

"School of cosmetology" means any premises, building, or part 49975  
of a building in which students are instructed in the theories and 49976  
practices of one or more branches of cosmetology. 49977

"Shampooing" means the act of cleansing and conditioning an 49978  
individual's hair under the supervision of an individual licensed 49979  
under this chapter and in preparation to immediately receive a 49980  
service from a licensee. 49981

"Student" means an individual, other than an apprentice 49982  
instructor, who is engaged in learning or acquiring knowledge of 49983  
the practice of a branch of cosmetology at a school of 49984  
cosmetology. 49985

"Tanning facility" means any premises, building, or part of a 49986  
building that contains one or more rooms or booths with any of the 49987

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| following:   | 49988                                     |
| (A) Equipment or beds used for tanning human skin by the use of fluorescent sun lamps using ultraviolet or other artificial radiation;   | 49989<br>49990<br>49991                   |
| (B) Equipment or booths that use chemicals applied to human skin, including chemical applications commonly referred to as spray-on, mist-on, or sunless tans;  | 49992<br>49993<br>49994                   |
| (C) Equipment or beds that use visible light for cosmetic purposes.  | 49995<br>49996                            |
| "Threading" includes a service that results in the removal of hair from its follicle from around the eyebrows and from other parts of the face with the use of a single strand of thread and an astringent, if the service does not use chemicals of any kind, wax, or any implements, instruments, or tools to remove hair. | 49997<br>49998<br>49999<br>50000<br>50001 |
| <b>Sec. 4713.02.</b> (A) There is hereby created the state <del>board of</del> cosmetology <u>and barber board</u> , consisting of all of the following members appointed by the governor, with the advice and consent of the senate:  | 50002<br>50003<br>50004<br>50005          |
| (1) One individual holding a current, valid cosmetologist or cosmetology instructor license at the time of appointment;  | 50006<br>50007                            |
| (2) Two individuals holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment;  | 50008<br>50009<br>50010                   |
| (3) One individual who holds a current, valid independent contractor license at the time of appointment and practices a branch of cosmetology;   | 50011<br>50012<br>50013                   |
| (4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school;   | 50014<br>50015<br>50016                   |

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| (5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology;  | 50017<br>50018                                     |
| (6) One owner of at least five licensed salons;   | 50019  |
| (7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; | 50020<br>50021<br>50022<br>50023<br>50024<br>50025 |
| (8) One individual representing the general public;   | 50026  |
| (9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment;  | 50027<br>50028<br>50029                            |
| (10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment;  | 50030<br>50031<br>50032<br>50033                   |
| <u>(11) Two barbers, one of whom is an employer barber and one of whom is employed as a barber, both of whom have been licensed as barbers in this state for at least five years immediately preceding their appointment.</u>   | 50034<br>50035<br>50036<br>50037                   |
| (B) The superintendent of public instruction shall nominate three individuals for the governor to choose from when making an appointment under division (A)(4) of this section.   | 50038<br>50039<br>50040                            |
| (C) All members shall be at least twenty-five years of age, residents of the state, and citizens of the United States. No more than two members, at any time, shall be graduates of the same school of cosmetology. Not more than one member shall have a common financial connection with any school of cosmetology <del>or</del> <u>salon, barber school, or barber shop.</u>   | 50041<br>50042<br>50043<br>50044<br>50045<br>50046 |

Terms of office are for five years. Terms shall commence on 50047  
the first day of November and end on the thirty-first day of 50048  
October. Each member shall hold office from the date of 50049  
appointment until the end of the term for which appointed. In case 50050  
of a vacancy occurring on the board, the governor shall, in the 50051  
same manner prescribed for the regular appointment to the board, 50052  
fill the vacancy by appointing a member. Any member appointed to 50053  
fill a vacancy occurring prior to the expiration of the term for 50054  
which the member's predecessor was appointed shall hold office for 50055  
the remainder of such term. Any member shall continue in office 50056  
subsequent to the expiration date of the member's term until the 50057  
member's successor takes office, or until a period of sixty days 50058  
has elapsed, whichever occurs first. Before entering upon the 50059  
discharge of the duties of the office of member, each member shall 50060  
take, and file with the secretary of state, the oath of office 50061  
required by Section 7 of Article XV, Ohio Constitution. 50062

The members of the board shall receive an amount fixed 50063  
pursuant to Chapter 124. of the Revised Code per diem for every 50064  
meeting of the board which they attend, together with their 50065  
necessary expenses, and mileage for each mile necessarily 50066  
traveled. 50067

The members of the board shall annually elect, from among 50068  
their number, a chairperson and a vice-chairperson. The executive 50069  
director appointed pursuant to section 4713.06 of the Revised Code 50070  
shall serve as the board's secretary. 50071

(D) The board shall prescribe the duties of its officers and 50072  
establish an office within Franklin county. The board shall keep 50073  
all records and files at the office and have the records and files 50074  
at all reasonable hours open to public inspection in accordance 50075  
with section 149.43 of the Revised Code and any rules adopted by 50076  
the board in compliance with this state's record retention policy. 50077  
The board also shall adopt a seal for the authentication of its 50078

orders, communications, and records. 50079

(E) The governor may remove any member for cause prior to the expiration of the member's term of office. 50080  
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(F) Whenever the term "state board of cosmetology" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context. Whenever the term "barber board" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context. 50082  
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**Sec. 4713.03.** The state ~~board~~ of cosmetology and barber board shall hold meetings to transact its business at least four times a year. The board may hold additional meetings as, in its judgment, are necessary. The board shall meet at the times and places it selects. 50093  
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**Sec. 4713.04.** The state ~~board~~ of cosmetology and barber board may authorize any of its members, in writing, to undertake any proceedings authorized by this chapter, and the finding or order of such members is the finding of the board when confirmed by it. 50098  
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**Sec. 4713.05.** All receipts of the state ~~board~~ of cosmetology and barber board shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the board chairperson or executive director, or both, as authorized by the board. 50103  
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**Sec. 4713.06.** The state ~~board of~~ cosmetology and barber board 50108  
shall annually appoint an executive director. The executive 50109  
director may not be a member of the board, but subsequent to 50110  
appointment, shall serve as secretary of the board. The executive 50111  
director, before entering upon the discharge of the executive 50112  
director's duties, shall file with the secretary of state a good 50113  
and sufficient bond payable to the state, to ensure the faithful 50114  
performance of duties of the office of executive director. The 50115  
bond shall be in an amount the board requires. The premium of the 50116  
bond shall be paid from appropriations made to the board for 50117  
operating purposes. Whenever the term "executive director of the 50118  
state board of cosmetology" or the term "executive director of the 50119  
barber board," or variations thereof, is used, referred to, or 50120  
designated in statute, rule, contract, grant, or other document, 50121  
the use, reference, or designation shall be deemed to mean the 50122  
"executive director of the state cosmetology and barber board." 50123

The board may employ inspectors, examiners, consultants on 50124  
contents of examinations, clerks, or other individuals as 50125  
necessary for the administration of this chapter and Chapter 4709. 50126  
of the Revised Code. All inspectors and examiners shall be 50127  
licensed cosmetologists pursuant to this chapter or licensed 50128  
barbers pursuant to Chapter 4709. of the Revised Code. 50129

The board may appoint inspectors to inspect and investigate 50130  
all facilities regulated by this chapter and Chapter 4709. of the 50131  
Revised Code, including tanning facilities, to ensure compliance 50132  
with this chapter and Chapter 4709. of the Revised Code, the rules 50133  
adopted ~~pursuant to it~~ by the board, and the board's policies, in 50134  
accordance with division (A)(11) of section 4713.07 of the Revised 50135  
Code. 50136

**Sec. 4713.07.** (A) The state ~~board of~~ cosmetology and barber 50137  
board shall do all of the following: 50138

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| (1) Regulate the practice of cosmetology and all of its branches in this state;   | 50139<br>50140                   |
| (2) Investigate or inspect, when evidence appears to demonstrate that an individual has violated any provision of this chapter or any rule adopted pursuant to it, the activities or premises of a license holder or unlicensed individual; | 50141<br>50142<br>50143<br>50144 |
| (3) Adopt rules in accordance with section 4713.08 of the Revised Code;   | 50145<br>50146                   |
| (4) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter;                | 50147<br>50148<br>50149<br>50150 |
| (5) Prescribe and make available application forms to be used by individuals seeking renewal of a license or registration issued under this chapter;  | 50151<br>50152<br>50153          |
| (6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter <u>or Chapter 4709. of the Revised Code</u> ;  | 50154<br>50155<br>50156          |
| (7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware;   | 50157<br>50158                   |
| (8) Submit a written report annually to the governor that provides all of the following:  | 50159<br>50160                   |
| (a) A discussion of the conditions in this state of the branches of cosmetology;  | 50161<br>50162                   |
| (b) <u>An evaluation of board activities intended to aid or protect consumers</u> ;   | 50163<br>50164                   |
| (c) A brief summary of the board's proceedings during the year the report covers;   | 50165<br>50166                   |
| <del>(e)</del> (d) A statement of all money that the board received and expended during the year the report covers.   | 50167<br>50168                   |

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| (9) Keep a record of all of the following:   | 50169  |
| (a) The board's proceedings;   | 50170  |
| (b) The name and last known physical address, electronic mail address, and telephone number of each individual issued a license or registration under this chapter;  | 50171<br>50172<br>50173  |
| (c) The date and number of each license, permit, and registration that the board issues.   | 50174<br>50175   |
| (10) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;   | 50176<br>50177<br>50178  |
| (11) Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools of cosmetology, <u>barber schools, barber shops,</u> and tanning facilities, within ninety days of the opening for business of a licensed facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any individual, after providing the individual's name and contact information, may report to the board any information the individual may have that appears to show a violation of any provision of this chapter or rule adopted under it <u>or a violation of any provision of Chapter 4709. of the Revised Code or rule adopted by the board pursuant to Chapter 4709. of the Revised Code.</u> In the absence of bad faith, any individual who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor shall be added to the board's records as an individual salon. | 50179<br>50180<br>50181<br>50182<br>50183<br>50184<br>50185<br>50186<br>50187<br>50188<br>50189<br>50190<br>50191<br>50192<br>50193<br>50194<br>50195<br>50196<br>50197<br>50198 |
| (12) Supply a copy of the poster created pursuant to division  | 50199  |

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| (B) of section 5502.63 of the Revised Code to each person                      | 50200 |
| authorized to operate a salon, school of cosmetology, tanning                  | 50201 |
| facility, or other type of facility under this chapter;                        | 50202 |
| (13) All other duties that this chapter imposes on the board.                  | 50203 |
| (B) The board may delegate any of the duties listed in                         | 50204 |
| division (A) of this section to the executive director of the                  | 50205 |
| board or to an individual designated by the executive director.                | 50206 |
| <b>Sec. 4713.071.</b> (A) <del>Beginning one year after the effective</del>    | 50207 |
| <del>date of this section, the</del> <u>The state board of cosmetology and</u> | 50208 |
| <u>barber board</u> shall annually submit a written report to the              | 50209 |
| governor, president of the senate, and speaker of the house of                 | 50210 |
| representatives. The report shall list all of the following for                | 50211 |
| the preceding twelve-month period:   | 50212 |
| (1) The number of students enrolled in courses at licensed                     | 50213 |
| public and private schools of cosmetology <u>and barbering</u> ;               | 50214 |
| (2) The number of students graduating from licensed public                     | 50215 |
| and private schools of cosmetology <u>and barbering</u> ;                      | 50216 |
| (3) The annual cost for students to attend each licensed                       | 50217 |
| public or private school of cosmetology <u>and barbering</u> ;                 | 50218 |
| (4) The loan default rates for licensed public and private                     | 50219 |
| schools of cosmetology <u>and barbering</u> ;                                  | 50220 |
| (5) The first-time licensure passage rate for graduates of                     | 50221 |
| all public and private schools <u>of cosmetology and barbering</u> ;           | 50222 |
| (6) The total number of new and renewal licenses in each                       | 50223 |
| profession;  | 50224 |
| (7) The total number of complaint-driven inspections                           | 50225 |
| conducted by the board;  | 50226 |
| (8) The total number and type of violations, including a list                  | 50227 |
| of the top ten violations, which shall aid in the identification               | 50228 |

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| of focus areas for continuing education purposes;   | 50229                                     |
| (9) The twenty salons and individuals cited with the most violations for unlicensed workers;  | 50230<br>50231                            |
| (10) The number of adjudications or other disciplinary action taken by the board.   | 50232<br>50233                            |
| (B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter <u>or Chapter 4709. of the Revised Code.</u>  | 50234<br>50235<br>50236                   |
| <b>Sec. 4713.08.</b> (A) The state <del>board of</del> cosmetology <u>and barber board</u> shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following:   | 50237<br>50238<br>50239<br>50240          |
| (1) Govern the practice of the branches of cosmetology;   | 50241                                     |
| (2) Specify conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;  | 50242<br>50243<br>50244<br>50245          |
| (3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;  | 50246<br>50247                            |
| (4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license; | 50248<br>50249<br>50250<br>50251<br>50252 |
| (5) Provide for the granting of waivers under section 4713.29 of the Revised Code;  | 50253<br>50254                            |
| (6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination   | 50255<br>50256<br>50257                   |

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| conducted under section 4713.24 of the Revised Code;               | 50258 |
| (7) Specify locations in which glamour photography services        | 50259 |
| in which a branch of cosmetology is practiced may be provided;     | 50260 |
| (8) Establish conditions and the fee for a temporary special       | 50261 |
| occasion work permit under section 4713.37 of the Revised Code and | 50262 |
| specify the amount of time such a permit is valid;                 | 50263 |
| (9) Specify conditions an applicant must satisfy for the           | 50264 |
| board to issue the applicant an independent contractor license     | 50265 |
| under section 4713.39 of the Revised Code and the fee for issuance | 50266 |
| and renewal of the license;  | 50267 |
| (10) Establish conditions under which food may be sold at a        | 50268 |
| salon;   | 50269 |
| (11) Specify which professions regulated by a professional         | 50270 |
| regulatory board of this state may be practiced in a salon under   | 50271 |
| section 4713.42 of the Revised Code;                               | 50272 |
| (12) Establish standards for the provision of cosmetic             | 50273 |
| therapy, massage therapy, or other professional service in a salon | 50274 |
| pursuant to section 4713.42 of the Revised Code;                   | 50275 |
| (13) Establish standards for board approval of, and the            | 50276 |
| granting of credits for, training in branches of cosmetology at    | 50277 |
| schools of cosmetology licensed in this state;                     | 50278 |
| (14) Establish the manner in which a school of cosmetology         | 50279 |
| licensed under section 4713.44 of the Revised Code may offer       | 50280 |
| post-secondary and advanced practice programs;                     | 50281 |
| (15) Establish sanitary standards for the practice of the          | 50282 |
| branches of cosmetology, salons, and schools of cosmetology;       | 50283 |
| (16) Establish the application process for obtaining a             | 50284 |
| tanning facility permit under section 4713.48 of the Revised Code, | 50285 |
| including the amount of the fee for an initial or renewed permit;  | 50286 |
| (17) Establish standards for installing and operating a            | 50287 |

tanning facility in a manner that ensures the health and safety of consumers, including standards that do all of the following:

- (a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;
- (b) Require consumers to wear protective eyeglasses;
- (c) Require consumers to be supervised as to the length of time consumers use the facility's sun lamps;
- (d) Require the operator to prohibit consumers from standing too close to sun lamps and to post signs warning consumers of the potential effects of radiation on individuals taking certain medications and of the possible relationship of the radiation to skin cancer;
- (e) Require the installation of protective shielding for sun lamps and handrails for consumers;
- (f) Require floors to be dry during operation of lamps;
- (g) Establish procedures an operator must follow in making reasonable efforts in compliance with section 4713.50 of the Revised Code to determine the age of an individual seeking to use sun lamp tanning services.

(18)(a) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:

- (i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service. If one or more renewal periods have elapsed since the license was valid, the fee shall not include lapsed renewal fees for more than three of those renewal periods;
- (ii) Specify the continuing education that an individual whose license has been classified inactive must complete to have the license restored. The continuing education shall be sufficient

to ensure the minimum competency in the use or administration of a new procedure or product required by a licensee necessary to protect public health and safety. The requirement shall not exceed the cumulative number of hours of continuing education that the individual would have been required to complete had the individual retained an active license.

(b) In addition, the board may specify the conditions and method for granting a temporary work permit to practice a branch of cosmetology to an individual whose license has been classified inactive.

(19) Establish a fee for approval of a continuing education program under section 4713.62 of the Revised Code that is adequate to cover any expense the board incurs in the approval process;

(20) Anything else necessary to implement this chapter.

(B)(1) The rules adopted under division (A)(2) of this section may establish additional conditions for a temporary pre-examination work permit under section 4713.22 of the Revised Code that are applicable to individuals who practice a branch of cosmetology in another state or country.

(2) The rules adopted under division (A)(18)(b) of this section may establish additional conditions for a temporary work permit that are applicable to individuals who practice a branch of cosmetology in another state.

(C) The conditions specified in rules adopted under division (A)(6) of this section may include that an applicant is applying for a license to practice a branch of cosmetology for which the board determines an examination is unnecessary.

(D) The rules adopted under division (A)(11) of this section shall not include a profession if practice of the profession in a salon is a violation of a statute or rule governing the profession.

(E) The sanitary standards established under division (A)(15) 50349  
of this section shall focus in particular on precautions to be 50350  
employed to prevent infectious or contagious diseases being 50351  
created or spread. The board shall consult with the Ohio 50352  
department of health when establishing the sanitary standards. 50353

(F) The fee established by rules adopted under division 50354  
(A)(16) of this section shall cover the cost the board incurs in 50355  
inspecting tanning facilities and enforcing the board's rules but 50356  
may not exceed one hundred dollars per location of such 50357  
facilities. 50358

**Sec. 4713.081.** The state ~~board of~~ cosmetology and barber 50359  
board shall furnish a copy of the sanitary standards established 50360  
by rules adopted under section 4713.08 of the Revised Code to each 50361  
individual to whom the board issues a practicing license, advanced 50362  
license, license to operate a salon or school of cosmetology, or 50363  
boutique services registration. The board also shall furnish a 50364  
copy of the sanitary standards to each individual providing 50365  
cosmetic therapy, massage therapy, or other professional service 50366  
in a salon under section 4713.42 of the Revised Code. A salon or 50367  
school of cosmetology provided a copy of the sanitary standards 50368  
shall post the standards in a public and conspicuous place in the 50369  
salon or school. 50370

**Sec. 4713.082.** The state ~~board of~~ cosmetology and barber 50371  
board shall furnish a copy of the standards established by rules 50372  
adopted under section 4713.08 of the Revised Code for installing 50373  
and operating a tanning facility to each individual to whom the 50374  
board issues a permit to operate a tanning facility. An individual 50375  
provided a copy of the standards shall post the standards in a 50376  
public and conspicuous place in the tanning facility. 50377

**Sec. 4713.09.** The state ~~board of~~ cosmetology and barber board 50378

may adopt rules in accordance with section 4713.08 of the Revised 50379  
Code to establish a continuing education requirement, not to 50380  
exceed eight hours in a biennial licensing period, as a condition 50381  
of renewal for a practicing license, advanced license, instructor 50382  
license, or boutique services registration. These hours may 50383  
include training in identifying and addressing the crime of 50384  
trafficking in persons as described in section 2905.32 of the 50385  
Revised Code. At least two of the eight hours of the continuing 50386  
education requirement must be achieved in courses concerning 50387  
safety and sanitation, and at least one hour of the eight hours of 50388  
the continuing education requirement must be achieved in courses 50389  
concerning law and rule updates. 50390

**Sec. 4713.10.** (A) The state board of cosmetology shall charge 50391  
and collect the following fees: 50392

(1) For a temporary pre-examination work permit under section 50393  
4713.22 of the Revised Code, seven not more than fifteen dollars 50394  
~~and fifty cents~~; 50395

(2) For initial application to take an examination under 50396  
section 4713.24 of the Revised Code, thirty-one not more than 50397  
forty dollars ~~and fifty cents~~; 50398

(3) For application to take an examination under section 50399  
4713.24 of the Revised Code by an applicant who has previously 50400  
applied to take, but failed to appear for, the examination, ~~forty~~ 50401  
not more than fifty-five dollars; 50402

(4) For application to re-take an examination under section 50403  
4713.24 of the Revised Code by an applicant who has previously 50404  
appeared for, but failed to pass, the examination, ~~thirty-one not~~ 50405  
more than forty dollars ~~and fifty cents~~; 50406

(5) For the issuance of a license under section 4713.28, 50407  
4713.30, or 4713.31 of the Revised Code, ~~forty-five~~ not more than 50408

seventy-five dollars; 50409

(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars; 50410  
50411

(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, ~~forty-five~~ not more than seventy dollars; 50412  
50413  
50414

(8) For the issuance or renewal of a cosmetology school license, not more than two hundred fifty dollars; 50415  
50416

(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, ~~seventy-five~~ not more than one hundred dollars; 50417  
50418  
50419

(10) For the renewal of a salon license under section 4713.41 of the Revised Code, ~~sixty~~ not more than ninety dollars; 50420  
50421

(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a lapsed renewal fee of not more than forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed; 50422  
50423  
50424  
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(12) For the issuance of a duplicate of any license, ~~twenty~~ not more than thirty dollars; 50428  
50429

(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, not more than fifty dollars; 50430  
50431  
50432

(14) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional thirty dollars. 50433  
50434  
50435

(B) The board shall adjust the fees biennially, by rule, within the limits established by division (A) of this section, to provide sufficient revenues to meet its expenses. 50436  
50437  
50438

(C) The board may establish an installment plan for the 50439  
payment of fines and fees and may reduce fees as considered 50440  
appropriate by the board. 50441

~~(C)~~(D) At the request of a person who is temporarily unable 50442  
to pay a fee imposed under division (A) of this section, or on its 50443  
own motion, the board may extend the date payment is due by up to 50444  
ninety days. If the fee remains unpaid after the date payment is 50445  
due, the amount of the fee shall be certified to the attorney 50446  
general for collection in the form and manner prescribed by the 50447  
attorney general. The attorney general may assess the collection 50448  
cost to the amount certified in such a manner and amount as 50449  
prescribed by the attorney general. 50450

**Sec. 4713.11.** The state ~~board of~~ cosmetology and barber 50451  
board, subject to the approval of the controlling board, may 50452  
establish fees in excess of the amounts provided by section 50453  
4713.10 of the Revised Code, provided that any fee increase does 50454  
not exceed the amount permitted by more than fifty per cent. 50455

**Sec. 4713.13.** Whenever in the judgment of the state ~~board of~~ 50456  
cosmetology and barber board any individual has engaged in or is 50457  
about to engage in any acts or practices that constitute a 50458  
violation of this chapter, or any rule adopted under this chapter, 50459  
the board may apply to the appropriate court for an order 50460  
enjoining the acts or practices, and upon a showing by the board 50461  
that the individual has engaged in the acts or practices, the 50462  
court shall grant an injunction, restraining order, or other order 50463  
as may be appropriate. 50464

**Sec. 4713.141.** An inspector employed by the state ~~board of~~ 50465  
cosmetology and barber board may take a sample of a product used 50466  
or sold in a salon or school of cosmetology for the purpose of 50467  
examining the sample, or causing an examination of the sample to 50468

be made, to determine whether division (M) of section 4713.14 of  
the Revised Code has been violated.

Should the results of the test prove that division (M) of  
section 4713.14 of the Revised Code has been violated, the board  
shall take action in accordance with section 4713.64 of the  
Revised Code. A fine imposed under that section shall include the  
cost of the test. The person's license may be suspended or  
revoked.

**Sec. 4713.17.** (A) The following persons are exempt from the  
provisions of this chapter, except, as applicable, section 4713.42  
of the Revised Code:

(1) All individuals authorized to practice medicine, surgery,  
dentistry, and nursing or any of its branches in this state;

(2) Commissioned surgical and medical officers of the United  
States army, navy, air force, or marine hospital service when  
engaged in the actual performance of their official duties, and  
attendants attached to same;

~~(3) Barbers, insofar as their usual and ordinary vocation and  
profession is concerned;~~

~~(4) Funeral directors, embalmers, and apprentices licensed or  
registered under Chapter 4717. of the Revised Code;~~

~~(5)~~(4) Persons who are engaged in the retail sale, cleaning,  
or beautification of wigs and hairpieces but who do not engage in  
any other act constituting the practice of a branch of  
cosmetology;

~~(6)~~(5) Volunteers of hospitals, and homes as defined in  
section 3721.01 of the Revised Code, who render service to  
registered patients and inpatients who reside in such hospitals or  
homes. Such volunteers shall not use or work with any chemical

products such as permanent wave, hair dye, or chemical hair 50498  
relaxer, which without proper training would pose a health or 50499  
safety problem to the patient. 50500

~~(7)~~(6) Nurse aides and other employees of hospitals and homes 50501  
as defined in section 3721.01 of the Revised Code, who practice a 50502  
branch of cosmetology on registered patients only as part of 50503  
general patient care services and who do not charge patients 50504  
directly on a fee for service basis; 50505

~~(8)~~(7) Cosmetic therapists and massage therapists who hold 50506  
current, valid certificates to practice cosmetic or massage 50507  
therapy issued by the state medical board under section 4731.15 of 50508  
the Revised Code, to the extent their actions are authorized by 50509  
their certificates to practice; 50510

~~(9)~~(8) Inmates who provide services related to a branch of 50511  
cosmetology to other inmates, except when those services are 50512  
provided in a licensed school of cosmetology within a state 50513  
correctional institution for females. 50514

(B) The director of rehabilitation and correction shall 50515  
oversee the services described in division (A)~~(9)~~(8) of this 50516  
section with respect to sanitation and adopt rules governing those 50517  
types of services provided by inmates. 50518

**Sec. 4713.20.** Each individual who seeks admission to an 50519  
examination conducted under section 4713.24 of the Revised Code 50520  
shall submit both of the following to the state ~~board of~~ 50521  
cosmetology and barber board: 50522

(A) As part of a license application, proof that the 50523  
individual satisfies all conditions to obtain the license for 50524  
which the examination is conducted, other than the requirement to 50525  
have passed the examination; 50526

(B) A set of the individual's biometric fingerprint scan 50527

taken at the board's offices. 50528

**Sec. 4713.22.** (A) The state ~~board of~~ cosmetology and barber 50529  
board shall issue a temporary pre-examination work permit to an 50530  
individual who applies under section 4713.20 of the Revised Code 50531  
for admission to an examination conducted under section 4713.24 of 50532  
the Revised Code, if the individual satisfies all of the following 50533  
conditions: 50534

(1) Is seeking a practicing license or an instructor license; 50535

(2) Has not previously failed an examination conducted under 50536  
section 4713.24 of the Revised Code to determine the applicant's 50537  
fitness to practice or instruct the branch of cosmetology for 50538  
which the individual seeks a license; 50539

(3) Pays to the board the applicable fee; 50540

(4) Satisfies all other conditions established by rules 50541  
adopted under section 4713.08 of the Revised Code. 50542

(B) An individual issued a temporary pre-examination work 50543  
permit may practice the branch of cosmetology for which the 50544  
individual seeks a practicing license until the date the 50545  
individual is scheduled to take an examination under section 50546  
4713.24 of the Revised Code. The individual shall practice under 50547  
the supervision of an individual holding a current, valid license 50548  
appropriate for the type of salon in which the permit holder 50549  
practices. 50550

(C) An individual issued a temporary pre-examination work 50551  
permit may instruct the branch of cosmetology for which the 50552  
individual seeks an instructor license for a period not to exceed 50553  
one hundred twenty days. 50554

(D) A temporary pre-examination work permit is renewable in 50555  
accordance with rules adopted under section 4713.08 of the Revised 50556  
Code. 50557

**Sec. 4713.24.** (A) The state ~~board of~~ cosmetology and barber  
board shall conduct an examination for each individual who  
satisfies the requirements established by section 4713.20 of the  
Revised Code for admission to the examination. Examinations for  
licensure for any branch of cosmetology shall assess the ability  
of a prospective cosmetology professional to maintain a safe and  
sanitary place of service delivery. The board may develop and  
administer the appropriate examination or enter into an agreement  
with a national testing service to develop the examination,  
administer the examination, or both. The examination shall be  
specific to the type of license the individual seeks and satisfy  
all of the following conditions:

(1) Include both practical demonstrations and written or oral  
tests related to the type of license the individual seeks;

(2) Relate only to a branch of cosmetology, but not be  
confined to any special system or method;

(3) Be consistent in both practical and technical  
requirements for the type of license the individual seeks;

(4) Be of sufficient thoroughness to satisfy the board as to  
the individual's skill in and knowledge of the branch of  
cosmetology for which the examination is conducted.

(B) Not later than two years after ~~the effective date of this~~  
~~amendment~~ September 13, 2016, the board shall create a curriculum  
and an examination for individuals seeking licensure to become an  
instructor and shall conduct an examination for each individual  
who satisfies the requirements established pursuant to section  
4713.31 of the Revised Code for admission to the examination.

(C) The board shall adopt rules regarding the equipment or  
supplies an individual is required to bring to an examination  
described in this section.

(D) The board shall not release the questions developed for 50588  
the examinations and the practical demonstrations used in the 50589  
testing process, except for the following purposes: 50590

(1) Reviewing or rewriting of any part of the examination on 50591  
a periodic basis as prescribed in rules adopted under section 50592  
4713.08 of the Revised Code; 50593

(2) Testing of individuals in another state for admission to 50594  
the profession of cosmetology or any of its branches as required 50595  
under a contract or by means of a license with that state; 50596

(3) Complying with a public records request after which the 50597  
questions or the demonstrations have become a public record under 50598  
division (F) of this section and otherwise may lawfully be 50599  
released. 50600

(E) The examination papers and the scored results of the 50601  
practical demonstrations of each individual examined by the board 50602  
shall be open for inspection by the individual or the individual's 50603  
attorney for at least ninety days following the announcement of 50604  
the individual's grade, except for papers that under the terms of 50605  
a contract with a testing service are not available for 50606  
inspection. On written request of an individual or the 50607  
individual's attorney made to the board not later than ninety days 50608  
after announcement of the individual's grade, the board shall have 50609  
the individual's practical examination papers regraded manually. 50610

(F) Test materials, examinations, or evaluation tools used in 50611  
an examination for licensure under this chapter that the board 50612  
develops or contracts with a private or government entity to 50613  
administer shall become public records under section 149.43 of the 50614  
Revised Code fifteen years after the materials, examinations, or 50615  
tools were first used in an assessment for licensure, unless the 50616  
release of the record is otherwise prohibited by state or federal 50617  
law, or the record is deemed to be the proprietary information of 50618

a private entity. 50619

**Sec. 4713.25.** (A) The state ~~board of~~ cosmetology and barber 50620  
board may administer a separate advanced cosmetologist examination 50621  
for individuals who complete an advanced cosmetologist training 50622  
course separate from a cosmetologist training course. The board 50623  
may combine the advanced cosmetologist examination with the 50624  
cosmetologist examination for individuals who complete a combined 50625  
cosmetologist and advanced cosmetologist training course. 50626

(B) The board may administer a separate advanced esthetician 50627  
examination for individuals who complete an advanced esthetician 50628  
training course separate from an esthetician training course. The 50629  
board may combine the advanced esthetician examination with the 50630  
esthetician examination for individuals who complete an 50631  
esthetician and advanced esthetician training course. 50632

(C) The board may administer a separate advanced hair 50633  
designer examination for individuals who complete an advanced hair 50634  
designer training course separate from a hair designer training 50635  
course. The board may combine the advanced hair designer 50636  
examination with the hair designer examination for individuals who 50637  
complete a hair designer and advanced hair designer training 50638  
course. 50639

(D) The board may administer a separate advanced manicurist 50640  
examination for individuals who complete an advanced manicurist 50641  
training course separate from a manicurist training course. The 50642  
board may combine the advanced manicurist examination with the 50643  
manicurist examination for individuals who complete a manicurist 50644  
and advanced manicurist training course. 50645

(E) The board may administer a separate advanced natural hair 50646  
stylist examination for individuals who complete an advanced 50647  
natural hair stylist training course separate from a natural hair 50648  
stylist training course. The board may combine the advanced 50649

natural hair stylist examination with the natural hair stylist 50650  
examination for individuals who complete a natural hair stylist 50651  
and advanced natural hair stylist training course. 50652

**Sec. 4713.28.** (A) The state ~~board of~~ cosmetology and barber 50653  
board shall issue a practicing license to an applicant who 50654  
satisfies all of the following applicable conditions: 50655

(1) Is at least sixteen years of age; 50656

(2) Is of good moral character; 50657

(3) Has the equivalent of an Ohio public school tenth grade 50658  
education; 50659

(4) Has submitted a written application on a form furnished 50660  
by the board that contains all of the following: 50661

(a) The name of the individual and any other identifying 50662  
information required by the board; 50663

(b) A recent photograph of the individual that meets the 50664  
specifications established by the board; 50665

(c) A photocopy of the individual's current driver's license 50666  
or other proof of legal residence; 50667

(d) Proof that the individual is qualified to take the 50668  
applicable examination as required by section 4713.20 of the 50669  
Revised Code; 50670

(e) An oath verifying that the information in the application 50671  
is true; 50672

(f) The applicable application fee. 50673

(5) Passes an examination conducted under division (A) of 50674  
section 4713.24 of the Revised Code for the branch of cosmetology 50675  
the applicant seeks to practice; 50676

(6) Pays to the board the applicable license fee; 50677

(7) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

(8) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;

(9) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

(10) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state;

(11) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to sanitation, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology.

(B) The board shall not deny a license to any applicant based on prior incarceration or conviction for any crime. If the board denies an individual a license or license renewal, the reasons for

such denial shall be put in writing. 50709

**Sec. 4713.29.** In accordance with rules adopted under section 50710  
4713.08 of the Revised Code, the state ~~board of~~ cosmetology and 50711  
barber board may waive a condition established by section 4713.28 50712  
of the Revised Code for a license to practice a branch of 50713  
cosmetology for an applicant who practices that branch of 50714  
cosmetology in a state or country that does not license or 50715  
register branches of cosmetology. 50716

**Sec. 4713.30.** The state ~~board of~~ cosmetology and barber board 50717  
shall issue an advanced license to an applicant who satisfies all 50718  
of the following applicable conditions: 50719

(A) Is at least sixteen years of age; 50720

(B) Is of good moral character; 50721

(C) Has the equivalent of an Ohio public school tenth grade 50722  
education; 50723

(D) Pays to the board the applicable fee; 50724

(E) Passes the appropriate advanced license examination; 50725

(F) In the case of an applicant for an initial advanced 50726  
cosmetologist license, does either of the following: 50727

(1) Has a licensed advanced cosmetologist or owner of a 50728  
licensed beauty salon located in this or another state certify to 50729  
the board that the applicant has practiced as a cosmetologist for 50730  
at least one thousand eight hundred hours in a licensed beauty 50731  
salon; 50732

(2) Has a school of cosmetology licensed in this state 50733  
certify to the board that the applicant has successfully 50734  
completed, in addition to the hours required for licensure as a 50735  
cosmetologist, at least three hundred hours of board-approved 50736  
advanced cosmetologist training. 50737

(G) In the case of an applicant for an initial advanced 50738  
esthetician license, does either of the following: 50739

(1) Has the licensed advanced esthetician, licensed advanced 50740  
cosmetologist, or owner of a licensed esthetics salon or licensed 50741  
beauty salon located in this or another state certify to the board 50742  
that the applicant has practiced esthetics for at least one 50743  
thousand eight hundred hours as an esthetician in a licensed 50744  
esthetics salon or as a cosmetologist in a licensed beauty salon; 50745

(2) Has a school of cosmetology licensed in this state 50746  
certify to the board that the applicant has successfully 50747  
completed, in addition to the hours required for licensure as an 50748  
esthetician or cosmetologist, at least one hundred fifty hours of 50749  
board-approved advanced esthetician training. 50750

(H) In the case of an applicant for an initial advanced hair 50751  
designer license, does either of the following: 50752

(1) Has the licensed advanced hair designer, licensed 50753  
advanced cosmetologist, or owner of a licensed hair design salon 50754  
or licensed beauty salon located in this or another state certify 50755  
to the board that the applicant has practiced hair design for at 50756  
least one thousand eight hundred hours as a hair designer in a 50757  
licensed hair design salon or as a cosmetologist in a licensed 50758  
beauty salon; 50759

(2) Has a school of cosmetology licensed in this state 50760  
certify to the board that the applicant has successfully 50761  
completed, in addition to the hours required for licensure as a 50762  
hair designer or cosmetologist, at least two hundred forty hours 50763  
of board-approved advanced hair designer training. 50764

(I) In the case of an applicant for an initial advanced 50765  
manicurist license, does either of the following: 50766

(1) Has the licensed advanced manicurist, licensed advanced 50767  
cosmetologist, or owner of a licensed nail salon, licensed beauty 50768

salon, or licensed barber shop located in this or another state 50769  
certify to the board that the applicant has practiced manicuring 50770  
for at least one thousand eight hundred hours as a manicurist in a 50771  
licensed nail salon or licensed barber shop or as a cosmetologist 50772  
in a licensed beauty salon or licensed barber shop; 50773

(2) Has a school of cosmetology licensed in this state 50774  
certify to the board that the applicant has successfully 50775  
completed, in addition to the hours required for licensure as a 50776  
manicurist or cosmetologist, at least one hundred hours of 50777  
board-approved advanced manicurist training. 50778

(J) In the case of an applicant for an initial advanced 50779  
natural hair stylist license, does either of the following: 50780

(1) Has the licensed advanced natural hair stylist, licensed 50781  
advanced cosmetologist, or owner of a licensed natural hair style 50782  
salon or licensed beauty salon located in this or another state 50783  
certify to the board that the applicant has practiced natural hair 50784  
styling for at least one thousand eight hundred hours as a natural 50785  
hair stylist in a licensed natural hair style salon or as a 50786  
cosmetologist in a licensed beauty salon; 50787

(2) Has a school of cosmetology licensed in this state 50788  
certify to the board that the applicant has successfully 50789  
completed, in addition to the hours required for licensure as 50790  
natural hair stylist or cosmetologist, at least one hundred fifty 50791  
hours of board-approved advanced natural hair stylist training. 50792

**Sec. 4713.31.** The state ~~board of~~ cosmetology and barber board 50793  
shall issue an instructor license to an applicant who satisfies 50794  
all of the following applicable conditions: 50795

(A) Is at least eighteen years of age; 50796

(B) Is of good moral character; 50797

(C) Has the equivalent of an Ohio public school twelfth grade 50798

|  |   |
|--|---|
| education;   | 50799   |
| (D) Pays to the board the applicable fee;  | 50800   |
| (E) In the case of an applicant for an initial cosmetology instructor license, holds a current, valid advanced cosmetologist license issued in this state and does either of the following:  | 50801<br>50802<br>50803                                     |
| (1) Has the licensed advanced cosmetologist or owner of the licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;  | 50804<br>50805<br>50806<br>50807<br>50808                   |
| (2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed one thousand hours of board-approved cosmetology instructor training as an apprentice instructor.  | 50809<br>50810<br>50811<br>50812                            |
| (F) In the case of an applicant for an initial esthetics instructor license, holds a current, valid advanced esthetician or advanced cosmetologist license issued in this state and does either of the following:  | 50813<br>50814<br>50815<br>50816                            |
| (1) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of the licensed esthetics salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of esthetics in a licensed esthetics salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours; | 50817<br>50818<br>50819<br>50820<br>50821<br>50822<br>50823 |
| (2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least five hundred hours of board-approved esthetics instructor training as an apprentice instructor.   | 50824<br>50825<br>50826<br>50827                            |
| (G) In the case of an applicant for an initial hair design   | 50828   |

instructor license, holds a current, valid advanced hair designer 50829  
or advanced cosmetologist license and does either of the 50830  
following: 50831

(1) Has the licensed advanced hair designer, licensed 50832  
advanced cosmetologist, or owner of the licensed hair design salon 50833  
or licensed beauty salon in which the applicant has been employed 50834  
certify to the board that the applicant has engaged in the 50835  
practice of hair design in a licensed hair design salon or 50836  
practice of cosmetology in a licensed beauty salon for at least 50837  
one thousand eight hundred hours; 50838

(2) Has a school of cosmetology licensed in this state 50839  
certify to the board that the applicant has successfully completed 50840  
at least eight hundred hours of board-approved hair design 50841  
instructor's training as an apprentice instructor. 50842

(H) In the case of an applicant for an initial manicurist 50843  
instructor license, holds a current, valid advanced manicurist or 50844  
advanced cosmetologist license and does either of the following: 50845

(1) Has the licensed advanced manicurist, licensed advanced 50846  
cosmetologist, or owner of the licensed nail salon or licensed 50847  
beauty salon in which the applicant has been employed certify to 50848  
the board that the applicant has engaged in the practice of 50849  
manicuring in a licensed nail salon or practice of cosmetology in 50850  
a licensed beauty salon for at least one thousand eight hundred 50851  
hours; 50852

(2) Has a school of cosmetology licensed in this state 50853  
certify to the board that the applicant has successfully completed 50854  
at least three hundred hours of board-approved manicurist 50855  
instructor training as an apprentice instructor. 50856

(I) In the case of an applicant for an initial natural hair 50857  
style instructor license, holds a current, valid advanced natural 50858  
hair stylist or advanced cosmetologist license and does either of 50859

the following: 50860

(1) Has the licensed advanced natural hair stylist, licensed 50861  
advanced cosmetologist, or owner of the licensed natural hair 50862  
style salon or licensed beauty salon in which the applicant has 50863  
been employed certify to the board that the applicant has engaged 50864  
in the practice of natural hair styling in a licensed natural hair 50865  
style salon or practice of cosmetology in a licensed beauty salon 50866  
for at least one thousand eight hundred hours; 50867

(2) Has a school of cosmetology licensed in this state 50868  
certify to the board that the applicant has successfully completed 50869  
at least four hundred hours of board-approved natural hair style 50870  
instructor training as an apprentice instructor. 50871

(J) In the case of all applicants, passes an examination 50872  
conducted under division (B) of section 4713.24 of the Revised 50873  
Code for the branch of cosmetology the applicant seeks to 50874  
instruct. 50875

**Sec. 4713.32.** When determining the total hours of instruction 50876  
received by an applicant for a license under section 4713.28, 50877  
4713.30, or 4713.31 of the Revised Code, the state ~~board of~~ 50878  
cosmetology and barber board shall not take into account more than 50879  
ten hours of instruction per day. The board shall take into 50880  
account instruction received more than five years prior to the 50881  
date of application for the license in accordance with rules 50882  
adopted under section 4713.08 of the Revised Code. 50883

**Sec. 4713.34.** The state ~~board of~~ cosmetology and barber board 50884  
shall issue a license to practice a branch of cosmetology or 50885  
instructor license to an applicant who is licensed or registered 50886  
in another state or country to practice that branch of cosmetology 50887  
or teach the theory and practice of that branch of cosmetology, as 50888  
appropriate, if all of the following conditions are satisfied: 50889

|  |       |
|--|-------|
| (A) The applicant satisfies all of the following conditions:             | 50890 |
| (1) Is not less than eighteen years of age;                              | 50891 |
| (2) Is of good moral character;  | 50892 |
| (3) In the case of an applicant for a practicing license,                | 50893 |
| passes an examination conducted under section 4713.24 of the             | 50894 |
| Revised Code for the license the applicant seeks, unless the             | 50895 |
| applicant satisfies conditions specified in rules adopted under          | 50896 |
| section 4713.08 of the Revised Code for the board to issue the           | 50897 |
| applicant a license without taking the examination;                      | 50898 |
| (4) Pays the applicable fee.   | 50899 |
| (B) At the time the applicant obtained the license or                    | 50900 |
| registration in the other state or country, the requirements in          | 50901 |
| this state for obtaining the license the applicant seeks were            | 50902 |
| substantially equal to the other state or country's requirements.        | 50903 |
| (C) The jurisdiction that issued the applicant's license or              | 50904 |
| registration extends similar reciprocity to individuals holding a        | 50905 |
| license issued by the board.   | 50906 |
| <b>Sec. 4713.35.</b> An individual who holds a current, valid            | 50907 |
| cosmetologist or advanced cosmetologist license issued by the            | 50908 |
| state <del>board of cosmetology and barber board</del> may engage in the | 50909 |
| practice of one or more branches of cosmetology as the individual        | 50910 |
| chooses in a licensed facility.  | 50911 |
| An individual who holds a current, valid esthetician or                  | 50912 |
| advanced esthetician license issued by the board may engage in the       | 50913 |
| practice of esthetics but no other branch of cosmetology in a            | 50914 |
| licensed facility.   | 50915 |
| An individual who holds a current, valid hair designer or                | 50916 |
| advanced hair designer license issued by the board may engage in         | 50917 |
| the practice of hair design but no other branch of cosmetology in        | 50918 |
| a licensed facility.   | 50919 |

An individual who holds a current, valid manicurist or 50920  
advanced manicurist license issued by the board may engage in the 50921  
practice of manicuring but no other branch of cosmetology in a 50922  
licensed facility. 50923

An individual who holds a current, valid natural hair stylist 50924  
or advanced natural hair stylist license issued by the board may 50925  
engage in the practice of natural hair styling but no other branch 50926  
of cosmetology in a licensed facility. 50927

An individual who holds a current, valid cosmetology 50928  
instructor license issued by the board may teach the theory and 50929  
practice of one or more branches of cosmetology at a school of 50930  
cosmetology as the individual chooses. 50931

An individual who holds a current, valid esthetics instructor 50932  
license issued by the board may teach the theory and practice of 50933  
esthetics, but no other branch of cosmetology, at a school of 50934  
cosmetology. 50935

An individual who holds a current, valid hair design 50936  
instructor license issued by the board may teach the theory and 50937  
practice of hair design, but no other branch of cosmetology, at a 50938  
school of cosmetology. 50939

An individual who holds a current, valid manicurist 50940  
instructor license issued by the board may teach the theory and 50941  
practice of manicuring, but no other branch of cosmetology, at a 50942  
school of cosmetology. 50943

An individual who holds a current, valid natural hair style 50944  
instructor license issued by the board may teach the theory and 50945  
practice of natural hair styling, but no other branch of 50946  
cosmetology, at a school of cosmetology. 50947

An individual who holds a current, valid boutique 50948  
registration with the board may engage in the practice of boutique 50949  
services but no other branch of cosmetology. 50950

**Sec. 4713.37.** (A) The state ~~board of~~ cosmetology and barber  
board may issue a temporary special occasion work permit to an  
individual who satisfies all of the following conditions:

(1) Has been licensed or registered in another state or  
country to practice a branch of cosmetology or teach the theory  
and practice of a branch of cosmetology for at least five years;

(2) Is a recognized expert in the practice or teaching of the  
branch of cosmetology the individual practices or teaches;

(3) Is to practice that branch of cosmetology or teach the  
theory and practice of that branch of cosmetology in this state as  
part of a promotional or instructional program for not more than  
the amount of time a temporary special occasion work permit is  
effective;

(4) Satisfies all other conditions for a temporary special  
occasion work permit established by rules adopted under section  
4713.08 of the Revised Code;

(5) Pays the fee established by rules adopted under section  
4713.08 of the Revised Code.

(B) An individual issued a temporary special occasion work  
permit may practice the branch of cosmetology the individual  
practices in another state or country, or teach the theory and  
practice of the branch of cosmetology the individual teaches in  
another state or country, until the expiration date of the permit.  
A temporary special occasion work permit is valid for the period  
of time specified in rules adopted under section 4713.08 of the  
Revised Code.

**Sec. 4713.39.** The state ~~board of~~ cosmetology and barber board  
shall issue a license to engage in the practice of a branch of  
cosmetology as an independent contractor to an applicant who pays  
the applicable fee; holds a current, valid license for the type of

salon in which the applicant will practice that branch of 50981  
cosmetology; and satisfies the conditions for the license 50982  
established by rules adopted under section 4713.08 of the Revised 50983  
Code. 50984

**Sec. 4713.41.** The state ~~board of cosmetology and barber board~~ 50985  
shall issue a license to operate a salon, including a boutique 50986  
salon, to an applicant who pays the applicable fee and affirms 50987  
that all of the following conditions will be met: 50988

(A)(1) An individual holding a current, valid cosmetologist 50989  
license or boutique services registration pertaining to the branch 50990  
of cosmetology services performed at the salon or boutique salon, 50991  
shall have charge of and immediate supervision over the salon at 50992  
all times when the salon is open for business except as permitted 50993  
under division (A)(2) of this section. 50994

(2) A business establishment that is engaged primarily in 50995  
retail sales but is also licensed as a salon shall have present an 50996  
individual holding a current, valid license or registration to 50997  
practice in that type of salon in charge of and in immediate 50998  
supervision of the salon during posted or advertised service 50999  
hours, if the practice of cosmetology is restricted to those 51000  
posted or advertised service hours. 51001

(B) The salon is equipped to do all of the following: 51002

(1) Provide potable running hot and cold water and proper 51003  
drainage; 51004

(2) Sanitize all instruments and supplies used in the branch 51005  
of cosmetology provided at the salon; 51006

(3) If cosmetic therapy, massage therapy, or other 51007  
professional service is provided at the salon under section 51008  
4713.42 of the Revised Code, sanitize all instruments and supplies 51009  
used in the cosmetic therapy, massage therapy, or other 51010

professional service. 51011

(C) Except as provided in sections 4713.42 and 4713.49 of the Revised Code, only the branch of cosmetology that the salon is licensed to provide is practiced at the salon. 51012  
51013  
51014

(D) The salon is kept in a clean and sanitary condition and properly ventilated. 51015  
51016

(E) No food is sold at the salon in a manner inconsistent with rules adopted under section 4713.08 of the Revised Code. 51017  
51018

(F) A notice that contains a toll-free number and online process for reporting alleged violations of this chapter, as prescribed by the board of cosmetology, is posted at the salon in a common area for all customers of salon services. 51019  
51020  
51021  
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**Sec. 4713.44.** (A) The state ~~board of~~ cosmetology and barber board shall issue a license to operate a school of cosmetology to an applicant who pays the applicable fee and satisfies all of the following requirements: 51023  
51024  
51025  
51026

(1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology to be taught at the school equal to the requirements for admission to an examination under section 4713.24 of the Revised Code that an individual must pass to obtain a license to practice that branch or those branches of cosmetology; 51027  
51028  
51029  
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(2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum; 51033  
51034  
51035

(3) Maintains individuals licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology; 51036  
51037  
51038

(4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes 51039  
51040

grades, and holds examinations in order to certify the students' 51041  
completion of the prescribed course of study before the issuance 51042  
of certificates of completion; 51043

(5) In the case of a school of cosmetology that offers clock 51044  
hours for the purpose of satisfying minimum hours of training and 51045  
instruction, keeps a daily record of the attendance of each 51046  
student; 51047

(6) On the date that an apprentice cosmetology instructor 51048  
begins cosmetology instructor training at the school, certifies 51049  
the name of the apprentice cosmetology instructor to the board 51050  
along with the date on which the apprentice's instructor training 51051  
began; 51052

(7) Instructs not more than six apprentice cosmetology 51053  
instructors at any one time; 51054

(8) Files with the board a good and sufficient surety bond 51055  
executed by the individual, firm, or corporation operating the 51056  
school of cosmetology as principal and by a surety company as 51057  
surety in the amount of ten thousand dollars; provided, that this 51058  
requirement does not apply to a vocational or career-technical 51059  
school program conducted by a city, exempted village, local, or 51060  
joint vocational school district. The bond shall be in the form 51061  
prescribed by the board and be conditioned upon the school's 51062  
continued instruction in the theory and practice of the branches 51063  
of cosmetology. Every bond shall continue in effect until notice 51064  
of its termination is given to the board by registered mail and 51065  
every bond shall so provide. 51066

(9) Establishes and maintains an internal procedure for 51067  
processing complaints filed against the school and for providing 51068  
students with instructions on how to file a complaint directly 51069  
with the board pursuant to section 4713.641 of the Revised Code. 51070

(B) A school of cosmetology holding a license issued under 51071

division (A) of this section is an educational institution and is 51072  
authorized to offer educational programs beyond secondary 51073  
education, advanced practice programs, or both in accordance with 51074  
rules adopted by the board pursuant to section 4713.08 of the 51075  
Revised Code. 51076

(C) A school of cosmetology holding a license to operate a 51077  
school of cosmetology on September 29, 2013, shall establish and 51078  
maintain an internal procedure for processing complaints filed 51079  
against the school and shall provide each of the school's students 51080  
with instructions on how to file a complaint directly with the 51081  
board pursuant to section 4713.641 of the Revised Code. 51082

**Sec. 4713.45.** (A) A school of cosmetology may do the 51083  
following: 51084

(1) In accordance with rules adopted under section 4713.08 of 51085  
the Revised Code, a school of cosmetology operated by a public 51086  
entity or a private person may offer clock hours, credit hours, or 51087  
competency-based credits for the purpose of satisfying minimum 51088  
hours of training and instruction; 51089

(2) Allow an apprentice cosmetology instructor the regular 51090  
quota of students prescribed by the state ~~board of~~ cosmetology and 51091  
barber board if a cosmetology instructor is present; 51092

(3) Compensate an apprentice cosmetology instructor; 51093

(4) Subject to division (B) of this section, employ an 51094  
individual who does not hold a current, valid instructor license 51095  
to teach subjects related to a branch of cosmetology. 51096

(B) A school of cosmetology shall have a licensed cosmetology 51097  
instructor present when an individual employed pursuant to 51098  
division (A)(4) of this section teaches at the school, unless the 51099  
individual is one of the following: 51100

(1) An individual with a current, valid teacher's certificate 51101

or educator license issued by the state board of education; 51102

(2) An individual with a bachelor's degree in the subject the 51103  
person teaches at the school; 51104

(3) An individual also employed by a university or college to 51105  
teach the subject the person teaches at the school. 51106

(C) A school of cosmetology shall annually review the 51107  
subjects and coursework required to receive an initial cosmetology 51108  
license and advanced license and, in doing so, shall incorporate 51109  
standards adopted by the state ~~board of~~ cosmetology and barber 51110  
board pursuant to division (A)(13) of section 4713.08 of the 51111  
Revised Code. 51112

**Sec. 4713.48.** (A) The state ~~board of~~ cosmetology and barber 51113  
board shall issue a permit to operate a tanning facility to an 51114  
applicant if all of the following conditions are satisfied: 51115

(1) The applicant applies in accordance with the application 51116  
process adopted by rules adopted under section 4713.08 of the 51117  
Revised Code. 51118

(2) The applicant pays to the treasurer of state the fee 51119  
established by those rules. 51120

(3) An initial inspection of the premises indicates that the 51121  
tanning facility has been installed and will be operated in 51122  
accordance with those rules. 51123

(B) A permit holder shall post the permit in a public and 51124  
conspicuous place on any premises where the tanning facility is 51125  
located. An individual shall obtain a separate permit for each of 51126  
the premises owned or operated by that individual at which the 51127  
individual seeks to operate a tanning facility. 51128

(C) To continue operating, a permit holder shall biennially 51129  
renew the permit by the last day of January of each odd-numbered 51130  
year. The board shall renew the permit upon the holder's payment 51131

to the treasurer of state of the biennial renewal fee. 51132

**Sec. 4713.50.** (A) A tanning facility operator or employee 51133  
shall make reasonable efforts, in accordance with procedures 51134  
established under section 4713.08 of the Revised Code, to 51135  
determine whether an individual seeking to use the facility's sun 51136  
lamp tanning services is less than sixteen years of age, at least 51137  
sixteen but less than eighteen years of age, or eighteen years of 51138  
age or older. 51139

(B)(1) A tanning facility operator or employee shall not 51140  
allow an individual who is eighteen years of age or older to use 51141  
the facility's sun lamp tanning services without first obtaining 51142  
the consent of the individual. The consent shall be evidenced by 51143  
the individual's signature on the form developed by the state 51144  
~~board of cosmetology and barber board~~ under section 4713.51 of the 51145  
Revised Code. The consent is valid indefinitely. 51146

(2) A tanning facility operator or employee shall not allow 51147  
an individual who is at least sixteen but less than eighteen years 51148  
of age to use the facility's sun lamp tanning services without 51149  
first obtaining the consent of a parent or legal guardian of the 51150  
individual. The consent shall be evidenced by the signature of the 51151  
parent or legal guardian on the form developed by the board under 51152  
section 4713.51 of the Revised Code. The form must be signed in 51153  
the presence of the operator or an employee of the tanning 51154  
facility. The consent is valid for ninety days from the date the 51155  
form is signed. A tanning facility operator or employee shall not 51156  
allow an individual who is at least sixteen but less than eighteen 51157  
years of age to use the facility's sun lamp tanning services for 51158  
more than forty-five sessions during the ninety-day period covered 51159  
by the consent. No such session may be longer than the maximum 51160  
safe time of exposure specified in rules adopted under division 51161  
(A)(17) of section 4713.08 of the Revised Code. 51162

(3) A tanning facility operator or employee shall not allow an individual who is less than sixteen years of age to use the facility's sun lamp tanning services unless both of the following apply:

(a) The tanning facility operator or employee obtains the consent of a parent or legal guardian of the individual prior to each session of the use of the facility's sun lamp tanning services. The consent shall be evidenced by the signature of the parent or legal guardian on the form developed by the board under section 4713.51 of the Revised Code. The form must be signed in the presence of the operator or an employee of the tanning facility.

(b) A parent or legal guardian of the individual is present at the tanning facility for the duration of each session of the use of the facility's sun lamp tanning services.

(c) For purposes of division (B) of this section, an electronic signature may be used to provide and may be accepted as a signature evidencing consent.

**Sec. 4713.51.** The state ~~board of~~ cosmetology and barber board shall develop a form for use by tanning facility operators and employees in complying with the consent requirements of division (B) of section 4713.50 of the Revised Code. The form must describe the potential health effects of radiation from sun lamps, including a description of the possible relationship of the radiation to skin cancer. In developing the form, the board shall consult with the department of health, dermatologists, and tanning facility operators. The board shall make the form available on the internet web site maintained by the board.

**Sec. 4713.55.** Every license issued by the state ~~board of~~ cosmetology and barber board shall be signed by the chairperson

and attested by the executive director of the board, with the seal 51193  
of the board attached. 51194

The board shall specify on each practicing license that the 51195  
board issues the branch of cosmetology that the license entitles 51196  
the holder to practice. The board shall specify on each advanced 51197  
license that the board issues the type of salon in which the 51198  
license entitles the holder to work and the branch of cosmetology 51199  
that the license entitles the holder to practice. The board shall 51200  
specify on each instructor license that the board issues the 51201  
branch of cosmetology that the license entitles the holder to 51202  
teach. The board shall specify on each salon license that the 51203  
board issues the branch of cosmetology that the license entitles 51204  
the holder to offer. The board shall specify on each independent 51205  
contractor license that the board issues the branch of cosmetology 51206  
that the license entitles the holder to offer within a licensed 51207  
salon. Such licenses are prima-facie evidence of the right of the 51208  
holder to practice or teach the branch of cosmetology that the 51209  
license specifies. 51210

**Sec. 4713.56.** Every holder of a practicing license, 51211  
instructor license, independent contractor license, or boutique 51212  
service registration issued by the state board of cosmetology 51213  
shall maintain the board-issued, wallet-sized license or 51214  
electronically generated license certification or registration and 51215  
a current government-issued photo identification that can be 51216  
produced upon inspection or request. 51217

Every holder of a license to operate a salon issued by the 51218  
board shall display the license in a public and conspicuous place 51219  
in the salon. 51220

Every holder of a license to operate a school of cosmetology 51221  
issued by the board shall display the license in a public and 51222

conspicuous place in the school. 51223

Every individual who provides cosmetic therapy, massage 51224  
therapy, or other professional service in a salon under section 51225  
4713.42 of the Revised Code shall maintain the individual's 51226  
professional license or certificate or electronically generated 51227  
license certification or registration and a state of Ohio issued 51228  
photo identification that can be produced upon inspection or 51229  
request. 51230

**Sec. 4713.57.** A license or registration issued by the state 51231  
~~board of cosmetology and barber board~~ pursuant to this chapter is 51232  
valid until the last day of January of the odd-numbered year 51233  
following its original issuance or renewal, unless the license is 51234  
revoked or suspended prior to that date. Renewal shall be done in 51235  
accordance with the standard renewal procedure of Chapter 4745. of 51236  
the Revised Code. The board may refuse to renew a license if the 51237  
individual holding the license has an outstanding unpaid fine 51238  
levied under section 4713.64 of the Revised Code. 51239

**Sec. 4713.58.** (A) Except as provided in division (B) of this 51240  
section, on payment of the renewal fee and submission of proof 51241  
satisfactory to the state ~~board of cosmetology and barber board~~ 51242  
that any applicable continuing education requirements have been 51243  
completed, an individual currently licensed as: 51244

(1) A cosmetology instructor who has previously been licensed 51245  
as a cosmetologist or an advanced cosmetologist, is entitled to 51246  
the reissuance of a cosmetologist or advanced cosmetologist 51247  
license; 51248

(2) An esthetics instructor who has previously been licensed 51249  
as an esthetician or an advanced esthetician, is entitled to the 51250  
reissuance of an esthetician or advanced esthetician license; 51251

(3) A hair design instructor who has previously been licensed 51252

as a hair designer or an advanced hair designer, is entitled to 51253  
the reissuance of a hair designer or advanced hair designer 51254  
license; 51255

(4) A manicurist instructor who has previously been licensed 51256  
as a manicurist or an advanced manicurist, is entitled to the 51257  
reissuance of a manicurist or advanced manicurist license; 51258

(5) A natural hair style instructor who has previously been 51259  
licensed as a natural hair stylist or an advanced natural hair 51260  
stylist, is entitled to the reissuance of a natural hair stylist 51261  
or advanced natural hair stylist license. 51262

(B) No individual is entitled to the reissuance of a license 51263  
under division (A) of this section if the license was revoked or 51264  
suspended or the individual has an outstanding unpaid fine levied 51265  
under section 4713.64 of the Revised Code. 51266

**Sec. 4713.59.** If the state ~~board of~~ cosmetology and barber 51267  
board adopts rules under section 4713.09 of the Revised Code to 51268  
establish a continuing education requirement as a condition of 51269  
renewal for a practicing license, advanced license, or instructor 51270  
license, the board shall inform each affected licensee of the 51271  
continuing education requirement that applies to the next biennial 51272  
licensing period by including that information in the renewal 51273  
notification it sends the licensee. The notification shall state 51274  
that the licensee must complete the continuing education 51275  
requirement by the fifteenth day of January of the next 51276  
odd-numbered year. 51277

Hours completed in excess of the continuing education 51278  
requirement may not be applied to the next biennial licensing 51279  
period. 51280

**Sec. 4713.61.** (A) If the state ~~board of~~ cosmetology and 51281  
barber board adopts a continuing education requirement under 51282

section 4713.09 of the Revised Code, it may develop a procedure by which an individual who holds a license to practice a branch of cosmetology, advanced license, or instructor license and who is not currently engaged in the practice of the branch of cosmetology or teaching the theory and practice of the branch of cosmetology, but who desires to be so engaged in the future, may apply to the board to have the individual's license classified inactive. If the board develops such a procedure, an individual seeking to have the individual's license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4713.08 of the Revised Code.

(B) The board shall not restore an inactive license until the later of the following:

(1) The date that the individual holding the license submits proof satisfactory to the board that the individual has completed the continuing education that a rule adopted under section 4713.08 of the Revised Code requires;

(2) The last day of January of the next odd-numbered year following the year the license is classified inactive.

(C) An individual who holds an inactive license may engage in the practice of a branch of cosmetology if the individual holds a temporary work permit as specified in rules adopted by the board under section 4713.08 of the Revised Code.

**Sec. 4713.62.** (A) An individual holding a practicing license, advanced license, instructor license, or boutique services registration may satisfy a continuing education requirement established by rules adopted under section 4713.09 of the Revised Code only by completing continuing education programs approved under division (B) of this section.

(B) The state ~~board of~~ cosmetology and barber board shall

approve a continuing education program if all of the following 51313  
conditions are satisfied: 51314

(1) The person operating the program submits to the board a 51315  
written application for approval. 51316

(2) The person operating the program pays to the board a fee 51317  
established by rules adopted under section 4713.08 of the Revised 51318  
Code. 51319

(3) The program is operated by an employee, officer, or 51320  
director of a nonprofit professional association, college or 51321  
university, proprietary continuing education institutions 51322  
providing programs approved by the board, vocational school, 51323  
postsecondary proprietary school of cosmetology licensed by the 51324  
board, salon licensed by the board, or manufacturer of supplies or 51325  
equipment used in the practice of a branch of cosmetology. 51326

(4) The program will do at least one of the following: 51327

(a) Enhance the professional competency of the affected 51328  
licensees or registrants; 51329

(b) Protect the public; 51330

(c) Educate the affected licensees or registrants in the 51331  
application of the laws and rules regulating the practice of a 51332  
branch of cosmetology. 51333

(5) The person operating the program provides the board a 51334  
tentative schedule of when the program will be available so that 51335  
the board can make the schedule readily available to all licensees 51336  
and registrants throughout the state. 51337

**Sec. 4713.63.** A practicing license, advanced license, or 51338  
instructor license that has not been renewed for any reason other 51339  
than because it has been revoked, suspended, or classified 51340  
inactive, or because the license holder has been given a waiver or 51341  
extension under section 4713.60 of the Revised Code, is expired. 51342

An expired license may be restored if the individual who held the license meets all of the following applicable conditions:

(A) Pays to the state ~~board of cosmetology~~ and barber board the restoration fee established under section 4713.10 of the Revised Code;

(B) In the case of a practicing license or advanced license that has been expired for more than two consecutive license renewal periods, completes eight hours of continuing education for each license renewal period that has elapsed since the license was last issued or renewed, up to a maximum of twenty-four hours. At least four of those hours shall include a course pertaining to sanitation and safety methods.

The board shall deposit all fees it receives under division (B) of this section into the general revenue fund.

**Sec. 4713.64.** (A) The state ~~board of cosmetology~~ and barber board may take disciplinary action under this chapter for any of the following:

(1) Failure to comply with the safety, sanitation, and licensing requirements of this chapter or rules adopted under it;

(2) Continued practice by an individual knowingly having an infectious or contagious disease;

(3) Habitual drunkenness or addiction to any habit-forming drug;

(4) Willful false and fraudulent or deceptive advertising;

(5) Falsification of any record or application required to be filed with the board;

(6) Failure to pay a fine or abide by a suspension order issued by the board;

|   |   |
|---|---|
| (7) Failure to cooperate with an investigation or inspection;   | 51371   |
| (8) Failure to respond to a subpoena;   | 51372   |
| (9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;  | 51373<br>51374  |
| (10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.   | 51375<br>51376<br>51377                                     |
| (B) On determining that there is cause for disciplinary action, the board may do one or more of the following:  | 51378<br>51379  |
| (1) Deny, revoke, or suspend a license, permit, or registration issued by the board <u>under this chapter</u> ;   | 51380<br>51381  |
| (2) Impose a fine;  | 51382   |
| (3) Require the holder of a license, permit, or registration <u>issued under this chapter</u> to take corrective action courses.  | 51383<br>51384  |
| (C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.   | 51385<br>51386<br>51387                                     |
| (2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code. | 51388<br>51389<br>51390<br>51391<br>51392<br>51393<br>51394 |
| (3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration <u>issued under this chapter</u> . A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board               | 51395<br>51396<br>51397<br>51398<br>51399<br>51400          |

does not ratify a consent agreement, the admissions and findings 51401  
contained in the agreement are of no effect, and the case shall be 51402  
scheduled for adjudication under Chapter 119. of the Revised Code. 51403

(D) The amount and content of corrective action courses and 51404  
other relevant criteria shall be established by the board in rules 51405  
adopted under section 4713.08 of the Revised Code. 51406

(E)(1) The board may impose a separate fine for each offense 51407  
listed in division (A) of this section. The amount of the first 51408  
fine issued for a violation as the result of an inspection shall 51409  
be not more than two hundred fifty dollars if the violator has not 51410  
previously been fined for that offense. Any fines issued for 51411  
additional violations during such an inspection shall not be more 51412  
than one hundred dollars for each additional violation. The fine 51413  
shall be not more than five hundred dollars if the violator has 51414  
been fined for the same offense once before. Any fines issued for 51415  
additional violations during a second inspection shall not be more 51416  
than two hundred dollars for each additional violation. The fine 51417  
shall be not more than one thousand dollars if the violator has 51418  
been fined for the same offense two or more times before. Any 51419  
fines issued for additional violations during a third inspection 51420  
shall not be more than three hundred dollars for each additional 51421  
violation. 51422

(2) The board shall issue an order notifying a violator of a 51423  
fine imposed under division (E)(1) of this section. The notice 51424  
shall specify the date by which the fine is to be paid. The date 51425  
shall be less than forty-five days after the board issues the 51426  
order. 51427

(3) At the request of a violator who is temporarily unable to 51428  
pay a fine, or upon its own motion, the board may extend the time 51429  
period within which the violator shall pay the fine up to ninety 51430  
days after the date the board issues the order. 51431

(4) If a violator fails to pay a fine by the date specified 51432  
in the board's order and does not request an extension within ten 51433  
days after the date the board issues the order, or if the violator 51434  
fails to pay the fine within the extended time period as described 51435  
in division (E)(3) of this section, the board shall add to the 51436  
fine an additional penalty equal to ten per cent of the fine. 51437

(5) If a violator fails to pay a fine within ninety days 51438  
after the board issues the order, the board shall add to the fine 51439  
interest at a rate specified by the board in rules adopted under 51440  
section 4713.08 of the Revised Code. 51441

(6) If the fine, including any interest or additional 51442  
penalty, remains unpaid on the ninety-first day after the board 51443  
issues an order under division (E)(2) of this section, the amount 51444  
of the fine and any interest or additional penalty shall be 51445  
certified to the attorney general for collection in the form and 51446  
manner prescribed by the attorney general. The attorney general 51447  
may assess the collection cost to the amount certified in such a 51448  
manner and amount as prescribed by the attorney general. 51449

(F) In the case of an offense of failure to comply with 51450  
division (A) or (B)(2) or (3) of section 4713.50 of the Revised 51451  
Code, the board shall impose a fine of five hundred dollars if the 51452  
violator has not previously been fined for that offense. If the 51453  
violator has previously been fined for the offense, the board may 51454  
impose a fine in accordance with this division or take another 51455  
action in accordance with division (B) of this section. 51456

(G) The board shall notify a licensee or registrant who is in 51457  
violation of division (A) of this section and the owner of the 51458  
salon in which the conditions constituting the violation were 51459  
found. The individual receiving the notice of violation and the 51460  
owner of the salon may request a hearing pursuant to section 51461  
119.07 of the Revised Code. If the individual or owner fails to 51462  
request a hearing or enter into a consent agreement thirty days 51463

after the date the board, in accordance with section 119.07 of the Revised Code and division (J) of this section, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the individual or owner without holding an adjudication hearing.

(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license, permit, or registration if the licensee, permit holder, or registrant fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection. If a violation of this chapter or rules adopted under it has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any individual using the facility, the inspector may suspend the license or permit of the facility or the individual responsible for the violation without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held or a consent agreement is entered into and the board either upholds the suspension or reinstates the license, permit, or registration.

(I) The board shall not take disciplinary action against an individual licensed to operate a salon or school of cosmetology for a violation of this chapter that was committed by an individual licensed to practice a branch of cosmetology, while practicing within the salon or school, when the individual's actions were beyond the control of the salon owner or school.

(J) In addition to the methods of notification required under section 119.07 of the Revised Code, the board may send the notices required under divisions (C)(2), (E)(2), and (G) of this section by any delivery method that is traceable and requires that the

delivery person obtain a signature to verify that the notice has 51496  
been delivered. The board also may send the notices by electronic 51497  
mail, provided that the electronic mail delivery system certifies 51498  
that a notice has been received. 51499

**Sec. 4713.641.** Any student or former student of a school of 51500  
cosmetology licensed under division (A) of section 4713.44 of the 51501  
Revised Code may file a complaint with the state ~~board of~~ 51502  
cosmetology and barber board alleging that the school has violated 51503  
division (A) of section 4713.64 of the Revised Code. The complaint 51504  
shall be in writing and signed by the individual bringing the 51505  
complaint. Upon receiving a complaint, the board shall initiate a 51506  
preliminary investigation to determine whether it is probable that 51507  
a violation was committed. If the board determines after 51508  
preliminary investigation that it is not probable that a violation 51509  
was committed, the board shall notify the individual who filed the 51510  
complaint of the board's findings and that the board will not 51511  
issue a formal complaint in the matter. If the board determines 51512  
after a preliminary investigation that it is probable that a 51513  
violation was committed, the board shall proceed against the 51514  
school pursuant to the board's authority under section 4713.64 of 51515  
the Revised Code and in accordance with the hearing and notice 51516  
requirements prescribed in Chapter 119. of the Revised Code. 51517

**Sec. 4713.65.** On receipt of a notice pursuant to section 51518  
3123.43 of the Revised Code, the state ~~board of~~ cosmetology and 51519  
barber board shall comply with sections 3123.41 to 3123.50 of the 51520  
Revised Code and any applicable rules adopted under section 51521  
3123.63 of the Revised Code with respect to a license issued 51522  
pursuant to this chapter or licenses issued pursuant to Chapter 51523  
4709. of the Revised Code. 51524

**Sec. 4713.66.** (A) The state ~~board of~~ cosmetology and barber 51525

board, on its own motion or on receipt of a written complaint, may 51526  
investigate or inspect the activities or premises of an individual 51527  
or entity who is alleged to have violated this chapter or rules 51528  
adopted under it, regardless of whether the individual or entity 51529  
holds a license or registration issued under this chapter. 51530

(B) If, based on its investigation, the board determines that 51531  
there is reasonable cause to believe that an individual or entity 51532  
has violated this chapter or rules adopted under it, the board 51533  
shall afford the individual or entity an opportunity for a 51534  
hearing. Notice shall be given and any hearing conducted in 51535  
accordance with Chapter 119. of the Revised Code. 51536

(C) The board shall maintain a transcript of the hearing and 51537  
issue a written opinion to all parties, citing its findings and 51538  
ground for any action it takes. Any action shall be taken in 51539  
accordance with section 4713.64 of the Revised Code. 51540

**Sec. 4713.68.** The state ~~board of cosmetology and barber board~~ 51541  
shall comply with section 4776.20 of the Revised Code. 51542

**Sec. 4713.69.** (A) The state ~~board of cosmetology and barber~~ 51543  
board shall issue a boutique services registration to an applicant 51544  
who satisfies all of the following applicable conditions: 51545

(1) Is at least sixteen years of age; 51546

(2) Is of good moral character; 51547

(3) Has the equivalent of an Ohio public school tenth grade 51548  
education; 51549

(4) Has submitted a written application on a form prescribed 51550  
by the board containing all of the following: 51551

(a) The applicant's name and home address; 51552

(b) The applicant's home telephone number and cellular 51553

telephone number, if any; 51554

(c) The applicant's electronic mail address, if any; 51555

(d) The applicant's date of birth; 51556

(e) The address and telephone number where boutique services 51557  
will be performed. The address shall not contain a post office box 51558  
number. 51559

(f) Whether the applicant has an occupational license, 51560  
certification, or registration to provide beauty services in 51561  
another state, and if so, what type of license and in what state; 51562

(g) Whether the applicant has ever had an occupational 51563  
license, certification, or registration suspended, revoked, or 51564  
denied in any state; 51565

(h) An affidavit providing proof of formal training or 51566  
apprenticeship under an individual providing such services. 51567

(B) The place of business where boutique services are 51568  
performed must comply with the safety and sanitation requirements 51569  
for licensed salon facilities as described in section 4713.41 of 51570  
the Revised Code. 51571

(C) ~~Within six months of the effective date of this section,~~ 51572  
~~the~~ The board shall specify the manner by which boutique services 51573  
registrants shall fulfill the continuing education requirements 51574  
set forth in section 4713.09 of the Revised Code. 51575

**Sec. 4715.13.** (A) Applicants for licenses to practice 51576  
dentistry or for a general anesthesia permit or a conscious 51577  
intravenous sedation permit shall pay to the secretary of the 51578  
state dental board the following fees: 51579

(1) For license to practice dentistry, two hundred ~~ten~~ 51580  
~~sixty-seven~~ dollars if issued in an odd-numbered year or ~~three~~ 51581  
~~four~~ hundred ~~fifty-seven~~ fifty-four dollars if issued in an 51582

even-numbered year; 51583

(2) For duplicate license, to be granted upon proof of loss 51584  
of the original, twenty dollars; 51585

(3) For a general anesthesia permit, one hundred twenty-seven 51586  
dollars; 51587

(4) For a conscious intravenous sedation permit, one hundred 51588  
twenty-seven dollars. 51589

(B) Forty dollars of each fee collected under division (A)(1) 51590  
of this section for a license issued in an even-numbered year and 51591  
twenty dollars of each fee collected under division (A)(1) of this 51592  
section in an odd-numbered year shall be paid to the dentist loan 51593  
repayment fund established under section 3702.95 of the Revised 51594  
Code. 51595

(C) In the case of a person who applies for a license to 51596  
practice dentistry by taking an examination administered by the 51597  
state dental board, both of the following apply: 51598

(1) The fee in division (A)(1) of this section may be 51599  
refunded to an applicant who is unavoidably prevented from 51600  
attending the examination, or the applicant may be examined at the 51601  
next regular or special meeting of the board without an additional 51602  
fee. 51603

(2) An applicant who fails the first examination may be 51604  
re-examined at the next regular or special meeting of the board 51605  
without an additional fee. 51606

**Sec. 4715.14.** (A)(1) Each person who is licensed to practice 51607  
dentistry in Ohio shall, on or before the first day of January of 51608  
each even-numbered year, register with the state dental board. The 51609  
registration shall be made on a form prescribed by the board and 51610  
furnished by the secretary, shall include the licensee's name, 51611  
address, license number, and such other reasonable information as 51612

the board may consider necessary, and shall include payment of a 51613  
biennial registration fee of ~~two~~ three hundred ~~forty five~~ twelve 51614  
dollars. ~~Except as provided in division (E) of this section, this~~ 51615  
~~fee shall be paid to the treasurer of state.~~ Subject to division 51616  
(C) of this section, a registration shall be in effect for the 51617  
two-year period beginning on the first day of January of the 51618  
even-numbered year and ending on the last day of December of the 51619  
following odd-numbered year, and shall be renewed in accordance 51620  
with the standard renewal procedure of sections 4745.01 to 4745.03 51621  
of the Revised Code. 51622

(2)(a) Except as provided in division (A)(2)(b) of this 51623  
section, in the case of a licensee seeking registration who 51624  
prescribes or personally furnishes opioid analgesics or 51625  
benzodiazepines, as defined in section 3719.01 of the Revised 51626  
Code, the licensee shall certify to the board whether the licensee 51627  
has been granted access to the drug database established and 51628  
maintained by the state board of pharmacy pursuant to section 51629  
4729.75 of the Revised Code. 51630

(b) The requirement in division (A)(2)(a) of this section 51631  
does not apply if any of the following is the case: 51632

(i) The state board of pharmacy notifies the state dental 51633  
board pursuant to section 4729.861 of the Revised Code that the 51634  
licensee has been restricted from obtaining further information 51635  
from the drug database. 51636

(ii) The state board of pharmacy no longer maintains the drug 51637  
database. 51638

(iii) The licensee does not practice dentistry in this state. 51639

(3) If a licensee certifies to the state dental board that 51640  
the licensee has been granted access to the drug database and the 51641  
board finds through an audit or other means that the licensee has 51642  
not been granted access, the board may take action under section 51643

4715.30 of the Revised Code. 51644

(B) A licensed dentist who desires to temporarily retire from 51645  
practice and who has given the board notice in writing to that 51646  
effect shall be granted such a retirement, provided only that at 51647  
that time all previous registration fees and additional costs of 51648  
reinstatement have been paid. 51649

(C) Not later than the thirty-first day of January of an 51650  
even-numbered year, the board shall send a notice by certified 51651  
mail to a dentist who fails to renew a license in accordance with 51652  
division (A) of this section. The notice shall state all of the 51653  
following: 51654

(1) That the board has not received the registration form and 51655  
fee described in that division; 51656

(2) That the license shall remain valid and in good standing 51657  
until the first day of April following the last day of December of 51658  
the odd-numbered year in which the dentist was scheduled to renew 51659  
if the dentist remains in compliance with all other applicable 51660  
provisions of this chapter and any rule adopted under it; 51661

(3) That the license may be renewed until the first day of 51662  
April following the last day of December of the odd-numbered year 51663  
in which the dentist was scheduled to renew by the payment of the 51664  
biennial registration fee and an additional fee of one hundred 51665  
twenty-seven dollars to cover the cost of late renewal; 51666

(4) That unless the board receives the registration form and 51667  
fee before the first day of April following the last day of 51668  
December of the odd-numbered year in which the dentist was 51669  
scheduled to renew, the board may, on or after the relevant first 51670  
day of April, initiate disciplinary action against the dentist 51671  
pursuant to Chapter 119. of the Revised Code; 51672

(5) That a dentist whose license has been suspended as a 51673  
result of disciplinary action initiated pursuant to division 51674

(C)(4) of this section may be reinstated by the payment of the 51675  
biennial registration fee and an additional fee of three hundred 51676  
eighty-one dollars to cover the cost of reinstatement. 51677

(D) Each dentist licensed to practice, whether a resident or 51678  
not, shall notify the secretary in writing or electronically of 51679  
any change in the dentist's office address or employment within 51680  
ten days after such change has taken place. On the first day of 51681  
July of every even-numbered year, the secretary shall issue a 51682  
printed roster of the names and addresses so registered. 51683

(E) ~~Twenty~~ Forty dollars of each biennial registration fee 51684  
shall be paid to the dentist loan repayment fund created under 51685  
section 3702.95 of the Revised Code. 51686

**Sec. 4715.16.** (A) Upon payment of a fee of ~~ten~~ thirteen 51687  
dollars, the state dental board may without examination issue a 51688  
limited resident's license to any person who is a graduate of a 51689  
dental college, is authorized to practice in another state or 51690  
country or qualified to take the regular licensing examination in 51691  
this state, and furnishes the board satisfactory proof of having 51692  
been appointed a dental resident at an accredited dental college 51693  
in this state or at an accredited program of a hospital in this 51694  
state, but has not yet been licensed as a dentist by the board. 51695  
Any person receiving a limited resident's license may practice 51696  
dentistry only in connection with programs operated by the dental 51697  
college or hospital at which the person is appointed as a resident 51698  
as designated on the person's limited resident's license, and only 51699  
under the direction of a licensed dentist who is a member of the 51700  
dental staff of the college or hospital or a dentist holding a 51701  
current limited teaching license issued under division (B) of this 51702  
section, and only on bona fide patients of such programs. The 51703  
holder of a limited resident's license may be disciplined by the 51704  
board pursuant to section 4715.30 of the Revised Code. 51705

(B) Upon payment of one hundred ~~one~~ twenty-seven dollars and 51706  
upon application endorsed by an accredited dental college in this 51707  
state, the board may without examination issue a limited teaching 51708  
license to a dentist who is a graduate of a dental college, is 51709  
authorized to practice dentistry in another state or country, and 51710  
has full-time appointment to the faculty of the endorsing dental 51711  
college. A limited teaching license is subject to annual renewal 51712  
in accordance with the standard renewal procedure of Chapter 4745. 51713  
of the Revised Code, and automatically expires upon termination of 51714  
the full-time faculty appointment. A person holding a limited 51715  
teaching license may practice dentistry only in connection with 51716  
programs operated by the endorsing dental college. The board may 51717  
discipline the holder of a limited teaching license pursuant to 51718  
section 4715.30 of the Revised Code. 51719

(C)(1) As used in this division: 51720

(a) "Continuing dental education practicum" or "practicum" 51721  
means a course of instruction, approved by the American dental 51722  
association, Ohio dental association, or academy of general 51723  
dentistry, that is designed to improve the clinical skills of a 51724  
dentist by requiring the dentist to participate in clinical 51725  
exercises on patients. 51726

(b) "Director" means the person responsible for the operation 51727  
of a practicum. 51728

(2) Upon payment of one hundred ~~one~~ twenty-seven dollars and 51729  
application endorsed by the director of a continuing dental 51730  
education practicum, the board shall, without examination, issue a 51731  
temporary limited continuing education license to a resident of a 51732  
state other than Ohio who is licensed to practice dentistry in 51733  
such state and is in good standing, is a graduate of an accredited 51734  
dental college, and is registered to participate in the endorsing 51735  
practicum. The determination of whether a dentist is in good 51736  
standing shall be made by the board. 51737

A dentist holding a temporary limited continuing education license may practice dentistry only on residents of the state in which the dentist is permanently licensed or on patients referred by a dentist licensed pursuant to section 4715.12 of the Revised Code to an instructing dentist licensed pursuant to that section, and only while participating in a required clinical exercise of the endorsing practicum on the premises of the facility where the practicum is being conducted.

Practice under a temporary limited continuing education license shall be under the direct supervision and full professional responsibility of an instructing dentist licensed pursuant to section 4715.12 of the Revised Code, shall be limited to the performance of those procedures necessary to complete the endorsing practicum, and shall not exceed thirty days of actual patient treatment in any year.

(3) A director of a continuing dental education practicum who endorses an application for a temporary limited continuing education license shall, prior to making the endorsement, notify the state dental board in writing of the identity of the sponsors and the faculty of the practicum and the dates and locations at which it will be offered. The notice shall also include a brief description of the course of instruction. The board may prohibit a continuing dental education practicum from endorsing applications for temporary limited continuing education licenses if the board determines that the practicum is engaged in activities that constitute a threat to public health and safety or do not constitute bona fide continuing dental education, or that the practicum permits activities which otherwise violate this chapter. Any continuing dental education practicum prohibited from endorsing applications may request an adjudication pursuant to Chapter 119. of the Revised Code.

A temporary limited continuing education license shall be

valid only when the dentist is participating in the endorsing 51770  
continuing dental education practicum and shall expire at the end 51771  
of one year. If the dentist fails to complete the endorsing 51772  
practicum in one year, the board may, upon the dentist's 51773  
application and payment of a fee of ~~seventy-five~~ ninety-four 51774  
dollars, renew the temporary limited continuing education license 51775  
for a consecutive one-year period. Only two renewals may be 51776  
granted. The holder of a temporary limited continuing education 51777  
license may be disciplined by the board pursuant to section 51778  
4715.30 of the Revised Code. 51779

(D) The board shall act either to approve or to deny any 51780  
application for a limited license pursuant to division (A), (B), 51781  
or (C) of this section not later than sixty days of the date the 51782  
board receives the application. 51783

**Sec. 4715.21.** Each person who desires to practice as a dental 51784  
hygienist shall file with the secretary of the state dental board 51785  
a written application for a license, under oath, upon the form 51786  
prescribed. Such applicant shall furnish satisfactory proof of 51787  
being at least eighteen years of age and of good moral character. 51788  
An applicant shall present a diploma or certificate of graduation 51789  
from an accredited dental hygiene school and shall pay the 51790  
examination fee of ~~ninety-six~~ one hundred twenty dollars if the 51791  
license is issued in an odd-numbered year or one hundred 51792  
~~forty-seven~~ eighty-four dollars if issued in an even-numbered 51793  
year. Those passing such examination as the board prescribes 51794  
relating to dental hygiene shall receive a certificate of 51795  
registration entitling them to practice. If an applicant fails to 51796  
pass the first examination the applicant may apply for a 51797  
re-examination at the next regular or special examination meeting 51798  
of the board. 51799

No applicant shall be admitted to more than two examinations 51800

without first presenting satisfactory proof that the applicant has 51801  
successfully completed such refresher courses in an accredited 51802  
dental hygiene school as the state dental board may prescribe. 51803

An accredited dental hygiene school shall be one accredited 51804  
by the American dental association commission on dental 51805  
accreditation or whose educational standards are recognized by the 51806  
American dental association commission on dental accreditation and 51807  
approved by the state dental board. 51808

**Sec. 4715.24.** (A) Each person who is licensed to practice as 51809  
a dental hygienist in Ohio shall, on or before the first day of 51810  
January of each even-numbered year, register with the state dental 51811  
board, unless the person is temporarily retired pursuant to 51812  
section 4715.241 of the Revised Code. The registration shall be 51813  
made on a form prescribed by the board and furnished by the 51814  
secretary, shall include the licensee's name, address, license 51815  
number, and such other reasonable information as the board may 51816  
consider necessary, and shall include payment of a biennial 51817  
registration fee of one hundred ~~fifteen~~ forty-four dollars. This 51818  
fee shall be paid to the treasurer of state. All such 51819  
registrations shall be in effect for the two-year period beginning 51820  
on the first day of January of each even-numbered year and ending 51821  
on the last day of December of the following odd-numbered year, 51822  
and shall be renewed in accordance with the standard renewal 51823  
procedure of sections 4745.01 to 4745.03 of the Revised Code. The 51824  
failure of a licensee to renew registration in accordance with 51825  
this section shall result in the automatic suspension of the 51826  
licensee's license to practice as a dental hygienist, unless the 51827  
licensee is temporarily retired pursuant to section 4715.241 of 51828  
the Revised Code. 51829

(B) Any dental hygienist whose license has been automatically 51830  
suspended under this section may be reinstated on application to 51831

the board on a form prescribed by the board for licensure 51832  
reinstatement and payment of the biennial registration fee and in 51833  
addition thereto ~~thirty-one~~ thirty-nine dollars to cover the costs 51834  
of reinstatement. 51835

(C) The license of a dental hygienist shall be exhibited in a 51836  
conspicuous place in the room in which the dental hygienist 51837  
practices. Each dental hygienist licensed to practice, whether a 51838  
resident or not, shall notify the secretary in writing or 51839  
electronically of any change in the dental hygienist's office 51840  
address or employment within ten days after the change takes 51841  
place. 51842

(D) Ten dollars of each biennial registration fee collected 51843  
under division (A) or (B) of this section shall be paid to the 51844  
dental hygienist loan repayment fund established under section 51845  
3702.967 of the Revised Code. 51846

**Sec. 4715.27.** The state dental board may issue a license to 51847  
an applicant who furnishes satisfactory proof of being at least 51848  
eighteen years of age, of good moral character and who 51849  
demonstrates, to the satisfaction of the board, knowledge of the 51850  
laws, regulations, and rules governing the practice of a dental 51851  
hygienist; who proves, to the satisfaction of the board, intent to 51852  
practice as a dental hygienist in this state; who is a graduate 51853  
from an accredited school of dental hygiene and who holds a 51854  
license by examination from a similar dental board, and who passes 51855  
an examination as prescribed by the board relating to dental 51856  
hygiene. 51857

Upon payment of ~~fifty-eight~~ seventy-three dollars and upon 51858  
application endorsed by an accredited dental hygiene school in 51859  
this state, the state dental board may without examination issue a 51860  
teacher's certificate to a dental hygienist, authorized to 51861  
practice in another state or country. A teacher's certificate 51862

shall be subject to annual renewal in accordance with the standard 51863  
renewal procedure of sections 4745.01 to 4745.03 of the Revised 51864  
Code, and shall not be construed as authorizing anything other 51865  
than teaching or demonstrating the skills of a dental hygienist in 51866  
the educational programs of the accredited dental hygiene school 51867  
which endorsed the application. 51868

**Sec. 4715.362.** A dentist who desires to participate in the 51869  
oral health access supervision program shall apply to the state 51870  
dental board for an oral health access supervision permit. The 51871  
application shall be under oath, on a form prescribed by the board 51872  
in rules adopted under section 4715.372 of the Revised Code, and 51873  
accompanied by an application fee of ~~twenty~~ twenty-five dollars. 51874  
To be eligible to receive the permit, an applicant shall meet the 51875  
requirements established by the board in rules adopted under 51876  
section 4715.372 of the Revised Code. 51877

The state dental board shall issue an oral health access 51878  
supervision permit to a dentist who is in good standing with the 51879  
board and satisfies all of the requirements of this section. 51880

**Sec. 4715.363.** (A) A dental hygienist who desires to 51881  
participate in the oral health access supervision program shall 51882  
apply to the state dental board for a permit to practice under the 51883  
oral health access supervision of a dentist. The application shall 51884  
be under oath, on a form prescribed by the board in rules adopted 51885  
under section 4715.372 of the Revised Code, and accompanied by an 51886  
application fee of ~~twenty~~ twenty-five dollars, which may be paid 51887  
by ~~personal check or~~ credit card. 51888

(B) The applicant shall provide evidence satisfactory to the 51889  
board that the applicant has done all of the following: 51890

(1) Completed at least one year and attained a minimum of one 51891  
thousand five hundred hours of experience in the practice of 51892

dental hygiene; 51893

(2) Completed at least twenty-four hours of continuing dental 51894  
hygiene education during the two years prior to submission of the 51895  
application; 51896

(3) Completed a course pertaining to the practice of dental 51897  
hygiene under the oral health access supervision of a dentist that 51898  
meets standards established in rules adopted under section 51899  
4715.372 of the Revised Code; 51900

(4) Completed, during the two years prior to submission of 51901  
the application, a course pertaining to the identification and 51902  
prevention of potential medical emergencies that is the same as 51903  
the course described in division (C)(2) of section 4715.22 of the 51904  
Revised Code. 51905

(C) The state dental board shall issue a permit to practice 51906  
under the oral health access supervision of a dentist to a dental 51907  
hygienist who is in good standing with the board and meets all of 51908  
the requirements of divisions (A) and (B) of this section. 51909

**Sec. 4715.369.** (A) An oral health access supervision permit 51910  
issued under section 4715.362 of the Revised Code expires on the 51911  
thirty-first day of December of the odd-numbered year that occurs 51912  
after the permit's issuance. A dentist who desires to renew a 51913  
permit shall apply, under oath, to the state dental board on a 51914  
form prescribed by the board in rules adopted under section 51915  
4715.372 of the Revised Code. At the time of application, the 51916  
dentist shall pay a renewal fee of ~~twenty~~ twenty-five dollars. 51917

(B) The board shall renew an oral health access supervision 51918  
permit for a two-year period if the dentist submitted a complete 51919  
application, paid the renewal fee, is in good standing with the 51920  
board, and verified with the board all of the following: 51921

(1) The locations at which dental hygienists have, under the 51922

dentist's authorization, provided services during the two years 51923  
prior to submission of the renewal application; 51924

(2) The number of patients treated, during the two years 51925  
prior to submission of the renewal application, by each dental 51926  
hygienist providing dental hygiene services under the dentist's 51927  
authorization; 51928

(3) For each number of patients provided under division 51929  
(B)(2) of this section, the number of patients whom the dentist 51930  
clinically evaluated following the provision of dental hygiene 51931  
services by a dental hygienist. 51932

**Sec. 4715.37.** (A) A permit to practice under the oral health 51933  
access supervision of a dentist issued under section 4715.363 of 51934  
the Revised Code expires on the thirty-first day of December of 51935  
the odd-numbered year that occurs after the permit's issuance. A 51936  
dental hygienist who desires to renew a permit to practice under 51937  
the oral health access supervision of a dentist shall apply, under 51938  
oath, to the state dental board on a form prescribed by the board 51939  
in rules adopted under section 4715.372 of the Revised Code. At 51940  
the time of application, the dental hygienist shall pay a renewal 51941  
fee of ~~twenty~~ twenty-five dollars. 51942

(B) The state dental board shall renew a permit for a 51943  
two-year period if the dental hygienist submitted a complete 51944  
application, paid the renewal fee, is in good standing with the 51945  
board, and has verified with the board both of the following: 51946

(1) The locations at which the hygienist has provided dental 51947  
hygiene services under a permit to practice under the oral health 51948  
access supervision of a dentist; 51949

(2) The number of patients that the hygienist has treated 51950  
under a permit during the two years prior to submission of the 51951  
renewal application. 51952

Sec. 4715.53. (A) Each individual seeking a certificate to 51953  
practice as a dental x-ray machine operator shall apply to the 51954  
state dental board on a form the board shall prescribe and 51955  
provide. The application shall be accompanied by an application 51956  
fee of ~~twenty-five~~ thirty-two dollars. 51957

(B) The board shall review all applications received and 51958  
issue a dental x-ray machine operator certificate to each 51959  
applicant who submits evidence satisfactory to the board of one of 51960  
the following: 51961

(1) The applicant holds certification from the dental 51962  
assisting national board or the Ohio commission on dental 51963  
assistant certification. 51964

(2) The applicant holds a license, certificate, permit, 51965  
registration, or other credential issued by another state that the 51966  
board determines uses standards for dental x-ray machine operators 51967  
that are at least equal to those established under this chapter. 51968

(3) The applicant has successfully completed an educational 51969  
program consisting of at least seven hours of instruction in 51970  
dental x-ray machine operation that meets either of the following 51971  
requirements: 51972

(a) Has been approved by the board in accordance with section 51973  
4715.57 of the Revised Code; 51974

(b) Is conducted by an institution accredited by the American 51975  
dental association commission on dental accreditation. 51976

(C) A certificate issued under this section expires two years 51977  
after it is issued and may be renewed if the certificate holder 51978  
does both of the following: 51979

(1) Certifies to the board that the certificate holder has 51980  
completed at least two hours of instruction in dental x-ray 51981  
machine operation approved by the board in accordance with section 51982

4715.57 of the Revised Code during the two-year period preceding 51983  
the date the renewal application is received by the board. 51984

(2) Submits a renewal fee of ~~twenty-five~~ thirty-two dollars 51985  
to the board. 51986

Renewals shall be made in accordance with the standard 51987  
renewal procedure established under Chapter 4745. of the Revised 51988  
Code. 51989

**Sec. 4715.62.** (A) Each individual seeking to register with 51990  
the state dental board as an expanded function dental auxiliary 51991  
shall file with the secretary of the board a written application 51992  
for registration, under oath, on a form the board shall prescribe 51993  
and provide. An applicant shall include with the completed 51994  
application all of the following: 51995

(1) An application fee of ~~twenty~~ twenty-five dollars; 51996

(2) Proof satisfactory to the board that the applicant has 51997  
successfully completed, at an educational institution accredited 51998  
by the commission on dental accreditation of the American dental 51999  
association or the higher learning commission of the north central 52000  
association of colleges and schools, the education or training 52001  
specified by the board in rules adopted under section 4715.66 of 52002  
the Revised Code as the education or training that is necessary to 52003  
obtain registration under this chapter to practice as an expanded 52004  
function dental auxiliary, as evidenced by a diploma or other 52005  
certificate of graduation or completion that has been signed by an 52006  
appropriate official of the accredited institution that provided 52007  
education or training; 52008

(3) Proof satisfactory to the board that the applicant has 52009  
passed an examination that meets the standards established by the 52010  
board in rules adopted under section 4715.66 of the Revised Code 52011  
to be accepted by the board as an examination of competency to 52012

practice as an expanded function dental auxiliary; 52013

(4) Proof that the applicant holds current certification to 52014  
perform basic life-support procedures, evidenced by documentation 52015  
showing the successful completion of a basic life-support training 52016  
course certified by the American red cross, the American heart 52017  
association, or the American safety and health institute. 52018

(B) If an applicant complies with division (A) of this 52019  
section, the board shall register the applicant as an expanded 52020  
function dental auxiliary. 52021

**Sec. 4715.63.** (A) Registration under section 4715.62 of the 52022  
Revised Code expires on the thirty-first day of December of the 52023  
year following the year in which the registration occurs. An 52024  
individual may renew a registration for subsequent two-year 52025  
periods by submitting both of the following to the secretary of 52026  
the state dental board each time the individual seeks to renew a 52027  
registration: 52028

(1) A completed application for renewal, under oath, on a 52029  
form the board shall prescribe and provide; 52030

(2) A renewal fee of ~~twenty~~ twenty-five dollars. 52031

(B) If an individual complies with division (A) of this 52032  
section and is not in violation of any section of this chapter or 52033  
rule adopted under it, the board shall renew the individual's 52034  
registration for a two-year period that expires on the 52035  
thirty-first day of December of the year following the year in 52036  
which the registration was renewed. 52037

(C) Registration renewals shall be made in accordance with 52038  
the standard renewal procedure established under Chapter 4745. of 52039  
the Revised Code. 52040

**Sec. 4715.70.** Any person applying for issuance of or renewing 52041

a certificate, license, permit, or registration under this chapter 52042  
shall pay, in addition to any fee associated with the certificate, 52043  
license, permit, or registration, a five dollar financial services 52044  
fee. 52045

**Sec. 4723.05.** The board of nursing shall appoint an executive 52046  
director, ~~who shall be a registered nurse of this state with at~~ 52047  
~~least five years experience in the practice of nursing as a~~ 52048  
~~registered nurse,~~ shall be a resident of this state during the 52049  
term of appointment, and shall not be a member of the board at the 52050  
time of appointment or during the term of appointment. The board 52051  
shall meet at such times and places as it may direct and provide 52052  
in its rules. The president may call special meetings, and the 52053  
executive director shall call special meetings upon the written 52054  
request of two or more board members. The board shall provide 52055  
itself with a seal. The president and executive director may 52056  
administer oaths. The executive director is the chief 52057  
administrative officer of the board and shall serve as a full time 52058  
employee of the board and shall be entitled to attend all meetings 52059  
of the board except meetings concerning the appointment and terms 52060  
of employment of the executive director. 52061

The term of the executive director shall be one year 52062  
commencing on the first day of January. The executive director 52063  
shall receive necessary expenses in addition to salary. The 52064  
executive director shall give a surety bond to the state in such 52065  
sum as the board requires, and conditioned upon the faithful 52066  
performance of the duties of executive director. 52067

The executive director is an appointing authority as defined 52068  
in section 124.01 of the Revised Code, and may appoint such 52069  
nursing education consultants, nursing practice consultants, 52070  
investigative personnel, and any additional employees for 52071  
professional, clerical, and special work necessary to carry out 52072

the board's functions and with the board's approval, may establish 52073  
standards for the conduct of employees. 52074

**Sec. 4725.01.** As used in this chapter: 52075

(A)(1) The "practice of optometry" means the application of 52076  
optical principles, through technical methods and devices, in the 52077  
examination of human eyes for the purpose of ascertaining 52078  
departures from the normal, measuring their functional powers, 52079  
adapting optical accessories for the aid thereof, and detecting 52080  
ocular abnormalities that may be evidence of disease, pathology, 52081  
or injury. 52082

(2) In the case of a licensed optometrist who holds a topical 52083  
ocular pharmaceutical agents certificate, the "practice of 52084  
optometry" has the same meaning as in division (A)(1) of this 52085  
section, except that it also includes administering topical ocular 52086  
pharmaceutical agents. 52087

(3) In the case of a licensed optometrist who holds a 52088  
therapeutic pharmaceutical agents certificate, the "practice of 52089  
optometry" has the same meaning as in division (A)(1) of this 52090  
section, except that it also includes all of the following: 52091

(a) Employing, applying, administering, and prescribing 52092  
instruments, devices, and procedures, other than invasive 52093  
procedures, for purpose of examination, investigation, diagnosis, 52094  
treatment, or prevention of any disease, injury, or other abnormal 52095  
condition of the visual system; 52096

(b) Employing, applying, administering, and prescribing 52097  
topical ocular pharmaceutical agents; 52098

(c) Employing, applying, administering, and prescribing 52099  
therapeutic pharmaceutical agents; 52100

(d) Assisting an individual in determining the individual's 52101  
blood glucose level by using a commercially available 52102

glucose-monitoring device. Nothing in this section precludes a 52103  
licensed optometrist who holds a therapeutic pharmaceutical agents 52104  
certificate from using any particular type of commercially 52105  
available glucose-monitoring device. 52106

(B) "Topical ocular pharmaceutical agent" means a drug or 52107  
dangerous drug that is a topical drug and used in the practice of 52108  
optometry as follows: 52109

(1) In the case of a licensed optometrist who holds a topical 52110  
ocular pharmaceutical agents certificate, for evaluative purposes 52111  
in the practice of optometry as set forth in division (A)(1) of 52112  
this section; 52113

(2) In the case of a licensed optometrist who holds a 52114  
therapeutic pharmaceutical agents certificate, for purposes of 52115  
examination, investigation, diagnosis, treatment, or prevention of 52116  
any disease, injury, or other abnormal condition of the visual 52117  
system. 52118

(C) "Therapeutic pharmaceutical agent" means a drug or 52119  
dangerous drug that is used for examination, investigation, 52120  
diagnosis, treatment, or prevention of any disease, injury, or 52121  
other abnormal condition of the visual system in the practice of 52122  
optometry by a licensed optometrist who holds a therapeutic 52123  
pharmaceutical agents certificate, and is any of the following: 52124

(1) An oral drug or dangerous drug in one of the following 52125  
classifications: 52126

(a) Anti-infectives, including antibiotics, antivirals, 52127  
antimicrobials, and antifungals; 52128

(b) Anti-allergy agents; 52129

(c) Antiglaucoma agents; 52130

(d) Analgesics, including only analgesic drugs that are 52131  
available without a prescription, analgesic drugs or dangerous 52132

drugs that require a prescription but are not controlled 52133  
substances, and, to the extent authorized by the state ~~board of~~ 52134  
~~optometry~~ vision and hearing professionals board in rules adopted 52135  
under section 4725.091 of the Revised Code, analgesic controlled 52136  
substances; 52137

(e) Anti-inflammatories, excluding all drugs or dangerous 52138  
drugs classified as oral steroids other than methylpredisolone, 52139  
except that methylpredisolone may be used under a therapeutic 52140  
pharmaceutical agents certificate only if it is prescribed under 52141  
all of the following conditions: 52142

(i) For use in allergy cases; 52143

(ii) For use by an individual who is eighteen years of age or 52144  
older; 52145

(iii) On the basis of an individual's particular episode of 52146  
illness; 52147

(iv) In an amount that does not exceed the amount packaged 52148  
for a single course of therapy. 52149

(2) Epinephrine administered by injection to individuals in 52150  
emergency situations to counteract anaphylaxis or anaphylactic 52151  
shock. Notwithstanding any provision of this section to the 52152  
contrary, administration of epinephrine in this manner does not 52153  
constitute performance of an invasive procedure. 52154

(3) An oral drug or dangerous drug that is not included under 52155  
division (C)(1) of this section, if the drug or dangerous drug is 52156  
approved, exempt from approval, certified, or exempt from 52157  
certification by the federal food and drug administration for 52158  
ophthalmic purposes and the drug or dangerous drug is specified in 52159  
rules adopted by the ~~state board of optometry~~ under section 52160  
4725.09 of the Revised Code. 52161

(D) "Controlled substance" has the same meaning as in section 52162

|   |   |
|---|---|
| 3719.01 of the Revised Code.  | 52163   |
| (E) "Drug" and "dangerous drug" have the same meanings as in section 4729.01 of the Revised Code.   | 52164<br>52165  |
| (F) "Invasive procedure" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, administering medication by injection, or the removal of intraocular foreign bodies.  | 52166<br>52167<br>52168<br>52169<br>52170                   |
| (G) "Visual system" means the human eye and its accessory or subordinate anatomical parts.  | 52171<br>52172  |
| (H) "Certificate of licensure" means a certificate issued by the <del>state board of optometry</del> under section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(1) of this section.   | 52173<br>52174<br>52175<br>52176                            |
| (I) "Topical ocular pharmaceutical agents certificate" means a certificate issued by the <del>state board of optometry</del> under section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(2) of this section.   | 52177<br>52178<br>52179<br>52180                            |
| (J) "Therapeutic pharmaceutical agents certificate" means a certificate issued by the <del>state board of optometry</del> under division (A)(3) or (4) of section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(3) of this section.  | 52181<br>52182<br>52183<br>52184<br>52185                   |
| <b>Sec. 4725.02.</b> (A) Except as provided in section 4725.26 of the Revised Code, no person shall engage in the practice of optometry, including the determination of the kind of procedure, treatment, or optical accessories needed by a person or the examination of the eyes of any person for the purpose of fitting the same with optical accessories, unless the person holds a current, valid certificate of licensure from the <del>state board of</del> | 52186<br>52187<br>52188<br>52189<br>52190<br>52191<br>52192 |

~~optometry~~ vision and hearing professionals board. No person shall 52193  
claim to be the lawful holder of a certificate of licensure when 52194  
in fact the person is not such lawful holder, or impersonate any 52195  
licensed optometrist. 52196

(B) No optometrist shall administer topical ocular 52197  
pharmaceutical agents unless the optometrist holds a valid topical 52198  
ocular pharmaceutical agents certificate or therapeutic 52199  
pharmaceutical agents certificate and fulfills the other 52200  
requirements of this chapter. 52201

(C) No optometrist shall practice optometry as described in 52202  
division (A)(3) of section 4725.01 of the Revised Code unless the 52203  
optometrist holds a valid therapeutic pharmaceutical agents 52204  
certificate. 52205

(D) No optometrist shall personally furnish a therapeutic 52206  
pharmaceutical agent to any person, except that a licensed 52207  
optometrist who holds a therapeutic pharmaceutical agents 52208  
certificate may personally furnish a therapeutic pharmaceutical 52209  
agent to a patient if no charge is imposed for the agent or for 52210  
furnishing it and the amount furnished does not exceed a 52211  
seventy-two hour supply, except that if the minimum available 52212  
quantity of the agent is greater than a seventy-two hour supply, 52213  
the optometrist may furnish the minimum available quantity. 52214

**Sec. 4725.09.** (A) The state ~~board of optometry~~ vision and 52215  
hearing professionals board shall adopt rules as it considers 52216  
necessary to govern the practice of optometry and to administer 52217  
and enforce sections 4725.01 to 4725.34 of the Revised Code. All 52218  
rules adopted under those sections shall be adopted in accordance 52219  
with Chapter 119. of the Revised Code. 52220

(B) The board, in consultation with the state board of 52221  
pharmacy, shall adopt rules specifying any oral drugs or dangerous 52222  
drugs that are therapeutic pharmaceutical agents under division 52223

(C)(3) of section 4725.01 of the Revised Code. 52224

(C) The board shall adopt rules that establish standards to 52225  
be met and procedures to be followed with respect to the 52226  
delegation by an optometrist of the performance of an optometric 52227  
task to a person who is not licensed or otherwise specifically 52228  
authorized by the Revised Code to perform the task. The rules 52229  
shall permit an optometrist who holds a topical ocular 52230  
pharmaceutical agents certificate or therapeutic pharmaceutical 52231  
agents certificate to delegate the administration of drugs 52232  
included in the optometrist's scope of practice. 52233

The rules adopted under this division shall provide for all 52234  
of the following: 52235

(1) On-site supervision when the delegation occurs in an 52236  
institution or other facility that is used primarily for the 52237  
purpose of providing health care, unless the board established a 52238  
specific exception to the on-site supervision requirement with 52239  
respect to routine administration of a topical drug; 52240

(2) Evaluation of whether delegation is appropriate according 52241  
to the acuity of the patient involved; 52242

(3) Training and competency requirements that must be met by 52243  
the person administering the drugs; 52244

(4) Other standards and procedures the board considers 52245  
relevant. 52246

(D) The ~~state board of optometry~~ shall adopt rules 52247  
establishing criminal records checks requirements for applicants 52248  
under section 4776.03 of the Revised Code. 52249

**Sec. 4725.091.** (A) The state ~~board of optometry~~ vision and 52250  
hearing professionals board shall adopt rules governing the 52251  
authority of licensed optometrists practicing under therapeutic 52252  
pharmaceutical agents certificates to employ, apply, administer, 52253

and prescribe analgesic controlled substances. The rules shall be 52254  
adopted in accordance with Chapter 119. of the Revised Code and in 52255  
consultation with the state board of pharmacy. 52256

(B) All of the following apply to the state vision and 52257  
hearing professionals board of ~~optometry~~ in the adoption of rules 52258  
under this section: 52259

(1) The board shall not permit an optometrist to employ, 52260  
apply, administer, or prescribe an analgesic controlled substance 52261  
other than a drug product that is used for the treatment of pain 52262  
and meets one of the following conditions: 52263

(a) The product is a preparation that contains an amount of 52264  
codeine per dosage unit, as specified by the board, and also 52265  
contains other active, nonnarcotic ingredients, such as 52266  
acetaminophen or aspirin, in a therapeutic amount. 52267

(b) The product is a preparation that contains an amount of 52268  
hydrocodone per dosage unit, as specified by the board, and also 52269  
contains other active, nonnarcotic ingredients, such as 52270  
acetaminophen, aspirin, or ibuprofen, in a therapeutic amount. 52271

(c) The product contains or consists of a drug or dangerous 52272  
drug that was an analgesic included in the practice of optometry 52273  
under a therapeutic pharmaceutical agents certificate immediately 52274  
prior to ~~the effective date of this amendment~~ March 23, 2015, was 52275  
not a controlled substance at that time, and subsequently becomes 52276  
a schedule II, III, IV, or V controlled substance. 52277

(2) The board shall limit the analgesic controlled substances 52278  
that optometrists may employ, apply, administer, or prescribe to 52279  
the drugs that the board determines are appropriate for use in the 52280  
practice of optometry under a therapeutic pharmaceutical agents 52281  
certificate. 52282

(3) With regard to the prescribing of analgesic controlled 52283  
substances, the board shall establish prescribing standards to be 52284

followed by optometrists who hold therapeutic pharmaceutical 52285  
agents certificates. The board shall take into account the 52286  
prescribing standards that exist within the health care 52287  
marketplace. 52288

(4) The board shall establish standards and procedures for 52289  
employing, applying, administering, and prescribing analgesic 52290  
controlled substances under a therapeutic pharmaceutical agents 52291  
certificate by taking into consideration and examining issues that 52292  
include the appropriate length of drug therapy, appropriate 52293  
standards for drug treatment, necessary monitoring systems, and 52294  
any other factors the board considers relevant. 52295

**Sec. 4725.092.** (A) As used in this section, "drug database" 52296  
means the database established and maintained by the state board 52297  
of pharmacy pursuant to section 4729.75 of the Revised Code. 52298

(B) The state ~~board of optometry~~ vision and hearing 52299  
professionals board shall adopt rules that establish standards and 52300  
procedures to be followed by an optometrist who holds a 52301  
therapeutic pharmaceutical agents certificate regarding the review 52302  
of patient information available through the drug database under 52303  
division (A)(5) of section 4729.80 of the Revised Code. The rules 52304  
shall be adopted in accordance with Chapter 119. of the Revised 52305  
Code. 52306

(C) This section and the rules adopted under it do not apply 52307  
if the state board of pharmacy no longer maintains the drug 52308  
database. 52309

**Sec. 4725.10.** (A) The state ~~board of optometry~~ vision and 52310  
hearing professionals board shall evaluate schools of optometry 52311  
and grant its approval to schools that adequately prepare their 52312  
graduates for the practice of optometry in this state. Approval 52313  
shall be granted only by an affirmative vote of a majority of the 52314

members of the board. 52315

(B) To be approved by the board, a school of optometry shall 52316  
meet at least the following conditions: 52317

(1) Be accredited by a professional optometric accrediting 52318  
agency recognized by the board; 52319

(2) Require as a prerequisite to admission to the school's 52320  
courses in optometry at least two academic years of study with 52321  
credits of at least sixty semester hours or ninety quarter hours 52322  
in a college of arts and sciences accredited by a post-secondary 52323  
education accrediting organization recognized by the board; 52324

(3) Require a course of study of at least four academic years 52325  
with credits of at least one hundred thirty-four semester hours or 52326  
two hundred quarter hours. 52327

(C) The board may establish standards for the approval of 52328  
schools of optometry that are higher than the standards specified 52329  
in division (B) of this section. 52330

**Sec. 4725.11.** (A) The state ~~board of optometry~~ vision and 52331  
hearing professionals board shall accept as the examination that 52332  
must be passed to receive a license to practice optometry in this 52333  
state the examination prepared, administered, and graded by the 52334  
national board of examiners in optometry or an examination 52335  
prepared, administered, and graded by another professional testing 52336  
organization recognized by the board as being qualified to examine 52337  
applicants for licenses to practice optometry in this state. The 52338  
board shall periodically review its acceptance of a licensing 52339  
examination under this section to determine if the examination and 52340  
the organization offering it continue to meet standards the board 52341  
considers appropriate. 52342

(B) The licensing examination accepted by the board under 52343  
this section may be divided into parts and offered as follows: 52344

(1) Part one: Tests in basic science, human biology, ocular and visual biology, theoretical ophthalmic, physiological optics, and physiological psychology;

(2) Part two: Tests in clinical science, systemic conditions, the treatment and management of ocular disease, refractive oculomotor, sensory integrative conditions, perceptual conditions, public health, the legal issues regarding the clinical practice of optometry, and pharmacology;

(3) Part three: Tests in patient care and management, clinical skills, and the visual recognition and interpretation of clinical signs.

(C) The licensing examination accepted by the board may be offered in a manner other than the manner specified in division (B) of this section, but if offered in another manner, the examination must test the person sitting for the examination in the areas specified in division (B) of this section and may test the person in other areas.

The board may require as a condition of its acceptance of an examination that the examination cover subject matters in addition to those specified in division (B) of this section, if the schools of optometry it approves under section 4725.10 of the Revised Code include the additional subject matters in their prescribed curriculum.

(D) The board shall accept direct delivery of the results of the licensing examination from the testing organization administering the examination. The results shall be kept as a permanent part of the board's records maintained pursuant to section ~~4725.07~~ 4744.12 of the Revised Code.

(E) On request of any person seeking to practice optometry in this state, the board shall provide information on the licensing examination accepted by the board, including requirements that

must be met to be eligible to sit for the examination and the 52376  
dates the examination is offered. 52377

**Sec. 4725.12.** (A) Each person who desires to commence the 52378  
practice of optometry in the state shall file with the executive 52379  
director of the state ~~board of optometry a written~~ vision and 52380  
hearing professionals board an application for a certificate of 52381  
licensure and a therapeutic pharmaceutical agents certificate. The 52382  
application shall be accompanied by the fees specified under 52383  
section 4725.34 of the Revised Code and shall contain all 52384  
information the board considers necessary to determine whether an 52385  
applicant is qualified to receive the certificates. The 52386  
application shall be made upon the form prescribed by the board 52387  
and shall be verified by the oath of the applicant. 52388

(B) To receive a certificate of licensure and a therapeutic 52389  
pharmaceutical agents certificate, an applicant must meet all of 52390  
the following conditions: 52391

(1) Be at least eighteen years of age; 52392

(2) Be of good moral character; 52393

(3) Complete satisfactorily a course of study of at least six 52394  
college years; 52395

(4) Graduate from a school of optometry approved by the board 52396  
under section 4725.10 of the Revised Code; 52397

(5) Pass the licensing examination accepted by the board 52398  
under section 4725.11 of the Revised Code. 52399

**Sec. 4725.121.** (A) As used in this section, "license" and 52400  
"applicant for an initial license" have the same meanings as in 52401  
section 4776.01 of the Revised Code, except that "license" as used 52402  
in both of those terms refers to the types of authorizations 52403  
otherwise issued or conferred under this chapter. 52404

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state ~~board of optometry~~ vision and hearing professionals board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4725.13 or 4725.18 of the Revised Code.

**Sec. 4725.13.** (A) The state ~~board of optometry~~ vision and hearing professionals board, by an affirmative vote of a majority of its members, shall issue certificates under its seal as follows:

(1) Every applicant who, prior to May 19, 1992, passed the licensing examination then in effect, and who otherwise complies with sections 4725.01 to 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing the holder to engage in the practice of optometry as provided in division (A)(1) of section 4725.01 of the Revised Code.

(2) Every applicant who, prior to May 19, 1992, passed the general and ocular pharmacology examination then in effect, and who otherwise complies with sections 4725.01 to 4725.34 of the Revised Code, shall receive from the board a separate topical ocular pharmaceutical agents certificate authorizing the holder to administer topical ocular pharmaceutical agents as provided in division (A)(2) of section 4725.01 of the Revised Code and in accordance with sections 4725.01 to 4725.34 of the Revised Code.

(3) Every applicant who holds a valid certificate of licensure issued prior to May 19, 1992, and meets the requirements of section 4725.14 of the Revised Code shall receive from the

board a separate therapeutic pharmaceutical agents certificate 52436  
authorizing the holder to engage in the practice of optometry as 52437  
provided in division (A)(3) of section 4725.01 of the Revised 52438  
Code. 52439

(4) Every applicant who, on or after May 19, 1992, passes all 52440  
parts of the licensing examination accepted by the board under 52441  
section 4725.11 of the Revised Code and otherwise complies with 52442  
the requirements of sections 4725.01 to 4725.34 of the Revised 52443  
Code shall receive from the board a certificate of licensure 52444  
authorizing the holder to engage in the practice of optometry as 52445  
provided in division (A)(1) of section 4725.01 of the Revised Code 52446  
and a separate therapeutic pharmaceutical agents certificate 52447  
authorizing the holder to engage in the practice of optometry as 52448  
provided in division (A)(3) of that section. 52449

(B) Each person to whom a certificate is issued pursuant to 52450  
this section by the board shall keep the certificate displayed in 52451  
a conspicuous place in the location at which that person practices 52452  
optometry and shall whenever required exhibit the certificate to 52453  
any member or agent of the board. If an optometrist practices 52454  
outside of or away from the location at which the optometrist's 52455  
certificate of licensure is displayed, the optometrist shall 52456  
deliver to each person examined or fitted with optical accessories 52457  
by the optometrist, a receipt signed by the optometrist in which 52458  
the optometrist shall set forth the amounts charged, the 52459  
optometrist's post-office address, and the number assigned to the 52460  
optometrist's certificate of licensure. The information may be 52461  
provided as part of a prescription given to the person. 52462

(C) A person who, on May 19, 1992, holds a valid certificate 52463  
of licensure or topical ocular pharmaceutical agents certificate 52464  
issued by the board may continue to engage in the practice of 52465  
optometry as provided by the certificate of licensure or topical 52466  
ocular pharmaceutical agents certificate if the person continues 52467

to comply with sections 4725.01 to 4725.34 of the Revised Code as 52468  
required by the certificate of licensure or topical ocular 52469  
pharmaceutical agents certificate. 52470

**Sec. 4725.15.** If the state ~~board of optometry vision and~~ 52471  
~~hearing professionals board~~ receives notice under division (D) of 52472  
section 4725.11 of the Revised Code that an applicant has failed 52473  
four times the licensing examination or part of the examination 52474  
that must be passed pursuant to section 4725.12 or 4725.14 of the 52475  
Revised Code, the board shall not give further consideration to 52476  
the application until the applicant completes thirty hours of 52477  
remedial training approved by the board in the specific subject 52478  
area or areas covered by the examination or part of the 52479  
examination that was failed. 52480

**Sec. 4725.16.** (A)(1) Each certificate of licensure for the 52481  
practice of optometry, topical ocular pharmaceutical agents 52482  
certificate, and therapeutic pharmaceutical agents certificate 52483  
issued by the state ~~board of optometry vision and hearing~~ 52484  
professionals board shall expire annually on the last day of 52485  
December, and may be renewed in accordance with this section and 52486  
the standard renewal procedure established under Chapter 4745. of 52487  
the Revised Code. 52488

(2) An optometrist seeking to continue to practice optometry 52489  
shall file with the board an application for license renewal. The 52490  
application shall be in such form and require such pertinent 52491  
professional biographical data as the board may require. 52492

(3)(a) Except as provided in division (A)(3)(b) of this 52493  
section, in the case of an optometrist seeking renewal who holds a 52494  
therapeutic pharmaceutical agents certificate and who prescribes 52495  
or personally furnishes analgesic controlled substances authorized 52496  
pursuant to section 4725.091 of the Revised Code that are opioid 52497

analgesics, as defined in section 3719.01 of the Revised Code, the 52498  
optometrist shall certify to the board whether the optometrist has 52499  
been granted access to the drug database established and 52500  
maintained by the state board of pharmacy pursuant to section 52501  
4729.75 of the Revised Code. 52502

(b) The requirement in division (A)(3)(a) of this section 52503  
does not apply if any of the following is the case: 52504

(i) The state board of pharmacy notifies the state ~~board of~~ 52505  
~~optometry~~ vision and hearing professionals board pursuant to 52506  
section 4729.861 of the Revised Code that the certificate holder 52507  
has been restricted from obtaining further information from the 52508  
drug database. 52509

(ii) The state board of pharmacy no longer maintains the drug 52510  
database. 52511

(iii) The certificate holder does not practice optometry in 52512  
this state. 52513

(c) If an optometrist certifies to the state ~~board of~~ 52514  
~~optometry~~ vision and hearing professionals board that the 52515  
optometrist has been granted access to the drug database and the 52516  
board finds through an audit or other means that the optometrist 52517  
has not been granted access, the board may take action under 52518  
section 4725.19 of the Revised Code. 52519

(B) All licensed optometrists shall annually complete 52520  
continuing education in subjects relating to the practice of 52521  
optometry, to the end that the utilization and application of new 52522  
techniques, scientific and clinical advances, and the achievements 52523  
of research will assure comprehensive care to the public. The 52524  
board shall prescribe by rule the continuing optometric education 52525  
that licensed optometrists must complete. The length of study 52526  
shall be twenty-five clock hours each year, including ten clock 52527  
hours of instruction in pharmacology to be completed by all 52528

licensed optometrists. 52529

Unless the continuing education required under this division 52530  
is waived or deferred under division (D) of this section, the 52531  
continuing education must be completed during the twelve-month 52532  
period beginning on the first day of October and ending on the 52533  
last day of September. If the board receives notice from a 52534  
continuing education program indicating that an optometrist 52535  
completed the program after the last day of September, and the 52536  
optometrist wants to use the continuing education completed after 52537  
that day to renew the license that expires on the last day of 52538  
December of that year, the optometrist shall pay the penalty 52539  
specified under section 4725.34 of the Revised Code for late 52540  
completion of continuing education. 52541

At least once annually, the board shall post on its web site 52542  
and shall mail, or send by electronic mail, to each licensed 52543  
optometrist a list of courses approved in accordance with 52544  
standards prescribed by board rule. Upon the request of a licensed 52545  
optometrist, the executive director of the board shall supply a 52546  
list of additional courses that the board has approved subsequent 52547  
to the most recent web site posting, electronic mail transmission, 52548  
or mailing of the list of approved courses. 52549

(C)(1) Annually, not later than the first day of November, 52550  
the board shall mail or send by electronic mail a notice regarding 52551  
license renewal to each licensed optometrist who may be eligible 52552  
for renewal. The notice shall be sent to the optometrist's most 52553  
recent electronic mail or mailing address shown in the board's 52554  
records. If the board knows that the optometrist has completed the 52555  
required continuing optometric education for the year, the board 52556  
may include with the notice an application for license renewal. 52557

(2) Filing a license renewal application with the board shall 52558  
serve as notice by the optometrist that the continuing optometric 52559  
education requirement has been successfully completed. If the 52560

board finds that an optometrist has not completed the required 52561  
continuing optometric education, the board shall disapprove the 52562  
optometrist's application. The board's disapproval of renewal is 52563  
effective without a hearing, unless a hearing is requested 52564  
pursuant to Chapter 119. of the Revised Code. 52565

(3) The board shall refuse to accept an application for 52566  
renewal from any applicant whose license is not in good standing 52567  
or who is under disciplinary review pursuant to section 4725.19 of 52568  
the Revised Code. 52569

(4) Notice of an applicant's failure to qualify for renewal 52570  
shall be served upon the applicant by mail. The notice shall be 52571  
sent not later than the fifteenth day of November to the 52572  
applicant's last address shown in the board's records. 52573

(D) In cases of certified illness or undue hardship, the 52574  
board may waive or defer for up to twelve months the requirement 52575  
of continuing optometric education, except that in such cases the 52576  
board may not waive or defer the continuing education in 52577  
pharmacology required to be completed by optometrists who hold 52578  
topical ocular pharmaceutical agents certificates or therapeutic 52579  
pharmaceutical agents certificates. The board shall waive the 52580  
requirement of continuing optometric education for any optometrist 52581  
who is serving on active duty in the armed forces of the United 52582  
States or a reserve component of the armed forces of the United 52583  
States, including the Ohio national guard or the national guard of 52584  
any other state or who has received an initial certificate of 52585  
licensure during the nine-month period which ended on the last day 52586  
of September. 52587

(E) An optometrist whose renewal application has been 52588  
approved may renew each certificate held by paying to the 52589  
treasurer of state the fees for renewal specified under section 52590  
4725.34 of the Revised Code. On payment of all applicable fees, 52591  
the board shall issue a renewal of the optometrist's certificate 52592

of licensure, topical ocular pharmaceutical agents certificate, 52593  
and therapeutic pharmaceutical agents certificate, as appropriate. 52594

(F) Not later than the fifteenth day of December, the board 52595  
shall mail or send by electronic mail a second notice regarding 52596  
license renewal to each licensed optometrist who may be eligible 52597  
for renewal but did not respond to the notice sent under division 52598  
(C)(1) of this section. The notice shall be sent to the 52599  
optometrist's most recent electronic mail or mailing address shown 52600  
in the board's records. If an optometrist fails to file a renewal 52601  
application after the second notice is sent, the board shall send 52602  
a third notice regarding license renewal prior to any action under 52603  
division (I) of this section to classify the optometrist's 52604  
certificates as delinquent. 52605

(G) The failure of an optometrist to apply for license 52606  
renewal or the failure to pay the applicable annual renewal fees 52607  
on or before the date of expiration, shall automatically work a 52608  
forfeiture of the optometrist's authority to practice optometry in 52609  
this state. 52610

(H) The board shall accept renewal applications and renewal 52611  
fees that are submitted from the first day of January to the last 52612  
day of April of the year next succeeding the date of expiration. 52613  
An individual who submits such a late renewal application or fee 52614  
shall pay the late renewal fee specified in section 4725.34 of the 52615  
Revised Code. 52616

(I)(1) If the certificates issued by the board to an 52617  
individual have expired and the individual has not filed a 52618  
complete application during the late renewal period, the 52619  
individual's certificates shall be classified in the board's 52620  
records as delinquent. 52621

(2) Any optometrist subject to delinquent classification may 52622  
submit a ~~written~~ an application to the board for reinstatement. 52623

For reinstatement to occur, the applicant must meet all of the 52624  
following conditions: 52625

(a) Submit to the board evidence of compliance with board 52626  
rules requiring continuing optometric education in a sufficient 52627  
number of hours to make up for any delinquent compliance; 52628

(b) Pay the renewal fees for the year in which application 52629  
for reinstatement is made and the reinstatement fee specified 52630  
under division (A)(8) of section 4725.34 of the Revised Code; 52631

(c) Pass all or part of the licensing examination accepted by 52632  
the board under section 4725.11 of the Revised Code as the board 52633  
considers appropriate to determine whether the application for 52634  
reinstatement should be approved; 52635

(d) If the applicant has been practicing optometry in another 52636  
state or country, submit evidence that the applicant's license to 52637  
practice optometry in the other state or country is in good 52638  
standing. 52639

(3) The board shall approve an application for reinstatement 52640  
if the conditions specified in division (I)(2) of this section are 52641  
met. An optometrist who receives reinstatement is subject to the 52642  
continuing education requirements specified under division (B) of 52643  
this section for the year in which reinstatement occurs. 52644

**Sec. 4725.17.** (A) An optometrist who intends not to continue 52645  
practicing optometry in this state due to retirement or a decision 52646  
to practice in another state or country may apply to the state 52647  
~~board of optometry~~ vision and hearing professionals board to have 52648  
the certificates issued to the optometrist placed on inactive 52649  
status. Application for inactive status shall consist of a written 52650  
notice to the board of the optometrist's intention to no longer 52651  
practice in this state. The board may not accept an application 52652  
submitted after the applicant's certificate of licensure and any 52653

other certificates have expired. The board may approve an 52654  
application for placement on inactive status only if the 52655  
applicant's certificates are in good standing and the applicant is 52656  
not under disciplinary review pursuant to section 4725.19 of the 52657  
Revised Code. 52658

(B) An individual whose certificates have been placed on 52659  
inactive status may submit ~~a written~~ an application to the board 52660  
for reinstatement. For reinstatement to occur, the applicant must 52661  
meet all of the following conditions: 52662

(1) Pay the renewal fees for the year in which application 52663  
for reinstatement is made and the reinstatement fee specified 52664  
under division (A)(9) of section 4725.34 of the Revised Code; 52665

(2) Pass all or part of the licensing examination accepted by 52666  
the board under section 4725.11 of the Revised Code as the board 52667  
considers appropriate, if the board considers examination 52668  
necessary to determine whether the application for reinstatement 52669  
should be approved; 52670

(3) If the applicant has been practicing optometry in another 52671  
state or country, submit evidence of being in the active practice 52672  
of optometry in the other state or country and evidence that the 52673  
applicant's license to practice in the other state or country is 52674  
in good standing. 52675

(C) The board shall approve an application for reinstatement 52676  
if the conditions specified in division (B) of this section are 52677  
met. An optometrist who receives reinstatement is subject to the 52678  
continuing education requirements specified under section 4725.16 52679  
of the Revised Code for the year in which reinstatement occurs. 52680

**Sec. 4725.171.** (A) An optometrist who discontinued practicing 52681  
optometry in this state due to retirement or a decision to 52682  
practice in another state or country before the state ~~board of~~ 52683

~~optometry~~ vision and hearing professionals board accepted 52684  
applications for placement of certificates to practice on inactive 52685  
status pursuant to section 4725.17 of the Revised Code may apply 52686  
to the board to have the optometrist's certificates reinstated. 52687  
The board may accept an application for reinstatement only if, at 52688  
the time the optometrist's certificates expired, the certificates 52689  
were in good standing and the optometrist was not under 52690  
disciplinary review by the board. 52691

(B) For reinstatement to occur, the applicant must meet all 52692  
of the following conditions: 52693

(1) Pay the renewal fees for the year in which application 52694  
for reinstatement is made and the reinstatement fee specified 52695  
under division (A)(10) of section 4725.34 of the Revised Code; 52696

(2) Pass all or part of the licensing examination accepted by 52697  
the board under section 4725.11 of the Revised Code as the board 52698  
considers appropriate, if the board considers examination 52699  
necessary to determine whether the application for reinstatement 52700  
should be approved; 52701

(3) If the applicant has been practicing optometry in another 52702  
state or country, submit evidence of being in the active practice 52703  
of optometry in the other state or country and evidence that the 52704  
applicant's license to practice in the other state or country is 52705  
in good standing. 52706

(C) The board shall approve an application for reinstatement 52707  
if the conditions specified in division (B) of this section are 52708  
met. An optometrist who receives reinstatement is subject to the 52709  
continuing education requirements specified under section 4725.16 52710  
of the Revised Code for the year in which reinstatement occurs. 52711

**Sec. 4725.18.** (A) The state ~~board of optometry~~ vision and 52712  
hearing professionals board may issue a certificate of licensure 52713

and therapeutic pharmaceutical agents certificate by endorsement 52714  
to an individual licensed as an optometrist by another state or a 52715  
Canadian province if the board determines that the other state or 52716  
province has standards for the practice of optometry that are at 52717  
least as stringent as the standards established under sections 52718  
4725.01 to 4725.34 of the Revised Code and the individual meets 52719  
the conditions specified in division (B) of this section. The 52720  
certificates may be issued only by an affirmative vote of a 52721  
majority of the board's members. 52722

(B) An individual seeking a certificate of licensure and 52723  
therapeutic pharmaceutical agents certificate pursuant to this 52724  
section shall submit an application to the board. To receive the 52725  
certificates, an applicant must meet all of the following 52726  
conditions: 52727

(1) Meet the same qualifications that an individual must meet 52728  
under divisions (B)(1) to (4) of section 4725.12 of the Revised 52729  
Code to receive a certificate of licensure and therapeutic 52730  
pharmaceutical agents certificate under that section; 52731

(2) Be licensed to practice optometry by a state or province 52732  
that requires passage of a written, entry-level examination at the 52733  
time of initial licensure; 52734

(3) Be licensed in good standing by the optometry licensing 52735  
agency of the other state or province, evidenced by submission of 52736  
a letter from the licensing agency of the other state or province 52737  
attesting to the applicant's good standing; 52738

(4) Provide the board with certified reports from the 52739  
optometry licensing agencies of all states and provinces in which 52740  
the applicant is licensed or has been licensed to practice 52741  
optometry describing all past and pending actions taken by those 52742  
agencies with respect to the applicant's authority to practice 52743  
optometry in those jurisdictions, including such actions as 52744

investigations, entering into consent agreements, suspensions, 52745  
revocations, and refusals to issue or renew a license; 52746

(5) Have been actively engaged in the practice of optometry, 52747  
including the use of therapeutic pharmaceutical agents, for at 52748  
least three years immediately preceding making application under 52749  
this section; 52750

(6) Pay the nonrefundable application fees established under 52751  
section 4725.34 of the Revised Code for a certificate of licensure 52752  
and therapeutic pharmaceutical agents certificate; 52753

(7) Submit all transcripts, reports, or other information the 52754  
board requires; 52755

(8) Participate in a two-hour instruction session provided by 52756  
the board on the optometry statutes and rules of this state or 52757  
pass an Ohio optometry jurisprudence test administered by the 52758  
board; 52759

(9) Pass all or part of the licensing examination accepted by 52760  
the board under section 4725.11 of the Revised Code, if the board 52761  
determines that testing is necessary to determine whether the 52762  
applicant's qualifications are sufficient for issuance of a 52763  
certificate of licensure and therapeutic pharmaceutical agents 52764  
certificate under this section; 52765

(10) Not have been previously denied issuance of a 52766  
certificate by the board. 52767

**Sec. 4725.19.** (A) In accordance with Chapter 119. of the 52768  
Revised Code and by an affirmative vote of a majority of its 52769  
members, the state ~~board of optometry~~ vision and hearing 52770  
professionals board, for any of the reasons specified in division 52771  
(B) of this section, shall refuse to grant a certificate of 52772  
licensure to practice optometry to an applicant and may, with 52773  
respect to a licensed optometrist, do one or more of the 52774

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| following:  | 52775  |
| (1) Suspend the operation of any certificate of licensure, topical ocular pharmaceutical agents certificate, or therapeutic pharmaceutical agents certificate, or all certificates granted by it to the optometrist;  | 52776<br>52777<br>52778<br>52779                   |
| (2) Permanently revoke any or all of the certificates;  | 52780  |
| (3) Limit or otherwise place restrictions on any or all of the certificates;  | 52781<br>52782                                     |
| (4) Reprimand the optometrist;  | 52783  |
| (5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars. | 52784<br>52785<br>52786<br>52787<br>52788<br>52789 |
| (6) Require the optometrist to take corrective action courses.  | 52790<br>52791                                     |
| The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.   | 52792<br>52793<br>52794                            |
| (B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:   | 52795<br>52796                                     |
| (1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;  | 52797<br>52798<br>52799                            |
| (2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;  | 52800<br>52801                                     |
| (3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry;  | 52802<br>52803                                     |

- (4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed; 52804  
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- (5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed; 52806  
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- (6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board; 52809  
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- (7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate; 52812  
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- (8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees; 52817  
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- (9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established; 52821  
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- (10) Failing to maintain comprehensive patient records; 52826
- (11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public; 52827  
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- (12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of 52830  
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| optometry;   | 52834 |
| (13) Engaging in the practice of optometry as provided in            | 52835 |
| division (A)(2) or (3) of section 4725.01 of the Revised Code        | 52836 |
| without authority to do so or, if authorized, in a manner            | 52837 |
| inconsistent with the authority granted;                             | 52838 |
| (14) Failing to make a report to the board as required by            | 52839 |
| division (A) of section 4725.21 or section 4725.31 of the Revised    | 52840 |
| Code;  | 52841 |
| (15) Soliciting patients from door to door or establishing           | 52842 |
| temporary offices, in which case the board shall suspend all         | 52843 |
| certificates held by the optometrist;                                | 52844 |
| (16) Except as provided in division (D) of this section:             | 52845 |
| (a) Waiving the payment of all or any part of a deductible or        | 52846 |
| copayment that a patient, pursuant to a health insurance or health   | 52847 |
| care policy, contract, or plan that covers optometric services,      | 52848 |
| would otherwise be required to pay if the waiver is used as an       | 52849 |
| enticement to a patient or group of patients to receive health       | 52850 |
| care services from that optometrist.                                 | 52851 |
| (b) Advertising that the optometrist will waive the payment          | 52852 |
| of all or any part of a deductible or copayment that a patient,      | 52853 |
| pursuant to a health insurance or health care policy, contract, or   | 52854 |
| plan that covers optometric services, would otherwise be required    | 52855 |
| to pay.  | 52856 |
| (17) Failing to comply with the requirements in section              | 52857 |
| 3719.061 of the Revised Code before issuing for a minor a            | 52858 |
| prescription for an analgesic controlled substance authorized        | 52859 |
| pursuant to section 4725.091 of the Revised Code that is an opioid   | 52860 |
| analgesic, as defined in section 3719.01 of the Revised Code;        | 52861 |
| <u>(18) Violating the rules adopted under section 4744.50 of the</u> | 52862 |
| <u>Revised Code.</u>   | 52863 |

(C) Any person who is the holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code.

(D) Sanctions shall not be imposed under division (B)(17) of this section against any optometrist who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other optometrist licensed by the board, to the extent allowed by sections 4725.01 to 4725.34 of the Revised Code and the rules of the board.

**Sec. 4725.20.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state ~~board of optometry vision and hearing professionals board~~ shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued by the board under this chapter.

**Sec. 4725.21.** (A) If an optometrist licensed by the state ~~board of optometry vision and hearing professionals board~~ has reason to believe that another optometrist licensed currently or previously by the board has engaged in any course of treatment or other services to a patient that constitutes unprofessional conduct under section 4725.19 of the Revised Code, or has an addiction subject to board action under section 4725.19 of the

Revised Code, the optometrist shall make a report to the board. 52894

(B) Any person may report to the board in a signed writing 52895  
any information that the person may have that appears to show a 52896  
violation of any provision of sections 4725.01 to 4725.34 of the 52897  
Revised Code or the rules adopted under those sections. 52898

(C) Each complaint or allegation of a violation received by 52899  
the board shall be assigned a case number and shall be recorded by 52900  
the board. 52901

(D) In the absence of fraud or bad faith, no person who 52902  
reports to the board under this section or testifies in any 52903  
adjudication conducted under Chapter 119. of the Revised Code 52904  
shall be liable to any person for damages in a civil action as a 52905  
result of the report or testimony. 52906

**Sec. 4725.22.** (A) Each insurer providing professional 52907  
liability insurance to an optometrist licensed under this chapter, 52908  
or any other entity that seeks to indemnify the professional 52909  
liability of an optometrist licensed under this chapter, shall 52910  
notify the state ~~board of optometry~~ vision and hearing 52911  
professionals board within thirty days after the final disposition 52912  
of a claim for damages. The notice shall contain the following 52913  
information: 52914

(1) The name and address of the person submitting the 52915  
notification; 52916

(2) The name and address of the insured who is the subject of 52917  
the claim; 52918

(3) The name of the person filing the written claim; 52919

(4) The date of final disposition; 52920

(5) If applicable, the identity of the court in which the 52921  
final disposition of the claim took place. 52922

(B) Each optometrist licensed under this chapter shall notify the board within thirty days of receipt of the final disposition of a claim for damages or any action involving malpractice. The optometrist shall notify the board by registered mail and shall provide all reports and other information required by the board.

(C) Information received under this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be released except as otherwise required by law or a court of competent jurisdiction.

**Sec. 4725.23.** (A) The state ~~board of optometry~~ vision and hearing professionals board shall investigate evidence that appears to show that a person has violated any provision of sections 4725.01 to 4725.34 of the Revised Code or any rule adopted under those sections. Investigations of alleged violations shall be supervised by the member of the board appointed by the board to act as the supervising member of investigations. The supervising member shall not participate in the final vote that occurs in an adjudication of the case.

(B) In investigating a possible violation, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony. A subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary of the board and the board's supervising member of investigations. Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of sections 4725.01 to 4725.34 of the Revised Code or any rule adopted under those sections and that the records sought are relevant to the alleged

violation and material to the investigation. The subpoena may 52954  
apply only to records that cover a reasonable period of time 52955  
surrounding the alleged violation. 52956

On failure to comply with any subpoena issued by the board 52957  
and after reasonable notice to the person being subpoenaed, the 52958  
board may move for an order compelling the production of persons 52959  
or records pursuant to the Rules of Civil Procedure. 52960

A subpoena issued by the board may be served by a sheriff, 52961  
the sheriff's deputy, or a board employee designated by the board. 52962  
Service of a subpoena issued by the board may be made by 52963  
delivering a copy of the subpoena to the person named therein, 52964  
reading it to the person, or leaving it at the person's usual 52965  
place of residence. When the person being served is an optometrist 52966  
licensed under this chapter, service of the subpoena may be made 52967  
by certified mail, restricted delivery, return receipt requested, 52968  
and the subpoena shall be deemed served on the date delivery is 52969  
made or the date the optometrist refuses to accept delivery. 52970

Each witness who appears before the board in obedience to a 52971  
subpoena shall receive the fees and mileage provided for under 52972  
section 119.094 of the Revised Code. 52973

(C) Information received by the board pursuant to an 52974  
investigation is confidential and not subject to discovery in any 52975  
civil action. 52976

The board shall conduct all investigations and proceedings in 52977  
a manner that protects the confidentiality of patients and persons 52978  
who file complaints with the board. The board shall not make 52979  
public the names or any other identifying information about 52980  
patients or complainants unless proper consent is given. 52981

The board may share any information it receives pursuant to 52982  
an investigation, including patient records and patient record 52983  
information, with other licensing boards and governmental agencies 52984

that are investigating alleged professional misconduct and with 52985  
law enforcement agencies and other governmental agencies that are 52986  
investigating or prosecuting alleged criminal offenses. A board or 52987  
agency that receives the information shall comply with the same 52988  
requirements regarding confidentiality as those with which the 52989  
state ~~board of optometry~~ vision and hearing professionals board 52990  
must comply, notwithstanding any conflicting provision of the 52991  
Revised Code or procedure of the board or agency that applies when 52992  
the board or agency is dealing with other information in its 52993  
possession. The information may be admitted into evidence in a 52994  
criminal trial in accordance with the Rules of Evidence, but the 52995  
court shall require that appropriate measures are taken to ensure 52996  
that confidentiality is maintained with respect to any part of the 52997  
information that contains names or other identifying information 52998  
about persons whose confidentiality was protected by the state 52999  
~~board of optometry~~ vision and hearing professionals board when the 53000  
information was in the board's possession. Measures to ensure 53001  
confidentiality that may be taken by the court include sealing its 53002  
records or deleting specific information from its records. 53003

**Sec. 4725.24.** If the secretary of the state ~~board of~~ 53004  
~~optometry~~ vision and hearing professionals board and the board's 53005  
supervising member of investigations determine that there is clear 53006  
and convincing evidence that an optometrist has violated division 53007  
(B) of section 4725.19 of the Revised Code and that the 53008  
optometrist's continued practice presents a danger of immediate 53009  
and serious harm to the public, they may recommend that the board 53010  
suspend without a prior hearing the optometrist's certificate of 53011  
licensure and any other certificates held by the optometrist. 53012  
Written allegations shall be prepared for consideration by the 53013  
full board. 53014

The board, upon review of those allegations and by an 53015  
affirmative vote of three members other than the secretary and 53016

supervising member may order the suspension without a prior 53017  
hearing. A telephone conference call may be utilized for reviewing 53018  
the allegations and taking the vote on the summary suspension. 53019

The board shall issue a written order of suspension by 53020  
certified mail or in person in accordance with section 119.07 of 53021  
the Revised Code. The order shall not be subject to suspension by 53022  
the court during pendency of any appeal filed under section 119.12 53023  
of the Revised Code. If the individual subject to the summary 53024  
suspension requests an adjudicatory hearing by the board, the date 53025  
set for the hearing shall be within fifteen days, but not earlier 53026  
than seven days, after the individual requests the hearing, unless 53027  
otherwise agreed to by both the board and the individual. 53028

Any summary suspension imposed under this division shall 53029  
remain in effect, unless reversed on appeal, until a final 53030  
adjudicative order issued by the board pursuant to section 4725.19 53031  
of the Revised Code and Chapter 119. of the Revised Code becomes 53032  
effective. The board shall issue its final adjudicative order 53033  
within sixty days after completion of its hearing. A failure to 53034  
issue the order within sixty days shall result in dissolution of 53035  
the summary suspension order but shall not invalidate any 53036  
subsequent, final adjudicative order. 53037

**Sec. 4725.26.** Division (A) of section 4725.02 of the Revised 53038  
Code does not apply to the following: 53039

(A) Physicians authorized to practice medicine and surgery or 53040  
osteopathic medicine and surgery under Chapter 4731. of the 53041  
Revised Code; 53042

(B) Persons who sell optical accessories but do not assume to 53043  
adapt them to the eye, and neither practice nor profess to 53044  
practice optometry; 53045

(C) An instructor in a school of optometry that is located in 53046

this state and approved by the state ~~board of optometry~~ vision and 53047  
hearing professionals board under section 4725.10 of the Revised 53048  
Code who holds a valid current license to practice optometry from 53049  
a licensing body in another jurisdiction and limits the practice 53050  
of optometry to the instruction of students enrolled in the 53051  
school. 53052

(D) A student enrolled in a school of optometry, located in 53053  
this or another state and approved by the board under section 53054  
4725.10 of the Revised Code, while the student is participating in 53055  
this state in an optometry training program provided or sponsored 53056  
by the school, if the student acts under the direct, personal 53057  
supervision and control of an optometrist licensed by the board or 53058  
authorized to practice pursuant to division (C) of this section. 53059

(E) An individual who is licensed or otherwise specifically 53060  
authorized by the Revised Code to engage in an activity that is 53061  
included in the practice of optometry. 53062

(F) An individual who is not licensed or otherwise 53063  
specifically authorized by the Revised Code to engage in an 53064  
activity that is included in the practice of optometry, but is 53065  
acting pursuant to the rules for delegation of optometric tasks 53066  
adopted under section 4725.09 of the Revised Code. 53067

**Sec. 4725.27.** The testimony and reports of an optometrist 53068  
licensed by the state ~~board of optometry~~ vision and hearing 53069  
professionals board under this chapter shall be received by any 53070  
state, county, municipal, school district, or other public board, 53071  
body, agency, institution, or official and by any private 53072  
educational or other institution receiving public funds as 53073  
competent evidence with respect to any matter within the scope of 53074  
the practice of optometry. No such board, body, agency, official, 53075  
or institution shall interfere with any individual's right to a 53076  
free choice of receiving services from either an optometrist or a 53077

physician. No such board, body, agency, official, or institution 53078  
shall discriminate against an optometrist performing procedures 53079  
that are included in the practice of optometry as provided in 53080  
division (A)(2) or (3) of section 4725.01 of the Revised Code if 53081  
the optometrist is licensed under this chapter to perform those 53082  
procedures. 53083

**Sec. 4725.28.** (A) As used in this section, "supplier" means 53084  
any person who prepares or sells optical accessories or other 53085  
vision correcting items, devices, or procedures. 53086

(B) A licensed optometrist, on completion of a vision 53087  
examination and diagnosis, shall give each patient for whom the 53088  
optometrist prescribes any vision correcting item, device, or 53089  
procedure, one copy of the prescription, without additional charge 53090  
to the patient. The prescription shall include the following: 53091

(1) The date of its issuance; 53092

(2) Sufficient information to enable the patient to obtain 53093  
from the supplier of the patient's choice, the optical accessory 53094  
or other vision correcting item, device, or procedure that has 53095  
been prescribed; 53096

(3) In the case of contact lenses, all information specified 53097  
as part of a contact lens prescription, as defined in the 53098  
"Fairness to Contact Lens Consumers Act," 117 Stat. 2024 (2003), 53099  
15 U.S.C. 7610. 53100

(C) Any supplier who fills a prescription for contact lenses 53101  
furnished by an optometrist shall furnish the patient with written 53102  
recommendations to return to the prescribing optometrist for 53103  
evaluation of the contact lens fitting. 53104

(D) Any supplier, including an optometrist who is a supplier, 53105  
may advertise to inform the general public of the price that the 53106  
supplier charges for any vision correcting item, device, or 53107

procedure. Any such advertisement shall specify the following: 53108

(1) Whether the advertised item includes an eye examination; 53109

(2) In the case of lenses, whether the price applies to 53110  
single-vision or multifocal lenses; 53111

(3) In the case of contact lenses, whether the price applies 53112  
to rigid or soft lenses and whether there is an additional charge 53113  
related to the fitting and determination of the type of contact 53114  
lenses to be worn that is not included in the price of the eye 53115  
examination. 53116

(E) The state ~~board of optometry~~ vision and hearing 53117  
professionals board shall not adopt any rule that restricts the 53118  
right to advertise as permitted by division (D) of this section. 53119

(F) Any municipal corporation code, ordinance, or regulation 53120  
or any township resolution that conflicts with a supplier's right 53121  
to advertise as permitted by division (D) of this section is 53122  
superseded by division (D) of this section and is invalid. A 53123  
municipal corporation code, ordinance, or regulation or a township 53124  
resolution conflicts with division (D) of this section if it 53125  
restricts a supplier's right to advertise as permitted by division 53126  
(D) of this section. 53127

**Sec. 4725.29.** (A) As used in this section: 53128

(1) "Regional advertisement" means an advertisement published 53129  
in more than one metropolitan statistical area in this state or 53130  
broadcast by radio or television stations in more than one 53131  
metropolitan statistical area in this state. 53132

(2) "National advertisement" means an advertisement published 53133  
in one or more periodicals or broadcast by one or more radio or 53134  
television stations in this state and also published in one or 53135  
more periodicals or broadcast by one or more radio or television 53136  
stations in another state. 53137

(B) The state ~~board of optometry~~ vision and hearing 53138  
professionals board shall not require any person who sells optical 53139  
accessories at more than one location to list in any regional or 53140  
national advertisement the name of the licensed optometrist 53141  
practicing at a particular location, provided that in addition to 53142  
the requirement in division (B) of section 4725.13 of the Revised 53143  
Code, the name of the optometrist is prominently displayed at the 53144  
location. 53145

**Sec. 4725.31.** An optometrist licensed by the state ~~board of~~ 53146  
~~optometry~~ vision and hearing professionals board shall promptly 53147  
report to the board any instance of a clinically significant 53148  
drug-induced side effect in a patient due to the optometrist's 53149  
administering, employing, applying, or prescribing a topical 53150  
ocular or therapeutic pharmaceutical agent to or for the patient. 53151  
The board, by rule adopted in accordance with Chapter 119. of the 53152  
Revised Code, shall establish reporting procedures and specify the 53153  
types of side effects to be reported. The information provided to 53154  
the board shall not include the name of or any identifying 53155  
information about the patient. 53156

**Sec. 4725.33.** (A) An individual whom the state ~~board of~~ 53157  
~~optometry~~ vision and hearing professionals board licenses to 53158  
engage in the practice of optometry may render the professional 53159  
services of an optometrist within this state through a corporation 53160  
formed under division (B) of section 1701.03 of the Revised Code, 53161  
a limited liability company formed under Chapter 1705. of the 53162  
Revised Code, a partnership, or a professional association formed 53163  
under Chapter 1785. of the Revised Code. This division does not 53164  
preclude an optometrist from rendering professional services as an 53165  
optometrist through another form of business entity, including, 53166  
but not limited to, a nonprofit corporation or foundation, or in 53167  
another manner that is authorized by or in accordance with this 53168

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| chapter, another chapter of the Revised Code, or rules of the                     | 53169 |
| state <del>board of optometry</del> <u>vision and hearing professionals board</u> | 53170 |
| adopted pursuant to this chapter.   | 53171 |
| (B) A corporation, limited liability company, partnership, or                     | 53172 |
| professional association described in division (A) of this section                | 53173 |
| may be formed for the purpose of providing a combination of the                   | 53174 |
| professional services of the following individuals who are                        | 53175 |
| licensed, certificated, or otherwise legally authorized to                        | 53176 |
| practice their respective professions:  | 53177 |
| (1) Optometrists who are authorized to practice optometry                         | 53178 |
| under Chapter 4725. of the Revised Code;  | 53179 |
| (2) Chiropractors who are authorized to practice chiropractic                     | 53180 |
| or acupuncture under Chapter 4734. of the Revised Code;                           | 53181 |
| (3) Psychologists who are authorized to practice psychology                       | 53182 |
| under Chapter 4732. of the Revised Code;  | 53183 |
| (4) Registered or licensed practical nurses who are                               | 53184 |
| authorized to practice nursing as registered nurses or as licensed                | 53185 |
| practical nurses under Chapter 4723. of the Revised Code;                         | 53186 |
| (5) Pharmacists who are authorized to practice pharmacy under                     | 53187 |
| Chapter 4729. of the Revised Code;  | 53188 |
| (6) Physical therapists who are authorized to practice                            | 53189 |
| physical therapy under sections 4755.40 to 4755.56 of the Revised                 | 53190 |
| Code;   | 53191 |
| (7) Occupational therapists who are authorized to practice                        | 53192 |
| occupational therapy under sections 4755.04 to 4755.13 of the                     | 53193 |
| Revised Code;   | 53194 |
| (8) Mechanotherapists who are authorized to practice                              | 53195 |
| mechanotherapy under section 4731.151 of the Revised Code;                        | 53196 |
| (9) Doctors of medicine and surgery, osteopathic medicine and                     | 53197 |
| surgery, or podiatric medicine and surgery who are authorized for                 | 53198 |

their respective practices under Chapter 4731. of the Revised Code; 53199  
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(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code. 53201  
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This division shall apply notwithstanding a provision of a code of ethics applicable to an optometrist that prohibits an optometrist from engaging in the practice of optometry in combination with a person who is licensed, certificated, or otherwise legally authorized to practice chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of optometry. 53206  
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**Sec. 4725.34.** (A) The state ~~board of optometry~~ vision and hearing professionals board shall charge the following nonrefundable fees: 53218  
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(1) One hundred thirty dollars for application for a certificate of licensure to practice optometry; 53221  
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(2) Forty-five dollars for application for a therapeutic pharmaceutical agents certificate, except when the certificate is to be issued pursuant to division (A)(3) of section 4725.13 of the Revised Code, in which case the fee shall be thirty-five dollars; 53223  
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(3) One hundred thirty dollars for renewal of a certificate of licensure to practice optometry; 53227  
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|   |   |
|---|---|
| (4) Forty-five dollars for renewal of a topical ocular pharmaceutical agents certificate;   | 53229<br>53230  |
| (5) Forty-five dollars for renewal of a therapeutic pharmaceutical agents certificate;  | 53231<br>53232  |
| (6) One hundred twenty-five dollars for late completion or submission, or both, of continuing optometric education;   | 53233<br>53234  |
| (7) One hundred twenty-five dollars for late renewal of one or more certificates that have expired;   | 53235<br>53236  |
| (8) Seventy-five dollars for reinstatement of one or more certificates classified as delinquent under section 4725.16 of the Revised Code, multiplied by the number of years the one or more certificates have been classified as delinquent;   | 53237<br>53238<br>53239<br>53240                            |
| (9) Seventy-five dollars for reinstatement of one or more certificates placed on inactive status under section 4725.17 of the Revised Code;   | 53241<br>53242<br>53243                                     |
| (10) Seventy-five dollars for reinstatement under section 4725.171 of the Revised Code of one or more expired certificates;   | 53244<br>53245  |
| (11) Additional fees to cover administrative costs incurred by the board, including fees for replacing licenses issued by the board and providing rosters of currently licensed optometrists. Such fees shall be established at a regular meeting of the board and shall comply with any applicable guidelines or policies set by the department of administrative services or the office of budget and management. | 53246<br>53247<br>53248<br>53249<br>53250<br>53251<br>53252 |
| (B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in division (A) of this section if the fees do not exceed the amounts specified by more than fifty per cent.   | 53253<br>53254<br>53255<br>53256                            |
| (C) All receipts of the board, from any source, shall be deposited in the state treasury to the credit of the occupational  | 53257<br>53258  |

licensing and regulatory fund created in section 4743.05 of the 53259  
Revised Code. 53260

**Sec. 4725.40.** As used in sections 4725.40 to 4725.59 of the 53261  
Revised Code: 53262

(A) "Optical aid" means both of the following: 53263

(1) Spectacles or other instruments or devices that are not 53264  
contact lenses, if the spectacles or other instruments or devices 53265  
may aid or correct human vision and have been prescribed by a 53266  
physician or optometrist licensed by any state; 53267

(2) Contact lenses, regardless of whether they address visual 53268  
function, if they are designed to fit over the cornea of the eye 53269  
or are otherwise designed for use in or on the eye or orbit. 53270

All contact lenses shall be dispensed only in accordance with 53271  
a valid written prescription designated for contact lenses, 53272  
including the following: 53273

(a) Zero-powered plano contact lenses; 53274

(b) Cosmetic contact lenses; 53275

(c) Performance-enhancing contact lenses; 53276

(d) Any other contact devices determined by the ~~Ohio optical~~ 53277  
~~dispensers~~ state vision and hearing professionals board to be 53278  
contact lenses. 53279

(B) "Optical dispensing" means interpreting but not altering 53280  
a prescription of a licensed physician or optometrist and 53281  
designing, adapting, fitting, or replacing the prescribed optical 53282  
aids, pursuant to such prescription, to or for the intended 53283  
wearer; duplicating lenses, other than contact lenses, accurately 53284  
as to power without a prescription; and duplicating 53285  
nonprescription eyewear and parts of eyewear. "Optical dispensing" 53286  
does not include selecting frames, placing an order for the 53287

delivery of an optical aid, transacting a sale, transferring an 53288  
optical aid to the wearer after an optician has completed fitting 53289  
it, or providing instruction in the general care and use of an 53290  
optical aid, including placement, removal, hygiene, or cleaning. 53291

(C) "Licensed dispensing optician" means a person holding a 53292  
current, valid license issued under sections ~~4725.47~~ 4725.48 to 53293  
4725.51 of the Revised Code that authorizes the person to engage 53294  
in optical dispensing. Nothing in this chapter shall be construed 53295  
to permit a licensed dispensing optician to alter the 53296  
specifications of a prescription. 53297

(D) "Licensed spectacle dispensing optician" means a licensed 53298  
dispensing optician authorized to engage in both of the following: 53299

(1) The dispensing of optical aids other than contact lenses; 53300

(2) The dispensing of prepackaged soft contact lenses in 53301  
accordance with section 4725.411 of the Revised Code. 53302

(E) "Licensed contact lens dispensing optician" means a 53303  
licensed dispensing optician authorized to engage only in the 53304  
dispensing of contact lenses. 53305

(F) "Licensed spectacle-contact lens dispensing optician" 53306  
means a licensed dispensing optician authorized to engage in the 53307  
dispensing of any optical aid. 53308

(G) "Apprentice" means any person dispensing optical aids 53309  
under the direct supervision of a licensed dispensing optician. 53310

(H) "Prescription" means the written or verbal directions or 53311  
instructions as specified by a physician or optometrist licensed 53312  
by any state for preparing an optical aid for a patient. 53313

(I) "Supervision" means the provision of direction and 53314  
control through personal inspection and evaluation of work. 53315

(J) "Licensed ocularist" means a person holding a current, 53316  
valid license issued under sections 4725.48 to 4725.51 of the 53317

Revised Code to engage in the practice of designing, fabricating, 53318  
and fitting artificial eyes or prostheses associated with the 53319  
appearance or function of the human eye. 53320

**Sec. 4725.41.** ~~Beginning one year after March 22, 1979, no~~ No 53321  
person shall engage in optical dispensing or hold ~~himself~~ self out 53322  
as being engaged in optical dispensing, ~~except as authorized under~~ 53323  
~~section 4725.47 of the Revised Code,~~ unless ~~he~~ the person has 53324  
fulfilled the requirements of sections 4725.48 to 4725.51 of the 53325  
Revised Code and has been certified as a licensed dispensing 53326  
optician by the ~~Ohio optical dispensers~~ state vision and hearing 53327  
professionals board. 53328

No person shall engage in the designing, fabricating, and 53329  
fitting of an artificial eye or of prostheses associated with the 53330  
appearance or function of the human eye unless ~~he~~ the person is 53331  
licensed as an ocularist under ~~to~~ sections 4725.48 to 4725.51 of 53332  
the Revised Code. 53333

**Sec. 4725.411.** (A) Each licensed spectacle dispensing 53334  
optician shall complete two hours of study in prepackaged soft 53335  
contact lens dispensing approved by the ~~Ohio optical dispensers~~ 53336  
state vision and hearing professionals board under section 4725.51 53337  
of the Revised Code. The two hours of study shall be completed as 53338  
follows: 53339

(1) Each licensed spectacle dispensing optician who holds the 53340  
license on ~~the effective date of this amendment~~ September 29, 53341  
2015, shall complete the two hours of study not later than 53342  
December 31, 2015. 53343

(2) Each licensed spectacle dispensing optician who receives 53344  
the license after ~~the effective date of this amendment~~ September 53345  
29, 2015, shall complete the two hours of study not later than the 53346  
thirty-first day of December of the year the license is issued. 53347

(B) Beginning January 1, 2016, a licensed spectacle 53348  
dispensing optician may dispense prepackaged soft contact lenses 53349  
if both of the following are the case: 53350

(1) The licensed spectacle dispensing optician has completed 53351  
two hours of study in prepackaged soft contact lens dispensing in 53352  
accordance with division (A) of this section. 53353

(2) The only action necessary is to match the description of 53354  
the contact lenses that is on the packaging to a written 53355  
prescription. 53356

**Sec. 4725.44.** (A) The ~~Ohio optical dispensers~~ state vision 53357  
and hearing professionals board shall be responsible for the 53358  
administration of sections 4725.40 to 4725.59 of the Revised Code 53359  
and, in particular, shall process applications for licensure as 53360  
licensed dispensing opticians and ocularists; schedule, 53361  
administer, and supervise the qualifying examinations for 53362  
licensure or contract with a testing service to schedule, 53363  
administer, and supervise the qualifying examination for 53364  
licensure; issue licenses to qualified individuals; and revoke and 53365  
suspend licenses; ~~and maintain adequate records with respect to~~ 53366  
~~its operations and responsibilities.~~ 53367

(B) The board shall adopt, amend, or rescind rules, pursuant 53368  
to Chapter 119. of the Revised Code, for the licensure of 53369  
dispensing opticians and ocularists, and such other rules as are 53370  
required by or necessary to carry out the responsibilities imposed 53371  
by sections 4725.40 to 4725.59 of the Revised Code, including 53372  
rules establishing criminal records check requirements under 53373  
section 4776.03 of the Revised Code and rules establishing 53374  
disqualifying offenses for licensure as a dispensing optician or 53375  
certification as an apprentice dispensing optician pursuant to 53376  
sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised 53377  
Code. 53378

(C) The board shall have no authority to adopt rules governing the employment of dispensing opticians, the location or number of optical stores, advertising of optical products or services, or the manner in which optical products can be displayed.

**Sec. 4725.48.** (A) Any person who desires to engage in optical dispensing, ~~except as provided in section 4725.47 of the Revised Code,~~ shall file a properly completed ~~written~~ application for an examination with the ~~Ohio optical dispensers~~ state vision and hearing professionals board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made on a form provided by the board or testing service and shall be accompanied by an examination fee the board shall establish by rule. Applicants must return the application to the board or testing service at least sixty days prior to the date the examination is scheduled to be administered.

(B) ~~Except as provided in section 4725.47 of the Revised Code, any~~ Any person who desires to engage in optical dispensing shall file a properly completed ~~written~~ application for a license with the board with a licensure application fee of fifty dollars.

No person shall be eligible to apply for a license under this division, unless the person is at least eighteen years of age, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be

continuous experience of not less than thirty hours a week in an optical laboratory;

(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and the fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care.

(C) Any person who desires to obtain a license to practice as an ocularist shall file a properly completed ~~written~~ application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

(D)(1) Subject to divisions (D)(2), (3), and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from receiving or renewing a license as a dispensing optician issued under sections 4725.40 to 4725.59 of the Revised Code due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded

guilty to a misdemeanor that is not a crime of moral turpitude or 53442  
a disqualifying offense less than one year prior to making the 53443  
application, the board may use its discretion in granting or 53444  
denying the individual a license. Except as otherwise provided in 53445  
this division, if an individual applying for a license has been 53446  
convicted of or pleaded guilty to a felony that is not a crime of 53447  
moral turpitude or a disqualifying offense less than three years 53448  
prior to making the application, the board may use its discretion 53449  
in granting or denying the individual a license. The provisions in 53450  
this paragraph do not apply with respect to any offense unless the 53451  
board, prior to ~~the effective date of this amendment~~ September 28, 53452  
2012, was required or authorized to deny the application based on 53453  
that offense. 53454

In all other circumstances, the board shall follow the 53455  
procedures it adopts by rule that conform to division (D)(1) of 53456  
this section. 53457

(3) In considering a renewal of an individual's license, the 53458  
board shall not consider any conviction or plea of guilty prior to 53459  
the initial licensing. However, the board may consider a 53460  
conviction or plea of guilty if it occurred after the individual 53461  
was initially licensed, or after the most recent license renewal. 53462

(4) The board may grant an individual a conditional license 53463  
that lasts for one year. After the one-year period has expired, 53464  
the license is no longer considered conditional, and the 53465  
individual shall be considered fully licensed. 53466

(E) The board, subject to the approval of the controlling 53467  
board, may establish examination fees in excess of the amount 53468  
established by rule pursuant to this section, provided that such 53469  
fees do not exceed those amounts established in rule by more than 53470  
fifty per cent. 53471

**Sec. 4725.49.** (A) ~~The Ohio optical dispensers~~ state vision 53472

and hearing professionals board may provide for the examination of 53473  
applicants by designing, preparing, and administering the 53474  
qualifying examinations or by contracting with a testing service 53475  
that is nationally recognized as being capable of determining 53476  
competence to dispense optical aids as a licensed spectacle 53477  
dispensing optician, a licensed contact lens dispensing optician, 53478  
or a licensed spectacle-contact lens dispensing optician. Any 53479  
examination used shall be designed to measure specific performance 53480  
requirements, be professionally constructed and validated, and be 53481  
independently and objectively administered and scored in order to 53482  
determine the applicant's competence to dispense optical aids. 53483

(B) The board shall ensure that it, or the testing service it 53484  
contracts with, does all of the following: 53485

(1) Provides public notice as to the date, time, and place 53486  
for each examination at least ninety days prior to the 53487  
examination; 53488

(2) Offers each qualifying examination at least twice each 53489  
year in Columbus, except as provided in division (C) of this 53490  
section; 53491

(3) Provides to each applicant all forms necessary to apply 53492  
for examination; 53493

(4) Provides all materials and equipment necessary for the 53494  
applicant to take the examination. 53495

(C) If the number of applicants for any qualifying 53496  
examination is less than ten, the examination may be postponed. 53497  
The board or testing service shall provide the applicant with 53498  
written notification of the postponement and of the next date the 53499  
examination is scheduled to be administered. 53500

(D) No limitation shall be placed upon the number of times 53501  
that an applicant may repeat any qualifying examination, except 53502  
that, if an applicant fails an examination for a third time, the 53503

board may require that the applicant, prior to retaking the 53504  
examination, undergo additional study in the areas of the 53505  
examination in which the applicant experienced difficulty. 53506

**Sec. 4725.50.** (A) Except for a person who qualifies for 53507  
licensure as an ocularist, each person who qualifies for licensure 53508  
under sections 4725.40 to 4725.59 of the Revised Code shall 53509  
receive from the ~~Ohio optical dispensers~~ state vision and hearing 53510  
professionals board, under its seal, a certificate of licensure 53511  
entitling the person to practice as a licensed spectacle 53512  
dispensing optician, licensed contact lens dispensing optician, or 53513  
a licensed spectacle-contact lens dispensing optician. The 53514  
appropriate certificate of licensure shall be issued by the board 53515  
no later than sixty days after it has notified the applicant of 53516  
the applicant's approval for licensure. 53517

(B) Each licensed dispensing optician shall display the 53518  
licensed dispensing optician's certificate of licensure in a 53519  
conspicuous place in the licensed dispensing optician's office or 53520  
place of business. If a licensed dispensing optician maintains 53521  
more than one office or place of business, the licensed dispensing 53522  
optician shall display a duplicate copy of such certificate at 53523  
each location. The board shall issue duplicate copies of the 53524  
appropriate certificate of licensure for this purpose upon the 53525  
filing of an application form therefor and the payment of a 53526  
five-dollar fee for each duplicate copy. 53527

**Sec. 4725.501.** (A) As used in this section, "license" and 53528  
"applicant for an initial license" have the same meanings as in 53529  
section 4776.01 of the Revised Code, except that "license" as used 53530  
in both of those terms refers to the types of authorizations 53531  
otherwise issued or conferred under this chapter. 53532

(B) In addition to any other eligibility requirement set 53533

forth in this chapter, each applicant for an initial license shall 53534  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 53535  
~~Ohio optical dispensers~~ state vision and hearing professionals 53536  
board shall not grant a license to an applicant for an initial 53537  
license unless the applicant complies with sections 4776.01 to 53538  
4776.04 of the Revised Code and the board, in its discretion, 53539  
decides that the results of the criminal records check do not make 53540  
the applicant ineligible for a license issued pursuant to section 53541  
4725.50 or 4725.57 of the Revised Code. 53542

**Sec. 4725.51.** (A)(1) Each license issued under sections 53543  
4725.40 to 4725.59 of the Revised Code shall expire on the first 53544  
day of January in the year after it was issued. Each person 53545  
holding a valid, current license may apply to the ~~Ohio optical~~ 53546  
~~dispensers~~ state vision and hearing professionals board for the 53547  
extension of the license under the standard renewal procedures of 53548  
Chapter 4745. of the Revised Code. Each application for renewal 53549  
shall be accompanied by a renewal fee the board shall establish by 53550  
rule. In addition, except as provided in division (A)(2) of this 53551  
section, the application shall contain evidence that the applicant 53552  
has completed continuing education within the immediately 53553  
preceding one-year period as follows: 53554

(a) Licensed spectacle dispensing opticians shall have 53555  
pursued both of the following, approved by the board: 53556

(i) Four hours of study in spectacle dispensing; 53557

(ii) Two hours of study in contact lens dispensing. 53558

(b) Licensed contact lens dispensing opticians shall have 53559  
pursued eight hours of study in contact lens dispensing, approved 53560  
by the board. 53561

(c) Licensed spectacle-contact lens dispensing opticians 53562  
shall have pursued both of the following, approved by the board: 53563

(i) Four hours of study in spectacle dispensing; 53564

(ii) Eight hours of study in contact lens dispensing. 53565

(d) Licensed ocularists shall have pursued courses of study 53566  
as prescribed by rule of the board. 53567

(2) An application for the initial renewal of a license 53568  
issued under sections 4725.40 to 4725.55 of the Revised Code is 53569  
not required to contain evidence that the applicant has completed 53570  
the continuing education requirements of division (A)(1) of this 53571  
section. 53572

(B) No person who fails to renew the person's license under 53573  
division (A) of this section shall be required to take a 53574  
qualifying examination under section 4725.48 of the Revised Code 53575  
as a condition of renewal, provided that the application for 53576  
renewal and proof of the requisite continuing education hours are 53577  
submitted within ninety days from the date the license expired and 53578  
the applicant pays the annual renewal fee and a penalty of 53579  
seventy-five dollars. The board may provide, by rule, for an 53580  
extension of the grace period for licensed dispensing opticians 53581  
who are serving in the armed forces of the United States or a 53582  
reserve component of the armed forces of the United States, 53583  
including the Ohio national guard or the national guard of any 53584  
other state and for waiver of the continuing education 53585  
requirements or the penalty in cases of hardship or illness. 53586

(C) The board shall approve continuing education programs and 53587  
shall adopt rules as necessary for approving the programs. The 53588  
rules shall permit programs to be conducted either in person or 53589  
through electronic or other self-study means. Approved programs 53590  
shall be scheduled, sponsored, and conducted in accordance with 53591  
the board's rules. 53592

(D) Any license given a grandfathered issuance or renewal 53593  
between March 22, 1979, and March 22, 1980, shall be renewed in 53594

accordance with this section. 53595

**Sec. 4725.52.** Any licensed dispensing optician may supervise 53596  
a maximum of three apprentices who shall be permitted to engage in 53597  
optical dispensing only under the supervision of the licensed 53598  
dispensing optician. 53599

To serve as an apprentice, a person shall register with the 53600  
~~Ohio optical dispensers~~ state vision and hearing professionals 53601  
board either on a form provided by the board or in the form of a 53602  
statement giving the name and address of the supervising licensed 53603  
dispensing optician, the location at which the apprentice will be 53604  
employed, and any other information required by the board. For the 53605  
duration of the apprenticeship, the apprentice shall register 53606  
annually on the form provided by the board or in the form of a 53607  
statement. 53608

Each apprentice shall pay an initial registration fee of 53609  
twenty dollars. For each registration renewal thereafter, each 53610  
apprentice shall pay a registration renewal fee of twenty dollars. 53611

The board shall not deny registration as an apprentice under 53612  
this section to any individual based on the individual's past 53613  
criminal history or an interpretation of moral character unless 53614  
the individual has committed a disqualifying offense or crime of 53615  
moral turpitude as those terms are defined in section 4776.10 of 53616  
the Revised Code. Except as otherwise provided in this division, 53617  
if an individual applying for a registration has been convicted of 53618  
or pleaded guilty to a misdemeanor that is not a crime of moral 53619  
turpitude or a disqualifying offense less than one year prior to 53620  
making the application, the board may use its discretion in 53621  
granting or denying the individual a registration. Except as 53622  
otherwise provided in this division, if an individual applying for 53623  
a registration has been convicted of or pleaded guilty to a felony 53624  
that is not a crime of moral turpitude or a disqualifying offense 53625

less than three years prior to making the application, the board 53626  
may use its discretion in granting or denying the individual a 53627  
registration. The provisions in this paragraph do not apply with 53628  
respect to any offense unless the board, prior to ~~the effective~~ 53629  
~~date of this amendment~~ September 28, 2012, was required or 53630  
authorized to deny the registration based on that offense. 53631

In all other circumstances, the board shall follow the 53632  
procedures it adopts by rule that conform to this section. In 53633  
considering a renewal of an individual's registration, the board 53634  
shall not consider any conviction or plea of guilty prior to the 53635  
initial registration. However, the board may consider a conviction 53636  
or plea of guilty if it occurred after the individual was 53637  
initially registered, or after the most recent registration 53638  
renewal. If the board denies an individual for a registration or 53639  
registration renewal, the reasons for such denial shall be put in 53640  
writing. Additionally, the board may grant an individual a 53641  
conditional registration that lasts for one year. After the 53642  
one-year period has expired, the registration is no longer 53643  
considered conditional, and the individual shall be considered 53644  
fully registered. 53645

A person who is gaining experience under the supervision of a 53646  
licensed optometrist or ophthalmologist that would qualify the 53647  
person under division (B)(1) of section 4725.48 of the Revised 53648  
Code to take the examination for optical dispensing is not 53649  
required to register with the board. 53650

**Sec. 4725.53.** (A) ~~The Ohio optical dispensers~~ state vision 53651  
and hearing professionals board, by a majority vote of its 53652  
members, may refuse to grant a license and, in accordance with 53653  
Chapter 119. of the Revised Code, may suspend or revoke the 53654  
license of a licensed dispensing optician or impose a fine or 53655  
order restitution pursuant to division (B) of this section on any 53656

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|---|--|
| of the following grounds:   | 53657  |
| (1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;   | 53658<br>53659<br>53660                            |
| (2) Obtaining or attempting to obtain a license by fraud or deception;  | 53661<br>53662                                     |
| (3) Obtaining any fee or making any sale of an optical aid by means of fraud or misrepresentation;  | 53663<br>53664                                     |
| (4) Habitual indulgence in the use of controlled substances or other habit-forming drugs, or in the use of alcoholic liquors to an extent that affects professional competency;   | 53665<br>53666<br>53667                            |
| (5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;  | 53668<br>53669<br>53670                            |
| (6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;  | 53671<br>53672                                     |
| (7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing;   | 53673<br>53674<br>53675                            |
| (8) Permitting another person to use the licensee's license;  | 53676  |
| (9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription; | 53677<br>53678<br>53679<br>53680<br>53681<br>53682 |
| (10) Violation of sections 4725.40 to 4725.59 of the Revised Code;  | 53683<br>53684                                     |
| (11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or  | 53685<br>53686                                     |

health care policy, contract, or plan that covers optical 53687  
dispensing services, would otherwise be required to pay if the 53688  
waiver is used as an enticement to a patient or group of patients 53689  
to receive health care services from that provider. i 53690

(12) Advertising that the licensee will waive the payment of 53691  
all or any part of a deductible or copayment that a patient, 53692  
pursuant to a health insurance or health care policy, contract, or 53693  
plan that covers optical dispensing services, would otherwise be 53694  
required to pay. i 53695

(13) Violating the code of ethical conduct adopted under 53696  
section 4744.50 of the Revised Code. 53697

(B) The board may impose a fine of not more than five hundred 53698  
dollars for a first occurrence of an action that is grounds for 53699  
discipline under this section and of not less than five hundred 53700  
nor more than one thousand dollars for a subsequent occurrence, or 53701  
may order the licensee to make restitution to a person who has 53702  
suffered a financial loss as a result of the licensee's failure to 53703  
comply with sections 4725.40 to 4725.59 of the Revised Code. 53704

(C) Notwithstanding divisions (A)(11) and (12) of this 53705  
section, sanctions shall not be imposed against any licensee who 53706  
waives deductibles and copayments: 53707

(1) In compliance with the health benefit plan that expressly 53708  
allows such a practice. Waiver of the deductibles or copays shall 53709  
be made only with the full knowledge and consent of the plan 53710  
purchaser, payer, and third-party administrator. Such consent 53711  
shall be made available to the board upon request. 53712

(2) For professional services rendered to any other person 53713  
licensed pursuant to this chapter to the extent allowed by this 53714  
chapter and the rules of the board. 53715

**Sec. 4725.531.** On receipt of a notice pursuant to section 53716

3123.43 of the Revised Code, the ~~Ohio optical dispensers state~~ 53717  
vision and hearing professionals board shall comply with sections 53718  
3123.41 to 3123.50 of the Revised Code and any applicable rules 53719  
adopted under section 3123.63 of the Revised Code with respect to 53720  
a license issued by the board pursuant to this chapter. 53721

**Sec. 4725.54.** (A) Any person having knowledge of a violation 53722  
of sections 4725.40 to 4725.59 of the Revised Code by a licensed 53723  
dispensing optician or an apprentice, or of any other ground 53724  
specified in section 4725.53 of the Revised Code for denying, 53725  
suspending, or revoking a license, may submit a written complaint, 53726  
specifying the precise violations or grounds, to the ~~Ohio optical~~ 53727  
~~dispensers state vision and hearing professionals~~ board. If the 53728  
board determines, in accordance with the procedures of Chapter 53729  
119. of the Revised Code, that the charges are sustained by the 53730  
evidence presented, it may suspend or revoke the license of the 53731  
person against whom the charges were preferred. 53732

(B) If the board discovers or is informed that any person is 53733  
or has been engaged in optical dispensing without having received 53734  
a license under sections 4725.40 to 4725.59 of the Revised Code, 53735  
it shall inform the prosecuting attorney for the county in which 53736  
the alleged unlicensed activity took place. The prosecuting 53737  
attorney shall take all legal action necessary to terminate such 53738  
illegal practice of optical dispensing and to prosecute the 53739  
offender under section 4725.41 of the Revised Code. 53740

(C) In addition to other remedies provided in this chapter, 53741  
the board may request the attorney general or the prosecuting 53742  
attorney of a county in which a violation of sections 4725.40 to 53743  
4725.59 of the Revised Code occurs to apply to the court of common 53744  
pleas of the county for an injunction to restrain the activity 53745  
that constitutes a violation. 53746

**Sec. 4725.55.** No person shall do any of the following: 53747

(A) Sell or barter, or offer to sell or barter, a certificate 53748  
of licensure as a dispensing optician issued under sections 53749  
4725.40 to 4725.59 of the Revised Code; 53750

(B) Use, or attempt to use, a license which is illegally 53751  
purchased or acquired under division (A) of this section, obtained 53752  
by fraud or deception, counterfeited, materially altered or 53753  
otherwise modified without prior approval of the ~~Ohio optical~~ 53754  
~~dispensers~~ state vision and hearing professionals board, or 53755  
suspended or revoked under section 4725.53 or 4725.54 of the 53756  
Revised Code; 53757

(C) Materially alter or otherwise modify a license in any 53758  
manner, unless authorized by the ~~Ohio optical dispensers~~ state 53759  
vision and hearing professionals board; 53760

(D) Willfully and knowingly make any false statement in an 53761  
application required under sections 4725.40 to 4725.59 of the 53762  
Revised Code. 53763

**Sec. 4725.57.** An applicant for licensure as a licensed 53764  
dispensing optician who is licensed or registered in another state 53765  
shall be accorded the full privileges of practice within this 53766  
state, upon the payment of a fifty-dollar fee and the submission 53767  
of a certified copy of the license or certificate issued by such 53768  
other state, without the necessity of examination, if the state 53769  
vision and hearing professionals board determines that the 53770  
applicant meets the remaining requirements of division (B) of 53771  
section 4725.48 of the Revised Code. The board may require that 53772  
the applicant have received a passing score, as determined by the 53773  
board, on an examination that is substantially the same as the 53774  
examination described in division (A) of section 4725.48 of the 53775  
Revised Code. 53776

**Sec. 4725.61.** ~~The state board of optometry and the Ohio~~ 53777  
~~optical dispensers~~ vision and hearing professionals board shall 53778  
comply with section 4776.20 of the Revised Code. 53779

**Sec. 4729.01.** As used in this chapter: 53780

(A) "Pharmacy," except when used in a context that refers to 53781  
the practice of pharmacy, means any area, room, rooms, place of 53782  
business, department, or portion of any of the foregoing where the 53783  
practice of pharmacy is conducted. 53784

(B) "Practice of pharmacy" means providing pharmacist care 53785  
requiring specialized knowledge, judgment, and skill derived from 53786  
the principles of biological, chemical, behavioral, social, 53787  
pharmaceutical, and clinical sciences. As used in this division, 53788  
"pharmacist care" includes the following: 53789

(1) Interpreting prescriptions; 53790

(2) Dispensing drugs and drug therapy related devices; 53791

(3) Compounding drugs; 53792

(4) Counseling individuals with regard to their drug therapy, 53793  
recommending drug therapy related devices, and assisting in the 53794  
selection of drugs and appliances for treatment of common diseases 53795  
and injuries and providing instruction in the proper use of the 53796  
drugs and appliances; 53797

(5) Performing drug regimen reviews with individuals by 53798  
discussing all of the drugs that the individual is taking and 53799  
explaining the interactions of the drugs; 53800

(6) Performing drug utilization reviews with licensed health 53801  
professionals authorized to prescribe drugs when the pharmacist 53802  
determines that an individual with a prescription has a drug 53803  
regimen that warrants additional discussion with the prescriber; 53804

(7) Advising an individual and the health care professionals 53805

|  |   |
|--|---|
| treating an individual with regard to the individual's drug therapy;   | 53806<br>53807                            |
| (8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;  | 53808<br>53809<br>53810<br>53811          |
| (9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;   | 53812<br>53813                            |
| (10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.  | 53814<br>53815                            |
| (C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:   | 53816<br>53817<br>53818                   |
| (1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;   | 53819<br>53820                            |
| (2) Pursuant to the modification of a prescription made in accordance with a consult agreement;  | 53821<br>53822                            |
| (3) As an incident to research, teaching activities, or chemical analysis;   | 53823<br>53824                            |
| (4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;   | 53825<br>53826<br>53827                   |
| (5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply: | 53828<br>53829<br>53830<br>53831<br>53832 |
| (a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the   | 53833<br>53834<br>53835                   |

drug or the lack of a readily available supply of the drug from a manufacturer. 53836  
53837

(b) A limited quantity of the drug is compounded and provided to the professional. 53838  
53839

(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions. 53840  
53841  
53842

(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code. 53843  
53844

(E) "Drug" means: 53845

(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals; 53846  
53847  
53848  
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(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals; 53850  
53851  
53852

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals; 53853  
53854

(4) Any article intended for use as a component of any article specified in division (E)(1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories. 53855  
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53857  
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(F) "Dangerous drug" means any of the following: 53859

(1) Any drug to which either of the following applies: 53860

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a 53861  
53862  
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licensed veterinarian" or any similar restrictive statement, or 53866  
the drug may be dispensed only upon a prescription; 53867

(b) Under Chapter 3715. or 3719. of the Revised Code, the 53868  
drug may be dispensed only upon a prescription. 53869

(2) Any drug that contains a schedule V controlled substance 53870  
and that is exempt from Chapter 3719. of the Revised Code or to 53871  
which that chapter does not apply; 53872

(3) Any drug intended for administration by injection into 53873  
the human body other than through a natural orifice of the human 53874  
body; 53875

(4) Any drug that is a biological product, as defined in 53876  
section 3715.01 of the Revised Code. 53877

(G) "Federal drug abuse control laws" has the same meaning as 53878  
in section 3719.01 of the Revised Code. 53879

(H) "Prescription" means all of the following: 53880

(1) A written, electronic, or oral order for drugs or 53881  
combinations or mixtures of drugs to be used by a particular 53882  
individual or for treating a particular animal, issued by a 53883  
licensed health professional authorized to prescribe drugs; 53884

(2) For purposes of sections 2925.61, 4723.488, 4729.44, 53885  
4730.431, and 4731.94 of the Revised Code, a written, electronic, 53886  
or oral order for naloxone issued to and in the name of a family 53887  
member, friend, or other individual in a position to assist an 53888  
individual who there is reason to believe is at risk of 53889  
experiencing an opioid-related overdose. 53890

(3) For purposes of sections 4723.4810, 4729.282, 4730.432, 53891  
and 4731.93 of the Revised Code, a written, electronic, or oral 53892  
order for a drug to treat chlamydia, gonorrhea, or trichomoniasis 53893  
issued to and in the name of a patient who is not the intended 53894  
user of the drug but is the sexual partner of the intended user; 53895

(4) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 5101.76 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp;

(5) For purposes of Chapter 3728. and sections 4723.483, 4729.88, 4730.433, and 4731.96 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a qualified entity, as defined in section 3728.01 of the Revised Code.

(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:

(1) A dentist licensed under Chapter 4715. of the Revised Code;

(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code;

(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;

(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(5) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive

authority; 53927

(6) A veterinarian licensed under Chapter 4741. of the 53928  
Revised Code. 53929

(J) ~~"Sale" and or "sell" include delivery, transfer, barter,~~ 53930  
~~exchange, or gift, or offer therefor, and each such includes any~~ 53931  
transaction made by any person, whether as principal proprietor, 53932  
agent, or employee, to do or offer to do any of the following: 53933  
deliver, distribute, broker, exchange, gift or otherwise give 53934  
away, or transfer, whether the transfer is by passage of title, 53935  
physical movement, or both. 53936

(K) "Wholesale sale" and "sale at wholesale" mean any sale in 53937  
which the purpose of the purchaser is to resell the article 53938  
purchased or received by the purchaser. 53939

(L) "Retail sale" and "sale at retail" mean any sale other 53940  
than a wholesale sale or sale at wholesale. 53941

(M) "Retail seller" means any person that sells any dangerous 53942  
drug to consumers without assuming control over and responsibility 53943  
for its administration. Mere advice or instructions regarding 53944  
administration do not constitute control or establish 53945  
responsibility. 53946

(N) "Price information" means the price charged for a 53947  
prescription for a particular drug product and, in an easily 53948  
understandable manner, all of the following: 53949

(1) The proprietary name of the drug product; 53950

(2) The established (generic) name of the drug product; 53951

(3) The strength of the drug product if the product contains 53952  
a single active ingredient or if the drug product contains more 53953  
than one active ingredient and a relevant strength can be 53954  
associated with the product without indicating each active 53955  
ingredient. The established name and quantity of each active 53956

ingredient are required if such a relevant strength cannot be so 53957  
associated with a drug product containing more than one 53958  
ingredient. 53959

(4) The dosage form; 53960

(5) The price charged for a specific quantity of the drug 53961  
product. The stated price shall include all charges to the 53962  
consumer, including, but not limited to, the cost of the drug 53963  
product, professional fees, handling fees, if any, and a statement 53964  
identifying professional services routinely furnished by the 53965  
pharmacy. Any mailing fees and delivery fees may be stated 53966  
separately without repetition. The information shall not be false 53967  
or misleading. 53968

(O) "Wholesale distributor of dangerous drugs" or "wholesale 53969  
distributor" means a person engaged in the sale of dangerous drugs 53970  
at wholesale and includes any agent or employee of such a person 53971  
authorized by the person to engage in the sale of dangerous drugs 53972  
at wholesale. 53973

(P) "Manufacturer of dangerous drugs" or "manufacturer" means 53974  
a person, other than a pharmacist or prescriber, who manufactures 53975  
dangerous drugs and who is engaged in the sale of those dangerous 53976  
drugs ~~within this state~~. 53977

(Q) "Terminal distributor of dangerous drugs" or "terminal 53978  
distributor" means a person who is engaged in the sale of 53979  
dangerous drugs at retail, or any person, other than a 53980  
manufacturer, repackager, outsourcing facility, third-party 53981  
logistics provider, wholesale distributor, or a pharmacist, who 53982  
has possession, custody, or control of dangerous drugs for any 53983  
purpose other than for that person's own use and consumption, ~~and~~, 53984  
"Terminal distributor" includes pharmacies, hospitals, nursing 53985  
homes, and laboratories and all other persons who procure 53986  
dangerous drugs for sale or other distribution by or under the 53987

supervision of a pharmacist or licensed health professional 53988  
authorized to prescribe drugs. 53989

(R) "Promote to the public" means disseminating a 53990  
representation to the public in any manner or by any means, other 53991  
than by labeling, for the purpose of inducing, or that is likely 53992  
to induce, directly or indirectly, the purchase of a dangerous 53993  
drug at retail. 53994

(S) "Person" includes any individual, partnership, 53995  
association, limited liability company, or corporation, the state, 53996  
any political subdivision of the state, and any district, 53997  
department, or agency of the state or its political subdivisions. 53998

(T) "Animal shelter" means a facility operated by a humane 53999  
society or any society organized under Chapter 1717. of the 54000  
Revised Code or a dog pound operated pursuant to Chapter 955. of 54001  
the Revised Code. 54002

(U) "Food" has the same meaning as in section 3715.01 of the 54003  
Revised Code. 54004

(V) "Pain management clinic" has the same meaning as in 54005  
section 4731.054 of the Revised Code. 54006

(W) "Investigational drug or product" means a drug or product 54007  
that has successfully completed phase one of the United States 54008  
food and drug administration clinical trials and remains under 54009  
clinical trial, but has not been approved for general use by the 54010  
United States food and drug administration. "Investigational drug 54011  
or product" does not include controlled substances in schedule I, 54012  
as established pursuant to section 3719.41 of the Revised Code, 54013  
and as amended. 54014

(X) "Product," when used in reference to an investigational 54015  
drug or product, means a biological product, other than a drug, 54016  
that is made from a natural human, animal, or microorganism source 54017  
and is intended to treat a disease or medical condition. 54018

(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.

(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution.

(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is registered as an outsourcing facility with the United States food and drug administration.

Sec. 4729.021. The state board of pharmacy shall license and register home medical equipment services providers under Chapter 4752. of the Revised Code and shall administer and enforce that chapter.

**Sec. 4729.06.** The state board of pharmacy shall keep a record of its proceedings and a register of all ~~identification cards,~~ licenses, and registrations that have been granted, together with each renewal and suspension or revocation of ~~an identification card,~~ a license, or registration. The books and registers of the board shall be prima-facie evidence of the matters therein recorded. The books and registers may be in electronic format.

The president and executive director of the board may administer oaths.

A statement signed by the executive director to which is affixed the official seal of the board to the effect that it appears from the records of the board that the board has not

issued ~~an identification card~~, a license, or registration to the 54049  
person specified in the statement, or that ~~an identification card~~, 54050  
a license, or registration, if issued, has been revoked or 54051  
suspended, or the holder has been subjected to disciplinary action 54052  
by the board shall be received as prima-facie evidence of the 54053  
record of the board in any court or before any officer of this 54054  
state. 54055

**Sec. 4729.08.** Every applicant for examination and licensure 54056  
as a pharmacist shall: 54057

(A) Be at least eighteen years of age; 54058

(B) Be of good moral character ~~and habits~~, as defined in 54059  
rules adopted by the state board of pharmacy under section 4729.26 54060  
of the Revised Code; 54061

(C) Have obtained a degree in pharmacy from a program that 54062  
has been recognized and approved by the state board of pharmacy, 54063  
except that graduates of schools or colleges of pharmacy that are 54064  
located outside the United States and have not demonstrated that 54065  
the standards of their programs are at least equivalent to 54066  
programs recognized and approved by the board shall be required to 54067  
pass an equivalency examination recognized and approved by the 54068  
board and to establish written and oral proficiency in English. 54069

(D) Have satisfactorily completed at least the minimum 54070  
requirements for pharmacy internship as outlined by the board. 54071

If the board is satisfied that the applicant meets the 54072  
foregoing requirements and if the applicant passes the examination 54073  
required under section 4729.07 of the Revised Code, the board 54074  
shall issue to the applicant a license ~~and an identification card~~ 54075  
authorizing the individual to practice pharmacy. 54076

**Sec. 4729.09.** The state board of pharmacy may license an 54077  
individual as a pharmacist without examination ~~and issue an~~ 54078

~~identification card to the pharmacist~~ if the individual: 54079

(A) Holds a license in good standing to practice pharmacy 54080  
under the laws of another state, has successfully completed an 54081  
examination for licensure in the other state, and in the opinion 54082  
of the board, the examination was at least as thorough as that 54083  
required by the board at the time the individual took the 54084  
examination; 54085

(B) Is of good moral character ~~and habit~~, as defined in rules 54086  
adopted by the board under section 4729.26 of the Revised Code; 54087

(C) Has filed with the licensing body of the other state at 54088  
least the credentials or the equivalent that were required by this 54089  
state at the time the other state licensed the individual ~~was~~ 54090  
~~licensed~~ as a pharmacist. 54091

The board shall not issue ~~any identification card or a~~ 54092  
license to practice pharmacy to an individual licensed in another 54093  
state if the state in which the individual is licensed does not 54094  
reciprocate by granting licenses to practice pharmacy to ~~persons~~ 54095  
individuals holding valid licenses received through examination by 54096  
the state board of pharmacy. 54097

**Sec. 4729.11.** The state board of pharmacy shall establish a 54098  
pharmacy internship program for the purpose of providing the 54099  
practical experience necessary to practice as a pharmacist. Any 54100  
individual who desires to become a pharmacy intern shall apply for 54101  
licensure to the board. An application filed under this section 54102  
may not be withdrawn without the approval of the board. 54103

Each applicant shall be issued ~~an identification card and a~~ 54104  
license as a pharmacy intern if ~~in the opinion of~~ the board 54105  
determines that the applicant is actively pursuing an educational 54106  
program in preparation for licensure as a pharmacist and meets the 54107  
other requirements as determined by the board. ~~An identification~~ 54108

~~card and~~ A license shall be valid until the next ~~annual~~ renewal 54109  
date and shall be renewed only if the intern is meeting the 54110  
requirements and rules of the board. 54111

~~The state board of pharmacy may appoint a director of 54112  
pharmacy internship who is a licensed pharmacist and who is not 54113  
directly or indirectly connected with a school or college of 54114  
pharmacy or department of pharmacy of a university. The director 54115  
of pharmacy internship shall be responsible to the board for the 54116  
operation and direction of the pharmacy internship program 54117  
established by the board under this section, and for such other 54118  
duties as the board may assign. 54119~~

**Sec. 4729.12.** ~~An identification card~~ A license issued by the 54120  
state board of pharmacy under section 4729.08 ~~or 4729.11~~ of the 54121  
Revised Code entitles the individual to whom it is issued to 54122  
practice as a pharmacist or as a pharmacy intern in this state 54123  
until the next ~~annual~~ renewal date. 54124

~~Identification cards~~ Licenses shall be renewed ~~annually on~~ 54125  
~~the fifteenth day of September,~~ according to the standard renewal 54126  
procedure of Chapter 4745. of the Revised Code and rules adopted 54127  
by the board under section 4729.26 of the Revised Code. Licenses 54128  
are valid for the period specified in the rules, unless earlier 54129  
revoked or suspended by the board. The period shall not exceed 54130  
twenty-four months unless the board extends the period in the 54131  
rules to adjust license renewal schedules. 54132

~~Each pharmacist and pharmacy intern shall carry the 54133  
identification card or renewal identification card while engaged 54134  
in the practice of pharmacy. The license shall be conspicuously 54135  
exposed at the principal place where the pharmacist or pharmacy 54136  
intern practices pharmacy. 54137~~

A pharmacist or pharmacy intern who desires to continue in 54138  
the practice of pharmacy shall file with the board an application 54139

in such form and containing such data as the board may require for 54140  
renewal of ~~an identification card~~ a license. In the case of a 54141  
pharmacist who dispenses or plans to dispense controlled 54142  
substances in this state, the pharmacist shall certify, as part of 54143  
the application, that the pharmacist has been granted access to 54144  
the drug database established and maintained by the board pursuant 54145  
to section 4729.75 of the Revised Code, unless the board has 54146  
restricted the pharmacist from obtaining further information from 54147  
the database or the board no longer maintains the database. If the 54148  
pharmacist certifies to the board that the applicant has been 54149  
granted access to the drug database and the board finds through an 54150  
audit or other means that the pharmacist has not been granted 54151  
access, the board may take action under section 4729.16 of the 54152  
Revised Code. 54153

An application filed under this section for renewal of ~~an~~ 54154  
~~identification card~~ a license may not be withdrawn without the 54155  
approval of the board. 54156

If the board finds that an applicant's ~~identification card~~ 54157  
license has not been revoked or placed under suspension and that 54158  
the applicant has paid the renewal fee, has continued pharmacy 54159  
education in accordance with the rules of the board, and is 54160  
entitled to continue in the practice of pharmacy, the board shall 54161  
~~issue a renewal identification card to the applicant~~ renew the 54162  
applicant's license. 54163

When ~~an identification card~~ a license has ~~lapsed for more~~ 54164  
~~than sixty days~~ expired but an application is made within three 54165  
years after the expiration of the ~~card~~ license, the ~~applicant~~ 54166  
applicant's license shall be ~~issued a renewal identification card~~ 54167  
renewed without further examination if the applicant meets the 54168  
requirements of this section and pays the fee designated under 54169  
division (A)(5) of section 4729.15 of the Revised Code. 54170

A pharmacist or pharmacy intern who fails to renew the 54171

pharmacist's or intern's license by the renewal date prescribed by 54172  
the board shall not engage in the practice of pharmacy until a 54173  
valid license is issued by the board. 54174

**Sec. 4729.13.** A pharmacist who fails to make application to 54175  
the state board of pharmacy for a ~~renewal identification card~~ 54176  
license renewal within a period of three years from the expiration 54177  
of the ~~identification card~~ license must pass an examination for 54178  
~~registration~~ licensure and comply with sections 4776.01 to 4776.04 54179  
of the Revised Code; except that a pharmacist whose ~~registration~~ 54180  
license has expired, but who has continually practiced pharmacy in 54181  
another state under a license issued by the authority of that 54182  
state, may obtain a ~~renewal identification card~~ renewed license 54183  
upon payment to the executive director of the board the fee 54184  
designated under division (A)(6) of section 4729.15 of the Revised 54185  
Code. 54186

**Sec. 4729.15.** (A) Except as provided in division (B) of this 54187  
section, the state board of pharmacy shall charge the following 54188  
fees: 54189

(1) For applying for a license to practice as a pharmacist, 54190  
an amount adequate to cover all ~~rentals, compensation for~~ 54191  
~~proctors, and other~~ expenses of the board related to examination 54192  
except the expenses of procuring and grading the examination, 54193  
which fee shall not be returned if the applicant fails to pass the 54194  
examination; 54195

(2) For the examination of an applicant for licensure as a 54196  
pharmacist, an amount adequate to cover any expenses to the board 54197  
of procuring and grading the examination or any part thereof, 54198  
which fee shall not be returned if the applicant fails to pass the 54199  
examination; 54200

(3) For issuing a license ~~and an identification card~~ to an 54201

individual who passes the examination described in section 4729.07 54202  
of the Revised Code, an amount that is adequate to cover the 54203  
expense; 54204

(4) For a pharmacist applying for renewal of ~~an~~ 54205  
~~identification card within sixty days after a license before the~~ 54206  
expiration date, ~~ninety-seven~~ two hundred and fifty dollars ~~and~~ 54207  
~~fifty cents~~, which fee shall not be returned if the applicant 54208  
fails to qualify for renewal; 54209

(5) For a pharmacist applying for renewal of ~~an~~ 54210  
~~identification card a license~~ that has ~~lapsed~~ expired for more 54211  
~~than sixty days, but for~~ less than three years, ~~one hundred~~ 54212  
~~thirty-five dollars~~ the renewal fee identified in division (A)(4) 54213  
of this section plus a penalty of fifty dollars per year or 54214  
fraction of a year that the renewal is late, which fee shall not 54215  
be returned if the applicant fails to qualify for renewal; 54216

(6) For a pharmacist applying for renewal of ~~an~~ 54217  
~~identification card a license~~ that has ~~lapsed~~ expired for more 54218  
than three years, three hundred thirty-seven dollars and fifty 54219  
cents, which fee shall not be returned if the applicant fails to 54220  
qualify for renewal; 54221

(7) For a pharmacist applying for a license ~~and~~ 54222  
~~identification card~~, on presentation of a pharmacist license 54223  
granted by another state, three hundred thirty-seven dollars and 54224  
fifty cents, which fee shall not be returned if the applicant 54225  
fails to qualify for licensure. 54226

(8) For a license ~~and identification card~~ to practice as a 54227  
pharmacy intern, ~~twenty-two~~ forty-five dollars ~~and fifty cents~~, 54228  
which fee shall not be returned if the applicant fails to qualify 54229  
for licensure; 54230

(9) For the renewal of a pharmacy intern ~~identification card~~ 54231  
license, ~~twenty-two~~ forty-five dollars ~~and fifty cents~~, which fee 54232

shall not be returned if the applicant fails to qualify for 54233  
renewal; 54234

~~(10) For issuing a replacement license to a pharmacist,~~ 54235  
~~twenty two dollars and fifty cents;~~ 54236

~~(11) For issuing a replacement license to a pharmacy intern,~~ 54237  
~~seven dollars and fifty cents;~~ 54238

~~(12) For issuing a replacement identification card to a~~ 54239  
~~pharmacist, thirty seven dollars and fifty cents, or pharmacy~~ 54240  
~~intern, seven dollars and fifty cents;~~ 54241

~~(13)~~ For certifying licensure and grades for reciprocal 54242  
licensure, ~~ten~~ thirty-five dollars; 54243

~~(14)~~(11) For making copies of any application, affidavit, or 54244  
other document filed in the state board of pharmacy office, an 54245  
amount fixed by the board that is adequate to cover the expense, 54246  
except that for copies required by federal or state agencies or 54247  
law enforcement officers for official purposes, no charge need be 54248  
made; 54249

~~(15)~~(12) For certifying and affixing the seal of the board, 54250  
an amount fixed by the board that is adequate to cover the 54251  
expense, except that for certifying and affixing the seal of the 54252  
board to a document required by federal or state agencies or law 54253  
enforcement officers for official purposes, no charge need be 54254  
made; 54255

~~(16)~~(13) For each copy of a book or pamphlet that includes 54256  
laws administered by the state board of pharmacy, rules adopted by 54257  
the board, and chapters of the Revised Code with which the board 54258  
is required to comply, an amount fixed by the board that is 54259  
adequate to cover the expense of publishing and furnishing the 54260  
book or pamphlet. 54261

(B)(1) Subject to division (B)(2) of this section, the fees 54262

described in divisions (A)(1) to ~~(13)~~(10) of this section do not 54263  
apply to an individual who is on active duty in the armed forces 54264  
of the United States, as defined in section 5903.01 of the Revised 54265  
Code, to the spouse of an individual who is on active duty in the 54266  
armed forces of the United States, or to an individual who served 54267  
in the armed forces of the United States and presents a ~~valid copy~~ 54268  
~~of the individual's DD-214 form or an equivalent document issued~~ 54269  
~~by the United States department of defense indicating that the~~ 54270  
~~individual is an honorably discharged veteran~~ documentation that 54271  
the individual has been discharged under honorable conditions from 54272  
the armed forces or has been transferred to the reserve with 54273  
evidence of satisfactory service. 54274

(2) The state board of pharmacy may establish limits with 54275  
respect to the individuals for whom fees are not applicable under 54276  
division (B)(1) of this section. 54277

**Sec. 4729.16.** (A)(1) The state board of pharmacy, after 54278  
notice and hearing in accordance with Chapter 119. of the Revised 54279  
Code, may impose any one or more of the following sanctions on a 54280  
pharmacist or pharmacy intern if the board finds the individual 54281  
engaged in any of the conduct set forth in division (A)(2) of this 54282  
section: 54283

(a) Revoke, suspend, restrict, limit, or refuse to grant or 54284  
renew a license; 54285

(b) Reprimand or place the license holder on probation; 54286

(c) Impose a monetary penalty or forfeiture not to exceed in 54287  
severity any fine designated under the Revised Code for a similar 54288  
offense, or in the case of a violation of a section of the Revised 54289  
Code that does not bear a penalty, a monetary penalty or 54290  
forfeiture of not more than five hundred dollars. 54291

(2) The board may impose the sanctions listed in division 54292

|  |   |
|--|---|
| (A)(1) of this section if the board finds a pharmacist or pharmacy intern:   | 54293<br>54294                            |
| (a) Has been convicted of a felony, or a crime of moral turpitude, as defined in section 4776.10 of the Revised Code;  | 54295<br>54296                            |
| (b) Engaged in dishonesty or unprofessional conduct in the practice of pharmacy;   | 54297<br>54298                            |
| (c) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;   | 54299<br>54300<br>54301                   |
| (d) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;   | 54302<br>54303                            |
| (e) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;                     | 54304<br>54305<br>54306<br>54307<br>54308 |
| (f) Permitted someone other than a pharmacist or pharmacy intern to practice pharmacy;   | 54309<br>54310                            |
| (g) Knowingly lent the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy;  | 54311<br>54312<br>54313                   |
| (h) Divided or agreed to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home; | 54314<br>54315<br>54316<br>54317<br>54318 |
| (i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;  | 54319<br>54320                            |
| (j) Committed fraud, misrepresentation, or deception in applying for or securing a license <del>or identification card</del> issued  | 54321<br>54322                            |

by the board under this chapter or under Chapter 3715. or 3719. of 54323  
the Revised Code; 54324

(k) Failed to comply with an order of the board or a 54325  
settlement agreement; 54326

(l) Engaged in any other conduct for which the board may 54327  
impose discipline as set forth in rules adopted under section 54328  
4729.26 of the Revised Code. 54329

(B) Any individual whose ~~identification card~~ or license is 54330  
revoked, suspended, or refused, shall return the ~~identification~~ 54331  
~~card and~~ license to the offices of the state board of pharmacy 54332  
within ten days after receipt of notice of such action. 54333

(C) As used in this section: 54334

"Unprofessional conduct in the practice of pharmacy" includes 54335  
any of the following: 54336

(1) Advertising or displaying signs that promote dangerous 54337  
drugs to the public in a manner that is false or misleading; 54338

(2) Except as provided in section 4729.281 or 4729.44 of the 54339  
Revised Code, the dispensing or sale of any drug for which a 54340  
prescription is required, without having received a prescription 54341  
for the drug; 54342

(3) Knowingly dispensing medication pursuant to false or 54343  
forged prescriptions; 54344

(4) Knowingly failing to maintain complete and accurate 54345  
records of all dangerous drugs received or dispensed in compliance 54346  
with federal laws and regulations and state laws and rules; 54347

(5) Obtaining any remuneration by fraud, misrepresentation, 54348  
or deception; 54349

(6) Failing to conform to prevailing standards of care of 54350  
similar pharmacists or pharmacy interns under the same or similar 54351  
circumstances, whether or not actual injury to a patient is 54352

established; 54353

(7) Engaging in any other conduct that the board specifies as 54354  
unprofessional conduct in the practice of pharmacy in rules 54355  
adopted under section 4729.26 of the Revised Code. 54356

(D) The board may suspend a license ~~or identification card~~ 54357  
under division (B) of section 3719.121 of the Revised Code by 54358  
utilizing a telephone conference call to review the allegations 54359  
and take a vote. 54360

(E) For purposes of this division, an individual authorized 54361  
to practice as a pharmacist or pharmacy intern accepts the 54362  
privilege of practicing in this state subject to supervision by 54363  
the board. By filing an application for or holding a license to 54364  
practice as a pharmacist or pharmacy intern, an individual gives 54365  
consent to submit to a mental or physical examination when ordered 54366  
to do so by the board in writing and waives all objections to the 54367  
admissibility of testimony or examination reports that constitute 54368  
privileged communications. 54369

If the board has reasonable cause to believe that an 54370  
individual who is a pharmacist or pharmacy intern is physically or 54371  
mentally impaired, the board may require the individual to submit 54372  
to a physical or mental examination, or both. The expense of the 54373  
examination is the responsibility of the individual required to be 54374  
examined. 54375

Failure of an individual who is a pharmacist or pharmacy 54376  
intern to submit to a physical or mental examination ordered by 54377  
the board, unless the failure is due to circumstances beyond the 54378  
individual's control, constitutes an admission of the allegations 54379  
and a suspension order shall be entered without the taking of 54380  
testimony or presentation of evidence. Any subsequent adjudication 54381  
hearing under Chapter 119. of the Revised Code concerning failure 54382  
to submit to an examination is limited to consideration of whether 54383

the failure was beyond the individual's control. 54384

If, based on the results of an examination ordered under this 54385  
division, the board determines that the individual's ability to 54386  
practice is impaired, the board shall suspend the individual's 54387  
license or deny the individual's application and shall require the 54388  
individual, as a condition for an initial, continued, reinstated, 54389  
or renewed license to practice, to submit to a physical or mental 54390  
examination and treatment. 54391

An order of suspension issued under this division shall not 54392  
be subject to suspension by a court during pendency of any appeal 54393  
filed under section 119.12 of the Revised Code. 54394

(F) If the board is required under Chapter 119. of the 54395  
Revised Code to give notice of an opportunity for a hearing and 54396  
the applicant or licensee does not make a timely request for a 54397  
hearing in accordance with section 119.07 of the Revised Code, the 54398  
board is not required to hold a hearing, but may adopt a final 54399  
order that contains the board's findings. In the final order, the 54400  
board may impose any of the sanctions listed in division (A) of 54401  
this section. 54402

(G) Notwithstanding the provision of division (C)(2) of 54403  
section 2953.32 of the Revised Code specifying that if records 54404  
pertaining to a criminal case are sealed under that section the 54405  
proceedings in the case must be deemed not to have occurred, 54406  
sealing of the following records on which the board has based an 54407  
action under this section shall have no effect on the board's 54408  
action or any sanction imposed by the board under this section: 54409  
records of any conviction, guilty plea, judicial finding of guilt 54410  
resulting from a plea of no contest, or a judicial finding of 54411  
eligibility for a pretrial diversion program or intervention in 54412  
lieu of conviction. The board shall not be required to seal, 54413  
destroy, redact, or otherwise modify its records to reflect the 54414  
court's sealing of conviction records. 54415

(H) No pharmacist or pharmacy intern shall knowingly engage 54416  
in any conduct described in divisions (A)(2)(b) or (A)(2)(e) to 54417  
(1) of this section. 54418

Sec. 4729.23. (A) Except as provided in division (B) of this 54419  
section, information received by the state board of pharmacy 54420  
pursuant to an investigation is confidential and is not subject to 54421  
discovery in any civil action. Any record that identifies a 54422  
patient, confidential informant, or individual who files a 54423  
complaint with the board or may reasonably lead to the 54424  
identification of the patient, informant, or complainant is not a 54425  
public record for purposes of section 149.43 of the Revised Code 54426  
and is not subject to inspection or copying under section 1347.08 54427  
of the Revised Code. 54428

(B) The board shall conduct all investigations or inspections 54429  
and proceedings in a manner that protects the confidentiality of 54430  
patients, confidential informants, and individuals who file 54431  
complaints with the board. The board shall not make public the 54432  
names or any other identifying information of patients, 54433  
confidential informants, or complainants unless proper consent is 54434  
given or, in the case of a patient, a waiver of the patient 54435  
privilege exists under division (B) of section 2317.02 of the 54436  
Revised Code. The consent or waiver is not required if the board 54437  
possesses reliable and substantial evidence that no bona fide 54438  
physician-patient relationship exists. 54439

On request, the board may share any information it receives 54440  
pursuant to an investigation or inspection, including patient 54441  
records and patient record information, with law enforcement 54442  
agencies, other licensing boards, and other state or federal 54443  
governmental agencies that are prosecuting, adjudicating, or 54444  
investigating alleged violations of statutes or administrative 54445  
rules. An agency or board that receives the information shall 54446

comply with the same requirements regarding confidentiality as 54447  
those with which the state board of pharmacy must comply, 54448  
notwithstanding any conflicting provision of the Revised Code or 54449  
agency procedure that applies when the agency is dealing with 54450  
other information in its possession. 54451

Any information the board receives from a state or federal 54452  
agency is subject to the same confidentiality requirements as the 54453  
agency from which it was received and shall not be released by the 54454  
board without prior authorization from that agency. 54455

The board may, for good cause shown, disclose or authorize 54456  
disclosure of information gathered pursuant to an investigation. 54457

(C) Any board activity that involves continued monitoring of 54458  
an individual for treatment or recovery purposes as part of or 54459  
following any disciplinary action taken under section 4729.16, 54460  
4729.56, or 4729.57 of the Revised Code shall be conducted in a 54461  
manner that maintains an individual's confidentiality with respect 54462  
to the individual's treatment or recovery program. Information 54463  
received or maintained by the board with respect to the board's 54464  
monitoring activities is not subject to discovery in any civil 54465  
action and is confidential, except that the board may disclose 54466  
information to law enforcement officers and government entities 54467  
for purposes of an investigation of a license or certificate 54468  
holder. 54469

**Sec. 4729.24.** (A) Subject to division (B) of this section, in 54470  
addition to the actions the state board of pharmacy may take under 54471  
Chapter 119. of the Revised Code, the board may order the taking 54472  
of depositions; examine and copy any books, accounts, papers, 54473  
records, documents, and other tangible objects; issue subpoenas; 54474  
and compel the attendance of witnesses and production of books, 54475  
accounts, papers, records, documents, and other tangible objects. 54476

On failure of a person to comply with a subpoena issued by 54477

the board and after reasonable notice to that person, the board 54478  
may apply to the court of common pleas of Franklin county for an 54479  
order compelling the production of persons or records pursuant to 54480  
the Ohio Rules of Civil Procedure. 54481

A subpoena issued by the board may be served by a sheriff, 54482  
sheriff's deputy, or board employee designated by the board. 54483  
Service of a subpoena may be made by delivering a copy of the 54484  
subpoena to the person named in the subpoena or by leaving it at 54485  
the person's usual place of residence. 54486

(B) A subpoena for patient record information may be issued 54487  
only on approval by the board's executive director and the 54488  
president or another board member designated by the president, in 54489  
consultation with the office of the attorney general. Before 54490  
issuing the subpoena, the executive director and the office of the 54491  
attorney general shall determine whether probable cause exists to 54492  
believe that the complaint filed alleges, or an investigation has 54493  
revealed, a violation of this chapter or any rule adopted by the 54494  
board, that the records sought are relevant to the alleged 54495  
violation and material to the investigation, and that the records 54496  
cover a reasonable period of time surrounding the alleged 54497  
violation. 54498

(C) The board may adopt rules in accordance with Chapter 119. 54499  
of the Revised Code establishing procedures to be followed in 54500  
taking the actions authorized by this section, including 54501  
procedures regarding payment for and service of subpoenas. 54502

**Sec. 4729.51.** (A) No person other than a ~~registered~~ licensed 54503  
manufacturer of dangerous drugs, outsourcing facility, third-party 54504  
logistics provider, repackager of dangerous drugs, or wholesale 54505  
distributor of dangerous drugs shall possess for sale, sell, 54506  
distribute, or deliver, at wholesale, dangerous drugs or 54507  
investigational drugs or products, except as follows: 54508

(1) A licensed terminal distributor of dangerous drugs that 54509  
is a pharmacy may make occasional sales of dangerous drugs or 54510  
investigational drugs or products at wholesale. 54511

(2) A licensed terminal distributor of dangerous drugs having 54512  
more than one licensed location may transfer or deliver dangerous 54513  
drugs from one licensed location to another licensed location 54514  
owned by the terminal distributor if the license issued for each 54515  
location is in effect at the time of the transfer or delivery. 54516

(3) A licensed terminal distributor of dangerous drugs that 54517  
is not a pharmacy may make occasional sales of naloxone at 54518  
wholesale. 54519

(B) No ~~registered~~ licensed manufacturer, outsourcing 54520  
facility, third-party logistics provider, repackager, or wholesale 54521  
~~distributor of dangerous drugs~~ shall possess for sale, sell, or 54522  
distribute, at wholesale, dangerous drugs or investigational drugs 54523  
or products to any person other than the following: 54524

(1) Subject to division (D) of this section, a licensed 54525  
terminal distributor of dangerous drugs; 54526

(2) Subject to division (C) of this section, any person 54527  
exempt from licensure as a terminal distributor of dangerous drugs 54528  
under section 4729.541 of the Revised Code; 54529

(3) A ~~registered~~ licensed manufacturer, outsourcing facility, 54530  
third-party logistics provider, repackager, or wholesale 54531  
~~distributor of dangerous drugs~~; 54532

(4) A terminal distributor, manufacturer, outsourcing 54533  
facility, third-party logistics provider, repackager, or wholesale 54534  
~~distributor of dangerous drugs~~ that is located in another state, 54535  
is not engaged in the sale of dangerous drugs within this state, 54536  
and is actively licensed to engage in the sale of dangerous drugs 54537  
by the state in which the distributor conducts business. 54538

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

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

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

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

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

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

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

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

distributor of dangerous drugs, except as follows: 54570

~~(1) In the case of a terminal distributor with a category I license, only dangerous drugs described in category I, as defined in division (A)(1) of section 4729.54 of the Revised Code;~~ 54571  
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~~(2)~~ In the case of a terminal distributor with a category II license, only dangerous drugs described in ~~category I and~~ category II, as defined in ~~divisions~~ division (A)(1) ~~and (2)~~ of section 4729.54 of the Revised Code; 54574  
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~~(3)~~(2) In the case of a terminal distributor with a category III license, dangerous drugs described in ~~category I,~~ category II, and category III, as defined in divisions (A)(1), and (2), ~~and (3)~~ of section 4729.54 of the Revised Code; 54578  
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~~(4)~~(3) In the case of a terminal distributor with a limited category ~~I,~~ II, or III license, only the dangerous drugs specified in the ~~certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code~~ license. 54582  
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(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following: 54586  
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(a) Sell or distribute, at retail, dangerous drugs; 54588

(b) Possess for sale, at retail, dangerous drugs; 54589

(c) Possess dangerous drugs. 54590

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do not apply to any of the following: 54591  
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(i) A licensed terminal distributor of dangerous drugs; 54593

(ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code; 54594  
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(iii) Any of the persons identified in divisions (A)(1) to 54598

(5) and (13) of section 4729.541 of the Revised Code, but only to the extent specified in that section. 54599  
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(b) Division (E)(1)(c) of this section does not apply to any of the following: 54601  
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(i) A ~~registered licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs;~~ 54603  
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(ii) Any of the persons identified in divisions (A)(6) to (12) of section 4729.541 of the Revised Code, but only to the extent specified in that section. 54606  
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(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a ~~registered licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or~~ wholesale distributor of dangerous drugs, except as follows: 54609  
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(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs or investigational drugs or products that are sold in accordance with division (A)(1) or (3) of this section. 54616  
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(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs or investigational drugs or products from one licensed location to another licensed location if the license issued for each location is in effect at the time of the transfer or delivery. 54621  
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(G) No licensed terminal distributor of dangerous drugs shall engage in the retail sale or other distribution of dangerous drugs or investigational drugs or products or maintain possession, 54627  
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custody, or control of dangerous drugs or investigational drugs or 54630  
products for any purpose other than the distributor's personal use 54631  
or consumption, at any establishment or place other than that or 54632  
those described in the license issued by the state board of 54633  
pharmacy to such terminal distributor. 54634

(H) Nothing in this section shall be construed to interfere 54635  
with the performance of official duties by any law enforcement 54636  
official authorized by municipal, county, state, or federal law to 54637  
collect samples of any drug, regardless of its nature or in whose 54638  
possession it may be. 54639

(I) Notwithstanding anything to the contrary in this section, 54640  
the board of education of a city, local, exempted village, or 54641  
joint vocational school district may distribute epinephrine 54642  
autoinjectors for use in accordance with section 3313.7110 of the 54643  
Revised Code and may distribute inhalers for use in accordance 54644  
with section 3313.7113 of the Revised Code. 54645

**Sec. 4729.52.** (A) As used in this section: 54646

(1) "Category II" means any dangerous drug that is not 54647  
included in category III. 54648

(2) "Category III" means any controlled substance that is 54649  
contained in schedule I, II, III, IV, or V. 54650

(3) "Schedule I, schedule II, schedule III, schedule IV, and 54651  
schedule V" mean controlled substance schedules I, II, III, IV, 54652  
and V, respectively, as established pursuant to section 3719.41 of 54653  
the Revised Code and as amended. 54654

(B)(1)(a) The state board of pharmacy shall license the 54655  
following persons: 54656

(i) Wholesale distributors of dangerous drugs; 54657

(ii) Manufacturers of dangerous drugs; 54658

(iii) Outsourcing facilities; 54659

(iv) Third-party logistics providers; 54660

(v) Repackagers of dangerous drugs. 54661

(b) There shall be two categories for the licenses identified 54662  
in division (B)(1)(a) of this section. The categories are as 54663  
follows: 54664

(i) Category II license. A person who obtains this license 54665  
may possess, have custody or control of, and distribute, only the 54666  
dangerous drugs described in category II. 54667

(ii) Category III license. A person who obtains this license 54668  
may possess, have custody or control of, and distribute, the 54669  
dangerous drugs described in category II and category III. 54670

(c) The board may adopt rules under section 4729.26 of the 54671  
Revised Code to create classification types of any license issued 54672  
pursuant to this section. Persons who meet the definitions of the 54673  
classification types shall comply with all requirements for the 54674  
specific license classification specified in rule. 54675

(C) A person ~~desiring to be registered as a wholesale~~ 54676  
~~distributor of dangerous drugs~~ seeking a license identified in 54677  
division (B)(1)(a) of this section shall file with the executive 54678  
director of the ~~state board of pharmacy~~ a verified application 54679  
containing such information as the board requires of the applicant 54680  
relative to the licensure qualifications ~~to be registered as a~~ 54681  
~~wholesale distributor of dangerous drugs~~ set forth in section 54682  
4729.53 of the Revised Code and the rules adopted under that 54683  
section. ~~The~~ After it is filed, an application cannot be withdrawn 54684  
without approval of the board. 54685

The board shall ~~register~~ license as a category II or category 54686  
III manufacturer, outsourcing facility, third-party logistics 54687  
provider, repackager, or ~~wholesale distributor of dangerous drugs~~ 54688

each applicant who has paid the required ~~registration~~ license fee, 54689  
if the board determines that the applicant meets the licensure 54690  
qualifications ~~to be registered as a wholesale distributor of~~ 54691  
~~dangerous drugs~~ set forth in section 4729.53 of the Revised Code 54692  
and the rules adopted under that section. 54693

~~(B)(D)~~ The board may ~~register and~~ issue to a person who does 54694  
not reside in this state a ~~registration certificate as a wholesale~~ 54695  
~~distributor of dangerous drugs~~ license identified in division 54696  
(B)(1)(a) of this section if the person ~~possesses~~ pays the 54697  
required licensure fee and meets either of the following: 54698

(1) Possesses a current and valid manufacturer, outsourcing 54699  
facility, third-party logistics provider, repackager, or wholesale 54700  
distributor of dangerous drugs registration certificate or 54701  
license, or its equivalent, issued by another state ~~that~~ in which 54702  
that person is physically located, but only if that state has 54703  
qualifications for licensure or registration comparable to the 54704  
~~registration~~ licensure requirements in this state ~~and pays the~~ 54705  
~~required registration fee;~~ 54706

(2) Meets the requirements set forth by the board for 54707  
issuance of a license identified in division (B)(1)(a) of this 54708  
section, as verified by a state, federal, or other entity 54709  
recognized by the board to perform such verification. 54710

~~(C)(E)~~ All ~~registration certificates~~ licenses issued or 54711  
renewed pursuant to this section are effective for a period ~~of~~ 54712  
~~twelve months from the first day of July of each year~~ specified by 54713  
the board in rules adopted under section 4729.26 of the Revised 54714  
Code. The effective period for an initial or renewed license shall 54715  
not exceed twenty-four months unless the board extends the period 54716  
in rules to adjust license renewal schedules. A ~~registration~~ 54717  
~~certificate~~ license shall be renewed annually by the board ~~for a~~ 54718  
~~like period,~~ pursuant to this section ~~and,~~ the standard renewal 54719  
procedure of Chapter 4745. of the Revised Code, and rules adopted 54720

by the board under section 4729.26 of the Revised Code. A person 54721  
desiring seeking to renew a registration certificate license shall 54722  
submit an application for renewal and pay the required renewal fee 54723  
before the first day of July each year date specified in the rules 54724  
adopted by the board. 54725

~~(D)(F)~~ Each registration certificate and its application 54726  
license issued under this section shall describe not more than one 54727  
establishment or place where the registrant or applicant license 54728  
holder may engage in the sale of dangerous drugs at wholesale 54729  
activities authorized by the license. No registration certificate 54730  
license shall authorize or permit the wholesale distributor of 54731  
dangerous drugs person named therein to engage in the sale or 54732  
distribution of drugs at wholesale or to maintain possession, 54733  
custody, or control of dangerous drugs for any purpose other than 54734  
for the registrant's licensee's own use and consumption at any 54735  
establishment or place other than that described in the 54736  
certificate license. 54737

~~(E)(G)(1)(a)~~ The registration category II license fee is 54738  
seven hundred fifty one thousand nine hundred dollars and shall 54739  
accompany each application for registration licensure. The 54740  
registration license renewal fee is seven hundred fifty one 54741  
thousand nine hundred dollars and shall accompany each renewal 54742  
application. 54743

(b) The category III license fee is two thousand dollars and 54744  
shall accompany each application for licensure. The license 54745  
renewal fee is two thousand dollars and shall accompany each 54746  
renewal application. 54747

~~A registration certificate~~ (c)(i) Subject to division 54748  
(G)(1)(c)(ii) of this section, a license issued pursuant to this 54749  
section that has not been renewed in any year by the first day of 54750  
August by the date specified in rules adopted by the board may be 54751  
reinstated upon payment of the renewal fee and a penalty of one 54752

three hundred fifty dollars. 54753

(ii) If a complete application for renewal has not been 54754  
submitted by the sixty-first day after the renewal date specified 54755  
in rules adopted by the board, the license is considered void and 54756  
cannot be renewed, but the license holder may reapply for 54757  
licensure. 54758

(2) Renewal fees and penalties assessed under division 54759  
~~(F)~~(G)(1) of this section shall not be returned if the applicant 54760  
fails to qualify for renewal. 54761

(3) A person licensed pursuant to this section that fails to 54762  
renew licensure in accordance with this section and rules adopted 54763  
by the board is prohibited from engaging in manufacturing, 54764  
repackaging, compounding, or distributing as a third-party 54765  
logistics provider or wholesale distributor until a valid license 54766  
is issued by the board. 54767

~~(F) The registration of any person as a wholesale distributor~~ 54768  
~~of dangerous drugs~~ (H) Holding a license issued pursuant to this 54769  
section subjects the person holder and the person's holder's 54770  
agents and employees to the jurisdiction of the board and to the 54771  
laws of this state for the purpose of the enforcement of this 54772  
chapter and the rules of the board. However, the filing of an 54773  
application for ~~registration as a wholesale distributor of~~ 54774  
~~dangerous drugs~~ licensure under this section by, or on behalf of, 54775  
any person, or the registration issuance of a license pursuant to 54776  
this section to or on behalf of any person ~~as a wholesale~~ 54777  
~~distributor of dangerous drugs,~~ shall not, of itself, constitute 54778  
evidence that the person is doing business within this state. 54779

(I) The board may enter into agreements with other states, 54780  
federal agencies, and other entities to exchange information 54781  
concerning licensing and inspection of any manufacturer, 54782  
outsourcing facility, third-party logistics provider, repackager, 54783

or wholesale distributor located within or outside this state and 54784  
to investigate alleged violations of the laws and rules governing 54785  
distribution of drugs by such persons. Any information received 54786  
pursuant to such an agreement is subject to the same 54787  
confidentiality requirements applicable to the agency or entity 54788  
from which it was received and shall not be released without prior 54789  
authorization from that agency or entity. 54790

**Sec. 4729.53.** (A) The state board of pharmacy shall not 54791  
~~register~~ license any person as a manufacturer of dangerous drugs, 54792  
outsourcing facility, third-party logistics provider, repackager 54793  
of dangerous drugs, or wholesale distributor of dangerous drugs 54794  
unless the applicant for ~~registration~~ licensure furnishes 54795  
satisfactory proof to the board that the applicant meets all of 54796  
the following: 54797

(1) If the applicant has ~~been convicted of a violation of~~ 54798  
committed acts that the board finds violate any federal, state, or 54799  
local law, regulation, or rule relating to drug samples, 54800  
manufacturing, compounding, repackaging, wholesale or retail drug 54801  
distribution, or distribution of dangerous drugs, including 54802  
controlled substances, ~~or of~~ constitute a felony, or if a federal, 54803  
state, or local governmental entity has suspended or revoked any 54804  
current or prior license ~~or registration~~ of the applicant for the 54805  
manufacture, compounding, repackaging, distribution, or sale of 54806  
any dangerous drugs, including controlled substances, the 54807  
applicant, to the satisfaction of the board, assures that the 54808  
applicant has in place adequate safeguards to prevent the 54809  
recurrence of any such violations. 54810

(2) The applicant's past experience in the manufacture, 54811  
compounding, repackaging, or distribution of dangerous drugs, 54812  
including controlled substances, is acceptable to the board. 54813

(3) The applicant is properly equipped as to land, buildings, 54814

equipment, and personnel to properly carry on ~~the~~ its business ~~of~~ 54815  
~~a wholesale distributor of dangerous drugs,~~ including providing 54816  
adequate security for and proper storage conditions and handling 54817  
for dangerous drugs, and is complying with the requirements under 54818  
this chapter and the rules adopted pursuant thereto for 54819  
maintaining and making available records to properly identified 54820  
board officials and federal, state, and local law enforcement 54821  
agencies. 54822

(4) Personnel employed by the applicant have the appropriate 54823  
education or experience, as determined by the board, to assume 54824  
responsibility for positions related to compliance with this 54825  
chapter and the rules adopted pursuant thereto. 54826

(5) The applicant has designated the name and address of a 54827  
person to whom communications from the board may be directed and 54828  
upon whom the notices and citations provided for in section 54829  
4729.56 of the Revised Code may be served. 54830

(6) Adequate safeguards are assured to prevent the sale of 54831  
dangerous drugs ~~to any person other than those named in division~~ 54832  
~~(B) of~~ in accordance with section 4729.51 of the Revised Code. 54833

(7) Any other requirement or qualification the board, by rule 54834  
adopted in accordance with Chapter 119. of the Revised Code, 54835  
considers relevant to and consistent with the public safety and 54836  
health. 54837

(B) In addition to the causes described in section 4729.56 of 54838  
the Revised Code for refusing to grant or renew a ~~registration~~ 54839  
~~certificate~~ license, the board may refuse to ~~register~~ grant or 54840  
renew ~~the registration certificate of any person~~ a license if the 54841  
board determines that the granting of the ~~registration~~ license 54842  
certificate or its renewal is not in the public interest. 54843

**Sec. 4729.54.** (A) As used in this section: 54844

(1) ~~"Category I" means single dose injections of intravenous fluids, including saline, Ringer's lactate, five per cent dextrose and distilled water, and other intravenous fluids or parenteral solutions included in this category by rule of the state board of pharmacy, that have a volume of one hundred milliliters or more and that contain no added substances, or single dose injections of epinephrine to be administered pursuant to sections 4765.38 and 4765.39 of the Revised Code.~~ 54845  
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~~(2)~~ "Category II" means any dangerous drug that is not included in category ~~I or~~ III. 54853  
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~~(3)~~(2) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V. 54855  
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~~(4)~~(3) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code. 54857  
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~~(5)~~(4) "Person" includes an emergency medical service organization. 54859  
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~~(6)~~(5) "Schedule I, schedule II, schedule III, schedule IV, and schedule V" mean controlled substance schedules I, II, III, IV, and V, respectively, as established pursuant to section 3719.41 of the Revised Code and as amended. 54861  
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(B)(1) A person ~~who desires~~ seeking to be licensed as a terminal distributor of dangerous drugs shall file with the executive director of the state board of pharmacy a verified application. After it is filed, the application may not be withdrawn without approval of the board. 54865  
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(2) An application shall contain all the following that apply in the applicant's case: 54870  
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(a) Information that the board requires relative to the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code; 54872  
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(b) A statement ~~that~~ as to whether the person ~~wishes is~~ is seeking to be licensed as a ~~category I,~~ category II, category III, ~~limited category I,~~ limited category II, or limited category III terminal distributor of dangerous drugs; 54875  
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(c) If the person ~~wishes is seeking~~ is seeking to be licensed as a ~~limited category I,~~ limited category II, or limited category III terminal distributor of dangerous drugs, a ~~notarized~~ list of the dangerous drugs that the person ~~wishes is seeking~~ is seeking to possess, have custody or control of, and distribute, which list shall also specify the purpose for which those drugs will be used and their source; 54879  
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(d) If the person is an emergency medical service organization, the information that is specified in division (C)(1) of this section; 54886  
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(e) Except for an emergency medical service organization, the identity of the one establishment or place at which the person intends to engage in the sale or other distribution of dangerous drugs at retail, and maintain possession, custody, or control of dangerous drugs for purposes other than the person's own use or consumption; 54889  
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(f) If the application pertains to a pain management clinic, information that demonstrates, to the satisfaction of the board, compliance with division (A) of section 4729.552 of the Revised Code; 54895  
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(g) If the application pertains to a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, information that demonstrates, to the satisfaction of the board, compliance with division (C) of that section. 54899  
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(C)(1) An emergency medical service organization ~~that wishes~~ 54906  
seeking to be licensed as a terminal distributor of dangerous 54907  
drugs shall list in its application for licensure the following 54908  
additional information: 54909

(a) The units under its control that the organization 54910  
determines will possess dangerous drugs for the purpose of 54911  
administering emergency medical services in accordance with 54912  
Chapter 4765. of the Revised Code; 54913

(b) With respect to each such unit, whether the dangerous 54914  
drugs that the organization determines the unit will possess are 54915  
in category I, II, or III. 54916

(2) An emergency medical service organization that is 54917  
licensed as a terminal distributor of dangerous drugs shall file a 54918  
new application for such licensure if there is any change in the 54919  
number, or location of, any of its units or any change in the 54920  
category of the dangerous drugs that any unit will possess. 54921

(3) A unit listed in an application for licensure pursuant to 54922  
division (C)(1) of this section may obtain the dangerous drugs it 54923  
is authorized to possess from its emergency medical service 54924  
organization or, on a replacement basis, from a hospital pharmacy. 54925  
If units will obtain dangerous drugs from a hospital pharmacy, the 54926  
organization shall file, and maintain in current form, the 54927  
following items with the pharmacist who is responsible for the 54928  
hospital's terminal distributor of dangerous drugs license: 54929

(a) A copy of its standing orders or protocol; 54930

(b) A list of the personnel employed or used by the 54931  
organization to provide emergency medical services in accordance 54932  
with Chapter 4765. of the Revised Code, who are authorized to 54933  
possess the drugs, which list also shall indicate the personnel 54934  
who are authorized to administer the drugs. 54935

(D) Each emergency medical service organization that applies 54936

for a terminal distributor of dangerous drugs license shall submit 54937  
with its application the following: 54938

(1) A ~~notarized~~ copy of its standing orders or protocol, 54939  
which orders or protocol shall be signed by a physician ~~and~~ 54940  
~~specify;~~ 54941

(2) A list of the dangerous drugs that its units may carry, 54942  
expressed in standard dose units, which shall be signed by a 54943  
physician; 54944

~~(2)~~(3) A list of the personnel employed or used by the 54945  
organization to provide emergency medical services in accordance 54946  
with Chapter 4765. of the Revised Code. 54947

~~An~~ In accordance with Chapter 119. of the Revised Code, the 54948  
board shall adopt rules specifying when an emergency medical 54949  
service organization that is licensed as a terminal distributor 54950  
~~shall~~ must notify the board ~~immediately~~ of any changes in its 54951  
~~standing orders or protocol~~ documentation submitted pursuant to 54952  
division (D) of this section. 54953

(E) There shall be ~~six~~ four categories of terminal 54954  
distributor of dangerous drugs licenses, ~~which.~~ The categories 54955  
~~shall be~~ are as follows: 54956

(1) ~~Category I license. A person who obtains this license may~~ 54957  
~~possess, have custody or control of, and distribute only the~~ 54958  
~~dangerous drugs described in category I.~~ 54959

~~(2) Limited category I license. A person who obtains this~~ 54960  
~~license may possess, have custody or control of, and distribute~~ 54961  
~~only the dangerous drugs described in category I that were listed~~ 54962  
~~in the application for licensure.~~ 54963

~~(3)~~ Category II license. A person who obtains this license 54964  
may possess, have custody or control of, and distribute only the 54965  
dangerous drugs described in ~~category I and~~ category II. 54966

~~(4)~~(2) Limited category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in ~~category I~~ or category II that were listed in the application for licensure.

~~(5)~~(3) Category III license, which may include a pain management clinic classification issued under section 4729.552 of the Revised Code. A person who obtains this license may possess, have custody or control of, and distribute the dangerous drugs described in ~~category I~~, category II, and category III. If the license includes a pain management clinic classification, the person may operate a pain management clinic.

~~(6)~~(4) Limited category III license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in ~~category I~~, category II, or category III that were listed in the application for licensure.

(F) Except for an application made on behalf of an animal shelter, if an applicant for ~~licensure as a limited category I, II, license or limited category III terminal distributor of dangerous drugs license~~ intends to administer dangerous drugs to a person or animal, the applicant shall submit, with the application, a ~~notarized~~ copy of its protocol or standing orders, ~~which. The~~ protocol or orders shall be signed by a licensed health professional authorized to prescribe drugs, specify the dangerous drugs to be administered, and list personnel who are authorized to administer the dangerous drugs in accordance with federal law or the law of this state. An application made on behalf of an animal shelter shall include a ~~notarized~~ list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer the drugs to animals in accordance with section 4729.532 of the Revised Code. ~~After obtaining a terminal distributor license,~~

In accordance with Chapter 119. of the Revised Code, the 54999  
board shall adopt rules specifying when a licensee shall must 55000  
notify the board immediately of any changes in its protocol or 55001  
standing orders, or in such personnel documentation submitted 55002  
pursuant to this division. 55003

(G)(1) Except as provided in division (G)(2) of this section, 55004  
each applicant for licensure as a terminal distributor of 55005  
dangerous drugs shall submit, with the application, a license fee 55006  
determined as follows: 55007

~~(a) For a category I or limited category I license,~~ 55008  
~~forty five dollars;~~ 55009

~~(b) For a category II or limited category II license, one the~~ 55010  
~~fee is three hundred twelve twenty dollars and fifty cents;.~~ 55011

~~(c)~~(b) For a category III license, including a license with a 55012  
pain management clinic classification issued under section 55013  
4729.552 of the Revised Code, or a limited category III license, 55014  
~~one four hundred fifty forty~~ dollars. 55015

(2)(a) Except as provided in division (G)(2)(b) of this 55016  
section, for a person who is required to hold a license as a 55017  
terminal distributor of dangerous drugs pursuant to division (D) 55018  
of section 4729.541 of the Revised Code, the fee ~~shall be sixty is~~ 55019  
one hundred twenty dollars. 55020

(b) For a professional association, corporation, partnership, 55021  
or limited liability company organized for the purpose of 55022  
practicing veterinary medicine, the fee ~~shall be forty is one~~ 55023  
hundred twenty dollars. 55024

(3) Fees assessed under divisions (G)(1) and (2) of this 55025  
section shall not be returned if the applicant fails to qualify 55026  
for ~~registration~~ the license. 55027

(H)(1) The board shall issue a terminal distributor of 55028

dangerous drugs license to each person who submits an application 55029  
for such licensure in accordance with this section, pays the 55030  
required license fee, is determined by the board to meet the 55031  
requirements set forth in section 4729.55 of the Revised Code, and 55032  
satisfies any other applicable requirements of this section. 55033

(2) The license of a person other than an emergency medical 55034  
service organization shall describe the one establishment or place 55035  
at which the licensee may engage in the sale or other distribution 55036  
of dangerous drugs at retail and maintain possession, custody, or 55037  
control of dangerous drugs for purposes other than the licensee's 55038  
own use or consumption. The one establishment or place shall be 55039  
that which is ~~described~~ identified in the application for 55040  
licensure. 55041

No such license shall authorize or permit the terminal 55042  
distributor of dangerous drugs named in it to engage in the sale 55043  
or other distribution of dangerous drugs at retail or to maintain 55044  
possession, custody, or control of dangerous drugs for any purpose 55045  
other than the distributor's own use or consumption, at any 55046  
establishment or place other than that described in the license, 55047  
except that an agent or employee of an animal shelter may possess 55048  
and use dangerous drugs in the course of business as provided in 55049  
division (D) of section 4729.532 of the Revised Code. 55050

(3) The license of an emergency medical service organization 55051  
shall cover and describe all the units of the organization listed 55052  
in its application for licensure. 55053

~~(4) The license of every terminal distributor of dangerous 55054  
drugs shall indicate, on its face, the category of licensure. If 55055  
the license is a limited category I, II, or III license, it shall 55056  
specify, and shall authorize the licensee to possess, have custody 55057  
or control of, and distribute only, the dangerous drugs that were 55058  
listed in the application for licensure. 55059~~

(I)(1) All licenses issued or renewed pursuant to this 55060  
section shall be effective for a period ~~of twelve months from the~~ 55061  
~~first day of April of each year~~ specified by the board in rules 55062  
adopted under section 4729.26 of the Revised Code. The effective 55063  
period for an initial or renewed license shall not exceed 55064  
twenty-four months unless the board extends the period in rules to 55065  
adjust license renewal schedules. A license shall be renewed by 55066  
the board ~~for a like period, annually,~~ according to the provisions 55067  
of this section, ~~and~~ the standard renewal procedure of Chapter 55068  
4745. of the Revised Code, and rules adopted by the board under 55069  
section 4729.26 of the Revised Code. A person ~~who desires~~ seeking 55070  
to renew a license shall submit an application for renewal and pay 55071  
the required fee on or before the ~~thirty first day of March each~~ 55072  
~~year~~ date specified in the rules adopted by the board. The fee 55073  
required for the renewal of a license shall be the same as the 55074  
license fee paid ~~for the license being renewed, and shall~~ 55075  
~~accompany the application for renewal~~ under division (G) of this 55076  
section. 55077

A (2)(a) Subject to division (I)(2)(b) of this section, a 55078  
license that has not been renewed ~~during March in any year and by~~ 55079  
~~the first day of May of the same year~~ by the date specified in 55080  
rules adopted by the board may be reinstated only upon payment of 55081  
the required renewal fee and a penalty fee of ~~fifty five one~~ 55082  
hundred ten dollars. 55083

(b) If an application for renewal has not been submitted by 55084  
the sixty-first day after the renewal date specified in rules 55085  
adopted by the board, the license is considered void and cannot be 55086  
renewed, but the license holder may reapply for licensure. 55087

(3) A terminal distributor of dangerous drugs that fails to 55088  
renew licensure in accordance with this section and rules adopted 55089  
by the board is prohibited from engaging in the retail sale, 55090  
possession, or distribution of dangerous drugs until a valid 55091

license is issued by the board. 55092

(J)(1) No emergency medical service organization that is 55093  
licensed as a terminal distributor of dangerous drugs shall fail 55094  
to comply with division (C)(2) or (3) of this section. 55095

(2) No emergency medical service organization that is 55096  
licensed as a terminal distributor of dangerous drugs shall fail 55097  
to comply with division (D) of this section. 55098

(3) No licensed terminal distributor of dangerous drugs shall 55099  
possess, have custody or control of, or distribute dangerous drugs 55100  
that the terminal distributor is not entitled to possess, have 55101  
custody or control of, or distribute by virtue of its category of 55102  
licensure. 55103

(4) No licensee that is required by division (F) of this 55104  
section to notify the board of changes in its protocol or standing 55105  
orders, or in personnel, shall fail to comply with that division. 55106

(K) The board may enter into agreements with other states, 55107  
federal agencies, and other entities to exchange information 55108  
concerning licensing and inspection of terminal distributors of 55109  
dangerous drugs located within or outside this state and to 55110  
investigate alleged violations of the laws and rules governing 55111  
distribution of drugs by terminal distributors. Any information 55112  
received pursuant to such an agreement is subject to the same 55113  
confidentiality requirements applicable to the agency or entity 55114  
from which it was received and shall not be released without prior 55115  
authorization from that agency or entity. 55116

**Sec. 4729.552.** (A) To be eligible to receive a license as a 55117  
category III terminal distributor of dangerous drugs with a pain 55118  
management clinic classification, an applicant shall submit 55119  
evidence satisfactory to the state board of pharmacy that the 55120  
applicant's pain management clinic will be operated in accordance 55121

with the requirements specified in division (B) of this section 55122  
and that the applicant meets any other applicable requirements of 55123  
this chapter. 55124

If the board determines that an applicant meets all of the 55125  
requirements, the board shall issue to the applicant a license as 55126  
a category III terminal distributor of dangerous drugs and specify 55127  
on the license that the terminal distributor is classified as a 55128  
pain management clinic. 55129

(B) The holder of a terminal distributor license with a pain 55130  
management clinic classification shall do all of the following: 55131

(1) Be in control of a facility that is owned and operated 55132  
solely by one or more physicians authorized under Chapter 4731. of 55133  
the Revised Code to practice medicine and surgery or osteopathic 55134  
medicine and surgery; 55135

(2) Comply with the requirements for the operation of a pain 55136  
management clinic, as established by the state medical board in 55137  
rules adopted under section 4731.054 of the Revised Code; 55138

(3) Ensure that any person employed by the facility complies 55139  
with the requirements for the operation of a pain management 55140  
clinic established by the state medical board in rules adopted 55141  
under section 4731.054 of the Revised Code; 55142

(4) Require any person with ownership of the facility to 55143  
submit to a criminal records check in accordance with section 55144  
4776.02 of the Revised Code and send the results of the criminal 55145  
records check directly to the state board of pharmacy for review 55146  
and decision under section 4729.071 of the Revised Code; 55147

(5) Require all employees of the facility to submit to a 55148  
criminal records check in accordance with section 4776.02 of the 55149  
Revised Code and ensure that no person is employed who has 55150  
previously been convicted of, or pleaded guilty to, either of the 55151  
following: 55152

(a) A theft offense, described in division (K)(3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States;

(b) A felony drug abuse offense, as defined in section 2925.01 of the Revised Code.

(6) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to that list.

(C) No person shall operate a facility that under this chapter is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification without obtaining and maintaining the license with the classification.

No person who holds a category III license with a pain management clinic classification shall fail to remain in compliance with the requirements of division (B) of this section and any other applicable requirements of this chapter.

(D) The state board of pharmacy may impose a fine of not more than five thousand dollars on a ~~terminal distributor of dangerous drugs license holder~~ person who violates division (C) of this section. A separate fine may be imposed for each day the violation continues. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code.

(E) The state board of pharmacy shall adopt rules as it considers necessary to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 4729.56.** (A) ~~In~~ (1) The state board of pharmacy, in accordance with Chapter 119. of the Revised Code, the board of pharmacy may suspend impose any one or more of the following

sanctions on a person licensed under division (B)(1)(a) of section 4729.52 of the Revised Code for any of the causes set forth in division (A)(2) of this section: 55183  
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(a) Suspend, revoke, restrict, limit, or refuse to grant or renew any registration certificate issued to a wholesale distributor of dangerous drugs pursuant to section 4729.52 of the Revised Code or may impose a license; 55186  
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(b) Reprimand or place the license holder on probation; 55190

(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or ~~one~~ two thousand five hundred dollars if the acts committed are not classified as an offense by the Revised Code ~~for~~ any of the following causes+; 55191  
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(2) The board may impose the sanctions set forth in division (A)(1) of this section for any of the following: 55196  
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~~(1)~~(a) Making any false material statements in an application for registration as a wholesale distributor of dangerous drugs licensure under section 4729.52 of the Revised Code; 55198  
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~~(2)~~(b) Violating any federal, state, or local drug law; any provision of this chapter or Chapter 2925., 3715., or 3719. of the Revised Code; or any rule of the board; 55201  
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~~(3)~~(c) A conviction of a felony; 55204

~~(4)~~(d) Failing to satisfy the qualifications for registration licensure under section 4729.53 of the Revised Code or the rules of the board or ceasing to satisfy the qualifications after the registration is granted or renewed; 55205  
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(e) Falsely or fraudulently promoting to the public a dangerous drug, except that nothing in this division prohibits a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs 55209  
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from furnishing information concerning a dangerous drug to a 55213  
health care provider or licensed terminal distributor; 55214

(f) Violating any provision of the "Federal Food, Drug, and 55215  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or Chapter 55216  
3715. of the Revised Code; 55217

(g) Any other cause for which the board may impose sanctions 55218  
as set forth in rules adopted under section 4729.26 of the Revised 55219  
Code. 55220

(B) Upon the suspension or revocation of ~~the registration~~ 55221  
~~certificate of any wholesale distributor of dangerous drugs~~ any 55222  
license identified in division (B)(1)(a) of section 4729.52 of the 55223  
Revised Code, the ~~distributor~~ licensee shall immediately surrender 55224  
the ~~distributor's registration certificate~~ license to the board. 55225  
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(C) If the board suspends, revokes, or refuses to renew any 55227  
~~registration certificate issued to a wholesale distributor of~~ 55228  
~~dangerous drugs~~ license identified in division (B)(1)(a) of 55229  
section 4729.52 of the Revised Code and determines that there is 55230  
clear and convincing evidence of a danger of immediate and serious 55231  
harm to any person, the board may place under seal all dangerous 55232  
drugs owned by or in the possession, custody, or control of the 55233  
affected ~~wholesale distributor of dangerous drugs~~ licensee. Except 55234  
as provided in this division, the board shall not dispose of the 55235  
dangerous drugs sealed under this division until the ~~wholesale~~ 55236  
~~distributor of dangerous drugs~~ licensee exhausts all of the 55237  
~~distributor's licensee's~~ appeal rights under Chapter 119. of the 55238  
Revised Code. The court involved in such an appeal may order the 55239  
board, during the pendency of the appeal, to sell sealed dangerous 55240  
drugs that are perishable. The board shall deposit the proceeds of 55241  
the sale with the court. 55242

(D) If the board is required under Chapter 119. of the 55243

Revised Code to give notice of an opportunity for a hearing and the license holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section. 55244  
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(E) Notwithstanding division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records. 55251  
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**Sec. 4729.561.** If the state board of pharmacy determines that there is clear and convincing evidence that the method used by a ~~registered~~ licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs to possess or distribute dangerous drugs presents a danger of immediate and serious harm to others, the board may suspend without a hearing the ~~wholesaler distributor's registration certificate~~ license issued pursuant to section 4729.52 of the Revised Code. The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective, except that if the board 55263  
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does not issue its final adjudication order within ~~ninety one~~ 55276  
hundred twenty days after the hearing suspension, the suspension 55277  
shall be void on the ~~ninety-first~~ one hundred twenty-first day 55278  
after the suspension. 55279

**Sec. 4729.57.** (A) The state board of pharmacy may ~~suspend~~ 55280  
after notice and a hearing in accordance with Chapter 119. of the 55281  
Revised Code, impose any one or more of the following sanctions on 55282  
a terminal distributor of dangerous drugs for any of the causes 55283  
set forth in division (B) of this section: 55284

(1) Suspend, revoke, restrict, limit, or refuse to grant or 55285  
renew any license ~~as a terminal distributor of dangerous drugs, or~~ 55286  
~~may impose;~~ 55287

(2) Reprimand or place the license holder on probation; 55288

(3) Impose a monetary penalty or forfeiture not to exceed in 55289  
severity any fine designated under the Revised Code for a similar 55290  
offense or one thousand dollars if the acts committed have not 55291  
been classified as an offense by the Revised Code, ~~for any of the~~ 55292  
~~following causes:~~ 55293

(B) The board may impose the sanctions listed in division (A) 55294  
of this section for any of the following: 55295

(1) Making any false material statements in an application 55296  
for a license as a terminal distributor of dangerous drugs; 55297

(2) Violating any rule of the board; 55298

(3) Violating any provision of this chapter; 55299

(4) Except as provided in section 4729.89 of the Revised 55300  
Code, violating any provision of the "Federal Food, Drug, and 55301  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 55302  
3715. of the Revised Code; 55303

(5) Violating any provision of the federal drug abuse control 55304

laws or Chapter 2925. or 3719. of the Revised Code; 55305

(6) Falsely or fraudulently promoting to the public a 55306  
dangerous drug, except that nothing in this division prohibits a 55307  
terminal distributor of dangerous drugs from furnishing 55308  
information concerning a dangerous drug to a health care provider 55309  
or another licensed terminal distributor; 55310

(7) Ceasing to satisfy the qualifications of a terminal 55311  
distributor of dangerous drugs set forth in section 4729.55 of the 55312  
Revised Code; 55313

(8) Except as provided in division ~~(B)~~(C) of this section: 55314

(a) Waiving the payment of all or any part of a deductible or 55315  
copayment that an individual, pursuant to a health insurance or 55316  
health care policy, contract, or plan that covers the services 55317  
provided by a terminal distributor of dangerous drugs, would 55318  
otherwise be required to pay for the services if the waiver is 55319  
used as an enticement to a patient or group of patients to receive 55320  
pharmacy services from that terminal distributor; 55321

(b) Advertising that the terminal distributor will waive the 55322  
payment of all or any part of a deductible or copayment that an 55323  
individual, pursuant to a health insurance or health care policy, 55324  
contract, or plan that covers the pharmaceutical services, would 55325  
otherwise be required to pay for the services. 55326

(9) Conviction of a felony; 55327

(10) Any other cause for which the board may impose 55328  
discipline as set forth in rules adopted under section 4729.26 of 55329  
the Revised Code. 55330

~~(B)~~(C) Sanctions shall not be imposed under division 55331  
~~(A)~~(B)(8) of this section against any terminal distributor of 55332  
dangerous drugs that waives deductibles and copayments as follows: 55333

(1) In compliance with a health benefit plan that expressly 55334

allows such a practice. Waiver of the deductibles or copayments 55335  
shall be made only with the full knowledge and consent of the plan 55336  
purchaser, payer, and third-party administrator. Documentation of 55337  
the consent shall be made available to the board on request. 55338

(2) For professional services rendered to any other person 55339  
licensed pursuant to this chapter to the extent allowed by this 55340  
chapter and the rules of the board. 55341

~~(C)~~(D)(1) Upon the suspension or revocation of a license 55342  
issued to a terminal distributor of dangerous drugs or the refusal 55343  
by the board to renew such a license, the distributor shall 55344  
immediately surrender the license to the board. 55345

(2)(a) The board may place under seal all dangerous drugs 55346  
that are owned by or in the possession, custody, or control of a 55347  
terminal distributor at the time the license is suspended or 55348  
revoked or at the time the board refuses to renew the license. 55349  
Except as ~~otherwise~~ provided in ~~this~~ division (D)(2)(b) of this 55350  
section, dangerous drugs so sealed shall not be disposed of until 55351  
appeal rights under Chapter 119. of the Revised Code have expired 55352  
or an appeal filed pursuant to that chapter has been determined. 55353

(b) The court involved in an appeal filed pursuant to Chapter 55354  
119. of the Revised Code may order the board, during the pendency 55355  
of the appeal, to sell sealed dangerous drugs that are perishable. 55356  
The proceeds of such a sale shall be deposited with that court. 55357

(E) If the board is required under Chapter 119. of the 55358  
Revised Code to give notice of an opportunity for a hearing and 55359  
the license holder does not make a timely request for a hearing in 55360  
accordance with section 119.07 of the Revised Code, the board is 55361  
not required to hold a hearing, but may adopt a final order that 55362  
contains the board's findings. In the final order, the board may 55363  
impose any of the sanctions listed in division (A) of this 55364  
section. 55365

(F) Notwithstanding division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

**Sec. 4729.571.** ~~If the (A) The state board of pharmacy determines that there is clear and convincing evidence that the method used by~~ may suspend without a hearing the license of a terminal distributor of dangerous drugs to distribute or prescribe dangerous drugs presents if the board determines that there is clear and convincing evidence of a danger of immediate and serious harm to others, the board may suspend the terminal distributor's license without a hearing due to either of the following:

(1) The method used by the terminal distributor to possess or distribute dangerous drugs;

(2) The method of prescribing dangerous drugs used by a licensed health professional authorized to prescribe drugs who holds a terminal distributor license or practices in the employ of or under contract with a terminal distributor. The

(B) The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective, except that if the board does not issue its final adjudication

order within ~~ninety~~ one hundred twenty days after the ~~hearing~~ 55397  
suspension, the suspension shall be void on the ~~ninety-first~~ one 55398  
hundred twenty-first day after the suspension. 55399

If the terminal distributor holds a license with a pain 55400  
management clinic classification issued under section 4729.552 of 55401  
the Revised Code or a license with an office-based opioid 55402  
treatment classification issued under section 4729.553 of the 55403  
Revised Code and the person holding the license also holds a 55404  
certificate issued under Chapter 4731. of the Revised Code to 55405  
practice medicine and surgery or osteopathic medicine and surgery, 55406  
prior to suspending the license without a hearing, the board shall 55407  
consult with the secretary of the state medical board or, if the 55408  
secretary is unavailable, another physician member of the board. 55409

**Sec. 4729.58.** The state board of pharmacy, within thirty days 55410  
after receipt of ~~an~~ a complete application filed in the form and 55411  
manner set forth in section 4729.52 or 4729.54 of the Revised Code 55412  
for the issuance of a ~~new~~ license ~~or registration certificate~~ or 55413  
the renewal of a license ~~or registration certificate~~ ~~previously~~ 55414  
~~issued~~, shall notify the applicant therefor whether or not such 55415  
license ~~or registration certificate~~ will be issued or renewed. If 55416  
the board determines that such license ~~or registration certificate~~ 55417  
will not be issued or renewed, such notice to the applicant shall 55418  
set forth, in a manner determined by the board, the reason or 55419  
reasons that such license ~~or registration certificate~~ will not be 55420  
issued or renewed. 55421

**Sec. 4729.59.** The executive director of the state board of 55422  
pharmacy shall maintain a register of the names, addresses, and 55423  
the date of ~~registration~~ licensure of those persons to whom a 55424  
~~registration certificate~~ license has been issued pursuant to 55425  
section 4729.52 ~~of the Revised Code and those persons to whom a~~ 55426  
~~license has been issued pursuant to section~~ and 4729.54 of the 55427

Revised Code. ~~The register shall be the property of the board and shall be open for public examination and inspection at all reasonable times, as the board may direct.~~

The board shall ~~publish or~~ make available to registered wholesale distributors and licensed terminal distributors of dangerous drugs, annually, and at such other times and in such manner as the board shall prescribe, a roster setting forth the names and addresses of those persons who have been registered by the board pursuant to section 4729.52 of the Revised Code and those persons who have been licensed pursuant to section 4729.54 of the Revised Code~~,. The roster shall indicate~~ those persons whose licenses or registration certificates have been suspended, revoked, or surrendered, and those persons whose licenses or registration certificates have not been renewed.

A written statement signed and verified by the executive director of the board or the director's designee in which it is stated that after diligent search of the register no record or entry of the issuance of a license or registration certificate to a person is found is admissible in evidence and constitutes presumptive evidence of the fact that the person is not a licensed terminal distributor or is not a registered wholesale distributor of dangerous drugs pursuant to section 4729.52 or 4729.54 of the Revised Code.

**Sec. 4729.60.** (A)(1) Before a registered wholesale distributor of dangerous drugs licensee identified in division (B)(1)(a) of section 4729.52 of the Revised Code may sell or distribute dangerous drugs at wholesale to any person, except as provided in division (A)(2) of this section, the wholesale distributor licensee shall obtain from the purchaser and the purchaser shall furnish to the wholesale distributor a certificate indicating that query the roster established pursuant to section

4729.59 of the Revised Code to determine whether the purchaser is 55459  
a licensed terminal distributor of dangerous drugs. ~~The~~ 55460  
~~certificate shall be in the form that the state board of pharmacy~~ 55461  
~~shall prescribe, and shall set forth the name of the licensee, the~~ 55462  
~~number of the license, a description of the place or establishment~~ 55463  
~~or each place or establishment for which the license was issued,~~ 55464  
~~the category of licensure, and, if the license is a limited~~ 55465  
~~category I, II, or III license, the dangerous drugs that the~~ 55466  
~~licensee is authorized to possess, have custody or control of, and~~ 55467  
~~distribute. If the results of the query demonstrate that the~~ 55468  
purchaser is licensed, another query regarding that purchaser is 55469  
not required until twelve months have elapsed since the results 55470  
were obtained. 55471

If no ~~certificate is obtained or furnished~~ documented query 55472  
is conducted before a sale is made, it shall be presumed that the 55473  
sale of dangerous drugs by the ~~wholesale distributor~~ licensee is 55474  
in violation of division (B) of section 4729.51 of the Revised 55475  
Code and the purchase of dangerous drugs by the purchaser is in 55476  
violation of division (E) of section 4729.51 of the Revised Code. 55477  
If a ~~registered wholesale distributor of dangerous drugs obtains~~ 55478  
~~or is furnished a certificate from a terminal distributor of~~ 55479  
~~dangerous drugs~~ licensee conducts a documented query at least 55480  
annually and relies on the ~~certificate~~ results of the query in 55481  
selling or distributing dangerous drugs at wholesale to the 55482  
terminal distributor of dangerous drugs, the ~~wholesale distributor~~ 55483  
~~of dangerous drugs~~ licensee shall be deemed not to have violated 55484  
division (B) of section 4729.51 of the Revised Code in making the 55485  
sale. The results of the query shall be documented by the licensee 55486  
and a record shall be maintained for not less than three years 55487  
from the date the query was conducted. 55488

(2) Division (A)(1) of this section does not apply when a 55489  
~~wholesale distributor~~ licensee identified in division (B)(1)(a) of 55490

section 4729.52 of the Revised Code sells or distributes dangerous 55491  
drugs at wholesale to any of the following: 55492

(a) A person specified in division (B)(4) of section 4729.51 55493  
of the Revised Code; 55494

(b) Any of the persons described in divisions (A)(1) to (13) 55495  
of section 4729.541 of the Revised Code, but only if the purchaser 55496  
is not required to obtain licensure as provided in divisions (B) 55497  
to (D) of that section. 55498

(B) Before a licensed terminal distributor of dangerous drugs 55499  
may purchase dangerous drugs at wholesale, the terminal 55500  
distributor shall ~~obtain from the seller and the seller shall~~ 55501  
~~furnish to the terminal distributor the number of~~ query the roster 55502  
established pursuant to section 4729.59 of the Revised Code to 55503  
confirm the seller's registration certificate seller is licensed 55504  
to engage in the sale or distribution of dangerous drugs at 55505  
wholesale. If the results of the query demonstrate that the seller 55506  
is licensed, another query regarding that seller is not required 55507  
until twelve months have elapsed since the results were obtained. 55508  
55509

If no ~~registration number is obtained or furnished~~ documented 55510  
query is conducted before a purchase is made, it shall be presumed 55511  
that the purchase of dangerous drugs by the terminal distributor 55512  
is in violation of division (F) of section 4729.51 of the Revised 55513  
Code and the sale of dangerous drugs by the seller is in violation 55514  
of division (A) of section 4729.51 of the Revised Code. If a 55515  
licensed terminal distributor of dangerous drugs ~~obtains or is~~ 55516  
~~furnished a registration number from a wholesale distributor of~~ 55517  
~~dangerous drugs~~ conducts a documented query at least annually and 55518  
relies on the ~~registration number~~ results of the query in 55519  
purchasing dangerous drugs at wholesale ~~from the wholesale~~ 55520  
~~distributor of dangerous drugs~~, the terminal distributor shall be 55521  
deemed not to have violated division (F) of section 4729.51 of the 55522

Revised Code in making the purchase. The results of the query 55523  
shall be documented by the terminal distributor and a record shall 55524  
be maintained for not less than three years from the date the 55525  
query was conducted. 55526

**Sec. 4729.61.** ~~(A) No person shall make or cause to be made,~~ 55527  
~~or furnish or cause to be furnished to a wholesale distributor of~~ 55528  
~~dangerous drugs, a false certificate required to be furnished to a~~ 55529  
~~wholesale distributor of dangerous drugs by section 4729.60 of the~~ 55530  
~~Revised Code for the purchase of dangerous drugs at wholesale.~~ 55531

~~(B) No person shall make or cause to be made a false~~ 55532  
~~registration certificate of a wholesale distributor of dangerous~~ 55533  
~~drugs or a false or fraudulent license of a terminal distributor~~ 55534  
~~of dangerous drugs or a manufacturer, outsourcing facility,~~ 55535  
~~third-party logistics provider, repackager, or wholesale~~ 55536  
~~distributor of dangerous drugs.~~ 55537

**Sec. 4729.62.** ~~If a wholesale distributor of dangerous drugs~~ 55538  
~~who has been registered ceases to engage in the sale of dangerous~~ 55539  
~~drugs at wholesale, or if a terminal distributor of dangerous~~ 55540  
~~drugs to whom a license has been issued ceases to engage in the~~ 55541  
~~sale of dangerous drugs at retail, such terminal or wholesale~~ 55542  
~~distributor of dangerous drugs~~ person licensed under section 55543  
4729.52 or 4729.54 of the Revised Code ceases to engage in the 55544  
activities for which the license was issued, the person shall 55545  
notify the state board of pharmacy of such fact and shall 55546  
surrender such license ~~or registration certificate~~ to the board 55547  
within a time frame specified by the board in rules adopted under 55548  
section 4729.26 of the Revised Code; provided, that on dissolution 55549  
of a partnership by death, the surviving partner may operate under 55550  
a license ~~or registration certificate~~ issued to the partnership 55551  
until expiration, revocation, or suspension of such license ~~or~~ 55552  
~~registration certificate,~~ and the heirs or legal representatives 55553

of deceased persons, and receivers and trustees in bankruptcy 55554  
appointed by any competent authority, may operate under the 55555  
license ~~or registration certificate~~ issued to the persons 55556  
succeeded in possession by such heir, representative, receiver, or 55557  
trustee in bankruptcy until expiration, revocation, or suspension 55558  
of such license ~~or registration certificate~~. 55559

**Sec. 4729.67.** On receipt of a notice pursuant to section 55560  
3123.43 of the Revised Code, the state board of pharmacy shall 55561  
comply with sections 3123.41 to 3123.50 of the Revised Code and 55562  
any applicable rules adopted under section 3123.63 of the Revised 55563  
Code with respect to a license, ~~identification card~~, or 55564  
certificate of registration issued pursuant to this chapter. 55565

**Sec. 4729.78.** (A) If the state board of pharmacy establishes 55566  
and maintains a drug database pursuant to section 4729.75 of the 55567  
Revised Code, each manufacturer of dangerous drugs, outsourcing 55568  
facility, repackager of dangerous drugs, or wholesale distributor 55569  
of dangerous drugs that delivers drugs ~~in this state~~ to 55570  
prescribers or terminal distributors of dangerous drugs shall 55571  
submit to the board the following purchase information: 55572

(1) Purchaser identification; 55573

(2) Identification of the drug sold; 55574

(3) Quantity of the drug sold; 55575

(4) Date of sale; 55576

(5) The ~~wholesale distributor's~~ license number issued by the 55577  
board. 55578

(B)(1) The information shall be transmitted as specified by 55579  
the board in rules adopted under section 4729.84 of the Revised 55580  
Code. 55581

(2) The information shall be submitted electronically in the 55582

format specified by the board, except that the board may grant a 55583  
waiver allowing ~~the distributor to submit~~ submission of the 55584  
information in another format. 55585

(3) The information shall be submitted in accordance with any 55586  
time limits specified by the board, except that the board may 55587  
grant an extension if either of the following occurs: 55588

(a) The manufacturer, outsourcing facility, repackager, or 55589  
wholesale distributor suffers a mechanical or electronic failure, 55590  
or cannot meet the deadline for other reasons beyond the 55591  
~~distributor's~~ person's control. 55592

(b) The board is unable to receive electronic submissions. 55593

**Sec. 4729.80.** (A) If the state board of pharmacy establishes 55594  
and maintains a drug database pursuant to section 4729.75 of the 55595  
Revised Code, the board is authorized or required to provide 55596  
information from the database ~~in accordance with the following~~ 55597  
only as follows: 55598

(1) On receipt of a request from a designated representative 55599  
of a government entity responsible for the licensure, regulation, 55600  
or discipline of health care professionals with authority to 55601  
prescribe, administer, or dispense drugs, the board may provide to 55602  
the representative information from the database relating to the 55603  
professional who is the subject of an active investigation being 55604  
conducted by the government entity or relating to a professional 55605  
who is acting as an expert witness for the government entity in 55606  
such an investigation. 55607

(2) On receipt of a request from a federal officer, or a 55608  
state or local officer of this or any other state, whose duties 55609  
include enforcing laws relating to drugs, the board shall provide 55610  
to the officer information from the database relating to the 55611  
person who is the subject of an active investigation of a drug 55612

abuse offense, as defined in section 2925.01 of the Revised Code, 55613  
being conducted by the officer's employing government entity. 55614

(3) Pursuant to a subpoena issued by a grand jury, the board 55615  
shall provide to the grand jury information from the database 55616  
relating to the person who is the subject of an investigation 55617  
being conducted by the grand jury. 55618

(4) Pursuant to a subpoena, search warrant, or court order in 55619  
connection with the investigation or prosecution of a possible or 55620  
alleged criminal offense, the board shall provide information from 55621  
the database as necessary to comply with the subpoena, search 55622  
warrant, or court order. 55623

(5) On receipt of a request from a prescriber or the 55624  
prescriber's delegate approved by the board, the board shall 55625  
provide to the prescriber a report of information from the 55626  
database relating to a patient who is either a current patient of 55627  
the prescriber or a potential patient of the prescriber based on a 55628  
referral of the patient to the prescriber, if all of the following 55629  
conditions are met: 55630

(a) The prescriber certifies in a form specified by the board 55631  
that it is for the purpose of providing medical treatment to the 55632  
patient who is the subject of the request; 55633

(b) The prescriber has not been denied access to the database 55634  
by the board. 55635

(6) On receipt of a request from a pharmacist or the 55636  
pharmacist's delegate approved by the board, the board shall 55637  
provide to the pharmacist information from the database relating 55638  
to a current patient of the pharmacist, if the pharmacist 55639  
certifies in a form specified by the board that it is for the 55640  
purpose of the pharmacist's practice of pharmacy involving the 55641  
patient who is the subject of the request and the pharmacist has 55642  
not been denied access to the database by the board. 55643

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own ~~database information~~ prescription history.

(8) On receipt of a request from a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or

reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 55676  
Revised Code, if the administrator of workers' compensation 55677  
confirms, upon request from the board, that the claimant is 55678  
assigned to the managed care organization. 55679

(11) On receipt of a request from the administrator of 55680  
workers' compensation, the board shall provide to the 55681  
administrator information from the database relating to a claimant 55682  
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 55683  
including information in the database related to prescriptions for 55684  
the claimant that were not covered or reimbursed under Chapter 55685  
4121., 4123., 4127., or 4131. of the Revised Code. 55686

(12) On receipt of a request from a prescriber or the 55687  
prescriber's delegate approved by the board, the board shall 55688  
provide to the prescriber information from the database relating 55689  
to a patient's mother, if the prescriber certifies in a form 55690  
specified by the board that it is for the purpose of providing 55691  
medical treatment to a newborn or infant patient diagnosed as 55692  
opioid dependent and the prescriber has not been denied access to 55693  
the database by the board. 55694

(13) On receipt of a request from the director of health, the 55695  
board shall provide to the director information from the database 55696  
relating to the duties of the director or the department of health 55697  
in implementing the Ohio violent death reporting system 55698  
established under section 3701.93 of the Revised Code. 55699

(14) On receipt of a request from a requestor described in 55700  
division (A)(1), (2), (5), or (6) of this section who is from or 55701  
participating with another state's prescription monitoring 55702  
program, the board may provide to the requestor information from 55703  
the database, but only if there is a written agreement under which 55704  
the information is to be used and disseminated according to the 55705  
laws of this state. 55706

(15) On receipt of a request from a delegate of a retail dispensary licensed under Chapter 3796. of the Revised Code who is approved by the board to serve as the dispensary's delegate, the board shall provide to the delegate a report of information from the database pertaining only to a patient's use of medical marijuana, if both of the following conditions are met:

(a) The delegate certifies in a form specified by the board that it is for the purpose of dispensing medical marijuana for use in accordance with Chapter 3796. of the Revised Code.

(b) The retail dispensary or delegate has not been denied access to the database by the board.

(16) On receipt of a request from a judge of a program certified by the Ohio supreme court as a specialized docket program for drugs, the board shall provide to the judge, or an employee of the program who is designated by the judge to receive the information, information from the database that relates specifically to a current or prospective program participant.

(17) On receipt of a request from a coroner, deputy coroner, or coroner's delegate approved by the board, the board shall provide to the requestor information from the database relating to a deceased person about whom the coroner is conducting or has conducted an autopsy or investigation.

(18) On receipt of a request from a prescriber, the board may provide to the prescriber a summary of the prescriber's prescribing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(B) The state board of pharmacy shall maintain a record of each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may

use the records to document and report statistics and law enforcement outcomes.

The board may provide records of an individual's requests for database information only to the following:

(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active criminal or disciplinary investigation being conducted by the government entity of the individual who submitted the requests for database information;

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information;

(3) A designated representative of the department of medicaid regarding a prescriber who is treating or has treated a recipient of a program administered by the department and who submitted the requests for database information.

(C) Information contained in the database and any information obtained from it is confidential and is not a public record. Information contained in the records of requests for information from the database is confidential and is not a public record. Information contained in the database that does not identify a person, including any licensee or registrant of the board or other entity, may be released in summary, statistical, or aggregate form.

~~(D) Information contained in the database may be provided only as expressly permitted in law, including any information contained in the database that relates to any person, including~~

~~any licensee or registrant of the board or other entity.~~ 55769

~~(E)~~ A pharmacist or prescriber shall not be held liable in 55770  
damages to any person in any civil action for injury, death, or 55771  
loss to person or property on the basis that the pharmacist or 55772  
prescriber did or did not seek or obtain information from the 55773  
database. 55774

**Sec. 4729.82.** (A) If the state board of pharmacy establishes 55775  
a drug database pursuant to section 4729.75 of the Revised Code, 55776  
the information collected for the database shall be retained in 55777  
the database and accessible to persons listed in division (A) of 55778  
section 4729.80 of the Revised Code for at least ~~three~~ five years. 55779  
Any 55780

(B) Except as provided in division (C) of this section, any 55781  
information that identifies a patient shall be destroyed after it 55782  
has been retained for ~~three~~ five years unless a law enforcement 55783  
agency or a government entity responsible for the licensure, 55784  
regulation, or discipline of licensed health professionals 55785  
authorized to prescribe drugs has submitted a written request to 55786  
the board for retention of the information in accordance with 55787  
rules adopted by the board under section 4729.84 of the Revised 55788  
Code. 55789

(C) The board may retain information that identifies a 55790  
patient for a period in excess of five years if the board 55791  
considers retention of the information necessary to serve an 55792  
investigatory or public health purpose. 55793

**Sec. 4729.83.** (A) If the state board of pharmacy establishes 55794  
and maintains a drug database pursuant to section 4729.75 of the 55795  
Revised Code, the board may use, for the purpose of establishing 55796  
or maintaining the database, any portion of the licensure or 55797  
registration fees collected under ~~section 4729.15, 4729.52, or~~ 55798

~~4729.54 of the Revised Code for the licensing or registration of~~ 55799  
~~pharmacists, pharmacy interns, wholesale distributors of dangerous~~ 55800  
~~drugs, or terminal distributors of dangerous drugs~~ this chapter. 55801  
The board shall not increase the amount of any of those fees 55802  
solely for the purpose of establishing or maintaining the 55803  
database. 55804

The board shall not impose any charge on a prescriber for the 55805  
establishment or maintenance of the database. The board shall not 55806  
charge any fees for the transmission of data to the database or 55807  
for the receipt of information from the database, except that the 55808  
board may charge a fee in accordance with rules adopted under 55809  
section 4729.84 of the Revised Code to an individual who requests 55810  
the individual's own database information under section 4729.80 of 55811  
the Revised Code. 55812

(B) The board may accept grants, gifts, or donations for 55813  
purposes of the drug database. Any money received shall be 55814  
deposited into the state treasury to the credit of the drug 55815  
database fund, which is hereby created. Money in the fund shall be 55816  
used solely for purposes of the drug database. 55817

**Sec. 4729.84.** For purposes of establishing and maintaining a 55818  
drug database pursuant to section 4729.75 of the Revised Code, the 55819  
state board of pharmacy shall adopt rules in accordance with 55820  
Chapter 119. of the Revised Code to carry out and enforce sections 55821  
4729.75 to 4729.83 of the Revised Code. The rules shall specify 55822  
all of the following: 55823

(A) A means of identifying each patient, each terminal 55824  
distributor of dangerous drugs, each purchase at wholesale of 55825  
dangerous drugs, and each retail dispensary licensed under Chapter 55826  
3796. of the Revised Code about which information is entered into 55827  
the drug database; 55828

(B) Requirements for the transmission of information from 55829

terminal distributors of dangerous drugs, manufacturers of 55830  
dangerous drugs, outsourcing facilities, repackagers of dangerous 55831  
drugs, wholesale distributors of dangerous drugs, prescribers, and 55832  
retail dispensaries; 55833

(C) An electronic format for the submission of information 55834  
from ~~terminal distributors, wholesale distributors, prescribers,~~ 55835  
~~and retail dispensaries~~ persons identified in division (B) of this 55836  
section; 55837

(D) A procedure whereby a ~~terminal distributor, wholesale~~ 55838  
~~distributor, prescriber, or retail dispensary~~ person unable to 55839  
submit information electronically may obtain a waiver to submit 55840  
information in another format; 55841

(E) A procedure whereby the board may grant a request from a 55842  
law enforcement agency or a government entity responsible for the 55843  
licensure, regulation, or discipline of licensed health 55844  
professionals authorized to prescribe drugs that information that 55845  
has been stored for three years be retained when the information 55846  
pertains to an open investigation being conducted by the agency or 55847  
entity; 55848

(F) A procedure whereby a ~~terminal distributor, wholesale~~ 55849  
~~distributor, prescriber, or retail dispensary~~ person identified in 55850  
division (B) of this section may apply for an extension to the 55851  
time by which information must be transmitted to the board; 55852

(G) A procedure whereby a person or government entity to 55853  
which the board is authorized to provide information may submit a 55854  
request to the board for the information and the board may verify 55855  
the identity of the requestor; 55856

(H) A procedure whereby the board can use the database 55857  
request records required by division (B) of section 4729.80 of the 55858  
Revised Code to document and report statistics and law enforcement 55859  
outcomes; 55860

(I) A procedure whereby an individual may request the individual's own database information and the board may verify the identity of the requestor;

(J) A reasonable fee that the board may charge under section 4729.83 of the Revised Code for providing an individual with the individual's own database information pursuant to section 4729.80 of the Revised Code;

(K) The other specific dangerous drugs that, in addition to controlled substances, must be included in the database;

(L) The types of pharmacies licensed as terminal distributors of dangerous drugs that are required to submit prescription information to the board pursuant to section 4729.77 of the Revised Code;

(M) The information regarding medical marijuana dispensed to a patient that a retail dispensary is required to submit to the board pursuant to section 4729.771 of the Revised Code.

**Sec. 4729.85.** If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board shall prepare reports regarding the database and present or submit them in accordance with both of the following:

(A) The board shall present a biennial report to the standing committees of the house of representatives and the senate that are primarily responsible for considering health and human services issues. Each report shall include all of the following:

(1) The cost to the state of establishing and maintaining the database;

(2) Information from the board, terminal distributors of dangerous drugs, prescribers, and retail dispensaries licensed under Chapter 3796. of the Revised Code regarding the board's

effectiveness in providing information from the database; 55891

(3) The board's timeliness in transmitting information from 55892  
the database. 55893

(B) The board shall submit a semiannual report to the 55894  
governor, the president of the senate, the speaker of the house of 55895  
representatives, the attorney general, the chairpersons of the 55896  
standing committees of the house of representatives and the senate 55897  
that are primarily responsible for considering health and human 55898  
services issues, the department of public safety, the state dental 55899  
board, the board of nursing, the state ~~board of optometry~~ vision 55900  
and hearing professionals board, the state medical board, and the 55901  
state veterinary medical licensing board. The state board of 55902  
pharmacy shall make the report available to the public on its 55903  
internet web site. Each report submitted shall include all of the 55904  
following for the period covered by the report: 55905

(1) An aggregate of the information submitted to the board 55906  
under section 4729.77 of the Revised Code regarding prescriptions 55907  
for controlled substances containing opioids, including all of the 55908  
following: 55909

(a) The number of prescribers who issued the prescriptions; 55910

(b) The number of patients to whom the controlled substances 55911  
were dispensed; 55912

(c) The average quantity of the controlled substances 55913  
dispensed per prescription; 55914

(d) The average daily morphine equivalent dose of the 55915  
controlled substances dispensed per prescription. 55916

(2) An aggregate of the information submitted to the board 55917  
under section 4729.79 of the Revised Code regarding controlled 55918  
substances containing opioids that have been personally furnished 55919  
to a patient by a prescriber, other than a prescriber who is a 55920

|   |   |
|---|---|
| veterinarian, including all of the following:   | 55921   |
| (a) The number of prescribers who personally furnished the controlled substances;   | 55922<br>55923  |
| (b) The number of patients to whom the controlled substances were personally furnished;   | 55924<br>55925  |
| (c) The average quantity of the controlled substances that were furnished at one time;  | 55926<br>55927  |
| (d) The average daily morphine equivalent dose of the controlled substances that were furnished at one time.  | 55928<br>55929  |
| (3) An aggregate of the information submitted to the board under section 4729.771 of the Revised Code regarding medical marijuana.  | 55930<br>55931<br>55932                                     |
| <br>  |   |
| <b>Sec. 4729.86.</b> If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:  | 55933<br>55934<br>55935                                     |
| (A)(1) No person identified in divisions (A)(1) to (13) <del>or</del> (15) <u>to (18)</u> , or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:   | 55936<br>55937<br>55938<br>55939<br>55940<br>55941          |
| (a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;   | 55942<br>55943  |
| (b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code for whom the person is approved by the board to serve as a delegate of the prescriber, pharmacist, or retail dispensary for purposes of requesting and receiving information from the drug database under division (A)(5), (6), or (15) of section 4729.80 of the Revised Code; | 55944<br>55945<br>55946<br>55947<br>55948<br>55949<br>55950 |

(c) When a prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code provides the information to a person who is approved by the board to serve as such a delegate of the prescriber, pharmacist, or retail dispensary;

(d) When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code.

(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database.

(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code.

(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding.

(C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case:

(a) The person violates division (A)(1), (2), or (3) of this section;

(b) The person is a requestor identified in division (A)(14) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section;

(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to

comply occurred; 55981

(d) The person creates, by clear and convincing evidence, a 55982  
threat to the security of information contained in the database. 55983

(2) If the board determines that allegations regarding a 55984  
person's actions warrant restricting the person from obtaining 55985  
further information from the drug database without a prior 55986  
hearing, the board may summarily impose the restriction. A 55987  
telephone conference call may be used for reviewing the 55988  
allegations and taking a vote on the summary restriction. The 55989  
summary restriction shall remain in effect, unless removed by the 55990  
board, until the board's final adjudication order becomes 55991  
effective. 55992

(3) The board shall determine the extent to which the person 55993  
is restricted from obtaining further information from the 55994  
database. 55995

**Sec. 4730.05.** (A) There is hereby created the physician 55996  
assistant policy committee of the state medical board. The 55997  
president of the board shall appoint the members of the committee. 55998  
The committee shall consist of the seven members specified in 55999  
divisions (A)(1) to (3) of this section. When the committee is 56000  
developing or revising policy and procedures for 56001  
physician-delegated prescriptive authority for physician 56002  
assistants, the committee shall include the two additional members 56003  
specified in division (A)(4) of this section. 56004

(1) Three members of the committee shall be physicians. Of 56005  
the physician members, one shall be a member of the state medical 56006  
board, one shall be appointed from a list of five physicians 56007  
recommended by the Ohio state medical association, and one shall 56008  
be appointed from a list of five physicians recommended by the 56009  
Ohio osteopathic association. At all times, the physician 56010  
membership of the committee shall include at least one physician 56011

who is a supervising physician of a physician assistant, 56012  
preferably with at least two years' experience as a supervising 56013  
physician. 56014

(2) Three members shall be physician assistants appointed 56015  
from a list of five individuals recommended by the Ohio 56016  
association of physician assistants. 56017

(3) One member, who is not affiliated with any health care 56018  
profession, shall be appointed to represent the interests of 56019  
consumers. 56020

(4) The two additional members, appointed to serve only when 56021  
the committee is developing or revising policy and procedures for 56022  
physician-delegated prescriptive authority for physician 56023  
assistants, shall be pharmacists. Of these members, one shall be 56024  
appointed from a list of five clinical pharmacists recommended by 56025  
the Ohio pharmacists association and one shall be appointed from 56026  
the pharmacist members of the state board of pharmacy, preferably 56027  
from among the members who are clinical pharmacists. 56028

The pharmacist members shall have voting privileges only for 56029  
purposes of developing or revising policy and procedures for 56030  
physician-delegated prescriptive authority for physician 56031  
assistants. Presence of the pharmacist members shall not be 56032  
required for the transaction of any other business. 56033

(B) Terms of office shall be for two years, with each term 56034  
ending on the same day of the same month as did the term that it 56035  
succeeds. Each member shall hold office from the date of being 56036  
appointed until the end of the term for which the member was 56037  
appointed. Members may be reappointed, except that a member may 56038  
not be appointed to serve more than three consecutive terms. As 56039  
vacancies occur, a successor shall be appointed who has the 56040  
qualifications the vacancy requires. A member appointed to fill a 56041  
vacancy occurring prior to the expiration of the term for which a 56042

predecessor was appointed shall hold office as a member for the 56043  
remainder of that term. A member shall continue in office 56044  
subsequent to the expiration date of the member's term until a 56045  
successor takes office or until a period of sixty days has 56046  
elapsed, whichever occurs first. 56047

(C) Each member of the committee shall receive ~~an amount~~ 56048  
~~fixed pursuant to division (J) of section 124.15 of the Revised~~ 56049  
~~Code for each day employed in the discharge of official duties as~~ 56050  
~~a member, and shall also receive~~ the member's necessary and actual 56051  
expenses incurred in the performance of official duties as a 56052  
member. 56053

(D) The committee members specified in divisions (A)(1) to 56054  
(3) of this section by a majority vote shall elect a chairperson 56055  
from among those members. The members may elect a new chairperson 56056  
at any time. 56057

(E) The state medical board may appoint assistants, clerical 56058  
staff, or other employees as necessary for the committee to 56059  
perform its duties adequately. 56060

(F) The committee shall meet at least four times a year and 56061  
at such other times as may be necessary to carry out its 56062  
responsibilities. 56063

**Sec. 4731.04. As used in this chapter:** 56064

(A) "Cosmetic therapy" means the permanent removal of hair 56065  
from the human body through the use of electric modalities 56066  
approved by the state medical board for use in cosmetic therapy 56067  
and may include the systematic friction, stroking, slapping, and 56068  
kneading or tapping of the face, neck, scalp, or shoulders. 56069

(B) "Fifth pathway training" means supervised clinical 56070  
training obtained in the United States as a substitute for the 56071  
internship or social service requirements of a foreign medical 56072

school. 56073

(C) "Graduate medical education" means education received 56074  
through any of the following: 56075

(1) An internship or residency program conducted in the 56076  
United States and accredited by either the accreditation council 56077  
for graduate medical education of the American medical association 56078  
or the American osteopathic association; 56079

(2) A clinical fellowship program conducted in the United 56080  
States at an institution with a residency program accredited by 56081  
either the accreditation council for graduate medical education of 56082  
the American medical association or the American osteopathic 56083  
association that is in a clinical field the same as or related to 56084  
the clinical field of the fellowship program; 56085

(3) An internship program conducted in Canada and accredited 56086  
by the committee on accreditation of preregistration physician 56087  
training programs of the federation of provincial medical 56088  
licensing authorities of Canada; 56089

(4) A residency program conducted in Canada and accredited by 56090  
either the royal college of physicians and surgeons of Canada or 56091  
the college of family physicians of Canada. 56092

(D) "Massage therapy" means the treatment of disorders of the 56093  
human body by the manipulation of soft tissue through the 56094  
systematic external application of massage techniques including 56095  
touch, stroking, friction, vibration, percussion, kneading, 56096  
stretching, compression, and joint movements within the normal 56097  
physiologic range of motion; and adjunctive thereto, the external 56098  
application of water, heat, cold, topical preparations, and 56099  
mechanical devices. 56100

**Sec. 4731.051.** The state medical board shall adopt rules in 56101  
accordance with Chapter 119. of the Revised Code establishing 56102

universal blood and body fluid precautions that shall be used by 56103  
each person who performs exposure prone invasive procedures and is 56104  
authorized to practice by this chapter or Chapter 4730., 4759., 56105  
4760., 4761., 4762., or 4774. of the Revised Code. The rules shall 56106  
define and establish requirements for universal blood and body 56107  
fluid precautions that include the following: 56108

(A) Appropriate use of hand washing; 56109

(B) Disinfection and sterilization of equipment; 56110

(C) Handling and disposal of needles and other sharp 56111  
instruments; 56112

(D) Wearing and disposal of gloves and other protective 56113  
garments and devices. 56114

**Sec. 4731.07.** (A) The state medical board shall keep a record 56115  
of its proceedings. The minutes of a meeting of the board shall, 56116  
on approval by the board, constitute an official record of its 56117  
proceedings. 56118

(B) The board shall keep a register of applicants for 56119  
certificates ~~to practice~~ issued under this chapter and Chapters 56120  
4760., 4762., and 4774. of the Revised Code and licenses issued 56121  
under this chapter and Chapters 4730. and 4778. of the Revised 56122  
Code. The register shall show the name of the applicant and 56123  
whether the applicant was granted or refused a certificate or 56124  
license. With respect to applicants to practice medicine and 56125  
surgery or osteopathic medicine and surgery, the register shall 56126  
show the name of the institution that granted the applicant the 56127  
degree of doctor of medicine or osteopathic medicine. The books 56128  
and records of the board shall be prima-facie evidence of matters 56129  
therein contained. 56130

**Sec. 4731.071.** The state medical board shall develop and 56131  
publish on its internet web site a directory containing the names 56132

of, and contact information for, all persons who hold current, 56133  
valid certificates or licenses issued by the board under this 56134  
chapter or Chapter 4730., ~~4759.~~, 4760., ~~4761.~~, 4762., 4774., or 56135  
4778. of the Revised Code. Except as provided in section 4731.10 56136  
of the Revised Code, the directory shall be the sole source for 56137  
verifying that a person holds a current, valid certificate or 56138  
license issued by the board. 56139

**Sec. ~~4731.081~~ 4731.08.** In addition to any other eligibility 56140  
requirement set forth in this chapter, each applicant for a 56141  
~~certificate~~ license to practice medicine and surgery or 56142  
osteopathic medicine and surgery shall comply with sections 56143  
4776.01 to 4776.04 of the Revised Code. The state medical board 56144  
shall not grant to an applicant a ~~certificate~~ license to practice 56145  
medicine and surgery or osteopathic medicine and surgery unless 56146  
the board, in its discretion, decides that the results of the 56147  
criminal records check do not make the applicant ineligible for a 56148  
~~certificate~~ license issued pursuant to section 4731.14 of the 56149  
Revised Code. 56150

**Sec. ~~4731.091~~ 4731.09.** (A) ~~As used in this section and in~~ 56151  
~~section 4731.092 of the Revised Code:~~ 56152

~~(1) "Graduate medical education" means education received~~ 56153  
~~through any of the following:~~ 56154

~~(a) An internship or residency program conducted in the~~ 56155  
~~United States and accredited by either the accreditation council~~ 56156  
~~for graduate medical education of the American medical association~~ 56157  
~~or the American osteopathic association;~~ 56158

~~(b) A clinical fellowship program conducted in the United~~ 56159  
~~States at an institution with a residency program accredited by~~ 56160  
~~either the accreditation council for graduate medical education of~~ 56161  
~~the American medical association or the American osteopathic~~ 56162

~~association that is in a clinical field the same as or related to 56163  
the clinical field of the fellowship program; 56164~~

~~(c) An internship program conducted in Canada and accredited 56165  
by the committee on accreditation of preregistration physician 56166  
training programs of the federation of provincial medical 56167  
licensing authorities of Canada; 56168~~

~~(d) A residency program conducted in Canada and accredited by 56169  
either the royal college of physicians and surgeons of Canada or 56170  
the college of family physicians of Canada. 56171~~

~~(2) "Fifth pathway training" means supervised clinical 56172  
training obtained in the United States as a substitute for the 56173  
internship or social service requirements of a foreign medical 56174  
school. 56175~~

~~(B) To be eligible for admission to the examination conducted 56176  
by the state medical board under section 4731.13 of the Revised 56177  
Code, an applicant must meet the medical education and graduate 56178  
medical education requirements specified in any one of the 56179  
following and any additional requirements of division (C) of this 56180  
section An applicant for a license to practice medicine and 56181  
surgery or osteopathic medicine and surgery must meet all of the 56182  
following requirements: 56183~~

~~(1) Be at least eighteen years of age and of good moral 56184  
character; 56185~~

~~(2) Possess a high school diploma or a certificate of high 56186  
school equivalence or have obtained the equivalent of such 56187  
education as determined by the state medical board; 56188~~

~~(3) Have completed two years of undergraduate work in a 56189  
college of arts and sciences or the equivalent of such education 56190  
as determined by the board; 56191~~

~~(4) Meet one of the following medical education and graduate 56192~~

medical education requirements: 56193

(a) Hold a diploma from a medical school or osteopathic 56194  
medical school that, at the time the diploma was issued, was a 56195  
medical school accredited by the liaison committee on medical 56196  
education or an osteopathic medical school accredited by the 56197  
American osteopathic association and have successfully completed 56198  
not less than ~~nine~~ twelve months of graduate medical education 56199  
through the first-year level of graduate medical education or its 56200  
equivalent as determined by the board; 56201

~~(2)~~(b) Hold certification from the educational commission for 56202  
foreign medical graduates and have successfully completed not less 56203  
than ~~nine~~ twenty-four months of graduate medical education through 56204  
the ~~first-year~~ second-year level of graduate medical education or 56205  
its equivalent as determined by the board; 56206

~~(3)~~(c) Be a qualified graduate of a fifth pathway training 56207  
program as recognized by the board under section ~~4731.092~~ 4731.091 56208  
of the Revised Code and have successfully completed, subsequent to 56209  
completing fifth pathway training, not less than ~~nine~~ twelve 56210  
months of graduate medical education or its equivalent as 56211  
determined by the board. 56212

(5) Have successfully passed an examination prescribed in 56213  
rules adopted by the board to determine competency to practice 56214  
medicine and surgery or osteopathic medicine and surgery; 56215

(6) Comply with section 4731.08 of the Revised Code; 56216

(7) Meet the requirements of section 4731.142 of the Revised 56217  
Code if eligibility for the license applied for is based in part 56218  
on certification from the educational commission for foreign 56219  
medical graduates and the undergraduate education requirements 56220  
established by this section were fulfilled at an institution 56221  
outside of the United States. 56222

~~(C) If an applicant holding certification from the~~ 56223

~~educational commission for foreign medical graduates received the 56224  
core clinical instruction segment of the applicant's medical 56225  
education at an institution in the United States, the board may 56226  
require that to be eligible for admission to its examination, the 56227  
applicant must have received the instruction at either of the 56228  
following: 56229~~

~~(1) An institution that, at the time of the instruction, was 56230  
a formal part of or had formal affiliation with a medical school 56231  
accredited by the liaison committee on medical education or an 56232  
osteopathic medical school accredited by the American osteopathic 56233  
association. 56234~~

~~(2) An institution with, at the time of the instruction, a 56235  
graduate medical education program accredited by either the 56236  
accreditation council for graduate medical education of the 56237  
American medical association or the American osteopathic 56238  
association that is in a field the same as or related to the core 56239  
clinical instruction (B) An applicant for a license to practice 56240  
medicine and surgery or osteopathic medicine and surgery shall 56241  
submit to the board an application in the form and manner 56242  
prescribed by the board. The application must include all of the 56243  
following: 56244~~

~~(1) Evidence satisfactory to the board to demonstrate that 56245  
the applicant meets all of the requirements of division (A) of 56246  
this section; 56247~~

~~(2) An affidavit from the applicant attesting to the accuracy 56248  
and truthfulness of the information submitted under this section; 56249~~

~~(3) Consent to the release of the applicant's information; 56250~~

~~(4) Any other information required by rules adopted by the 56251  
board. 56252~~

~~(C) An applicant for a license to practice medicine and 56253  
surgery or osteopathic medicine and surgery shall include with the 56254~~

application a fee of three hundred five dollars, no part of which 56255  
may be returned. An application is not considered submitted until 56256  
the board receives the fee. 56257

(D) The board may conduct an investigation related to the 56258  
application materials received pursuant to this section and may 56259  
contact any individual, agency, or organization for 56260  
recommendations or other information about the applicant. 56261

(E) The board shall conclude any investigation of an 56262  
applicant conducted under section 4731.22 of the Revised Code not 56263  
later than ninety days after receipt of a complete application 56264  
unless the applicant agrees in writing to an extension or the 56265  
board determines that there is a substantial question of a 56266  
violation of this chapter or the rules adopted under it and 56267  
notifies the applicant in writing of the reasons for continuation 56268  
of the investigation. If the board determines that the applicant 56269  
is not in violation of this chapter or the rules adopted under it, 56270  
the board shall issue a license not later than forty-five days 56271  
after making that determination. 56272

**Sec. ~~4731.092~~ 4731.091.** To be recognized by the state medical 56273  
board as a qualified graduate of a fifth pathway training program, 56274  
an applicant shall submit evidence satisfactory to the board that 56275  
~~he~~ the applicant has done all of the following: 56276

(A) Studied medicine in a foreign medical school acknowledged 56277  
by the world health organization and verified by a member state of 56278  
that organization as operating within the state's jurisdiction at 56279  
the time ~~he~~ the applicant studied medicine; 56280

(B) Successfully completed all the formal requirements of the 56281  
foreign medical school except internship or social service 56282  
requirements; 56283

(C) Prior to entrance into the fifth pathway training 56284

program, attained on a screening examination acceptable to the 56285  
board a score satisfactory to a medical school accredited by the 56286  
liaison committee on medical education; 56287

(D) Successfully completed one academic year of fifth pathway 56288  
training at a hospital affiliated with a medical school accredited 56289  
by the liaison committee on medical education. 56290

**Sec. 4731.10.** Upon the request of a person who holds a 56291  
license or certificate to practice in this state pursuant to 56292  
Chapter 4731. of the Revised Code issued under this chapter and is 56293  
seeking licensure in another state, the state medical board shall 56294  
provide verification of the person's license or certificate to 56295  
practice the person's profession in this state. The fee for such 56296  
verification ~~shall be~~ is fifty dollars. 56297

**Sec. 4731.14.** (A) ~~As used in this section, "graduate medical~~ 56298  
~~education" has the same meaning as in section 4731.091 of the~~ 56299  
~~Revised Code~~ The state medical board shall review all applications 56300  
submitted under section 4731.09 or 4731.296 of the Revised Code 56301  
and determine whether each applicant meets the requirements for a 56302  
license to practice medicine and surgery or osteopathic medicine 56303  
and surgery. An affirmative vote of not fewer than six members of 56304  
the board is necessary for the board to determine that an 56305  
applicant meets the requirements for a license. 56306

(B) ~~The state medical board shall issue its certificate to~~ 56307  
~~practice medicine and surgery or osteopathic medicine and surgery~~ 56308  
~~as follows:~~ 56309

~~(1) The board shall issue its certificate to each individual~~ 56310  
~~who was admitted to the board's examination by meeting the~~ 56311  
~~educational requirements specified in division (B)(1) or (3) of~~ 56312  
~~section 4731.091 of the Revised Code if the individual passes the~~ 56313  
~~examination, pays a certificate issuance fee of three hundred~~ 56314

dollars, and submits evidence satisfactory to the board that the individual has successfully completed not less than twelve months of graduate medical education or its equivalent as determined by the board.

~~(2) Except as provided in section 4731.142 of the Revised Code, the board shall issue its certificate to each individual who was admitted to the board's examination by meeting the educational requirements specified in division (B)(2) of section 4731.091 of the Revised Code if the individual passes the examination, pays a certificate issuance fee of three hundred dollars, submits evidence satisfactory to the board that the individual has successfully completed not less than twenty four months of graduate medical education through the second year level of graduate medical education or its equivalent as determined by the board, and, if the individual passed the examination prior to completing twenty four months of graduate medical education or its equivalent, the individual continues to meet the moral character requirements for admission to the board's examination.~~

(C) If the board determines that the evidence submitted with an application is satisfactory and the applicant meets the requirements for a license, the board shall issue to the applicant a license to practice medicine and surgery or osteopathic medicine and surgery, as applicable. If the applicant holds a medical degree other than the degree of doctor of medicine or doctor of osteopathic medicine, the license shall indicate that the applicant is authorized to practice medicine and surgery pursuant to the laws of this state. Each certificate license issued by the board shall be signed by its president and secretary, and attested by its seal. The certificate shall be on a form prescribed by the board and shall indicate the medical degree held by the individual to whom the certificate is issued. If the individual holds the degree of doctor of medicine, the certificate shall state that the

~~individual is authorized to practice medicine and surgery pursuant to the laws of this state. If the individual holds the degree of doctor of osteopathic medicine, the certificate shall state that the individual is authorized to practice osteopathic medicine and surgery pursuant to the laws of this state. If the individual holds a medical degree other than the degree of doctor of medicine or doctor of osteopathic medicine, the certificate shall indicate the diploma, degree, or other document issued by the medical school or institution the individual attended and shall state that the individual is authorized to practice medicine and surgery pursuant to the laws of this state.~~

(C) The holder of a license to practice medicine and surgery issued under this chapter may use the titles "Dr.," "doctor," "M.D.," or "physician." The holder of a license to practice osteopathic medicine and surgery issued under this chapter may use the titles "Dr.," "doctor," "D.O.," or "physician."

~~(D) The certificate shall be prominently displayed in the certificate holder's office or place where a major portion of the certificate holder's practice is conducted and shall entitle the holder to practice either medicine and surgery or osteopathic medicine and surgery provided the certificate holder maintains current registration as required by section 4731.281 of the Revised Code and provided further that such certificate has not been revoked, suspended, or limited by action of the state medical board pursuant to this chapter holder of a license issued under this section shall either provide verification of licensure status from the board's internet web site on request or prominently display a wall certificate in the license holder's office or place where the majority of the holder's practice is conducted.~~

(E) An affirmative vote of not less than six members of the board is required for the issuance of a certificate.

Sec. 4731.142. (A) Except as provided in division (B) of this section, an individual must demonstrate proficiency in spoken English, by passing an examination specified by the state medical board, to receive a ~~certificate~~ license to practice issued under section 4731.14 of the Revised Code if the individual's eligibility for the ~~certificate~~ license is based in part on certification from the educational commission for foreign medical graduates and fulfillment of the undergraduate requirements established by section 4731.09 of the Revised Code at an institution outside the United States. The board shall adopt rules specifying an acceptable examination and establishing the minimum score that demonstrates proficiency in spoken English.

(B) An individual is not required to demonstrate proficiency in spoken English in accordance with division (A) of this section if any of the following apply:

(1) The individual was required to demonstrate such proficiency as a condition of certification from the educational commission for foreign medical graduates;

(2) For the five years immediately preceding the date on which the applicant submitted to the board an application as described in section 4731.09 of the Revised Code, the applicant held an unrestricted license issued by another state to practice medicine and surgery or osteopathic medicine and surgery and was actively engaged in such practice in the United States;

(3) At the beginning of the five-year period preceding the date on which the applicant submitted to the board an application as described in section 4731.09 of the Revised Code, the applicant was receiving graduate medical education and, upon completion of that education, held an unrestricted license issued by another state to practice medicine and surgery or osteopathic medicine and surgery and was actively engaged in such practice in the United

States. 56409

**Sec. 4731.143.** (A) Each person holding a valid ~~certificate~~ license issued under this chapter authorizing the ~~certificate~~ license holder to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, who is not covered by medical malpractice insurance shall provide a patient with written notice of the ~~certificate~~ license holder's lack of that insurance coverage prior to providing nonemergency professional services to the patient. The notice shall be provided alone on its own page. The notice shall provide space for the patient to acknowledge receipt of the notice, and shall be in the following form: 56410-56420

"N O T I C E: 56421

Dr. .... (here state the full name of the ~~certificate~~ license holder) is not covered by medical malpractice insurance. 56422-56424

The undersigned acknowledges the receipt of this notice. 56425  
..... 56426  
(Patient's Signature) 56427  
..... 56428  
(Date)" 56429

The ~~certificate~~ license holder shall obtain the patient's signature, acknowledging the patient's receipt of the notice, prior to providing nonemergency professional services to the patient. The ~~certificate~~ license holder shall maintain the signed notice in the patient's ~~file~~ medical record. 56430-56434

(B) This section does not apply to any officer or employee of the state, as those terms are defined in section 9.85 of the Revised Code, who is immune from civil liability under section 9.86 of the Revised Code or is entitled to indemnification 56435-56438

pursuant to section 9.87 of the Revised Code, to the extent that 56439  
the person is acting within the scope of the person's employment 56440  
or official responsibilities. 56441

This section does not apply to a person who complies with 56442  
division (B)(2) of section 2305.234 of the Revised Code. 56443

(C) As used in this section, "medical malpractice insurance" 56444  
means insurance coverage against the legal liability of the 56445  
insured and against loss, damage, or expense incident to a claim 56446  
arising out of the death, disease, or injury of any person as the 56447  
result of negligence or malpractice in rendering professional 56448  
service by any licensed physician, podiatrist, or hospital, as 56449  
those terms are defined in section 2305.113 of the Revised Code. 56450

**Sec. 4731.15.** (A)~~(1)~~ The state medical board also shall 56451  
regulate the following limited branches of medicine: massage 56452  
therapy and cosmetic therapy, and to the extent specified in 56453  
section 4731.151 of the Revised Code, naprapathy and 56454  
mechanotherapy. The board shall adopt rules governing the limited 56455  
branches of medicine under its jurisdiction. The rules shall be 56456  
adopted in accordance with Chapter 119. of the Revised Code. 56457

~~(2) As used in this chapter:~~ 56458

~~(a) "Cosmetic therapy" means the permanent removal of hair 56459  
from the human body through the use of electric modalities 56460  
approved by the board for use in cosmetic therapy, and 56461  
additionally may include the systematic friction, stroking, 56462  
slapping, and kneading or tapping of the face, neck, scalp, or 56463  
shoulders. 56464~~

~~(b) "Massage therapy" means the treatment of disorders of the 56465  
human body by the manipulation of soft tissue through the 56466  
systematic external application of massage techniques including 56467  
touch, stroking, friction, vibration, percussion, kneading, 56468~~

~~stretching, compression, and joint movements within the normal  
physiologic range of motion; and adjunctive thereto, the external  
application of water, heat, cold, topical preparations, and  
mechanical devices.~~

(B) A certificate to practice a limited branch of medicine  
issued by the state medical board is valid for a two-year period,  
except when an initial certificate is issued for a shorter period  
or when division (C)(2) of this section is applicable. The  
certificate may be renewed in accordance with division (C) of this  
section.

(C)(1) Except as provided in division (C)(2) of this section,  
~~all~~ both of the following apply with respect to the renewal of  
certificates to practice a limited branch of medicine:

(a) Each person seeking to renew a certificate to practice a  
limited branch of medicine shall apply for biennial renewal with  
the state medical board in a manner prescribed by the board. An  
applicant for renewal shall pay a biennial renewal fee of one  
hundred dollars.

(b) At least ~~six months~~ one month before a certificate  
expires, the board shall provide a renewal notice to the  
certificate holder.

~~(c) At least three months before a certificate expires, the  
certificate holder shall submit the renewal application and  
biennial renewal fee to the board.~~

(2) The board shall implement a staggered renewal system that  
is substantially similar to the staggered renewal system the board  
uses under division (A) of section 4731.281 of the Revised Code.

(D) All persons who hold a certificate to practice a limited  
branch of medicine issued by the state medical board shall provide  
the board notice of any change of address. The notice shall be  
submitted to the board not later than thirty days after the change

of address. 56500

(E) A certificate to practice a limited branch of medicine 56501  
shall be automatically suspended if the certificate holder fails 56502  
to renew the certificate in accordance with division (C) of this 56503  
section. Continued practice after the suspension of the 56504  
certificate to practice shall be considered as practicing in 56505  
violation of sections 4731.34 and 4731.41 of the Revised Code. 56506

If a certificate to practice has been suspended pursuant to 56507  
this division for two years or less, it may be reinstated. The 56508  
board shall reinstate the certificate upon an applicant's 56509  
submission of a renewal application and payment of ~~the biennial~~ 56510  
~~renewal~~ a reinstatement fee and the applicable monetary penalty of 56511  
one hundred twenty-five dollars. With regard to reinstatement of a 56512  
certificate to practice cosmetic therapy, the applicant also shall 56513  
submit with the application a certification that the number of 56514  
hours of continuing education necessary to have a suspended 56515  
certificate reinstated have been completed, as specified in rules 56516  
the board shall adopt in accordance with Chapter 119. of the 56517  
Revised Code. ~~The penalty for reinstatement shall be twenty five~~ 56518  
~~dollars.~~ 56519

If a certificate has been suspended pursuant to this division 56520  
for more than two years, it may be restored. Subject to section 56521  
4731.222 of the Revised Code, the board may restore the 56522  
certificate upon an applicant's submission of a restoration 56523  
application, ~~the biennial renewal fee, and the applicable monetary~~ 56524  
~~penalty~~ a restoration fee of one hundred fifty dollars and 56525  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 56526  
The board shall not restore to an applicant a certificate to 56527  
practice unless the board, in its discretion, decides that the 56528  
results of the criminal records check do not make the applicant 56529  
ineligible for a certificate issued pursuant to section 4731.17 of 56530  
the Revised Code. ~~The penalty for restoration is fifty dollars.~~ 56531

Sec. 4731.22. (A) The state medical board, by an affirmative 56532  
vote of not fewer than six of its members, may limit, revoke, or 56533  
suspend ~~an individual's~~ a license or certificate to practice or 56534  
certificate to recommend, refuse to grant a license or certificate 56535  
~~to an individual~~, refuse to renew a license or certificate, refuse 56536  
to reinstate a license or certificate, or reprimand or place on 56537  
probation the holder of a license or certificate if the individual 56538  
applying for or holding the license or certificate ~~holder~~ is found 56539  
by the board to have committed fraud during the administration of 56540  
the examination for a license or certificate to practice or to 56541  
have committed fraud, misrepresentation, or deception in applying 56542  
for, renewing, or securing any license or certificate to practice 56543  
or certificate to recommend issued by the board. 56544

(B) The board, by an affirmative vote of not fewer than six 56545  
members, shall, to the extent permitted by law, limit, revoke, or 56546  
suspend ~~an individual's~~ a license or certificate to practice or 56547  
certificate to recommend, refuse to issue a license or certificate 56548  
~~to an individual~~, refuse to renew a license or certificate, refuse 56549  
to reinstate a license or certificate, or reprimand or place on 56550  
probation the holder of a license or certificate for one or more 56551  
of the following reasons: 56552

(1) Permitting one's name or one's license or certificate to 56553  
practice to be used by a person, group, or corporation when the 56554  
individual concerned is not actually directing the treatment 56555  
given; 56556

(2) Failure to maintain minimal standards applicable to the 56557  
selection or administration of drugs, or failure to employ 56558  
acceptable scientific methods in the selection of drugs or other 56559  
modalities for treatment of disease; 56560

(3) Except as provided in section 4731.97 of the Revised 56561  
Code, selling, giving away, personally furnishing, prescribing, or 56562

administering drugs for other than legal and legitimate 56563  
therapeutic purposes or a plea of guilty to, a judicial finding of 56564  
guilt of, or a judicial finding of eligibility for intervention in 56565  
lieu of conviction of, a violation of any federal or state law 56566  
regulating the possession, distribution, or use of any drug; 56567

(4) Willfully betraying a professional confidence. 56568

For purposes of this division, "willfully betraying a 56569  
professional confidence" does not include providing any 56570  
information, documents, or reports under sections 307.621 to 56571  
307.629 of the Revised Code to a child fatality review board; does 56572  
not include providing any information, documents, or reports under 56573  
sections 307.631 to 307.639 of the Revised Code to a drug overdose 56574  
fatality review committee; does not include providing any 56575  
information, documents, or reports to the director of health 56576  
pursuant to guidelines established under section 3701.70 of the 56577  
Revised Code; does not include written notice to a mental health 56578  
professional under section 4731.62 of the Revised Code; and does 56579  
not include the making of a report of an employee's use of a drug 56580  
of abuse, or a report of a condition of an employee other than one 56581  
involving the use of a drug of abuse, to the employer of the 56582  
employee as described in division (B) of section 2305.33 of the 56583  
Revised Code. Nothing in this division affects the immunity from 56584  
civil liability conferred by section 2305.33 or 4731.62 of the 56585  
Revised Code upon a physician who makes a report in accordance 56586  
with section 2305.33 or notifies a mental health professional in 56587  
accordance with section 4731.62 of the Revised Code. As used in 56588  
this division, "employee," "employer," and "physician" have the 56589  
same meanings as in section 2305.33 of the Revised Code. 56590

(5) Making a false, fraudulent, deceptive, or misleading 56591  
statement in the solicitation of or advertising for patients; in 56592  
relation to the practice of medicine and surgery, osteopathic 56593  
medicine and surgery, podiatric medicine and surgery, or a limited 56594

branch of medicine; or in securing or attempting to secure any 56595  
license or certificate to practice issued by the board. 56596

As used in this division, "false, fraudulent, deceptive, or 56597  
misleading statement" means a statement that includes a 56598  
misrepresentation of fact, is likely to mislead or deceive because 56599  
of a failure to disclose material facts, is intended or is likely 56600  
to create false or unjustified expectations of favorable results, 56601  
or includes representations or implications that in reasonable 56602  
probability will cause an ordinarily prudent person to 56603  
misunderstand or be deceived. 56604

(6) A departure from, or the failure to conform to, minimal 56605  
standards of care of similar practitioners under the same or 56606  
similar circumstances, whether or not actual injury to a patient 56607  
is established; 56608

(7) Representing, with the purpose of obtaining compensation 56609  
or other advantage as personal gain or for any other person, that 56610  
an incurable disease or injury, or other incurable condition, can 56611  
be permanently cured; 56612

(8) The obtaining of, or attempting to obtain, money or 56613  
anything of value by fraudulent misrepresentations in the course 56614  
of practice; 56615

(9) A plea of guilty to, a judicial finding of guilt of, or a 56616  
judicial finding of eligibility for intervention in lieu of 56617  
conviction for, a felony; 56618

(10) Commission of an act that constitutes a felony in this 56619  
state, regardless of the jurisdiction in which the act was 56620  
committed; 56621

(11) A plea of guilty to, a judicial finding of guilt of, or 56622  
a judicial finding of eligibility for intervention in lieu of 56623  
conviction for, a misdemeanor committed in the course of practice; 56624

(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice;

(16) Failure to pay license renewal fees specified in this chapter;

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;

(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose license or certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.

For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a

physician of an employee's use of a drug of abuse, or of a 56656  
condition of an employee other than one involving the use of a 56657  
drug of abuse, to the employer of the employee as described in 56658  
division (B) of section 2305.33 of the Revised Code. Nothing in 56659  
this division affects the immunity from civil liability conferred 56660  
by that section upon a physician who makes either type of report 56661  
in accordance with division (B) of that section. As used in this 56662  
division, "employee," "employer," and "physician" have the same 56663  
meanings as in section 2305.33 of the Revised Code. 56664

(19) Inability to practice according to acceptable and 56665  
prevailing standards of care by reason of mental illness or 56666  
physical illness, including, but not limited to, physical 56667  
deterioration that adversely affects cognitive, motor, or 56668  
perceptive skills. 56669

In enforcing this division, the board, upon a showing of a 56670  
possible violation, may compel any individual authorized to 56671  
practice by this chapter or who has submitted an application 56672  
pursuant to this chapter to submit to a mental examination, 56673  
physical examination, including an HIV test, or both a mental and 56674  
a physical examination. The expense of the examination is the 56675  
responsibility of the individual compelled to be examined. Failure 56676  
to submit to a mental or physical examination or consent to an HIV 56677  
test ordered by the board constitutes an admission of the 56678  
allegations against the individual unless the failure is due to 56679  
circumstances beyond the individual's control, and a default and 56680  
final order may be entered without the taking of testimony or 56681  
presentation of evidence. If the board finds an individual unable 56682  
to practice because of the reasons set forth in this division, the 56683  
board shall require the individual to submit to care, counseling, 56684  
or treatment by physicians approved or designated by the board, as 56685  
a condition for initial, continued, reinstated, or renewed 56686  
authority to practice. An individual affected under this division 56687

shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purpose of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(20) Except as provided in division (F)(1)(b) of section 4731.282 of the Revised Code or when civil penalties are imposed under section 4731.225 ~~or 4731.282~~ of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or

of any abortion rule adopted by the director of health pursuant to 56720  
section 3701.341 of the Revised Code; 56721

(22) Any of the following actions taken by an agency 56722  
responsible for authorizing, certifying, or regulating an 56723  
individual to practice a health care occupation or provide health 56724  
care services in this state or another jurisdiction, for any 56725  
reason other than the nonpayment of fees: the limitation, 56726  
revocation, or suspension of an individual's license to practice; 56727  
acceptance of an individual's license surrender; denial of a 56728  
license; refusal to renew or reinstate a license; imposition of 56729  
probation; or issuance of an order of censure or other reprimand; 56730

(23) The violation of section 2919.12 of the Revised Code or 56731  
the performance or inducement of an abortion upon a pregnant woman 56732  
with actual knowledge that the conditions specified in division 56733  
(B) of section 2317.56 of the Revised Code have not been satisfied 56734  
or with a heedless indifference as to whether those conditions 56735  
have been satisfied, unless an affirmative defense as specified in 56736  
division (H)(2) of that section would apply in a civil action 56737  
authorized by division (H)(1) of that section; 56738

(24) The revocation, suspension, restriction, reduction, or 56739  
termination of clinical privileges by the United States department 56740  
of defense or department of veterans affairs or the termination or 56741  
suspension of a certificate of registration to prescribe drugs by 56742  
the drug enforcement administration of the United States 56743  
department of justice; 56744

(25) Termination or suspension from participation in the 56745  
medicare or medicaid programs by the department of health and 56746  
human services or other responsible agency for any act or acts 56747  
that also would constitute a violation of division (B)(2), (3), 56748  
(6), (8), or (19) of this section; 56749

(26) Impairment of ability to practice according to 56750

acceptable and prevailing standards of care because of habitual or 56751  
excessive use or abuse of drugs, alcohol, or other substances that 56752  
impair ability to practice. 56753

For the purposes of this division, any individual authorized 56754  
to practice by this chapter accepts the privilege of practicing in 56755  
this state subject to supervision by the board. By filing an 56756  
application for or holding a license or certificate to practice 56757  
under this chapter, an individual shall be deemed to have given 56758  
consent to submit to a mental or physical examination when ordered 56759  
to do so by the board in writing, and to have waived all 56760  
objections to the admissibility of testimony or examination 56761  
reports that constitute privileged communications. 56762

If it has reason to believe that any individual authorized to 56763  
practice by this chapter or any applicant for licensure or 56764  
certification to practice suffers such impairment, the board may 56765  
compel the individual to submit to a mental or physical 56766  
examination, or both. The expense of the examination is the 56767  
responsibility of the individual compelled to be examined. Any 56768  
mental or physical examination required under this division shall 56769  
be undertaken by a treatment provider or physician who is 56770  
qualified to conduct the examination and who is chosen by the 56771  
board. 56772

Failure to submit to a mental or physical examination ordered 56773  
by the board constitutes an admission of the allegations against 56774  
the individual unless the failure is due to circumstances beyond 56775  
the individual's control, and a default and final order may be 56776  
entered without the taking of testimony or presentation of 56777  
evidence. If the board determines that the individual's ability to 56778  
practice is impaired, the board shall suspend the individual's 56779  
license or certificate or deny the individual's application and 56780  
shall require the individual, as a condition for initial, 56781  
continued, reinstated, or renewed licensure or certification to 56782

practice, to submit to treatment. 56783

Before being eligible to apply for reinstatement of a license 56784  
or certificate suspended under this division, the impaired 56785  
practitioner shall demonstrate to the board the ability to resume 56786  
practice in compliance with acceptable and prevailing standards of 56787  
care under the provisions of the practitioner's license or 56788  
certificate. The demonstration shall include, but shall not be 56789  
limited to, the following: 56790

(a) Certification from a treatment provider approved under 56791  
section 4731.25 of the Revised Code that the individual has 56792  
successfully completed any required inpatient treatment; 56793

(b) Evidence of continuing full compliance with an aftercare 56794  
contract or consent agreement; 56795

(c) Two written reports indicating that the individual's 56796  
ability to practice has been assessed and that the individual has 56797  
been found capable of practicing according to acceptable and 56798  
prevailing standards of care. The reports shall be made by 56799  
individuals or providers approved by the board for making the 56800  
assessments and shall describe the basis for their determination. 56801

The board may reinstate a license or certificate suspended 56802  
under this division after that demonstration and after the 56803  
individual has entered into a written consent agreement. 56804

When the impaired practitioner resumes practice, the board 56805  
shall require continued monitoring of the individual. The 56806  
monitoring shall include, but not be limited to, compliance with 56807  
the written consent agreement entered into before reinstatement or 56808  
with conditions imposed by board order after a hearing, and, upon 56809  
termination of the consent agreement, submission to the board for 56810  
at least two years of annual written progress reports made under 56811  
penalty of perjury stating whether the individual has maintained 56812  
sobriety. 56813

(27) A second or subsequent violation of section 4731.66 or 56814  
4731.69 of the Revised Code; 56815

(28) Except as provided in division (N) of this section: 56816

(a) Waiving the payment of all or any part of a deductible or 56817  
copayment that a patient, pursuant to a health insurance or health 56818  
care policy, contract, or plan that covers the individual's 56819  
services, otherwise would be required to pay if the waiver is used 56820  
as an enticement to a patient or group of patients to receive 56821  
health care services from that individual; 56822

(b) Advertising that the individual will waive the payment of 56823  
all or any part of a deductible or copayment that a patient, 56824  
pursuant to a health insurance or health care policy, contract, or 56825  
plan that covers the individual's services, otherwise would be 56826  
required to pay. 56827

(29) Failure to use universal blood and body fluid 56828  
precautions established by rules adopted under section 4731.051 of 56829  
the Revised Code; 56830

(30) Failure to provide notice to, and receive acknowledgment 56831  
of the notice from, a patient when required by section 4731.143 of 56832  
the Revised Code prior to providing nonemergency professional 56833  
services, or failure to maintain that notice in the patient's ~~file~~ 56834  
medical record; 56835

(31) Failure of a physician supervising a physician assistant 56836  
to maintain supervision in accordance with the requirements of 56837  
Chapter 4730. of the Revised Code and the rules adopted under that 56838  
chapter; 56839

(32) Failure of a physician or podiatrist to enter into a 56840  
standard care arrangement with a clinical nurse specialist, 56841  
certified nurse-midwife, or certified nurse practitioner with whom 56842  
the physician or podiatrist is in collaboration pursuant to 56843  
section 4731.27 of the Revised Code or failure to fulfill the 56844

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| responsibilities of collaboration after entering into a standard<br>care arrangement;   | 56845<br>56846   |
| (33) Failure to comply with the terms of a consult agreement<br>entered into with a pharmacist pursuant to section 4729.39 of the<br>Revised Code;  | 56847<br>56848<br>56849  |
| (34) Failure to cooperate in an investigation conducted by<br>the board under division (F) of this section, including failure to<br>comply with a subpoena or order issued by the board or failure to<br>answer truthfully a question presented by the board in an<br>investigative interview, an investigative office conference, at a<br>deposition, or in written interrogatories, except that failure to<br>cooperate with an investigation shall not constitute grounds for<br>discipline under this section if a court of competent jurisdiction<br>has issued an order that either quashes a subpoena or permits the<br>individual to withhold the testimony or evidence in issue; | 56850<br>56851<br>56852<br>56853<br>56854<br>56855<br>56856<br>56857<br>56858<br>56859 |
| (35) Failure to supervise an oriental medicine practitioner<br>or acupuncturist in accordance with Chapter 4762. of the Revised<br>Code and the board's rules for providing that supervision;   | 56860<br>56861<br>56862  |
| (36) Failure to supervise an anesthesiologist assistant in<br>accordance with Chapter 4760. of the Revised Code and the board's<br>rules for supervision of an anesthesiologist assistant;  | 56863<br>56864<br>56865  |
| (37) Assisting suicide, as defined in section 3795.01 of the<br>Revised Code;   | 56866<br>56867   |
| (38) Failure to comply with the requirements of section<br>2317.561 of the Revised Code;  | 56868<br>56869   |
| (39) Failure to supervise a radiologist assistant in<br>accordance with Chapter 4774. of the Revised Code and the board's<br>rules for supervision of radiologist assistants;   | 56870<br>56871<br>56872  |
| (40) Performing or inducing an abortion at an office or<br>facility with knowledge that the office or facility fails to post  | 56873<br>56874   |

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| the notice required under section 3701.791 of the Revised Code;    | 56875 |
| (41) Failure to comply with the standards and procedures           | 56876 |
| established in rules under section 4731.054 of the Revised Code    | 56877 |
| for the operation of or the provision of care at a pain management | 56878 |
| clinic;  | 56879 |
| (42) Failure to comply with the standards and procedures           | 56880 |
| established in rules under section 4731.054 of the Revised Code    | 56881 |
| for providing supervision, direction, and control of individuals   | 56882 |
| at a pain management clinic;                                       | 56883 |
| (43) Failure to comply with the requirements of section            | 56884 |
| 4729.79 or 4731.055 of the Revised Code, unless the state board of | 56885 |
| pharmacy no longer maintains a drug database pursuant to section   | 56886 |
| 4729.75 of the Revised Code;                                       | 56887 |
| (44) Failure to comply with the requirements of section            | 56888 |
| 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to  | 56889 |
| submit to the department of health in accordance with a court      | 56890 |
| order a complete report as described in section 2919.171 or        | 56891 |
| 2919.202 of the Revised Code;                                      | 56892 |
| (45) Practicing at a facility that is subject to licensure as      | 56893 |
| a category III terminal distributor of dangerous drugs with a pain | 56894 |
| management clinic classification unless the person operating the   | 56895 |
| facility has obtained and maintains the license with the           | 56896 |
| classification;  | 56897 |
| (46) Owning a facility that is subject to licensure as a           | 56898 |
| category III terminal distributor of dangerous drugs with a pain   | 56899 |
| management clinic classification unless the facility is licensed   | 56900 |
| with the classification;   | 56901 |
| (47) Failure to comply with the requirement regarding              | 56902 |
| maintaining notes described in division (B) of section 2919.191 of | 56903 |
| the Revised Code or failure to satisfy the requirements of section | 56904 |
| 2919.191 of the Revised Code prior to performing or inducing an    | 56905 |

abortion upon a pregnant woman; 56906

(48) Failure to comply with the requirements in section 56907  
3719.061 of the Revised Code before issuing for a minor a 56908  
prescription for an opioid analgesic, as defined in section 56909  
3719.01 of the Revised Code; 56910

(49) Failure to comply with the requirements of section 56911  
4731.30 of the Revised Code or rules adopted under section 56912  
4731.301 of the Revised Code when recommending treatment with 56913  
medical marijuana; 56914

(50) Practicing at a facility, clinic, or other location that 56915  
is subject to licensure as a category III terminal distributor of 56916  
dangerous drugs with an office-based opioid treatment 56917  
classification unless the person operating that place has obtained 56918  
and maintains the license with the classification; 56919

(51) Owning a facility, clinic, or other location that is 56920  
subject to licensure as a category III terminal distributor of 56921  
dangerous drugs with an office-based opioid treatment 56922  
classification unless that place is licensed with the 56923  
classification. 56924

(C) Disciplinary actions taken by the board under divisions 56925  
(A) and (B) of this section shall be taken pursuant to an 56926  
adjudication under Chapter 119. of the Revised Code, except that 56927  
in lieu of an adjudication, the board may enter into a consent 56928  
agreement with an individual to resolve an allegation of a 56929  
violation of this chapter or any rule adopted under it. A consent 56930  
agreement, when ratified by an affirmative vote of not fewer than 56931  
six members of the board, shall constitute the findings and order 56932  
of the board with respect to the matter addressed in the 56933  
agreement. If the board refuses to ratify a consent agreement, the 56934  
admissions and findings contained in the consent agreement shall 56935  
be of no force or effect. 56936

A telephone conference call may be utilized for ratification 56937  
of a consent agreement that revokes or suspends an individual's 56938  
license or certificate to practice or certificate to recommend. 56939  
The telephone conference call shall be considered a special 56940  
meeting under division (F) of section 121.22 of the Revised Code. 56941

If the board takes disciplinary action against an individual 56942  
under division (B) of this section for a second or subsequent plea 56943  
of guilty to, or judicial finding of guilt of, a violation of 56944  
section 2919.123 of the Revised Code, the disciplinary action 56945  
shall consist of a suspension of the individual's license or 56946  
certificate to practice for a period of at least one year or, if 56947  
determined appropriate by the board, a more serious sanction 56948  
involving the individual's license or certificate to practice. Any 56949  
consent agreement entered into under this division with an 56950  
individual that pertains to a second or subsequent plea of guilty 56951  
to, or judicial finding of guilt of, a violation of that section 56952  
shall provide for a suspension of the individual's license or 56953  
certificate to practice for a period of at least one year or, if 56954  
determined appropriate by the board, a more serious sanction 56955  
involving the individual's license or certificate to practice. 56956

(D) For purposes of divisions (B)(10), (12), and (14) of this 56957  
section, the commission of the act may be established by a finding 56958  
by the board, pursuant to an adjudication under Chapter 119. of 56959  
the Revised Code, that the individual committed the act. The board 56960  
does not have jurisdiction under those divisions if the trial 56961  
court renders a final judgment in the individual's favor and that 56962  
judgment is based upon an adjudication on the merits. The board 56963  
has jurisdiction under those divisions if the trial court issues 56964  
an order of dismissal upon technical or procedural grounds. 56965

(E) The sealing of conviction records by any court shall have 56966  
no effect upon a prior board order entered under this section or 56967  
upon the board's jurisdiction to take action under this section 56968

if, based upon a plea of guilty, a judicial finding of guilt, or a 56969  
judicial finding of eligibility for intervention in lieu of 56970  
conviction, the board issued a notice of opportunity for a hearing 56971  
prior to the court's order to seal the records. The board shall 56972  
not be required to seal, destroy, redact, or otherwise modify its 56973  
records to reflect the court's sealing of conviction records. 56974

(F)(1) The board shall investigate evidence that appears to 56975  
show that a person has violated any provision of this chapter or 56976  
any rule adopted under it. Any person may report to the board in a 56977  
signed writing any information that the person may have that 56978  
appears to show a violation of any provision of this chapter or 56979  
any rule adopted under it. In the absence of bad faith, any person 56980  
who reports information of that nature or who testifies before the 56981  
board in any adjudication conducted under Chapter 119. of the 56982  
Revised Code shall not be liable in damages in a civil action as a 56983  
result of the report or testimony. Each complaint or allegation of 56984  
a violation received by the board shall be assigned a case number 56985  
and shall be recorded by the board. 56986

(2) Investigations of alleged violations of this chapter or 56987  
any rule adopted under it shall be supervised by the supervising 56988  
member elected by the board in accordance with section 4731.02 of 56989  
the Revised Code and by the secretary as provided in section 56990  
4731.39 of the Revised Code. The president may designate another 56991  
member of the board to supervise the investigation in place of the 56992  
supervising member. No member of the board who supervises the 56993  
investigation of a case shall participate in further adjudication 56994  
of the case. 56995

(3) In investigating a possible violation of this chapter or 56996  
any rule adopted under this chapter, or in conducting an 56997  
inspection under division (E) of section 4731.054 of the Revised 56998  
Code, the board may question witnesses, conduct interviews, 56999  
administer oaths, order the taking of depositions, inspect and 57000

copy any books, accounts, papers, records, or documents, issue 57001  
subpoenas, and compel the attendance of witnesses and production 57002  
of books, accounts, papers, records, documents, and testimony, 57003  
except that a subpoena for patient record information shall not be 57004  
issued without consultation with the attorney general's office and 57005  
approval of the secretary and supervising member of the board. 57006

(a) Before issuance of a subpoena for patient record 57007  
information, the secretary and supervising member shall determine 57008  
whether there is probable cause to believe that the complaint 57009  
filed alleges a violation of this chapter or any rule adopted 57010  
under it and that the records sought are relevant to the alleged 57011  
violation and material to the investigation. The subpoena may 57012  
apply only to records that cover a reasonable period of time 57013  
surrounding the alleged violation. 57014

(b) On failure to comply with any subpoena issued by the 57015  
board and after reasonable notice to the person being subpoenaed, 57016  
the board may move for an order compelling the production of 57017  
persons or records pursuant to the Rules of Civil Procedure. 57018

(c) A subpoena issued by the board may be served by a 57019  
sheriff, the sheriff's deputy, or a board employee designated by 57020  
the board. Service of a subpoena issued by the board may be made 57021  
by delivering a copy of the subpoena to the person named therein, 57022  
reading it to the person, or leaving it at the person's usual 57023  
place of residence, usual place of business, or address on file 57024  
with the board. When serving a subpoena to an applicant for or the 57025  
holder of a license or certificate issued under this chapter, 57026  
service of the subpoena may be made by certified mail, return 57027  
receipt requested, and the subpoena shall be deemed served on the 57028  
date delivery is made or the date the person refuses to accept 57029  
delivery. If the person being served refuses to accept the 57030  
subpoena or is not located, service may be made to an attorney who 57031  
notifies the board that the attorney is representing the person. 57032

(d) A sheriff's deputy who serves a subpoena shall receive 57033  
the same fees as a sheriff. Each witness who appears before the 57034  
board in obedience to a subpoena shall receive the fees and 57035  
mileage provided for under section 119.094 of the Revised Code. 57036

(4) All hearings, investigations, and inspections of the 57037  
board shall be considered civil actions for the purposes of 57038  
section 2305.252 of the Revised Code. 57039

(5) A report required to be submitted to the board under this 57040  
chapter, a complaint, or information received by the board 57041  
pursuant to an investigation or pursuant to an inspection under 57042  
division (E) of section 4731.054 of the Revised Code is 57043  
confidential and not subject to discovery in any civil action. 57044

The board shall conduct all investigations or inspections and 57045  
proceedings in a manner that protects the confidentiality of 57046  
patients and persons who file complaints with the board. The board 57047  
shall not make public the names or any other identifying 57048  
information about patients or complainants unless proper consent 57049  
is given or, in the case of a patient, a waiver of the patient 57050  
privilege exists under division (B) of section 2317.02 of the 57051  
Revised Code, except that consent or a waiver of that nature is 57052  
not required if the board possesses reliable and substantial 57053  
evidence that no bona fide physician-patient relationship exists. 57054

The board may share any information it receives pursuant to 57055  
an investigation or inspection, including patient records and 57056  
patient record information, with law enforcement agencies, other 57057  
licensing boards, and other governmental agencies that are 57058  
prosecuting, adjudicating, or investigating alleged violations of 57059  
statutes or administrative rules. An agency or board that receives 57060  
the information shall comply with the same requirements regarding 57061  
confidentiality as those with which the state medical board must 57062  
comply, notwithstanding any conflicting provision of the Revised 57063  
Code or procedure of the agency or board that applies when it is 57064

dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (B) of this section; 57095  
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(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 57097  
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Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension. 57099  
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The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual. 57106  
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Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order. 57115  
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(H) If the board takes action under division (B)(9), (11), or (13) of this section and the judicial finding of guilt, guilty 57124  
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plea, or judicial finding of eligibility for intervention in lieu 57126  
of conviction is overturned on appeal, upon exhaustion of the 57127  
criminal appeal, a petition for reconsideration of the order may 57128  
be filed with the board along with appropriate court documents. 57129  
Upon receipt of a petition of that nature and supporting court 57130  
documents, the board shall reinstate the individual's license or 57131  
certificate to practice. The board may then hold an adjudication 57132  
under Chapter 119. of the Revised Code to determine whether the 57133  
individual committed the act in question. Notice of an opportunity 57134  
for a hearing shall be given in accordance with Chapter 119. of 57135  
the Revised Code. If the board finds, pursuant to an adjudication 57136  
held under this division, that the individual committed the act or 57137  
if no hearing is requested, the board may order any of the 57138  
sanctions identified under division (B) of this section. 57139

(I) The license or certificate to practice issued to an 57140  
individual under this chapter and the individual's practice in 57141  
this state are automatically suspended as of the date of the 57142  
individual's second or subsequent plea of guilty to, or judicial 57143  
finding of guilt of, a violation of section 2919.123 of the 57144  
Revised Code. In addition, the license or certificate to practice 57145  
or certificate to recommend issued to an individual under this 57146  
chapter and the individual's practice in this state are 57147  
automatically suspended as of the date the individual pleads 57148  
guilty to, is found by a judge or jury to be guilty of, or is 57149  
subject to a judicial finding of eligibility for intervention in 57150  
lieu of conviction in this state or treatment or intervention in 57151  
lieu of conviction in another jurisdiction for any of the 57152  
following criminal offenses in this state or a substantially 57153  
equivalent criminal offense in another jurisdiction: aggravated 57154  
murder, murder, voluntary manslaughter, felonious assault, 57155  
kidnapping, rape, sexual battery, gross sexual imposition, 57156  
aggravated arson, aggravated robbery, or aggravated burglary. 57157  
Continued practice after suspension shall be considered practicing 57158

without a license or certificate. 57159

The board shall notify the individual subject to the 57160  
suspension by certified mail or in person in accordance with 57161  
section 119.07 of the Revised Code. If an individual whose license 57162  
or certificate is automatically suspended under this division 57163  
fails to make a timely request for an adjudication under Chapter 57164  
119. of the Revised Code, the board shall do whichever of the 57165  
following is applicable: 57166

(1) If the automatic suspension under this division is for a 57167  
second or subsequent plea of guilty to, or judicial finding of 57168  
guilt of, a violation of section 2919.123 of the Revised Code, the 57169  
board shall enter an order suspending the individual's license or 57170  
certificate to practice for a period of at least one year or, if 57171  
determined appropriate by the board, imposing a more serious 57172  
sanction involving the individual's license or certificate to 57173  
practice. 57174

(2) In all circumstances in which division (I)(1) of this 57175  
section does not apply, enter a final order permanently revoking 57176  
the individual's license or certificate to practice. 57177

(J) If the board is required by Chapter 119. of the Revised 57178  
Code to give notice of an opportunity for a hearing and if the 57179  
individual subject to the notice does not timely request a hearing 57180  
in accordance with section 119.07 of the Revised Code, the board 57181  
is not required to hold a hearing, but may adopt, by an 57182  
affirmative vote of not fewer than six of its members, a final 57183  
order that contains the board's findings. In that final order, the 57184  
board may order any of the sanctions identified under division (A) 57185  
or (B) of this section. 57186

(K) Any action taken by the board under division (B) of this 57187  
section resulting in a suspension from practice shall be 57188  
accompanied by a written statement of the conditions under which 57189

the individual's license or certificate to practice may be 57190  
reinstated. The board shall adopt rules governing conditions to be 57191  
imposed for reinstatement. Reinstatement of a license or 57192  
certificate suspended pursuant to division (B) of this section 57193  
requires an affirmative vote of not fewer than six members of the 57194  
board. 57195

(L) When the board refuses to grant or issue a license or 57196  
certificate to practice to an applicant, revokes an individual's 57197  
license or certificate to practice, refuses to renew an 57198  
individual's license or certificate to practice, or refuses to 57199  
reinstate an individual's license or certificate to practice, the 57200  
board may specify that its action is permanent. An individual 57201  
subject to a permanent action taken by the board is forever 57202  
thereafter ineligible to hold a license or certificate to practice 57203  
and the board shall not accept an application for reinstatement of 57204  
the license or certificate or for issuance of a new license or 57205  
certificate. 57206

(M) Notwithstanding any other provision of the Revised Code, 57207  
all of the following apply: 57208

(1) The surrender of a license or certificate issued under 57209  
this chapter shall not be effective unless or until accepted by 57210  
the board. A telephone conference call may be utilized for 57211  
acceptance of the surrender of an individual's license or 57212  
certificate to practice. The telephone conference call shall be 57213  
considered a special meeting under division (F) of section 121.22 57214  
of the Revised Code. Reinstatement of a license or certificate 57215  
surrendered to the board requires an affirmative vote of not fewer 57216  
than six members of the board. 57217

(2) An application for a license or certificate made under 57218  
the provisions of this chapter may not be withdrawn without 57219  
approval of the board. 57220

(3) Failure by an individual to renew a license or 57221  
certificate to practice in accordance with this chapter or a 57222  
certificate to recommend in accordance with rules adopted under 57223  
section 4731.301 of the Revised Code shall not remove or limit the 57224  
board's jurisdiction to take any disciplinary action under this 57225  
section against the individual. 57226

(4) At the request of the board, a license or certificate 57227  
holder shall immediately surrender to the board a license or 57228  
certificate that the board has suspended, revoked, or permanently 57229  
revoked. 57230

(N) Sanctions shall not be imposed under division (B)(28) of 57231  
this section against any person who waives deductibles and 57232  
copayments as follows: 57233

(1) In compliance with the health benefit plan that expressly 57234  
allows such a practice. Waiver of the deductibles or copayments 57235  
shall be made only with the full knowledge and consent of the plan 57236  
purchaser, payer, and third-party administrator. Documentation of 57237  
the consent shall be made available to the board upon request. 57238

(2) For professional services rendered to any other person 57239  
authorized to practice pursuant to this chapter, to the extent 57240  
allowed by this chapter and rules adopted by the board. 57241

(O) Under the board's investigative duties described in this 57242  
section and subject to division (F) of this section, the board 57243  
shall develop and implement a quality intervention program 57244  
designed to improve through remedial education the clinical and 57245  
communication skills of individuals authorized under this chapter 57246  
to practice medicine and surgery, osteopathic medicine and 57247  
surgery, and podiatric medicine and surgery. In developing and 57248  
implementing the quality intervention program, the board may do 57249  
all of the following: 57250

(1) Offer in appropriate cases as determined by the board an 57251

educational and assessment program pursuant to an investigation 57252  
the board conducts under this section; 57253

(2) Select providers of educational and assessment services, 57254  
including a quality intervention program panel of case reviewers; 57255

(3) Make referrals to educational and assessment service 57256  
providers and approve individual educational programs recommended 57257  
by those providers. The board shall monitor the progress of each 57258  
individual undertaking a recommended individual educational 57259  
program. 57260

(4) Determine what constitutes successful completion of an 57261  
individual educational program and require further monitoring of 57262  
the individual who completed the program or other action that the 57263  
board determines to be appropriate; 57264

(5) Adopt rules in accordance with Chapter 119. of the 57265  
Revised Code to further implement the quality intervention 57266  
program. 57267

An individual who participates in an individual educational 57268  
program pursuant to this division shall pay the financial 57269  
obligations arising from that educational program. 57270

**Sec. 4731.221.** If the state medical board has reason to 57271  
believe that any person who has been granted a license or 57272  
certificate under this chapter is mentally ill or mentally 57273  
incompetent, it may file in the probate court of the county in 57274  
which such person has a legal residence an affidavit in the form 57275  
prescribed in section 5122.11 of the Revised Code and signed by 57276  
the board secretary or a member of the board secretary's staff, 57277  
whereupon the same proceedings shall be had as provided in Chapter 57278  
5122. of the Revised Code. The attorney general may represent the 57279  
board in any proceeding commenced under this section. 57280

If any person who has been granted a license or certificate 57281

under this chapter is adjudged by a probate court to be mentally 57282  
ill or mentally incompetent, the person's license or certificate 57283  
shall be automatically suspended until such person has filed with 57284  
the state medical board a certified copy of an adjudication by a 57285  
probate court of the person's subsequent restoration to competency 57286  
or has submitted to such board proof, satisfactory to the board, 57287  
that the person has been discharged as having a restoration to 57288  
competency in the manner and form provided in section 5122.38 of 57289  
the Revised Code. The judge of such court shall forthwith notify 57290  
the state medical board of an adjudication of mental illness or 57291  
mental incompetence, and shall note any suspension of a license or 57292  
certificate in the margin of the court's record of such license or 57293  
certificate. 57294

**Sec. 4731.222.** (A) This section applies to both of the 57295  
following: 57296

(1) An applicant seeking restoration of a license or 57297  
certificate issued under this chapter that has been in a suspended 57298  
or inactive state for any cause for more than two years; 57299

(2) An applicant seeking issuance of a license or certificate 57300  
pursuant to section 4731.17, ~~4731.29~~, 4731.295, 4731.57, or 57301  
4731.571 of the Revised Code who for more than two years has not 57302  
been engaged in the practice of medicine and surgery, osteopathic 57303  
medicine and surgery, podiatric medicine and surgery, or a limited 57304  
branch of medicine as any of the following: 57305

(a) An active practitioner; 57306

(b) A participant in a program of graduate medical education, 57307  
as defined in section ~~4731.091~~ 4731.04 of the Revised Code; 57308

(c) A student in a college of podiatry determined by the 57309  
state medical board to be in good standing; 57310

(d) A student in a school, college, or institution giving 57311

instruction in a limited branch of medicine determined by the 57312  
board to be in good standing under section 4731.16 of the Revised 57313  
Code. 57314

(B) Before restoring a license or certificate to good 57315  
standing for or issuing a license or certificate to an applicant 57316  
subject to this section, the state medical board may impose terms 57317  
and conditions including any one or more of the following: 57318

(1) Requiring the applicant to pass an oral or written 57319  
examination, or both, to determine the applicant's present fitness 57320  
to resume practice; 57321

(2) Requiring the applicant to obtain additional training and 57322  
to pass an examination upon completion of such training; 57323

(3) Requiring an assessment of the applicant's physical 57324  
skills for purposes of determining whether the applicant's 57325  
coordination, fine motor skills, and dexterity are sufficient for 57326  
performing medical evaluations and procedures in a manner that 57327  
meets the minimal standards of care; 57328

(4) Requiring an assessment of the applicant's skills in 57329  
recognizing and understanding diseases and conditions; 57330

(5) Requiring the applicant to undergo a comprehensive 57331  
physical examination, which may include an assessment of physical 57332  
abilities, evaluation of sensory capabilities, or screening for 57333  
the presence of neurological disorders; 57334

(6) Restricting or limiting the extent, scope, or type of 57335  
practice of the applicant. 57336

The board shall consider the moral background and the 57337  
activities of the applicant during the period of suspension or 57338  
inactivity, in accordance with section ~~4731.08~~ 4731.09, 4731.19, 57339  
or 4731.52 of the Revised Code. The board shall not restore a 57340  
license or certificate under this section unless the applicant 57341

complies with sections 4776.01 to 4776.04 of the Revised Code. 57342

**Sec. 4731.223.** (A) As used in this section, "prosecutor" has 57343  
the same meaning as in section 2935.01 of the Revised Code. 57344

(B) Whenever any person holding a valid license or 57345  
certificate issued pursuant to this chapter pleads guilty to, is 57346  
subject to a judicial finding of guilt of, or is subject to a 57347  
judicial finding of eligibility for intervention in lieu of 57348  
conviction for a violation of Chapter 2907., 2925., or 3719. of 57349  
the Revised Code or of any substantively comparable ordinance of a 57350  
municipal corporation in connection with the person's practice, or 57351  
for a second or subsequent time pleads guilty to, or is subject to 57352  
a judicial finding of guilt of, a violation of section 2919.123 of 57353  
the Revised Code, the prosecutor in the case, on forms prescribed 57354  
and provided by the state medical board, shall promptly notify the 57355  
board of the conviction or guilty plea. Within thirty days of 57356  
receipt of that information, the board shall initiate action in 57357  
accordance with Chapter 119. of the Revised Code to determine 57358  
whether to suspend or revoke the license or certificate under 57359  
section 4731.22 of the Revised Code. 57360

(C) The prosecutor in any case against any person holding a 57361  
valid license or certificate issued pursuant to this chapter, on 57362  
forms prescribed and provided by the state medical board, shall 57363  
notify the board of any of the following: 57364

(1) A plea of guilty to, a finding of guilt by a jury or 57365  
court of, or judicial finding of eligibility for intervention in 57366  
lieu of conviction for a felony, or a case in which the trial 57367  
court issues an order of dismissal upon technical or procedural 57368  
grounds of a felony charge; 57369

(2) A plea of guilty to, a finding of guilt by a jury or 57370  
court of, or judicial finding of eligibility for intervention in 57371  
lieu of conviction for a misdemeanor committed in the course of 57372

practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;

(3) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude.

The report shall include the name and address of the license or certificate holder, the nature of the offense for which the action was taken, and the certified court documents recording the action.

**Sec. 4731.224.** (A) Within sixty days after the imposition of any formal disciplinary action taken by any health care facility, including a hospital, health care facility operated by a health insuring corporation, ambulatory surgical center, or similar facility, against any individual holding a valid license or certificate to practice issued pursuant to this chapter, the chief administrator or executive officer of the facility shall report to the state medical board the name of the individual, the action taken by the facility, and a summary of the underlying facts leading to the action taken. Upon request, the board shall be provided certified copies of the patient records that were the basis for the facility's action. Prior to release to the board, the summary shall be approved by the peer review committee that reviewed the case or by the governing board of the facility. As used in this division, "formal disciplinary action" means any action resulting in the revocation, restriction, reduction, or termination of clinical privileges for violations of professional

ethics, or for reasons of medical incompetence, medical 57404  
malpractice, or drug or alcohol abuse. "Formal disciplinary 57405  
action" includes a summary action, an action that takes effect 57406  
notwithstanding any appeal rights that may exist, and an action 57407  
that results in an individual surrendering clinical privileges 57408  
while under investigation and during proceedings regarding the 57409  
action being taken or in return for not being investigated or 57410  
having proceedings held. "Formal disciplinary action" does not 57411  
include any action taken for the sole reason of failure to 57412  
maintain records on a timely basis or failure to attend staff or 57413  
section meetings. 57414

The filing or nonfiling of a report with the board, 57415  
investigation by the board, or any disciplinary action taken by 57416  
the board, shall not preclude any action by a health care facility 57417  
to suspend, restrict, or revoke the individual's clinical 57418  
privileges. 57419

In the absence of fraud or bad faith, no individual or entity 57420  
that provides patient records to the board shall be liable in 57421  
damages to any person as a result of providing the records. 57422

(B) If any individual authorized to practice under this 57423  
chapter or any professional association or society of such 57424  
individuals believes that a violation of any provision of this 57425  
chapter, Chapter 4730., 4760., 4762., 4774., or 4778. of the 57426  
Revised Code, or any rule of the board has occurred, the 57427  
individual, association, or society shall report to the board the 57428  
information upon which the belief is based. This division does not 57429  
require any treatment provider approved by the board under section 57430  
4731.25 of the Revised Code or any employee, agent, or 57431  
representative of such a provider to make reports with respect to 57432  
an impaired practitioner participating in treatment or aftercare 57433  
for substance abuse as long as the practitioner maintains 57434

participation in accordance with the requirements of section 57435  
4731.25 of the Revised Code, and as long as the treatment provider 57436  
or employee, agent, or representative of the provider has no 57437  
reason to believe that the practitioner has violated any provision 57438  
of this chapter or any rule adopted under it, other than the 57439  
provisions of division (B)(26) of section 4731.22 of the Revised 57440  
Code. This division does not require reporting by any member of an 57441  
impaired practitioner committee established by a health care 57442  
facility or by any representative or agent of a committee or 57443  
program sponsored by a professional association or society of 57444  
individuals authorized to practice under this chapter to provide 57445  
peer assistance to practitioners with substance abuse problems 57446  
with respect to a practitioner who has been referred for 57447  
examination to a treatment program approved by the board under 57448  
section 4731.25 of the Revised Code if the practitioner cooperates 57449  
with the referral for examination and with any determination that 57450  
the practitioner should enter treatment and as long as the 57451  
committee member, representative, or agent has no reason to 57452  
believe that the practitioner has ceased to participate in the 57453  
treatment program in accordance with section 4731.25 of the 57454  
Revised Code or has violated any provision of this chapter or any 57455  
rule adopted under it, other than the provisions of division 57456  
(B)(26) of section 4731.22 of the Revised Code. 57457

(C) Any professional association or society composed 57458  
primarily of doctors of medicine and surgery, doctors of 57459  
osteopathic medicine and surgery, doctors of podiatric medicine 57460  
and surgery, or practitioners of limited branches of medicine that 57461  
suspends or revokes an individual's membership for violations of 57462  
professional ethics, or for reasons of professional incompetence 57463  
or professional malpractice, within sixty days after a final 57464  
decision shall report to the board, on forms prescribed and 57465  
provided by the board, the name of the individual, the action 57466  
taken by the professional organization, and a summary of the 57467

underlying facts leading to the action taken. 57468

The filing of a report with the board or decision not to file 57469  
a report, investigation by the board, or any disciplinary action 57470  
taken by the board, does not preclude a professional organization 57471  
from taking disciplinary action against an individual. 57472

(D) Any insurer providing professional liability insurance to 57473  
an individual authorized to practice under this chapter, or any 57474  
other entity that seeks to indemnify the professional liability of 57475  
such an individual, shall notify the board within thirty days 57476  
after the final disposition of any written claim for damages where 57477  
such disposition results in a payment exceeding twenty-five 57478  
thousand dollars. The notice shall contain the following 57479  
information: 57480

(1) The name and address of the person submitting the 57481  
notification; 57482

(2) The name and address of the insured who is the subject of 57483  
the claim; 57484

(3) The name of the person filing the written claim; 57485

(4) The date of final disposition; 57486

(5) If applicable, the identity of the court in which the 57487  
final disposition of the claim took place. 57488

(E) The board may investigate possible violations of this 57489  
chapter or the rules adopted under it that are brought to its 57490  
attention as a result of the reporting requirements of this 57491  
section, except that the board shall conduct an investigation if a 57492  
possible violation involves repeated malpractice. As used in this 57493  
division, "repeated malpractice" means three or more claims for 57494  
medical malpractice within the previous five-year period, each 57495  
resulting in a judgment or settlement in excess of twenty-five 57496  
thousand dollars in favor of the claimant, and each involving 57497

negligent conduct by the practicing individual. 57498

(F) All summaries, reports, and records received and 57499  
maintained by the board pursuant to this section shall be held in 57500  
confidence and shall not be subject to discovery or introduction 57501  
in evidence in any federal or state civil action involving a 57502  
health care professional or facility arising out of matters that 57503  
are the subject of the reporting required by this section. The 57504  
board may use the information obtained only as the basis for an 57505  
investigation, as evidence in a disciplinary hearing against an 57506  
individual whose practice is regulated under this chapter, or in 57507  
any subsequent trial or appeal of a board action or order. 57508

The board may disclose the summaries and reports it receives 57509  
under this section only to health care facility committees within 57510  
or outside this state that are involved in credentialing or 57511  
recredentialing the individual or in reviewing the individual's 57512  
clinical privileges. The board shall indicate whether or not the 57513  
information has been verified. Information transmitted by the 57514  
board shall be subject to the same confidentiality provisions as 57515  
when maintained by the board. 57516

(G) Except for reports filed by an individual pursuant to 57517  
division (B) of this section, the board shall send a copy of any 57518  
reports or summaries it receives pursuant to this section to the 57519  
individual who is the subject of the reports or summaries. The 57520  
individual shall have the right to file a statement with the board 57521  
concerning the correctness or relevance of the information. The 57522  
statement shall at all times accompany that part of the record in 57523  
contention. 57524

(H) An individual or entity that, pursuant to this section, 57525  
reports to the board or refers an impaired practitioner to a 57526  
treatment provider approved by the board under section 4731.25 of 57527  
the Revised Code shall not be subject to suit for civil damages as 57528  
a result of the report, referral, or provision of the information. 57529

(I) In the absence of fraud or bad faith, no professional association or society of individuals authorized to practice under this chapter that sponsors a committee or program to provide peer assistance to practitioners with substance abuse problems, no representative or agent of such a committee or program, and no member of the state medical board shall be held liable in damages to any person by reason of actions taken to refer a practitioner to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment.

**Sec. 4731.225.** (A) If the holder of a license or certificate issued under this chapter violates division (A), (B), or (C) of section 4731.66 or section 4731.69 of the Revised Code, or if any other person violates division (B) or (C) of section 4731.66 or section 4731.69 of the Revised Code, the state medical board, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, shall:

(1) For a first violation, impose a civil penalty of not more than five thousand dollars;

(2) For each subsequent violation, impose a civil penalty of not more than twenty thousand dollars and, if the violator is a license or certificate holder, proceed under division (B)(27) of section 4731.22 of the Revised Code.

(B)(1) If the holder of a license or certificate issued under this chapter violates any section of this chapter other than section 4731.281 or 4731.282 of the Revised Code or the sections specified in division (A) of this section, or violates any rule adopted under this chapter, the board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined

by the board in accordance with the guidelines adopted under 57561  
division (B)(2) of this section. The civil penalty may be in 57562  
addition to any other action the board may take under section 57563  
4731.22 of the Revised Code. 57564

(2) The board shall adopt and may amend guidelines regarding 57565  
the amounts of civil penalties to be imposed under this section. 57566  
Adoption or amendment of the guidelines requires the approval of 57567  
not fewer than six board members. 57568

Under the guidelines, no civil penalty amount shall exceed 57569  
twenty thousand dollars. 57570

(C) Amounts received from payment of civil penalties imposed 57571  
under this section shall be deposited by the board in accordance 57572  
with section 4731.24 of the Revised Code. Amounts received from 57573  
payment of civil penalties imposed for violations of division 57574  
(B)(26) of section 4731.22 of the Revised Code shall be used by 57575  
the board solely for investigations, enforcement, and compliance 57576  
monitoring. 57577

**Sec. 4731.23.** (A)(1)(a) The state medical board shall 57578  
designate one or more attorneys at law who have been admitted to 57579  
the practice of law, and who are classified as either 57580  
administrative law attorney examiners or as administrative law 57581  
attorney examiner administrators under the state job 57582  
classification plan adopted under section 124.14 of the Revised 57583  
Code, as hearing examiners, subject to Chapter 119. of the Revised 57584  
Code, to conduct any hearing which the medical board is empowered 57585  
to hold or undertake pursuant to Chapter 119. of the Revised Code. 57586

(b) Notwithstanding the requirement of division (A)(1)(a) of 57587  
this section that the board designate as a hearing examiner an 57588  
attorney who is classified as either an administrative law 57589  
attorney examiner or an administrative law attorney examiner 57590  
administrator, the board may, subject to section 127.16 of the 57591

Revised Code, enter into a personal service contract with an 57592  
attorney admitted to the practice of law in this state to serve on 57593  
a temporary basis as a hearing examiner. 57594

(2) The hearing examiner shall hear and consider the oral and 57595  
documented evidence introduced by the parties and issue in writing 57596  
proposed findings of fact and conclusions of law to the board for 57597  
their consideration within thirty days following the close of the 57598  
hearing. 57599

(B) The board shall be given copies of the transcript of the 57600  
record hearing and all exhibits and documents presented by the 57601  
parties at the hearing. 57602

(C) The board shall, upon the favorable vote of three 57603  
members, allow the parties or their counsel the opportunity to 57604  
present oral arguments on the proposed findings of fact and 57605  
conclusions of law of the hearing examiner prior to the board's 57606  
final action. 57607

(D) The board shall render a decision and take action within 57608  
sixty days following the receipt of the hearing examiner's 57609  
proposed findings of fact and conclusions of law or within any 57610  
longer period mutually agreed upon by the board and the license or 57611  
certificate holder. 57612

(E) The final decision of the board in any hearing which the 57613  
board is empowered to undertake shall be in writing and contain 57614  
findings of fact and conclusions of law. Copies of the decision 57615  
shall be delivered to the parties personally or by certified mail. 57616  
The decision shall be final upon delivery or mailing, except that 57617  
the license or certificate holder may appeal in the manner 57618  
provided by Chapter 119. of the Revised Code. 57619

**Sec. 4731.24.** Except as provided in sections 4731.281 and 57620  
4731.40 of the Revised Code, all receipts of the state medical 57621

board, from any source, shall be deposited in the state treasury. 57622  
The funds shall be deposited to the credit of the state medical 57623  
board operating fund, which is hereby created. Except as provided 57624  
in sections 4730.252, 4731.225, 4731.24, 4760.133, 4762.133, 57625  
4774.133, and 4778.141 of the Revised Code, all funds deposited 57626  
into the state treasury under this section shall be used solely 57627  
for the administration and enforcement of this chapter and 57628  
Chapters 4730., 4759., 4760., 4761., 4762., 4774., and 4778. of 57629  
the Revised Code by the board. 57630

**Sec. 4731.25.** The state medical board, in accordance with 57631  
Chapter 119. of the Revised Code, shall adopt and may amend and 57632  
rescind rules establishing standards for approval of physicians 57633  
and facilities as treatment providers for impaired practitioners 57634  
who are regulated under this chapter or Chapter 4730., 4759., 57635  
4760., 4761., 4762., 4774., or 4778. of the Revised Code. The 57636  
rules shall include standards for both inpatient and outpatient 57637  
treatment. The rules shall provide that in order to be approved, a 57638  
treatment provider must have the capability of making an initial 57639  
examination to determine what type of treatment an impaired 57640  
practitioner requires. Subject to the rules, the board shall 57641  
review and approve treatment providers on a regular basis. The 57642  
board, at its discretion, may withdraw or deny approval subject to 57643  
the rules. 57644

An approved impaired practitioner treatment provider shall: 57645

(A) Report to the board the name of any practitioner 57646  
suffering or showing evidence of suffering impairment as described 57647  
in division (B)(5) of section 4730.25 of the Revised Code, 57648  
division (B)(26) of section 4731.22 of the Revised Code, division 57649  
(A)(4) of section 4759.07 of the Revised Code, division (B)(6) of 57650  
section 4760.13 of the Revised Code, division (B)(6) of section 57651  
4762.13 of the Revised Code, division (B)(6) of section 4774.13 of 57652

the Revised Code, or division (B)(6) of section 4778.14 of the Revised Code who fails to comply within one week with a referral for examination;

(B) Report to the board the name of any impaired practitioner who fails to enter treatment within forty-eight hours following the provider's determination that the practitioner needs treatment;

(C) Require every practitioner who enters treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare;

(D) Require a practitioner to suspend practice upon entry into any required inpatient treatment;

(E) Report to the board any failure by an impaired practitioner to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare;

(F) Report to the board the resumption of practice of any impaired practitioner before the treatment provider has made a clear determination that the practitioner is capable of practicing according to acceptable and prevailing standards of care;

(G) Require a practitioner who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the board for approval of treatment providers;

(H) Report the identity of any practitioner practicing under the terms of an aftercare contract to hospital administrators, medical chiefs of staff, and chairpersons of impaired practitioner committees of all health care institutions at which the practitioner holds clinical privileges or otherwise practices. If the practitioner does not hold clinical privileges at any health care institution, the treatment provider shall report the

practitioner's identity to the impaired practitioner committee of 57684  
the county medical society, osteopathic academy, or podiatric 57685  
medical association in every county in which the practitioner 57686  
practices. If there are no impaired practitioner committees in the 57687  
county, the treatment provider shall report the practitioner's 57688  
identity to the president or other designated member of the county 57689  
medical society, osteopathic academy, or podiatric medical 57690  
association. 57691

(I) Report to the board the identity of any practitioner who 57692  
suffers a relapse at any time during or following aftercare. 57693

Any individual authorized to practice under this chapter who 57694  
enters into treatment by an approved treatment provider shall be 57695  
deemed to have waived any confidentiality requirements that would 57696  
otherwise prevent the treatment provider from making reports 57697  
required under this section. 57698

In the absence of fraud or bad faith, no person or 57699  
organization that conducts an approved impaired practitioner 57700  
treatment program, no member of such an organization, and no 57701  
employee, representative, or agent of the treatment provider shall 57702  
be held liable in damages to any person by reason of actions taken 57703  
or recommendations made by the treatment provider or its 57704  
employees, representatives, or agents. 57705

**Sec. 4731.26.** Upon application by the holder of a license or 57706  
certificate to practice issued under this chapter, the state 57707  
medical board shall issue a duplicate license or certificate to 57708  
replace one missing or damaged, to reflect a name change, or for 57709  
any other reasonable cause. The fee for a duplicate license or 57710  
certificate to practice shall be thirty-five dollars. 57711

**Sec. 4731.281.** (A)(1) Each person holding a ~~certificate~~ 57712  
license issued under this chapter to practice medicine and 57713

surgery, osteopathic medicine and surgery, or podiatric medicine 57714  
and surgery wishing to renew that ~~certificate~~ license shall apply 57715  
to the board for renewal. Applications shall be submitted to the 57716  
board in a manner prescribed by the board. Each application shall 57717  
be accompanied by a biennial renewal fee of three hundred five 57718  
dollars. Applications shall be submitted according to the 57719  
following schedule: 57720

(a) Persons whose last name begins with the letters "A" 57721  
through "B," on or before April 1, 2001, and the first day of 57722  
April of every odd-numbered year thereafter; 57723

(b) Persons whose last name begins with the letters "C" 57724  
through "D," on or before January 1, 2001, and the first day of 57725  
January of every odd-numbered year thereafter; 57726

(c) Persons whose last name begins with the letters "E" 57727  
through "G," on or before October 1, 2000, and the first day of 57728  
October of every even-numbered year thereafter; 57729

(d) Persons whose last name begins with the letters "H" 57730  
through "K," on or before July 1, 2000, and the first day of July 57731  
of every even-numbered year thereafter; 57732

(e) Persons whose last name begins with the letters "L" 57733  
through "M," on or before April 1, 2000, and the first day of 57734  
April of every even-numbered year thereafter; 57735

(f) Persons whose last name begins with the letters "N" 57736  
through "R," on or before January 1, 2000, and the first day of 57737  
January of every even-numbered year thereafter; 57738

(g) Persons whose last name begins with the letter "S," on or 57739  
before October 1, 1999, and the first day of October of every 57740  
odd-numbered year thereafter; 57741

(h) Persons whose last name begins with the letters "T" 57742  
through "Z," on or before July 1, 1999, and the first day of July 57743

of every odd-numbered year thereafter. 57744

The board shall deposit the fee in accordance with section 57745  
4731.24 of the Revised Code, except that the board shall deposit 57746  
twenty dollars of the fee into the state treasury to the credit of 57747  
the physician loan repayment fund created by section 3702.78 of 57748  
the Revised Code. 57749

(2) The board shall provide to every person holding a 57750  
~~certificate~~ license to practice medicine and surgery, osteopathic 57751  
medicine and surgery, or podiatric medicine and surgery, a renewal 57752  
notice or may provide the notice to the person through the 57753  
secretary of any recognized medical, osteopathic, or podiatric 57754  
society, according to the following schedule: 57755

(a) To persons whose last name begins with the letters "A" 57756  
through "B," on or before January 1, 2001, and the first day of 57757  
January of every odd-numbered year thereafter; 57758

(b) To persons whose last name begins with the letters "C" 57759  
through "D," on or before October 1, 2000, and the first day of 57760  
October of every even-numbered year thereafter; 57761

(c) To persons whose last name begins with the letters "E" 57762  
through "G," on or before July 1, 2000, and the first day of July 57763  
of every even-numbered year thereafter; 57764

(d) To persons whose last name begins with the letters "H" 57765  
through "K," on or before April 1, 2000, and the first day of 57766  
April of every even-numbered year thereafter; 57767

(e) To persons whose last name begins with the letters "L" 57768  
through "M," on or before January 1, 2000, and the first day of 57769  
January of every even-numbered year thereafter; 57770

(f) To persons whose last name begins with the letters "N" 57771  
through "R," on or before October 1, 1999, and the first day of 57772  
October of every odd-numbered year thereafter; 57773

(g) To persons whose last name begins with the letter "S," on 57774  
or before July 1, 1999, and the first day of July of every 57775  
odd-numbered year thereafter; 57776

(h) To persons whose last name begins with the letters "T" 57777  
through "Z," on or before April 1, 1999, and the first day of 57778  
April of every odd-numbered year thereafter. 57779

(3) Failure of any person to receive a notice of renewal from 57780  
the board shall not excuse the person from the requirements 57781  
contained in this section. 57782

(4) The board's notice shall inform the applicant of the 57783  
renewal procedure. The board shall provide the application for 57784  
renewal in a form determined by the board. 57785

(5) The applicant shall provide in the application the 57786  
applicant's full name; the applicant's residence address, business 57787  
address, and electronic mail address; the number of the 57788  
applicant's license certificate to practice; and any other 57789  
information required by the board. 57790

(6)(a) Except as provided in division (A)(6)(b) of this 57791  
section, in the case of an applicant who prescribes or personally 57792  
furnishes opioid analgesics or benzodiazepines, as defined in 57793  
section 3719.01 of the Revised Code, the applicant shall certify 57794  
to the board whether the applicant has been granted access to the 57795  
drug database established and maintained by the state board of 57796  
pharmacy pursuant to section 4729.75 of the Revised Code. 57797

(b) The requirement in division (A)(6)(a) of this section 57798  
does not apply if any of the following is the case: 57799

(i) The state board of pharmacy notifies the state medical 57800  
board pursuant to section 4729.861 of the Revised Code that the 57801  
applicant has been restricted from obtaining further information 57802  
from the drug database. 57803

(ii) The state board of pharmacy no longer maintains the drug database. 57804  
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(iii) The applicant does not practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in this state. 57806  
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(c) If an applicant certifies to the state medical board that the applicant has been granted access to the drug database and the board finds through an audit or other means that the applicant has not been granted access, the board may take action under section 4731.22 of the Revised Code. 57809  
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(7) The applicant shall include with the application a list of the names and addresses of any clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners with whom the applicant is currently collaborating, as defined in section 4723.01 of the Revised Code. 57814  
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(8) The applicant shall report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last ~~filing~~ submitting an application for a ~~certificate~~ license to practice or renewal of a ~~certificate~~ license. 57819  
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(9) The applicant shall execute and deliver the application to the board in a manner prescribed by the board. 57825  
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(B) The board shall renew a ~~certificate~~ license under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery upon application and qualification therefor in accordance with this section. A renewal shall be valid for a two-year period. 57827  
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(C) Failure of any ~~certificate~~ license holder to renew and comply with this section shall operate automatically to suspend the holder's ~~certificate~~ license to practice and if applicable, 57832  
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the holder's certificate to recommend issued under section 4731.30 57835  
of the Revised Code. Continued practice after the suspension shall 57836  
be considered as practicing in violation of section 4731.41, 57837  
4731.43, or 4731.60 of the Revised Code. If the ~~certificate~~ 57838  
license has been suspended pursuant to this division for two years 57839  
or less, it may be reinstated. The board shall reinstate a 57840  
~~certificate~~ license to practice suspended for failure to renew 57841  
upon an applicant's submission of a renewal application, the 57842  
biennial renewal fee, and the applicable monetary penalty. The 57843  
penalty for reinstatement shall be one hundred dollars. If the 57844  
~~certificate~~ license has been suspended pursuant to this division 57845  
for more than two years, it may be restored. Subject to section 57846  
4731.222 of the Revised Code, the board may restore a ~~certificate~~ 57847  
license to practice suspended for failure to renew upon an 57848  
applicant's submission of a restoration application, the biennial 57849  
renewal fee, and the applicable monetary penalty and compliance 57850  
with sections 4776.01 to 4776.04 of the Revised Code. The board 57851  
shall not restore to an applicant a ~~certificate~~ license to 57852  
practice unless the board, in its discretion, decides that the 57853  
results of the criminal records check do not make the applicant 57854  
ineligible for a ~~certificate~~ license issued pursuant to section 57855  
4731.14, 4731.56, or 4731.57 of the Revised Code. The penalty for 57856  
restoration shall be two hundred dollars. The board shall deposit 57857  
the penalties in accordance with section 4731.24 of the Revised 57858  
Code. Any renewal or restoration of a ~~certificate~~ license to 57859  
practice under this section shall operate automatically to renew 57860  
the holder's certificate to recommend. 57861

~~(D) If an individual certifies completion of the number of 57862  
hours and type of continuing medical education required to renew 57863  
or reinstate a certificate to practice, and the board finds 57864  
through the random samples it conducts under this section or 57865  
through any other means that the individual did not complete the 57866  
requisite continuing medical education, the board may impose a 57867~~

~~civil penalty of not more than five thousand dollars. The board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members.~~ 57868  
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~~A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4731.22 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.~~ 57872  
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~~(E)~~ The state medical board may obtain information not protected by statutory or common law privilege from courts and other sources concerning malpractice claims against any person holding a ~~certificate~~ license to practice under this chapter or practicing as provided in section 4731.36 of the Revised Code. 57877  
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~~(F)~~(E) Each mailing sent by the board under division (A)(2) of this section to a person holding a ~~certificate~~ license to practice medicine and surgery or osteopathic medicine and surgery shall inform the applicant of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page. 57882  
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~~(G)~~(F) Each person holding a ~~certificate~~ license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall give notice to the board of any of the following changes not later than thirty days after the change occurs: 57890  
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(1) A change in the ~~certificate~~ license holder's residence address, business address, or electronic mail address; 57895  
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(2) A change in the list provided under division (B)(7) of this section of names and addresses of the nurses with whom the 57897  
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~~certificate~~ license holder is collaborating. 57899

**Sec. 4731.282.** (A)(1) Except as provided in division (D) of 57900  
this section, each person holding a ~~certificate~~ license to 57901  
practice medicine and surgery, osteopathic medicine and surgery, 57902  
or podiatric medicine and surgery issued by the state medical 57903  
board shall complete biennially not less than one hundred hours of 57904  
continuing medical education that has been approved by the board. 57905

(2) Each person holding a ~~certificate~~ license to practice 57906  
shall be given sufficient choice of continuing education programs 57907  
to ensure that the person has had a reasonable opportunity to 57908  
participate in continuing education programs that are relevant to 57909  
the person's medical practice in terms of subject matter and 57910  
level. 57911

(B) In determining whether a course, program, or activity 57912  
qualifies for credit as continuing medical education, the board 57913  
shall approve all of the following: 57914

(1) Continuing medical education completed by holders of 57915  
~~certificates~~ licenses to practice medicine and surgery that is 57916  
certified by the Ohio state medical association; 57917

(2) Continuing medical education completed by holders of 57918  
~~certificates~~ licenses to practice osteopathic medicine and surgery 57919  
that is certified by the Ohio osteopathic association; 57920

(3) Continuing medical education completed by holders of 57921  
~~certificates~~ licenses to practice podiatric medicine and surgery 57922  
that is certified by the Ohio podiatric medical association. 57923

(C) The board shall approve one or more continuing medical 57924  
education courses of study included within the programs certified 57925  
by the Ohio state medical association and the Ohio osteopathic 57926  
association under divisions (B)(1) and (2) of this section that 57927  
assist doctors of medicine and doctors of osteopathic medicine in 57928

both of the following: 57929

(1) Recognizing the signs of domestic violence and its 57930  
relationship to child abuse; 57931

(2) Diagnosing and treating chronic pain, as defined in 57932  
section 4731.052 of the Revised Code. 57933

(D) The board shall adopt rules providing for pro rata 57934  
reductions by month of the number of hours of continuing education 57935  
that must be completed for ~~certificate~~ license holders who are in 57936  
their first renewal period, have been disabled by illness or 57937  
accident, or have been absent from the country. The board shall 57938  
adopt the rules in accordance with Chapter 119. of the Revised 57939  
Code. 57940

(E) The board may require a random sample of holders of 57941  
~~certificates~~ licenses to practice medicine and surgery, 57942  
osteopathic medicine and surgery, or podiatric medicine and 57943  
surgery to submit materials documenting completion of the required 57944  
number of hours of continuing medical education. This division 57945  
does not limit the board's authority to conduct investigations 57946  
pursuant to section 4731.22 of the Revised Code. 57947

(F) ~~The board may impose a civil penalty of not more than~~ 57948  
~~five thousand dollars if~~ (1) If, through a random sample conducted 57949  
under division (E) of this section or any other means, ~~it~~ the 57950  
board finds that an individual ~~falsely~~ who certified ~~that the~~ 57951  
~~individual completed~~ completion of the number of hours and type of 57952  
continuing medical education required ~~for renewal of~~ to renew, 57953  
reinstate, or restore a certificate license to practice. ~~If the~~ 57954  
~~civil penalty is imposed in addition to any other action the board~~ 57955  
~~takes~~ did not complete the requisite continuing medical education, 57956  
the board may do either of the following: 57957

(a) Take disciplinary action against the individual under 57958  
section 4731.22 of the Revised Code, ~~the,~~ impose a civil penalty, 57959

or both; 57960

(b) Permit the individual to agree in writing to complete the continuing medical education and pay a civil penalty. 57961  
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(2) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 57963  
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(3) A civil penalty imposed under this division may be in addition to or in lieu of any other action the board takes under section 4731.22 of the Revised Code. paid under division (F)(1)(b) of this section or imposed under division (F)(1)(a) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 57967  
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**Sec. 4731.291.** (A) An individual seeking to pursue an internship, residency, or clinical fellowship program in this state, who does not hold a ~~certificate~~ license to practice medicine and surgery or osteopathic medicine or surgery issued under this chapter, shall apply to the state medical board for a training certificate. The application shall be made on forms that the board shall furnish and shall be accompanied by an application fee of seventy-five dollars. 57974  
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An applicant for a training certificate shall furnish to the board ~~of~~ all of the following: 57982  
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(1) Evidence satisfactory to the board that the applicant is at least eighteen years of age and is of good moral character. 57984  
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(2) Evidence satisfactory to the board that the applicant has been accepted or appointed to participate in this state in one of the following: 57986  
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(a) An internship or residency program accredited by either 57989

the accreditation council for graduate medical education of the 57990  
American medical association or the American osteopathic 57991  
association; 57992

(b) A clinical fellowship program at an institution with a 57993  
residency program accredited by either the accreditation council 57994  
for graduate medical education of the American medical association 57995  
or the American osteopathic association that is in a clinical 57996  
field the same as or related to the clinical field of the 57997  
fellowship program; 57998

(3) Information identifying the beginning and ending dates of 57999  
the period for which the applicant has been accepted or appointed 58000  
to participate in the internship, residency, or clinical 58001  
fellowship program; 58002

(4) Any other information that the board requires. 58003

(B) If no grounds for denying a license or certificate under 58004  
section 4731.22 of the Revised Code apply, and the applicant meets 58005  
the requirements of division (A) of this section, the board shall 58006  
issue a training certificate to the applicant. The board shall not 58007  
require an examination as a condition of receiving a training 58008  
certificate. 58009

A training certificate issued pursuant to this section shall 58010  
be valid only for the period of one year, but may in the 58011  
discretion of the board and upon application duly made, be renewed 58012  
annually for a maximum of five years. The fee for renewal of a 58013  
training certificate shall be thirty-five dollars. 58014

The board shall maintain a register of all individuals who 58015  
hold training certificates. 58016

(C) The holder of a valid training certificate shall be 58017  
entitled to perform such acts as may be prescribed by or 58018  
incidental to the holder's internship, residency, or clinical 58019  
fellowship program, but the holder shall not be entitled otherwise 58020

to engage in the practice of medicine and surgery or osteopathic 58021  
medicine and surgery in this state. The holder shall limit 58022  
activities under the certificate to the programs of the hospitals 58023  
or facilities for which the training certificate is issued. The 58024  
holder shall train only under the supervision of the physicians 58025  
responsible for supervision as part of the internship, residency, 58026  
or clinical fellowship program. A 58027

A training certificate may be revoked by the board upon 58028  
proof, satisfactory to the board, that the holder thereof has 58029  
engaged in practice in this state outside the scope of the 58030  
internship, residency, or clinical fellowship program for which 58031  
the training certificate has been issued, or upon proof, 58032  
satisfactory to the board, that the holder thereof has engaged in 58033  
unethical conduct or that there are grounds for action against the 58034  
holder under section 4731.22 of the Revised Code. 58035

(D) The board may adopt rules as the board finds necessary to 58036  
effect the purpose of this section. 58037

**Sec. 4731.292.** The state medical board may register, without 58038  
examination, persons who are not citizens of the United States, 58039  
but who hold the degree of doctor of medicine or the degree of 58040  
doctor of osteopathic medicine and surgery, for the purpose of 58041  
permitting such persons to practice in hospitals operated by the 58042  
state. Registration pursuant to this section permits practice of 58043  
medicine or osteopathic medicine and surgery in state operated 58044  
institutions under the supervision of the medical staff of such 58045  
institution until the next scheduled examination ~~conducted~~ 58046  
~~prescribed~~ by the state medical board ~~under section 4731.13 of the~~ 58047  
~~Revised Code in its rules.~~ 58048

An applicant for a limited certificate to practice medicine 58049  
or osteopathic medicine and surgery shall furnish proof, 58050  
satisfactory to the board, that: 58051

(A) ~~He~~ The applicant has filed an application for 58052  
naturalization and that such application has not been rejected or 58053  
withdrawn, or if not yet eligible to file an application for 58054  
naturalization, ~~he~~ the applicant has filed a declaration of 58055  
intention to become a citizen of the United States in an 58056  
appropriate court of record. 58057

(B) ~~He~~ The applicant has successfully passed the educational 58058  
council for foreign medical graduates test. 58059

(C) ~~He~~ The applicant is at least eighteen years of age and of 58060  
good moral character. 58061

(D) ~~He~~ The applicant is a graduate of a medical or 58062  
osteopathic school or college which is reputable and in good 58063  
standing in the judgment of the board. 58064

(E) ~~He~~ The applicant will limit ~~his~~ the applicant's practice 58065  
and training within the physical confines of the institution for 58066  
which the limited certificate to practice is granted. 58067

(F) The medical staff of the institution for which the 58068  
limited certificate to practice is granted has approved in writing 58069  
~~his~~ the applicant's application for such certificate. 58070

(G) ~~He~~ The applicant will practice medicine or osteopathic 58071  
medicine and surgery only under the supervision of the attending 58072  
medical staff of the institution for which the limited certificate 58073  
is granted. 58074

(H) ~~He~~ The applicant has made application to take the state 58075  
medical board examination as provided by this section. 58076

Registration pursuant to this section shall be valid until 58077  
such time as the applicant takes the state medical board 58078  
examination. If the applicant passes the examination, ~~he~~ the 58079  
applicant shall then be granted a limited certificate to practice 58080  
medicine or osteopathic medicine and surgery. A holder of a 58081

limited certificate to practice, upon completion of the requisite 58082  
training and upon receipt of ~~his~~ United States citizenship, shall 58083  
be entitled to receive an unlimited ~~certificate~~ license to 58084  
practice. 58085

A limited certificate to practice issued pursuant to this 58086  
section shall be valid for a period of one year only, but may be 58087  
renewed, in the discretion of the board and upon application duly 58088  
made, annually, with the written approval of the medical staff of 58089  
the institution for which the limited certificate to practice has 58090  
been issued, but no limited certificate shall be renewed more than 58091  
four times. The fee to be paid to the board for the issuances of 58092  
the pre-examination registration permit to engage in limited 58093  
practice shall be one hundred dollars; the fee to be paid for each 58094  
renewal of a limited certificate shall be ten dollars. 58095

An applicant for a limited certificate to practice must take 58096  
the an examination conducted under section 4731.13 of the Revised 58097  
Code prescribed by the board in its rules at the first reasonable 58098  
opportunity. Failure to take the examination at the first 58099  
reasonable opportunity authorizes the termination of the 58100  
pre-examination registration permit to engage in a limited 58101  
practice as defined in this section. 58102

The holder of a valid limited certificate to practice may 58103  
engage in the practice of medicine and surgery or osteopathic 58104  
medicine and surgery only under the supervision of a member of the 58105  
medical staff of the institution for which the limited certificate 58106  
to practice has been issued, and only within physical confines of 58107  
the institution so named. A limited certificate to practice may be 58108  
revoked by the board upon proof, satisfactory to the board, that 58109  
the holder thereof has engaged in the practice of medicine and 58110  
surgery or osteopathic medicine and surgery in this state outside 58111  
the scope of ~~his~~ the holder's certificate, or upon proof that the 58112  
holder thereof has engaged in unethical conduct or has violated 58113

section 4731.22 of the Revised Code. 58114

The board may promulgate such additional rules and 58115  
regulations as the board finds necessary to effect the purpose of 58116  
this section. 58117

**Sec. 4731.294.** (A) The state medical board may issue, without 58118  
examination, a special activity certificate to any person seeking 58119  
to practice medicine and surgery or osteopathic medicine and 58120  
surgery in conjunction with a special activity, program, or event 58121  
taking place in this state. 58122

(B) An applicant for a special activity certificate shall 58123  
hold a telemedicine certificate issued under section 4731.296 of 58124  
the Revised Code or submit evidence satisfactory to the board of 58125  
all of the following: 58126

(1) The applicant holds a current, unrestricted license to 58127  
practice medicine and surgery or osteopathic medicine and surgery 58128  
issued by another state or country and that within the two-year 58129  
period immediately preceding application, the applicant has done 58130  
one of the following: 58131

(a) Actively practiced medicine and surgery or osteopathic 58132  
medicine and surgery in the United States; 58133

(b) Participated in a graduate medical education program 58134  
accredited by either the accreditation council for graduate 58135  
medical education of the American medical association or the 58136  
American osteopathic association; 58137

(c) Successfully passed the federation licensing examination 58138  
established by the federation of state medical boards, a special 58139  
examination established by the federation of state medical boards, 58140  
or all parts of a standard medical licensing examination 58141  
established for purposes of determining the competence of 58142  
individuals to practice medicine and surgery or osteopathic 58143

medicine and surgery in the United States. 58144

(2) The applicant meets the same educational requirements 58145  
that individuals must meet under sections 4731.09, ~~4731.091~~, and 58146  
4731.14 of the Revised Code. 58147

(3) The applicant's practice in conjunction with the special 58148  
activity, program, or event will be in the public interest. 58149

(C) The applicant shall pay a fee of one hundred twenty-five 58150  
dollars unless the applicant holds a telemedicine certificate 58151  
issued under section 4731.296 of the Revised Code. If the 58152  
applicant holds a telemedicine certificate, the board shall not 58153  
charge a fee for issuing a certificate under this section. The 58154  
board shall maintain a register of all persons who hold a special 58155  
activity certificate. 58156

(D) The holder of a special activity certificate may practice 58157  
medicine and surgery or osteopathic medicine and surgery only in 58158  
conjunction with the special activity, event, or program for which 58159  
the certificate is issued. The board may revoke a certificate on 58160  
receiving proof satisfactory to the board that the holder of the 58161  
certificate has engaged in practice in this state outside the 58162  
scope of the certificate or that there are grounds for action 58163  
against the certificate holder under section 4731.22 of the 58164  
Revised Code. 58165

(E) A special activity certificate is valid for the shorter 58166  
of thirty days or the duration of the special activity, program, 58167  
or event. The certificate may not be renewed. 58168

(F) The state medical board shall adopt rules in accordance 58169  
with Chapter 119. of the Revised Code that specify how often an 58170  
applicant may be granted a certificate under this section. 58171

**Sec. 4731.295.** (A)(1) As used in this section: 58172

(a) "Free clinic" has the same meaning as in section 3701.071 58173

of the Revised Code. 58174

(b) "Indigent and uninsured person" and "operation" have the 58175  
same meanings as in section 2305.234 of the Revised Code. 58176

(2) For the purposes of this section, a person shall be 58177  
considered retired from practice if the person's license ~~or~~ 58178  
~~certificate~~ has expired with the person's intention of ceasing to 58179  
practice medicine and surgery or osteopathic medicine and surgery 58180  
for remuneration. 58181

(B) The state medical board may issue, without examination, a 58182  
volunteer's certificate to a person who is retired from practice 58183  
so that the person may provide medical services to indigent and 58184  
uninsured persons at any location, including a free clinic. The 58185  
board shall deny issuance of a volunteer's certificate to a person 58186  
who is not qualified under this section to hold a volunteer's 58187  
certificate. 58188

(C) An application for a volunteer's certificate shall 58189  
include all of the following: 58190

(1) A copy of the applicant's degree of medicine or 58191  
osteopathic medicine. 58192

(2) One of the following, as applicable: 58193

(a) A copy of the applicant's most recent license ~~or~~ 58194  
~~certificate~~ authorizing the practice of medicine and surgery or 58195  
osteopathic medicine and surgery issued by a jurisdiction in the 58196  
United States that licenses persons to practice medicine and 58197  
surgery or osteopathic medicine and surgery. 58198

(b) A copy of the applicant's most recent license equivalent 58199  
to a license to practice medicine and surgery or osteopathic 58200  
medicine and surgery in one or more branches of the United States 58201  
armed services that the United States government issued. 58202

(3) Evidence of one of the following, as applicable: 58203

(a) That the applicant has maintained for at least ten years 58204  
prior to retirement full licensure in good standing in any 58205  
jurisdiction in the United States that licenses persons to 58206  
practice medicine and surgery or osteopathic medicine and surgery. 58207

(b) That the applicant has practiced for at least ten years 58208  
prior to retirement in good standing as a doctor of medicine and 58209  
surgery or osteopathic medicine and surgery in one or more of the 58210  
branches of the United States armed services. 58211

(4) A notarized statement from the applicant, on a form 58212  
prescribed by the board, that the applicant will not accept any 58213  
form of remuneration for any medical services rendered while in 58214  
possession of a volunteer's certificate. 58215

(D) The holder of a volunteer's certificate may provide 58216  
medical services only to indigent and uninsured persons, but may 58217  
do so at any location, including a free clinic. The holder shall 58218  
not accept any form of remuneration for providing medical services 58219  
while in possession of the certificate. Except in a medical 58220  
emergency, the holder shall not perform any operation or deliver 58221  
babies. The board may revoke a volunteer's certificate on 58222  
receiving proof satisfactory to the board that the holder has 58223  
engaged in practice in this state outside the scope of the 58224  
certificate. 58225

(E)(1) A volunteer's certificate shall be valid for a period 58226  
of three years, unless earlier revoked under division (D) of this 58227  
section or pursuant to section 4731.22 of the Revised Code. A 58228  
volunteer's certificate may be renewed upon the application of the 58229  
holder. The board shall maintain a register of all persons who 58230  
hold volunteer's certificates. The board shall not charge a fee 58231  
for issuing or renewing a certificate pursuant to this section. 58232

(2) To be eligible for renewal of a volunteer's certificate 58233  
the holder of the certificate shall certify to the board 58234

completion of one hundred fifty hours of continuing medical 58235  
education that meets the requirements of section 4731.282 of the 58236  
Revised Code regarding certification by private associations and 58237  
approval by the board. The board may not renew a certificate if 58238  
the holder has not complied with the continuing medical education 58239  
requirements. Any entity for which the holder provides medical 58240  
services may pay for or reimburse the holder for any costs 58241  
incurred in obtaining the required continuing medical education 58242  
credits. 58243

(3) The board shall issue a volunteer's certificate to each 58244  
person who qualifies under this section for the certificate. The 58245  
certificate shall state that the certificate holder is authorized 58246  
to provide medical services pursuant to the laws of this state. 58247  
The holder shall display the certificate prominently at the 58248  
location where the holder primarily practices. 58249

(4) The holder of a volunteer's certificate issued pursuant 58250  
to this section is subject to the immunity provisions regarding 58251  
the provision of services to indigent and uninsured persons in 58252  
section 2305.234 of the Revised Code. 58253

(F) The board shall adopt rules in accordance with Chapter 58254  
119. of the Revised Code to administer and enforce this section. 58255

**Sec. 4731.296.** (A) For the purposes of this section, "the 58256  
practice of telemedicine" means the practice of medicine in this 58257  
state through the use of any communication, including oral, 58258  
written, or electronic communication, by a physician located 58259  
outside this state. 58260

(B) A person who wishes to practice telemedicine in this 58261  
state shall file an application with the state medical board, 58262  
together with a fee ~~in the amount of the fee described in division~~ 58263  
~~(D) of section 4731.29 of the Revised Code~~ three hundred five 58264  
dollars and shall comply with sections 4776.01 to 4776.04 of the 58265

Revised Code. If the board, in its discretion, decides that the results of the criminal records check do not make the person ineligible for a telemedicine certificate, the board may issue, without examination, a telemedicine certificate to a person who meets all of the following requirements:

(1) The person holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state that requires license holders to complete at least fifty hours of continuing medical education every two years.

(2) The person's principal place of practice is in that state.

(3) The person does not hold a ~~certificate~~ license issued under this chapter authorizing the practice of medicine and surgery or osteopathic medicine and surgery in this state.

(4) The person meets the same age, moral character, and educational requirements individuals must meet under sections ~~4731.08, 4731.09, 4731.091,~~ and 4731.14 of the Revised Code and, if applicable, demonstrates proficiency in spoken English in accordance with ~~division (E) of section 4731.29~~ 4731.142 of the Revised Code.

(C) The holder of a telemedicine certificate may engage in the practice of telemedicine in this state. A person holding a telemedicine certificate shall not practice medicine in person in this state without obtaining a special activity certificate under section 4731.294 of the Revised Code.

(D) The board may revoke a certificate issued under this section or take other disciplinary action against a certificate holder pursuant to section 4731.22 of the Revised Code on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of

the certificate or that there are grounds for action against the holder under section 4731.22 of the Revised Code. 58297  
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(E) A telemedicine certificate shall be valid for a period specified by the board, and the initial renewal shall be in accordance with a schedule established by the board. Thereafter, the certificate shall be valid for two years. A certificate may be renewed on application of the holder. 58299  
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To be eligible for renewal, the holder of the certificate shall do both of the following: 58304  
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(1) Pay a fee in the amount of the fee described in division (A)(1) of section 4731.281 of the Revised Code; 58306  
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(2) Certify to the board compliance with the continuing medical education requirements of the state in which the holder's principal place of practice is located. 58308  
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The board may require a random sample of persons holding a telemedicine certificate to submit materials documenting completion of the continuing medical education requirements described in this division. 58311  
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(F) The board shall convert a telemedicine certificate to a ~~certificate~~ license issued under section ~~4731.29~~ 4731.14 of the Revised Code on receipt of a written request from the certificate holder. Once the telemedicine certificate is converted, the holder is subject to all requirements and privileges attendant to a ~~certificate~~ license issued under section ~~4731.29~~ 4731.14 of the Revised Code, including continuing medical education requirements. 58315  
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**Sec. 4731.298.** (A) The state medical board shall issue, without examination, to an applicant who meets the requirements of this section a visiting clinical professional development certificate authorizing the practice of medicine and surgery or osteopathic medicine and surgery as part of the applicant's 58322  
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participation in a clinical professional development program. 58327

(B) To be eligible for a visiting clinical professional 58328  
development certificate, an applicant shall provide to the board 58329  
both of the following: 58330

(1) Documentation satisfactory to the board of all of the 58331  
following: 58332

(a) Verification from the school or hospital conducting the 58333  
program that the applicant has sufficient financial resources to 58334  
support the applicant and any dependents based on the cost of 58335  
living in the geographic area of the school or hospital conducting 58336  
the program, including room, board, transportation, and related 58337  
living expenses; 58338

(b) Valid health and evacuation insurance for the duration of 58339  
the applicant's stay in the United States; 58340

(c) Professional liability insurance provided by the program 58341  
or the school or hospital conducting the program for the duration 58342  
of the applicant's participation in the program; 58343

(d) Proficiency in spoken English as demonstrated by passing 58344  
the examination described in section 4731.142 of the Revised Code; 58345

(e) A description from the school or hospital conducting the 58346  
program of the scope of medical or surgical activities permitted 58347  
during the applicant's participation in the program that includes 58348  
all of the following: 58349

(i) The type of practice in which the applicant will be 58350  
involved; 58351

(ii) The type of patient contact that will occur; 58352

(iii) The type of supervision the applicant will experience; 58353

(iv) A list of procedures the applicant will learn; 58354

(v) A list of any patient-based research projects in which 58355

the applicant will be involved; 58356

(vi) Whether the applicant will act as a consultant to a 58357  
person who holds a ~~certificate~~ license to practice medicine and 58358  
surgery or osteopathic medicine and surgery issued under this 58359  
chapter; 58360

(vii) Any other details of the applicant's participation in 58361  
the program. 58362

(f) A statement from the school or hospital conducting the 58363  
program regarding why the applicant needs advanced training and 58364  
the benefits to the applicant's home country of the applicant 58365  
receiving the training. 58366

(2) Evidence satisfactory to the board that the applicant 58367  
meets all of the following requirements: 58368

(a) Has been accepted for participation in a clinical 58369  
professional development program of a medical school or 58370  
osteopathic medical school in this state that is accredited by the 58371  
liaison committee on medical education or the American osteopathic 58372  
association or of a teaching hospital affiliated with such a 58373  
medical school; 58374

(b) Is an international medical graduate who holds a medical 58375  
degree from an educational institution listed in the international 58376  
medical education directory; 58377

(c) Has practiced medicine and surgery or osteopathic 58378  
medicine and surgery for at least five years after completing 58379  
graduate medical education, including postgraduate residency and 58380  
advanced training; 58381

(d) Has credentials that are primary-source verified by the 58382  
educational commission for foreign medical graduates or the 58383  
federation credentials verification service; 58384

(e) Holds a current, unrestricted license to practice 58385

|   |  |
|---|--|
| medicine and surgery or osteopathic medicine and surgery issued in<br>another country;  | 58386<br>58387   |
| (f) Agrees to comply with all state and federal laws<br>regarding health, health care, and patient privacy;   | 58388<br>58389   |
| (g) Agrees to return to the applicant's home state or country<br>at the conclusion of the clinical professional development<br>program.   | 58390<br>58391<br>58392  |
| (C) The applicant shall pay a fee of three hundred<br>seventy-five dollars. The board shall maintain a register of all<br>persons who hold visiting clinical professional development<br>certificates.  | 58393<br>58394<br>58395<br>58396   |
| (D) The holder of a visiting clinical professional<br>development certificate may practice medicine and surgery or<br>osteopathic medicine and surgery only as part of the clinical<br>professional development program in which the certificate holder<br>participates. The certificate holder's practice must be under the<br>direct supervision of a qualified faculty member of the medical<br>school, osteopathic medical school, or teaching hospital<br>conducting the program who holds a <del>certificate</del> <u>license</u> to practice<br>medicine and surgery or osteopathic medicine and surgery issued<br>under this chapter. | 58397<br>58398<br>58399<br>58400<br>58401<br>58402<br>58403<br>58404<br>58405<br>58406 |
| The program in which the certificate holder participates<br>shall ensure that the certificate holder does not do any of the<br>following:   | 58407<br>58408<br>58409  |
| (1) Write orders or prescribe medication;   | 58410  |
| (2) Bill for services performed;  | 58411  |
| (3) Occupy a residency or fellowship position approved by the<br>accreditation council for graduate medical education;  | 58412<br>58413   |
| (4) Attempt to have participation in a clinical professional<br>development program pursuant to this section counted toward   | 58414<br>58415   |

meeting the graduate medical education requirements specified in 58416  
section ~~4731.09~~ 4731.09 of the Revised Code. 58417

(E) The board may revoke a certificate issued under this 58418  
section on receiving proof satisfactory to the board that the 58419  
certificate holder has engaged in practice in this state outside 58420  
the scope of the certificate or that there are grounds for action 58421  
against the certificate holder under section 4731.22 of the 58422  
Revised Code. 58423

(F) A visiting clinical professional development certificate 58424  
is valid for the shorter of one year or the duration of the 58425  
program in which the holder is participating. The certificate 58426  
ceases to be valid if the holder resigns or is otherwise 58427  
terminated from the program. The certificate may not be extended. 58428

(G) The program in which a certificate holder participates 58429  
shall obtain from each patient or patient's parent or legal 58430  
guardian written consent to any medical or surgical procedure or 58431  
course of procedures in which the certificate holder participates. 58432

(H) The board may adopt any rules it considers necessary to 58433  
implement this section. The rules shall be adopted in accordance 58434  
with Chapter 119. of the Revised Code. 58435

**Sec. 4731.299.** (A) The state medical board may issue, without 58436  
examination, to an applicant who meets all of the requirements of 58437  
this section an expedited ~~certificate~~ license to practice medicine 58438  
and surgery or osteopathic medicine and surgery by endorsement. 58439

(B) An individual who seeks an expedited ~~certificate to~~ 58441  
~~practice medicine and surgery or osteopathic medicine and surgery~~ 58442  
license by endorsement shall file with the board a written 58443  
application on a form prescribed and supplied by the board. The 58444  
application shall include all of the information the board 58445

considers necessary to process it. 58446

(C) To be eligible to receive an expedited ~~certificate~~ 58447  
license by endorsement, an applicant shall do both of the 58448  
following: 58449

(1) Provide evidence satisfactory to the board that the 58450  
applicant meets all of the following requirements: 58451

(a) Has passed one of the following: 58452

(i) Steps one, two, and three of the United States medical 58453  
licensing examination; 58454

(ii) Levels one, two, and three of the comprehensive 58455  
osteopathic medical licensing examination of the United States; 58456

(iii) Any other medical licensing examination recognized by 58457  
the board. 58458

(b) For at least five years immediately preceding the date of 58459  
application, has held a current, unrestricted license to practice 58460  
medicine and surgery or osteopathic medicine and surgery issued by 58461  
the licensing authority of another state or a Canadian province; 58462

(c) For at least two years immediately preceding the date of 58463  
application, has actively practiced medicine and surgery or 58464  
osteopathic medicine and surgery in a clinical setting; 58465

(d) Is in compliance with the medical education and training 58466  
requirements in sections ~~4731.091~~ 4731.09 and 4731.14 of the 58467  
Revised Code. 58468

(2) Certify to the board that all of the following are the 58469  
case: 58470

(a) Not more than two malpractice claims have been filed 58471  
against the applicant within a period of ten years and no 58472  
malpractice claim against the applicant has resulted in total 58473  
payment of more than five hundred thousand dollars. 58474

(b) The applicant does not have a criminal record according 58475  
to the criminal records check required by section ~~4731.081~~ 4731.08 58476  
of the Revised Code. 58477

(c) The applicant does not have a medical condition that 58478  
could affect the applicant's ability to practice according to 58479  
acceptable and prevailing standards of care. 58480

(d) No adverse action has been taken against the applicant by 58481  
a health care institution. 58482

(e) To the applicant's knowledge, no federal agency, medical 58483  
society, medical association, or branch of the United States 58484  
military has investigated or taken action against the applicant. 58485

(f) No professional licensing or regulatory authority has 58486  
filed a complaint against, investigated, or taken action against 58487  
the applicant and the applicant has not withdrawn a professional 58488  
license application. 58489

(g) The applicant has not been suspended or expelled from any 58490  
institution of higher education or school, including a medical 58491  
school. 58492

(D) An applicant for an expedited ~~certificate~~ license by 58493  
endorsement shall comply with section ~~4731.081~~ 4731.08 of the 58494  
Revised Code. 58495

(E) At the time of application, the applicant shall pay to 58496  
the board a fee of one thousand dollars, no part of which shall be 58497  
returned. No application shall be considered filed until the board 58498  
receives the fee. 58499

(F) The secretary and supervising member of the board shall 58500  
review all applications received under this section. 58501

If the secretary and supervising member determine that an 58502  
applicant meets the requirements for an expedited ~~certificate to~~ 58503  
~~practice medicine and surgery or osteopathic medicine and surgery~~ 58504

license by endorsement, the board shall issue the ~~certificate~~ 58505  
license to the applicant. 58506

If the secretary and supervising member determine that an 58507  
applicant does not meet the requirements for an expedited 58508  
~~certificate to practice medicine and surgery or osteopathic~~ 58509  
~~medicine and surgery~~ license by endorsement, the application shall 58510  
be treated as an application under section ~~4731.08~~ 4731.09 of the 58511  
Revised Code. 58512

(G) Each ~~certificate~~ license issued by the board under this 58513  
section shall be signed by the president and secretary of the 58514  
board and attested by the board's seal. 58515

(H) Within sixty days after September 29, 2013, the board 58516  
shall approve acceptable means of demonstrating compliance with 58517  
sections ~~4731.091~~ 4731.09 and 4731.14 of the Revised Code as 58518  
required by division (C)(1)(d) of this section. 58519

**Sec. 4731.341.** (A) The practice of medicine in all of its 58520  
branches or the treatment of human ailments without the use of 58521  
drugs or medicines and without operative surgery by any person not 58522  
at that time holding a valid and current license or certificate as 58523  
provided by Chapter 4723., 4725., or 4731. of the Revised Code is 58524  
hereby declared to be inimical to the public welfare and to 58525  
constitute a public nuisance. 58526

(B) The attorney general, the prosecuting attorney of any 58527  
county in which the offense was committed or the offender resides, 58528  
the state medical board, or any other person having knowledge of a 58529  
person who either directly or by complicity is in violation of 58530  
division (A) of this section, may on or after January 1, 1969, in 58531  
accord with provisions of the Revised Code governing injunctions, 58532  
maintain an action in the name of the state to enjoin any person 58533  
from engaging either directly or by complicity in the unlawful 58534  
activity by applying for an injunction in the Franklin county 58535

court of common pleas or any other court of competent jurisdiction. 58536  
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Prior to application for such injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful activity by registered mail that the secretary has received information indicating that this person is so engaged. Said person shall answer the secretary within thirty days showing either that the person is ~~either~~ properly licensed or certified for the stated activity or that the person is not in violation of Chapter 4723. or 4731. of the Revised Code. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section. 58538  
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Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court. 58552  
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Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in Chapters 4723. and 4731. of the Revised Code. 58557  
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**Sec. 4731.36.** (A) Sections 4731.01 to 4731.47 of the Revised Code shall not prohibit service in case of emergency, domestic administration of family remedies, or provision of assistance to another individual who is self-administering drugs. 58560  
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Sections 4731.01 to 4731.47 of the Revised Code shall not apply to any of the following: 58564  
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(1) A commissioned medical officer of the armed forces of the United States or an employee of the veterans administration of the United States or the United States public health service in the discharge of the officer's or employee's professional duties;

(2) A dentist authorized under Chapter 4715. of the Revised Code to practice dentistry when engaged exclusively in the practice of dentistry or when administering anesthetics in the practice of dentistry;

(3) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein when providing consultation to an individual holding a ~~certificate~~ license to practice issued under this chapter who is responsible for the examination, diagnosis, and treatment of the patient who is the subject of the consultation, if one of the following applies:

(a) The physician or surgeon does not provide consultation in this state on a regular or frequent basis.

(b) The physician or surgeon provides the consultation without compensation of any kind, direct or indirect, for the consultation.

(c) The consultation is part of the curriculum of a medical school or osteopathic medical school of this state or a program described in division (A)(2) of section 4731.291 of the Revised Code.

(4) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein and provided services to a patient in that state or territory, when providing, not later than one year after the last date services were provided in another state or territory, follow-up services in person or through the use of any communication, including oral, written, or electronic communication, in this state to the patient

for the same condition; 58597

(5) A physician or surgeon residing on the border of a 58598  
contiguous state and authorized under the laws thereof to practice 58599  
medicine and surgery therein, whose practice extends within the 58600  
limits of this state. Such practitioner shall not either in person 58601  
or through the use of any communication, including oral, written, 58602  
or electronic communication, open an office or appoint a place to 58603  
see patients or receive calls within the limits of this state. 58604

(6) A board, committee, or corporation engaged in the conduct 58605  
described in division (A) of section 2305.251 of the Revised Code 58606  
when acting within the scope of the functions of the board, 58607  
committee, or corporation; 58608

(7) The conduct of an independent review organization 58609  
accredited by the superintendent of insurance under section 58610  
3922.13 of the Revised Code for the purpose of external reviews 58611  
conducted under Chapter 3922. of the Revised Code. 58612

As used in division (A)(1) of this section, "armed forces of 58613  
the United States" means the army, air force, navy, marine corps, 58614  
coast guard, and any other military service branch that is 58615  
designated by congress as a part of the armed forces of the United 58616  
States. 58617

(B)(1) Subject to division (B)(2) of this section, this 58618  
chapter does not apply to a person who holds a current, 58619  
unrestricted license to practice medicine and surgery or 58620  
osteopathic medicine and surgery in another state when the person, 58621  
pursuant to a written agreement with an athletic team located in 58622  
the state in which the person holds the license, provides medical 58623  
services to any of the following while the team is traveling to or 58624  
from or participating in a sporting event in this state: 58625

(a) A member of the athletic team; 58626

(b) A member of the athletic team's coaching, communications, 58627

equipment, or sports medicine staff; 58628

(c) A member of a band or cheerleading squad accompanying the 58629  
athletic team; 58630

(d) The athletic team's mascot. 58631

(2) In providing medical services pursuant to division (B)(1) 58632  
of this section, the person shall not provide medical services at 58633  
a health care facility, including a hospital, an ambulatory 58634  
surgical facility, or any other facility in which medical care, 58635  
diagnosis, or treatment is provided on an inpatient or outpatient 58636  
basis. 58637

(C) Sections 4731.51 to 4731.61 of the Revised Code do not 58638  
apply to any graduate of a podiatric school or college while 58639  
performing those acts that may be prescribed by or incidental to 58640  
participation in an accredited podiatric internship, residency, or 58641  
fellowship program situated in this state approved by the state 58642  
medical board. 58643

(D) This chapter does not apply to an oriental medicine 58644  
practitioner or acupuncturist who complies with Chapter 4762. of 58645  
the Revised Code. 58646

(E) This chapter does not prohibit the administration of 58647  
drugs by any of the following: 58648

(1) An individual who is licensed or otherwise specifically 58649  
authorized by the Revised Code to administer drugs; 58650

(2) An individual who is not licensed or otherwise 58651  
specifically authorized by the Revised Code to administer drugs, 58652  
but is acting pursuant to the rules for delegation of medical 58653  
tasks adopted under section 4731.053 of the Revised Code; 58654

(3) An individual specifically authorized to administer drugs 58655  
pursuant to a rule adopted under the Revised Code that is in 58656  
effect on April 10, 2001, as long as the rule remains in effect, 58657

specifically authorizing an individual to administer drugs. 58658

(F) The exemptions described in divisions (A)(3), (4), and 58659  
(5) of this section do not apply to a physician or surgeon whose 58660  
~~certificate~~ license to practice issued under this chapter is under 58661  
suspension or has been revoked or permanently revoked by action of 58662  
the state medical board. 58663

**Sec. 4731.41.** (A) No person shall practice medicine and 58664  
surgery, or any of its branches, without the appropriate license 58665  
or certificate from the state medical board to engage in the 58666  
practice. No person shall advertise or claim to the public to be a 58667  
practitioner of medicine and surgery, or any of its branches, 58668  
without a license or certificate from the board. No person shall 58669  
open or conduct an office or other place for such practice without 58670  
a license or certificate from the board. No person shall conduct 58671  
an office in the name of some person who has a license or 58672  
certificate to practice medicine and surgery, or any of its 58673  
branches. No person shall practice medicine and surgery, or any of 58674  
its branches, after the person's license or certificate has been 58675  
revoked, or, if suspended, during the time of such suspension. 58676

A license or certificate signed by the secretary of the board 58677  
to which is affixed the official seal of the board to the effect 58678  
that it appears from the records of the board that no such license 58679  
or certificate to practice medicine and surgery, or any of its 58680  
branches, in this state has been issued to the person specified 58681  
therein, or that a license or certificate to practice, if issued, 58682  
has been revoked or suspended, shall be received as prima-facie 58683  
evidence of the record of the board in any court or before any 58684  
officer of the state. 58685

(B) No license or certificate from the state medical board is 58686  
required by a physician who comes into this state to practice 58687  
medicine at a free-of-charge camp accredited by the SeriousFun 58688

children's network that specializes in providing therapeutic 58689  
recreation, as defined in section 2305.231 of the Revised Code, 58690  
for individuals with chronic illnesses as long as all of the 58691  
following apply: 58692

(1) The physician provides documentation to the medical 58693  
director of the camp that the physician is licensed and in good 58694  
standing to practice medicine in another state; 58695

(2) The physician provides services only at the camp or in 58696  
connection with camp events or camp activities that occur off the 58697  
grounds of the camp; 58698

(3) The physician receives no compensation for the services; 58699

(4) The physician provides those services within this state 58700  
for not more than thirty days per calendar year; 58701

(5) The camp has a medical director who holds an unrestricted 58702  
license to practice medicine issued in accordance with division 58703  
(A) of this section. 58704

**Sec. 4731.43.** No person shall announce or advertise ~~himself~~ 58705  
that person as an osteopathic physician and surgeon, or shall 58706  
practice as such, without a ~~certificate~~ license from the state 58707  
medical board or without complying with all the provisions of law 58708  
relating to such practice, or shall practice after such 58709  
~~certificate~~ license has been revoked, or if suspended, during the 58710  
time of such suspension. 58711

A ~~certificate~~ license certified by the secretary, under the 58712  
official seal of the said board to the effect that it appears from 58713  
the records of the board that no ~~certificate~~ license to practice 58714  
osteopathic medicine and surgery has been issued to any person 58715  
specified therein, or that a ~~certificate~~ license, if issued, has 58716  
been revoked or suspended shall be received as prima-facie 58717  
evidence of the record in any court or before any officer of the 58718

state. 58719

**Sec. 4731.531.** In addition to any other eligibility 58720  
requirement set forth in this chapter, each applicant for a 58721  
~~certificate~~ license to practice podiatric medicine and surgery 58722  
shall comply with sections 4776.01 to 4776.04 of the Revised Code. 58723  
The state medical board shall not grant to an applicant a 58724  
~~certificate~~ license to practice podiatric medicine and surgery 58725  
unless the board, in its discretion, decides that the results of 58726  
the criminal records check do not make the applicant ineligible 58727  
for a ~~certificate~~ license issued pursuant to section 4731.56 or 58728  
4731.57 of the Revised Code. 58729

**Sec. 4731.55.** The examinations of applicants for ~~certificates~~ 58730  
licenses to practice podiatric medicine and surgery shall be 58731  
conducted under rules prescribed by the state medical board. An 58732  
applicant who holds the degree of doctor of podiatric medicine 58733  
shall be examined in subjects pertinent to current podiatric 58734  
educational standards. 58735

**Sec. 4731.56.** The state medical board shall issue its 58736  
~~certificate~~ license to practice podiatric medicine and surgery to 58737  
each applicant who passes the examination conducted under section 58738  
4731.55 of the Revised Code and has paid the treasurer of the 58739  
state medical board a ~~certificate~~ license issuance fee of three 58740  
hundred dollars. Each ~~certificate~~ license shall be signed by the 58741  
board's president and secretary and attested by its seal. An 58742  
affirmative vote of not less than six members of the state medical 58743  
board is required for issuance of a ~~certificate~~ license. 58744

A ~~certificate~~ license authorizing the practice of podiatric 58745  
medicine and surgery permits the holder the use of the title 58746  
"physician" or the use of the title "surgeon" when the title is 58747  
qualified by letters or words showing that the holder of the 58748

~~certificate~~ license is a practitioner of podiatric medicine and 58749  
surgery. The ~~certificate~~ license shall be prominently displayed in 58750  
the ~~certificate~~ license holder's office or the place where a major 58751  
portion of the ~~certificate~~ license holder's practice is conducted. 58752

**Sec. 4731.57.** When a podiatrist licensed by the licensing 58753  
authority of another state wishes to remove to this state to 58754  
practice the podiatrist's profession, the state medical board may, 58755  
in its discretion, by an affirmative vote of not less than six of 58756  
its members, issue to the applicant a ~~certificate~~ license to 58757  
practice podiatric medicine and surgery without requiring the 58758  
applicant to submit to examination, provided the applicant meets 58759  
the requirements for entrance set forth in section 4731.53 of the 58760  
Revised Code and pays a fee of three hundred dollars. Application 58761  
shall be made on a form prescribed by the board. 58762

**Sec. 4731.571.** The state medical board may, upon an 58763  
affirmative vote of not less than six members, issue a ~~certificate~~ 58764  
license to practice podiatry by endorsement to an applicant who 58765  
has successfully passed the written examination of a recognized 58766  
national certifying agency in podiatry; provided the written 58767  
examination of the certifying agency was, in the opinion of the 58768  
board, equivalent to its own examination, and provided further 58769  
that the applicant satisfies in all other respects, the 58770  
requirements for a license as set forth in sections 4731.51 to 58771  
4731.60 of the Revised Code. Such application to the board shall 58772  
be accompanied by an application fee of three hundred dollars. 58773

**Sec. 4731.573.** (A) An individual seeking to pursue an 58774  
internship, residency, or clinical fellowship program in podiatric 58775  
medicine and surgery in this state, who does not hold a 58776  
~~certificate~~ license to practice podiatric medicine and surgery 58777  
issued under this chapter, shall apply to the state medical board 58778

for a training certificate. The application shall be made on forms 58779  
that the board shall furnish and shall be accompanied by an 58780  
application fee of seventy-five dollars. 58781

An applicant for a training certificate shall furnish to the 58782  
board all of the following: 58783

(1) Evidence satisfactory to the board that the applicant is 58784  
at least eighteen years of age and is of good moral character; 58785

(2) Evidence satisfactory to the board that the applicant has 58786  
been accepted or appointed to participate in this state in one of 58787  
the following: 58788

(a) An internship or residency program accredited by either 58789  
the council on podiatric medical education or the American 58790  
podiatric medical association; 58791

(b) A clinical fellowship program at an institution with a 58792  
residency program accredited by either the council on podiatric 58793  
medical education or the American podiatric medical association 58794  
that is in a clinical field the same as or related to the clinical 58795  
field of the fellowship program. 58796

(3) Information identifying the beginning and ending dates of 58797  
the period for which the applicant has been accepted or appointed 58798  
to participate in the internship, residency, or clinical 58799  
fellowship program; 58800

(4) Any other information that the board requires. 58801

(B) If no grounds for denying a license or certificate under 58802  
section 4731.22 of the Revised Code apply and the applicant meets 58803  
the requirements of division (A) of this section, the board shall 58804  
issue a training certificate to the applicant. The board shall not 58805  
require an examination as a condition of receiving a training 58806  
certificate. 58807

A training certificate issued pursuant to this section shall 58808

be valid only for the period of one year, but may in the 58809  
discretion of the board and upon application duly made, be renewed 58810  
annually for a maximum of five years. The fee for renewal of a 58811  
training certificate shall be thirty-five dollars. 58812

The board shall maintain a register of all individuals who 58813  
hold training certificates. 58814

(C) The holder of a valid training certificate shall be 58815  
entitled to perform such acts as may be prescribed by or 58816  
incidental to the holder's internship, residency, or clinical 58817  
fellowship program, but the holder shall not be entitled otherwise 58818  
to engage in the practice of podiatric medicine and surgery in 58819  
this state. The holder shall limit activities under the 58820  
certificate to the programs of the hospitals or facilities for 58821  
which the training certificate is issued. The holder shall train 58822  
only under the supervision of the podiatrists responsible for 58823  
supervision as part of the internship, residency, or clinical 58824  
fellowship program. A training certificate may be revoked by the 58825  
board upon proof, satisfactory to the board, that the holder 58826  
thereof has engaged in practice in this state outside the scope of 58827  
the internship, residency, or clinical fellowship program for 58828  
which the training certificate has been issued, or upon proof, 58829  
satisfactory to the board, that the holder thereof has engaged in 58830  
unethical conduct or that there are grounds for action against the 58831  
holder under section 4731.22 of the Revised Code. 58832

(D) The board may adopt rules as the board finds necessary to 58833  
effect the purpose of this section. 58834

**Sec. 4731.60.** No person shall practice podiatric medicine and 58835  
surgery without a ~~certificate~~ license from the state medical 58836  
board; no person shall advertise or announce as a practitioner of 58837  
podiatric medicine and surgery without a ~~certificate~~ license from 58838  
the board; no person shall open or conduct an office or other 58839

place for such practice without a ~~certificate~~ license from the 58840  
board; no person shall conduct an office in the name of some 58841  
person who has a ~~certificate~~ license to practice podiatric 58842  
medicine and surgery; and no person shall practice podiatric 58843  
medicine and surgery after a ~~certificate~~ license has been revoked, 58844  
or if suspended, during the time of such suspension. 58845

A certificate signed by the secretary to which is affixed the 58846  
official seal of the board to the effect that it appears from the 58847  
records of the board that no such ~~certificate~~ license to practice 58848  
podiatric medicine and surgery, in the state has been issued to 58849  
any such person specified therein, or that a ~~certificate~~ license, 58850  
if issued, has been revoked or suspended, shall be received as 58851  
prima-facie evidence of the record of such board in any court or 58852  
before any officer of this state. 58853

**Sec. 4731.61.** The ~~certificate~~ license of a podiatrist may be 58854  
revoked, limited, or suspended; the holder of a ~~certificate~~ 58855  
license may be placed on probation or reprimanded; or an applicant 58856  
may be refused registration or reinstatement for violations of 58857  
section 4731.22 or sections 4731.51 to 4731.60 of the Revised Code 58858  
by an affirmative vote of not less than six members of the state 58859  
medical board. 58860

This section does not preclude the application to, or limit 58861  
the operation or effect upon, podiatrists of other sections of 58862  
Chapter 4731. of the Revised Code. 58863

**Sec. 4731.65.** As used in sections 4731.65 to 4731.71 of the 58864  
Revised Code: 58865

(A)(1) "Clinical laboratory services" means either of the 58866  
following: 58867

(a) Any examination of materials derived from the human body 58868

for the purpose of providing information for the diagnosis, 58869  
prevention, or treatment of any disease or impairment or for the 58870  
assessment of health; 58871

(b) Procedures to determine, measure, or otherwise describe 58872  
the presence or absence of various substances or organisms in the 58873  
body. 58874

(2) "Clinical laboratory services" does not include the mere 58875  
collection or preparation of specimens. 58876

(B) "Designated health services" means any of the following: 58877

(1) Clinical laboratory services; 58878

(2) Home health care services; 58879

(3) Outpatient prescription drugs. 58880

(C) "Fair market value" means the value in arms-length 58881  
transactions, consistent with general market value and: 58882

(1) With respect to rentals or leases, the value of rental 58883  
property for general commercial purposes, not taking into account 58884  
its intended use; 58885

(2) With respect to a lease of space, not adjusted to reflect 58886  
the additional value the prospective lessee or lessor would 58887  
attribute to the proximity or convenience to the lessor if the 58888  
lessor is a potential source of referrals to the lessee. 58889

(D) "Governmental health care program" means any program 58890  
providing health care benefits that is administered by the federal 58891  
government, this state, or a political subdivision of this state, 58892  
including the medicare program, health care coverage for public 58893  
employees, health care benefits administered by the bureau of 58894  
workers' compensation, and the medicaid program. 58895

(E)(1) "Group practice" means a group of two or more holders 58896  
of licenses or certificates under this chapter legally organized 58897  
as a partnership, professional corporation or association, limited 58898

liability company, foundation, nonprofit corporation, faculty 58899  
practice plan, or similar group practice entity, including an 58900  
organization comprised of a nonprofit medical clinic that 58901  
contracts with a professional corporation or association of 58902  
physicians to provide medical services exclusively to patients of 58903  
the clinic in order to comply with section 1701.03 of the Revised 58904  
Code and including a corporation, limited liability company, 58905  
partnership, or professional association described in division (B) 58906  
of section 4731.226 of the Revised Code formed for the purpose of 58907  
providing a combination of the professional services of 58908  
optometrists who are licensed, certificated, or otherwise legally 58909  
authorized to practice optometry under Chapter 4725. of the 58910  
Revised Code, chiropractors who are licensed, certificated, or 58911  
otherwise legally authorized to practice chiropractic or 58912  
acupuncture under Chapter 4734. of the Revised Code, psychologists 58913  
who are licensed, certificated, or otherwise legally authorized to 58914  
practice psychology under Chapter 4732. of the Revised Code, 58915  
registered or licensed practical nurses who are licensed, 58916  
certificated, or otherwise legally authorized to practice nursing 58917  
under Chapter 4723. of the Revised Code, pharmacists who are 58918  
licensed, certificated, or otherwise legally authorized to 58919  
practice pharmacy under Chapter 4729. of the Revised Code, 58920  
physical therapists who are licensed, certificated, or otherwise 58921  
legally authorized to practice physical therapy under sections 58922  
4755.40 to 4755.56 of the Revised Code, occupational therapists 58923  
who are licensed, certificated, or otherwise legally authorized to 58924  
practice occupational therapy under sections 4755.04 to 4755.13 of 58925  
the Revised Code, mechanotherapists who are licensed, 58926  
certificated, or otherwise legally authorized to practice 58927  
mechanotherapy under section 4731.151 of the Revised Code, and 58928  
doctors of medicine and surgery, osteopathic medicine and surgery, 58929  
or podiatric medicine and surgery who are licensed, certificated, 58930  
or otherwise legally authorized for their respective practices 58931

under this chapter, and licensed professional clinical counselors, 58932  
licensed professional counselors, independent social workers, 58933  
social workers, independent marriage and family therapists, or 58934  
marriage and family therapists who are licensed, certificated, or 58935  
otherwise legally authorized for their respective practices under 58936  
Chapter 4757. of the Revised Code to which all of the following 58937  
apply: 58938

(a) Each physician who is a member of the group practice 58939  
provides substantially the full range of services that the 58940  
physician routinely provides, including medical care, 58941  
consultation, diagnosis, or treatment, through the joint use of 58942  
shared office space, facilities, equipment, and personnel. 58943

(b) Substantially all of the services of the members of the 58944  
group are provided through the group and are billed in the name of 58945  
the group and amounts so received are treated as receipts of the 58946  
group. 58947

(c) The overhead expenses of and the income from the practice 58948  
are distributed in accordance with methods previously determined 58949  
by members of the group. 58950

(d) The group practice meets any other requirements that the 58951  
state medical board applies in rules adopted under section 4731.70 58952  
of the Revised Code. 58953

(2) In the case of a faculty practice plan associated with a 58954  
hospital with a medical residency training program in which 58955  
physician members may provide a variety of specialty services and 58956  
provide professional services both within and outside the group, 58957  
as well as perform other tasks such as research, the criteria in 58958  
division (E)(1) of this section apply only with respect to 58959  
services rendered within the faculty practice plan. 58960

(F) "Home health care services" and "immediate family" have 58961  
the same meanings as in the rules adopted under section 4731.70 of 58962

the Revised Code. 58963

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 58964  
58965

(H) A "referral" includes both of the following: 58966

(1) A request by a holder of a license or certificate under this chapter for an item or service, including a request for a consultation with another physician and any test or procedure ordered by or to be performed by or under the supervision of the other physician; 58967  
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(2) A request for or establishment of a plan of care by a license or certificate holder that includes the provision of designated health services. 58972  
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(I) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code. 58975  
58976

**Sec. 4731.66.** (A) Except as provided in sections 4731.67 and 4731.68 of the Revised Code, no holder of a ~~certificate~~ license under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall refer a patient to a person for a designated health service if the ~~certificate~~ license holder, or a member of the ~~certificate~~ license holder's immediate family, has either of the following financial relationships with the person: 58977  
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(1) An ownership or investment interest in the person whether through debt, equity, or other means; 58985  
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(2) Any compensation arrangement involving any remuneration, directly or indirectly, overtly or covertly, in cash or in kind. 58987  
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(B) No person to which a ~~certificate~~ license holder has referred a patient in violation of division (A) of this section shall bill the patient, any third-party payer, any governmental health care program, or any other person or governmental entity 58989  
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for the designated health service rendered pursuant to the 58993  
referral. 58994

(C) No person shall knowingly enter into an arrangement or 58995  
scheme, including a cross-referral arrangement, that has a 58996  
principal purpose of assuring referrals by a ~~certificate~~ license 58997  
holder to a particular person that, if the ~~certificate~~ license 58998  
holder directly made referrals to such person, would violate 58999  
division (A) of this section. 59000

**Sec. 4731.67.** Section 4731.66 of the Revised Code does not 59001  
apply to any of the following referrals by the holder of a 59002  
~~certificate~~ license under this chapter: 59003

(A) Referrals for physicians' services that are performed by 59004  
or under the personal supervision of a physician in the same group 59005  
practice as the referring physician; 59006

(B) Referrals for clinical laboratory services by a 59007  
~~certificate~~ license holder specializing in the practice of 59008  
pathology if those services are provided by or under the 59009  
supervision of the pathologist pursuant to a consultation 59010  
requested by another physician; 59011

(C) Referrals for in-office ancillary services to which all 59012  
of the following apply: 59013

(1) The services are furnished by the referring physician, a 59014  
physician in the same group practice as the referring physician, 59015  
or individuals who are employed by the referring physician or the 59016  
group practice and who are supervised by the referring physician 59017  
or a physician in the group practice, and are furnished either: 59018

(a) In a building in which the referring physician, or 59019  
another physician in the same group practice as the referring 59020  
physician, furnishes physicians' services unrelated to the 59021  
furnishing of designated health services; 59022

(b) In another building used by the referring physician's group practice for the centralized provision of the group's designated health services. 59023  
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(2) The services are billed by the physician performing or supervising the services, the physician's group practice, or an entity wholly owned by the group practice. 59026  
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(3) The physician's ownership or investment interest in the services described in this division meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code. 59029  
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(D) Referrals for in-office ancillary services if the third-party payer is aware of and has agreed in writing to reimburse the services notwithstanding the financial arrangement between the physician and the provider of such ancillary services. 59033  
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(E) Referrals for services furnished by a health insuring corporation to an enrollee of the corporation; 59037  
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(F) Referrals to a hospital for designated health services, if all of the following apply: 59039  
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(1) The financial arrangement between the referring physician or immediate family member and the hospital consists of an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code and not a compensation arrangement described in division (A)(2) of that section. 59041  
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(2) The referring physician is authorized to perform services at the hospital. 59046  
59047

(3) The ownership or investment interest is in the hospital itself and not merely in a subdivision of the hospital. 59048  
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(G) Referrals to a hospital with which the ~~certificate~~ license holder's or immediate family member's financial relationship does not relate to the provision of designated health 59050  
59051  
59052

services; 59053

(H) Referrals to a laboratory located in a rural area as 59054  
defined in section 1886(d)(2)(D) of the "Social Security Act," 49 59055  
Stat. 620 (1935), 42 U.S.C.A. 1395ww(d)(2)(D), as amended, if the 59056  
financial relationship consists of an ownership or investment 59057  
interest described in division (A)(1) of section 4731.66 of the 59058  
Revised Code, and not a compensation arrangement described in 59059  
division (A)(2) of that section; 59060

(I) Any other referrals in which the financial relationship 59061  
between the ~~certificate~~ license holder or immediate family member 59062  
and the person furnishing services has been specified in rules 59063  
adopted by the state medical board under section 4731.70 of the 59064  
Revised Code. 59065

**Sec. 4731.68.** (A) Ownership of investment securities in a 59066  
corporation, including bonds, debentures, notes, other debt 59067  
instruments, or shares, shall not be considered an ownership or 59068  
investment interest described in division (A)(1) of section 59069  
4731.66 of the Revised Code if all of the following apply: 59070

(1) The securities were purchased on terms generally 59071  
available to the public. 59072

(2) The corporation is listed for trading on the New York 59073  
stock exchange or the American stock exchange or is a national 59074  
market system security traded under an automated interdealer 59075  
quotation system operated by the national association of 59076  
securities dealers. 59077

(3) The corporation had, at the end of its most recent fiscal 59078  
year, total assets exceeding one hundred million dollars. 59079

(B) Payments for the rental or lease of office space shall 59080  
not be considered a compensation arrangement described in division 59081  
(A)(2) of section 4731.66 of the Revised Code if all of the 59082

|  |   |
|--|---|
| following apply:   | 59083   |
| (1) There is a written agreement signed by the parties for the rental or lease of the space that does all of the following:  | 59084<br>59085  |
| (a) Specifies the space covered by the agreement and dedicated for the use of the lessee;  | 59086<br>59087  |
| (b) Provides for a term of rental or lease of at least one year;   | 59088<br>59089  |
| (c) Provides for payment on a periodic basis of an amount that is consistent with fair market value;   | 59090<br>59091  |
| (d) Provides for an amount of aggregate payments that does not directly or indirectly vary based on the volume or value of any referrals of business between the parties;  | 59092<br>59093<br>59094   |
| (e) Would be commercially reasonable even if no referrals were made between the parties.   | 59095<br>59096  |
| (2) In the case of a rental or lease arrangement between a holder of a <del>certificate</del> <u>license</u> under this chapter or member of the <del>certificate</del> <u>license</u> holder's immediate family and another person in which the <del>certificate</del> <u>license</u> holder or family member also has an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code, the office space is in the same building as the building in which the <del>certificate</del> <u>license</u> holder or the <del>certificate</del> <u>license</u> holder's group practice has a practice. | 59097<br>59098<br>59099<br>59100<br>59101<br>59102<br>59103<br>59104<br>59105 |
| (3) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.  | 59106<br>59107<br>59108   |
| (C) An arrangement between a hospital and a <del>certificate</del> <u>license</u> holder or a member of the <del>certificate</del> <u>license</u> holder's immediate family for the employment of the <del>certificate</del> <u>license</u> holder or family member or for the provision of administrative   | 59109<br>59110<br>59111<br>59112  |

services shall not be considered a compensation arrangement 59113  
described in division (A)(2) of section 4731.66 of the Revised 59114  
Code if all of the following apply: 59115

(1) The arrangement is for identifiable services. 59116

(2) The amount of the remuneration under the arrangement is 59117  
consistent with the fair market value of the services and is not 59118  
determined in a manner that directly or indirectly takes into 59119  
account the volume or value of any referrals by the ~~certificate~~ 59120  
license holder. 59121

(3) The remuneration is provided pursuant to an agreement 59122  
that would be commercially reasonable even if the ~~certificate~~ 59123  
license holder made no referrals to the hospital. 59124

(4) The arrangement meets any other requirements that the 59125  
state medical board applies in rules adopted under section 4731.70 59126  
of the Revised Code. 59127

(D) Remuneration by a hospital of a ~~certificate~~ license 59128  
holder to induce the ~~certificate~~ license holder to relocate to the 59129  
geographic area served by the hospital in order to be a member of 59130  
the hospital's medical staff shall not be considered a 59131  
compensation arrangement described in division (A)(2) of section 59132  
4731.66 of the Revised Code if all of the following apply: 59133

(1) The ~~certificate~~ license holder is not required to refer 59134  
patients to the hospital. 59135

(2) The amount of the remuneration is not determined in a 59136  
manner that directly or indirectly takes into account the volume 59137  
or value of any referrals by the ~~certificate~~ license holder to the 59138  
hospital. 59139

(3) The arrangement meets any other requirements that the 59140  
state medical board applies in rules adopted under section 4731.70 59141  
of the Revised Code. 59142

(E) Remuneration of a ~~certificate~~ license holder or member of the ~~certificate~~ license holder's immediate family by a person other than a hospital shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The remuneration is for any of the following:

(a) Specific, identifiable services as the medical director or a member of a medical advisory board of the person;

(b) Specific, identifiable physicians' services furnished to an individual in a hospice if the physicians' services are payable by the individual's third-party payer only to the hospice;

(c) Specific, identifiable physicians' services furnished to a nonprofit blood center;

(d) Specific, identifiable administrative services other than direct patient care services in circumstances specified in rules adopted by the state medical board under section 4731.70 of the Revised Code.

(2) The amount of the remuneration under the arrangement is consistent with the fair market value of the services and is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the ~~certificate~~ license holder.

(3) The remuneration is provided pursuant to an agreement that would be commercially reasonable even if the ~~certificate~~ license holder made no referrals to the person.

(4) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(F) Isolated financial transactions, including a one-time sale of property, shall not be considered a compensation

arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The amount of the remuneration under the arrangement is consistent with fair market value and is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the ~~certificate~~ license holder.

(2) The remuneration is provided pursuant to an agreement that would be commercially reasonable even if the ~~certificate~~ license holder made no referrals to the other parties to the transaction.

(3) The transaction meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(G) Payment of the salary of a ~~certificate~~ license holder by the ~~certificate~~ license holder's group practice shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code.

**Sec. 4731.76.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued pursuant to this chapter.

**Sec. 4731.82.** (A) As used in this section:

(1) "Fetal death" has the same meaning as in section 3705.01 of the Revised Code, except that it does not include either of the following:

(a) The product of human conception of at least twenty weeks of gestation;

(b) The purposeful termination of a pregnancy, as described 59202  
in section 2919.11 of the Revised Code. 59203

(2) "Physician" means an individual holding a ~~certificate~~ 59204  
license issued under this chapter to practice medicine and surgery 59205  
or osteopathic medicine and surgery ~~pursuant to this chapter.~~ 59206

(B) If a woman in the process of experiencing a fetal death 59207  
or with the product of human conception as a result of a fetal 59208  
death presents herself to a physician and is not referred to a 59209  
hospital, the attending physician shall provide the woman with all 59210  
of the following: 59211

(1) A written statement, not longer than one page in length, 59212  
that confirms that the woman was pregnant and that she 59213  
subsequently suffered a miscarriage that resulted in a fetal 59214  
death; 59215

(2) Notice of the right of the woman to apply for a fetal 59216  
death certificate pursuant to section 3705.20 of the Revised Code; 59217

(3) A short, general description of the attending physician's 59218  
procedures for disposing of the product of a fetal death. 59219

The attending physician may present the notice and 59220  
description required by divisions (B)(2) and (B)(3) of this 59221  
section through oral or written means. The physician shall 59222  
document in the woman's medical record that all of the items 59223  
required by this division were provided to the woman and shall 59224  
place in the record a copy of the statement required by division 59225  
(B)(1) of this section. 59226

(C) A physician is immune from civil or criminal liability or 59227  
professional disciplinary action with regard to any action taken 59228  
in good faith compliance with this section. 59229

**Sec. 4731.85.** The department of health shall establish a 59230  
procedure to provide special recognition annually to one or more 59231

persons issued a ~~certificate~~ license under this chapter to 59232  
practice medicine and surgery, osteopathic medicine and surgery, 59233  
or podiatric medicine and surgery who volunteer medical services 59234  
to medically underserved areas of this state or to charitable 59235  
shelters or clinics. Any person may nominate a ~~certificate~~ license 59236  
holder for consideration by the department. The department shall 59237  
annually submit to newspapers of general circulation and other 59238  
publications selected by the department a request for nominations. 59239  
The request shall describe the required form and content of 59240  
nominations and indicate a deadline for submitting nominations. 59241

The department may adopt criteria and guidelines for 59242  
selecting nominees for recognition. The department shall publicize 59243  
the names, professional accomplishments, and service contributions 59244  
of the ~~certificate~~ license holders that it recognizes under this 59245  
section. The department may purchase recognition awards and take 59246  
other actions to honor such volunteers. 59247

**Sec. 4732.01.** As used in this chapter: 59248

(A) "Psychologist" means any person who holds self out to the 59249  
public by any title or description of services incorporating the 59250  
words "psychologic," "psychological," "psychologist," 59251  
"psychology," or any other terms that imply the person is trained, 59252  
experienced, or an expert in the field of psychology. 59253

(B) "The practice of psychology" means rendering or offering 59254  
to render to individuals, groups, organizations, or the public any 59255  
service involving the application of psychological procedures to 59256  
assessment, diagnosis, prevention, treatment, or amelioration of 59257  
psychological problems or emotional or mental disorders of 59258  
individuals or groups; or to the assessment or improvement of 59259  
psychological adjustment or functioning of individuals or groups, 59260  
whether or not there is a diagnosable pre-existing psychological 59261

problem. Practice of psychology includes the practice of school 59262  
psychology. For purposes of this chapter, teaching or research 59263  
shall not be regarded as the practice of psychology, even when 59264  
dealing with psychological subject matter, provided it does not 59265  
otherwise involve the professional practice of psychology in which 59266  
an individual's welfare is directly affected by the application of 59267  
psychological procedures. 59268

(C) "Psychological procedures" include but are not restricted 59269  
to application of principles, methods, or procedures of 59270  
understanding, predicting, or influencing behavior, such as the 59271  
principles pertaining to learning, conditioning, perception, 59272  
motivation, thinking, emotions, or interpersonal relationships; 59273  
the methods or procedures of verbal interaction, interviewing, 59274  
counseling, behavior modification, environmental manipulation, 59275  
group process, psychological psychotherapy, or hypnosis; and the 59276  
methods or procedures of administering or interpreting tests of 59277  
mental abilities, aptitudes, interests, attitudes, personality 59278  
characteristics, emotions, or motivation. 59279

(D) "School psychologist" means any person who holds self out 59280  
to the public by any title or description of services 59281  
incorporating the words "school psychologist" or "school 59282  
psychology," or who holds self out to be trained, experienced, or 59283  
an expert in the practice of school psychology. 59284

(E) "Practice of school psychology" means rendering or 59285  
offering to render to individuals, groups, organizations, or the 59286  
public any of the following services: 59287

(1) Evaluation, diagnosis, or test interpretation limited to 59288  
assessment of intellectual ability, learning patterns, 59289  
achievement, motivation, behavior, or personality factors directly 59290  
related to learning problems; 59291

(2) Intervention services, including counseling, for children 59292

or adults for amelioration or prevention of educationally related 59293  
learning problems, including emotional and behavioral aspects of 59294  
such problems; 59295

(3) Psychological, educational, or vocational consultation or 59296  
direct educational services. This does not include industrial 59297  
consultation or counseling services to clients undergoing 59298  
vocational rehabilitation. 59299

(F) "Licensed psychologist" means an individual holding a 59300  
current, valid license to practice psychology issued under section 59301  
4732.12 or 4732.15 of the Revised Code. 59302

(G) "School psychologist licensed by the state behavioral 59303  
health and social work board of psychology" means an individual 59304  
holding a current, valid license to practice school psychology 59305  
issued under section 4732.12 or 4732.15 of the Revised Code. 59306

(H) "School psychologist licensed by the state board of 59307  
education" means an individual holding a current, valid school 59308  
psychologist license issued under rules adopted under section 59309  
3319.22 of the Revised Code. 59310

(I) "Mental health professional" and "mental health service" 59311  
have the same meanings as in section 2305.51 of the Revised Code. 59312

(J) "Telepsychology" means the practice of psychology or 59313  
school psychology by distance communication technology, including 59314  
telephone, electronic mail, internet-based communications, and 59315  
video conferencing. 59316

**Sec. 4732.09.** Each person who desires to practice psychology 59317  
or school psychology shall file with the executive director of the 59318  
state behavioral health and social work board of psychology a 59319  
~~written~~ an application, under oath, on a form prescribed by the 59320  
board. 59321

**Sec. 4732.091.** (A) As used in this section, "license" and 59322  
"applicant for an initial license" have the same meanings as in 59323  
section 4776.01 of the Revised Code, except that "license" as used 59324  
in both of those terms refers to the types of authorizations 59325  
otherwise issued or conferred under this chapter. 59326

(B) In addition to any other eligibility requirement set 59327  
forth in this chapter, each applicant for an initial license shall 59328  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 59329  
state behavioral health and social work board ~~of psychology~~ shall 59330  
not grant a license to an applicant for an initial license unless 59331  
the applicant complies with sections 4776.01 to 4776.04 of the 59332  
Revised Code and the board, in its discretion, decides that the 59333  
results of the criminal records check do not make the applicant 59334  
ineligible for a license issued pursuant to section 4732.14 of the 59335  
Revised Code. 59336

**Sec. 4732.10.** (A) The state behavioral health and social work 59337  
board ~~of psychology~~ shall appoint an entrance examiner who shall 59338  
determine the sufficiency of an applicant's qualifications for 59339  
admission to the appropriate examination. A member of the board or 59340  
the executive director may be appointed as the entrance examiner. 59341

(B) Requirements for admission to examination for a 59343  
psychologist license shall be that the applicant: 59344

(1) Is at least twenty-one years of age; 59345

(2) Is of good moral character; 59346

(3) Meets one of the following requirements: 59347

(a) Received an earned doctoral degree from an institution 59348  
accredited or recognized by a national or regional accrediting 59349  
agency and a program accredited by any of the following: 59350

|   |   |
|---|---|
| (i) The American psychological association, office of program consultation and accreditation;   | 59351<br>59352                            |
| (ii) The accreditation office of the Canadian psychological association;  | 59353<br>59354                            |
| (iii) A program listed by the association of state and provincial psychology boards/national register designation committee;  | 59355<br>59356<br>59357                   |
| (iv) The national association of school psychologists.  | 59358                                     |
| (b) Received an earned doctoral degree in psychology or school psychology from an institution accredited or recognized by a national or regional accrediting agency but the program does not meet the program accreditation requirements of division (B)(3)(a) of this section;                                 | 59359<br>59360<br>59361<br>59362<br>59363 |
| (c) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B)(3)(a) of this section;                  | 59364<br>59365<br>59366<br>59367<br>59368 |
| (d) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.                                 | 59369<br>59370<br>59371<br>59372<br>59373 |
| (4) Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be a predoctoral internship. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement. | 59374<br>59375<br>59376<br>59377<br>59378 |
| (5) If applying under division (B)(3)(b) or (c) of this section, has had at least two years of supervised professional  | 59379<br>59380                            |

experience in psychological work of a type satisfactory to the 59381  
board, at least one year of which must be postdoctoral. The board 59382  
shall adopt guidelines for the kind of supervised professional 59383  
experience that fulfill this requirement. 59384

(C) Requirements for admission to examination for a school 59385  
psychologist license shall be that the applicant: 59386

(1) Has received from an educational institution accredited 59387  
or recognized by national or regional accrediting agencies as 59388  
maintaining satisfactory standards, including those approved by 59389  
the state board of education for the training of school 59390  
psychologists, at least a master's degree in school psychology, or 59391  
a degree considered equivalent by the board; 59392

(2) Is at least twenty-one years of age; 59393

(3) Is of good moral character; 59394

(4) Has completed at least sixty quarter hours, or the 59395  
semester hours equivalent, at the graduate level, of accredited 59396  
study in course work relevant to the study of school psychology; 59397

(5) Has completed an internship in an educational institution 59398  
approved by the Ohio department of education for school psychology 59399  
supervised experience or one year of other training experience 59400  
acceptable to the board, such as supervised professional 59401  
experience under the direction of a licensed psychologist or 59402  
licensed school psychologist; 59403

(6) Furnishes proof of at least twenty-seven months, 59404  
exclusive of internship, of full-time experience as a certificated 59405  
school psychologist employed by a board of education or a private 59406  
school meeting the standards prescribed by the state board of 59407  
education, or of experience that the board deems equivalent. 59408

(D) If the entrance examiner finds that the applicant meets 59409  
the requirements set forth in this section, the applicant shall be 59410

admitted to the appropriate examination. 59411

(E) The board shall adopt under Chapter 119. of the Revised 59412  
Code rules for determining for the purposes of division (B)(3)(b) 59413  
of this section whether a degree is equivalent to a degree in 59414  
psychology from an institution in the United States. 59415

**Sec. 4732.11.** (A)(1) Each applicant for a license to practice 59416  
as a psychologist shall be required to earn a score acceptable to 59417  
the state behavioral health and social work board ~~of psychology~~ on 59418  
an examination selected by the board. The applicant shall follow 59419  
all necessary procedures and pay all necessary fees for the 59420  
examination. An applicant who fails to earn a score acceptable to 59421  
the board may be admitted to a subsequent examination no less than 59422  
thirty days after the initial examination. After failing to earn a 59423  
passing score three consecutive times, an applicant may not be 59424  
admitted to the examination for a period of six months following 59425  
the third examination attempt. An applicant who fails to achieve 59426  
an acceptable score in nine attempts is not eligible for 59427  
additional admissions to the examination, and the application 59428  
shall be permanently closed. 59429

An applicant who achieves an acceptable score on the 59431  
examination selected by the board as a candidate in another state 59432  
or Canadian province before or after submitting an application to 59433  
the board must cause the score to be submitted directly to the 59434  
board's executive director. 59435

(2) The board may also require that an applicant for a 59436  
license to practice as a psychologist earn a passing score on an 59437  
examination that covers one or more of the following: 59438

(a) Chapter 4732. of the Revised Code; 59439

(b) Rules promulgated under Chapter 4732. of the Revised 59440

|   |  |
|---|--|
| Code;   | 59441  |
| (c) Related provisions of the Revised Code;   | 59442  |
| (d) Professional ethical principles;  | 59443  |
| (e) Professional standards of care.   | 59444  |
| The examination may be administered orally or in writing in accordance with rules adopted by the board.   | 59445<br>59446                                     |
| (B)(1) Each applicant for a license to practice as a school psychologist licensed by the state <u>behavioral health and social work</u> board <del>of psychology</del> shall be required to earn a score acceptable to the board on an examination selected by the board. The applicant shall follow all necessary procedures and pay all necessary fees for the examination. | 59447<br>59448<br>59449<br>59450<br>59451<br>59452 |
| (2) The board may also require that an applicant for a license to practice as a school psychologist licensed by the state <u>behavioral health and social work</u> board <del>of psychology</del> earn a passing score on an examination that covers one or more of the following:  | 59453<br>59454<br>59455<br>59456<br>59457          |
| (a) Chapter 4732. of the Revised Code;  | 59458  |
| (b) Rules promulgated under Chapter 4732. of the Revised Code;  | 59459<br>59460                                     |
| (c) Related provisions of the Revised Code;   | 59461  |
| (d) Professional ethical principles;  | 59462  |
| (e) Professional standards of care.   | 59463  |
| The examination may be administered orally or in writing in accordance with rules adopted by the board.   | 59464<br>59465                                     |
| (C) The board may establish procedures designed to expose applicants to the subject matter of the examinations described in divisions (A)(2) and (B)(2) of this section.  | 59466<br>59467<br>59468                            |
| <del>(D) The board shall appoint a school psychology examination</del>  | 59469  |

~~committee responsible to the board. The committee shall consist of~~ 59470  
~~five school psychologists each of whom holds either of the~~ 59471  
~~following:~~ 59472

~~(1) A school psychologist license issued under this chapter;~~ 59473

~~(2) A psychologist license issued under this chapter and a~~ 59474  
~~certificate or license issued by the state board of education.~~ 59475

~~Committee members shall be appointed by the state board of~~ 59476  
~~psychology for staggered five year terms, according to rules~~ 59477  
~~adopted by that board. The board may delegate to the committee~~ 59478  
~~authority to develop the examination described in division (B)(2)~~ 59479  
~~of this section and any procedures to be established under~~ 59480  
~~division (C) of this section.~~ 59481

**Sec. 4732.12.** If an applicant for a license issued by the 59482  
state behavioral health and social work board ~~of psychology~~ to 59483  
practice as a psychologist or school psychologist receives a score 59484  
acceptable to the board on the appropriate examination required by 59485  
section 4732.11 of the Revised Code and has paid the fee required 59486  
by section 4732.15 of the Revised Code, the board shall issue the 59487  
appropriate license. 59488

**Sec. 4732.13.** A license issued under this chapter by the 59489  
state behavioral health and social work board ~~of psychology~~ shall 59490  
remain active until it expires pursuant to section 4732.14 of the 59491  
Revised Code, or is suspended, revoked, or placed in retired 59492  
status. An active psychologist license shall entitle the holder to 59493  
practice psychology. An active school psychologist license shall 59494  
entitle the holder to practice school psychology. 59495

**Sec. 4732.14.** (A) On or before the thirty-first day of August 59496  
of each even-numbered year, each person who holds an active 59497  
license issued under this chapter by the state behavioral health 59498

and social work board ~~of psychology~~ shall register with the board 59499  
in a format and manner prescribed by the board, giving the 59500  
person's name, address, license number, the continuing education 59501  
information required by section 4732.141 of the Revised Code, and 59502  
such other reasonable information as the board requires. The 59503  
person shall pay to the board a biennial registration fee, as 59504  
follows: 59505

(1) From the effective date of this amendment, March 20, 59506  
2014, through June 30, 2016, three hundred fifty dollars; 59507

(2) From July 1, 2016, through June 30, 2020, three hundred 59508  
sixty dollars; 59509

(3) July 1, 2020, and thereafter three hundred sixty-five 59510  
dollars. 59511

A person licensed for the first time on or before the 59512  
thirtieth day of September of an even-numbered year shall next be 59513  
required to register on or before the thirtieth day of September 59514  
of the next even-numbered year. 59515

(B) Before the first day of August of each even-numbered 59516  
year, the board shall send a notice to each license holder, 59517  
whether a resident or not, at the license holder's last provided 59518  
official mailing address, that the license holder's continuing 59519  
education compliance must be completed on or before the last day 59520  
of August and the biennial registration form and fee are due on or 59521  
before the last day of September. A license of any license holder 59522  
shall automatically expire if any of the following are not 59523  
received on or before the thirtieth day of September of a renewal 59524  
year: 59525

(1) The biennial registration fee; 59526

(2) The registration form; 59527

(3) A report of compliance with continuing education 59528

requirements. 59529

Within five years thereafter, the board may reinstate any 59530  
expired license upon payment of the current registration fee and a 59531  
penalty fee established by the board, not to exceed two hundred 59532  
fifty dollars, and receipt of the registration form completed by 59533  
the registrant in accordance with this section and section 59534  
4732.141 of the Revised Code or in accordance with any 59535  
modifications authorized by the board under division (F) of 59536  
section 4732.141 of the Revised Code. 59537

The board may by rule waive the payment of the registration 59538  
fee and completion of the continuing psychology education required 59539  
by section 4732.141 of the Revised Code by a license holder when 59540  
the license holder is on active duty in the armed forces of the 59541  
United States or a reserve component of the armed forces of the 59542  
United States, including the Ohio national guard or the national 59543  
guard of any other state. 59544

An individual who has had a license placed on retired status 59545  
under section 4732.142 of the Revised Code may seek reinstatement 59546  
of the license in accordance with rules adopted by the board. 59547

(C) Each license holder shall notify the executive director 59548  
of any change in the license holder's official mailing address, 59549  
office address, or employment within sixty days of such change. 59550

**Sec. 4732.141.** (A)(1) Except as provided in division (D) of 59551  
this section, on or before the thirty-first day of August of each 59552  
even-numbered year, each person who holds a license issued under 59553  
this chapter by the state behavioral health and social work board 59554  
~~of psychology~~ shall have completed, in the preceding two-year 59555  
period, not less than twenty-three hours of continuing education 59556  
in psychology, including not less than four hours of continuing 59557  
education in one or more of the following: 59558

(a) Professional conduct; 59559

(b) Ethics; 59560

(c) The role of culture, ethnic identity, or both in the 59561  
provision of psychological assessment, consultation, or 59562  
psychological interventions, or a combination thereof. 59563

(2) Each license holder shall certify to the board, at the 59564  
time of biennial registration pursuant to section 4732.14 of the 59565  
Revised Code and on the registration form prescribed by the board 59566  
under that section, that in the preceding two years the license 59567  
holder has completed continuing psychology education in compliance 59568  
with this section. The board shall adopt rules establishing the 59569  
procedure for a license holder to certify to the board and for 59570  
properly recording with the Ohio psychological association or the 59571  
Ohio school psychologists association completion of the continuing 59572  
education. 59573

(B) Continuing psychology education may be applied to meet 59574  
the requirement of division (A) of this section if both of the 59575  
following requirements are met: 59576

(1) It is obtained through a program or course approved by 59577  
the state behavioral health and social work board ~~of psychology~~, 59578  
the Ohio psychological association, the Ohio association of black 59579  
psychologists, or the American psychological association or, in 59580  
the case of a school psychologist who holds a license issued under 59581  
this chapter or a licensed psychologist with a school psychology 59582  
specialty, by the state board of education, the Ohio school 59583  
psychologists association, or the national association of school 59584  
psychologists; 59585

(2) Completion of the program or course is recorded with the 59586  
Ohio psychological association or the Ohio school psychologists 59587  
association in accordance with rules adopted by the state 59588  
behavioral health and social work board ~~of psychology~~ in 59589

accordance with division (A) of this section. 59590

The state behavioral health and social work board of 59591  
~~psychology~~ may disapprove any program or course that has been 59592  
approved by the Ohio psychological association, Ohio association 59593  
of black psychologists, American psychological association, state 59594  
board of education, Ohio school psychologists association, or 59595  
national association of school psychologists. Such program or 59596  
course may not be applied to meet the requirement of division (A) 59597  
of this section. 59598

(C) Each license holder shall be given a sufficient choice of 59599  
continuing education programs or courses in psychology, including 59600  
programs or courses on professional conduct and ethics when 59601  
required under division (A)(2) of this section, to ensure that the 59602  
license holder has had a reasonable opportunity to participate in 59603  
programs or courses that are relevant to the license holder's 59604  
practice in terms of subject matter and level. 59605

(D) The board shall adopt rules providing for reductions of 59606  
the hours of continuing psychology education required by this 59607  
section for license holders in their first registration period. 59608

(E) Each license holder shall retain in the license holder's 59609  
records for at least three years the receipts, vouchers, or 59610  
certificates necessary to document completion of continuing 59611  
psychology education. Proof of continuing psychology education 59612  
recorded with the Ohio psychological association or the Ohio 59613  
school psychologists association in accordance with the procedures 59614  
established pursuant to division (A) of this section shall serve 59615  
as sufficient documentation of completion. With cause, the board 59616  
may request the documentation from the license holder. The board 59617  
may review any continuing psychology education records recorded by 59618  
the Ohio psychological association or the Ohio school 59619  
psychologists association. 59620

(F) The board may excuse license holders, as a group or as individuals, from all or any part of the requirements of this section because of an unusual circumstance, emergency, or special hardship.

(G) The state behavioral health and social work board ~~of psychology~~ shall approve one or more continuing education courses of study that assist psychologists and school psychologists in recognizing the signs of domestic violence and its relationship to child abuse. Psychologists and school psychologists are not required to take the courses.

(H) The board may require a license holder to evidence completion of specific continuing education coursework as part of the process of registering or continuing to register a person working under the license holder's supervision under division (B) of section 4732.22 of the Revised Code and conducting psychological or psychological work or training supervision. Procedures for the completion, verification, and documentation of such continuing education shall be specified in rules adopted by the board. A license holder completing this continuing education may receive credit toward the four-hour requirement in division (A)(1) of this section during the next continuing education period following the completion of this continuing education.

**Sec. 4732.142.** (A) The holder of a license issued under this chapter who retires from the practice of psychology or school psychology may request during the biennial license registration process that the license holder's license be placed in "licensed psychologist-retired" or "licensed school psychologist-retired" status. Once the license is placed in retired status, the license holder shall not practice psychology or school psychology in this state. A license holder selecting this status shall pay to the state behavioral health and social work board ~~of psychology~~ a fee

of fifty dollars. 59652

(B) Procedures for reinstating a retired license shall be 59653  
established in rules adopted by the board. 59654

**Sec. 4732.151.** The state behavioral health and social work 59655  
~~board of psychology~~ shall charge a fee of forty dollars to a 59656  
~~license holder of a license issued under this chapter~~ for the 59657  
written verification of licensure status, including verification 59658  
of the date of licensure, the presence or absence of a history of 59659  
disciplinary action, and the expiration date of the license. 59660

**Sec. 4732.16.** (A) The state behavioral health and social work 59661  
~~board of psychology~~ shall investigate alleged violations of this 59662  
chapter or the rules adopted under it. Each investigation shall be 59663  
assigned by the executive director or designated investigator to 59664  
one of the members of the board who shall serve as the supervising 59665  
member of the investigation. 59666

As part of its conduct of investigations, the board may 59667  
examine witnesses, administer oaths, and issue subpoenas, except 59668  
that the board may not compel the attendance of the respondent in 59669  
an investigation. A subpoena for patient record information may be 59670  
issued only if the supervising member, executive director, 59671  
secretary, and an attorney from the office of the attorney general 59672  
determine that there is probable cause to believe that the 59673  
complaint alleges a violation of this chapter and that the records 59674  
sought are relevant to the alleged violation and material to the 59675  
investigation. No member of the board who supervises the 59676  
investigation or approves the issuance of a subpoena for patient 59677  
records shall participate in further adjudication of the case. The 59678  
subpoena may apply only to records that cover a reasonable period 59679  
of time surrounding the alleged violation. On failure of a person 59680  
to comply with a subpoena issued by the board and after reasonable 59681

notice to that person, the board may move for an order compelling 59682  
the production of records or persons pursuant to the Rules of 59683  
Civil Procedure. 59684

A subpoena issued by the board may be served by a sheriff, 59685  
the sheriff's deputy, or a board employee designated by the board. 59686  
Service of a subpoena issued by the board may be made by 59687  
delivering a copy of the subpoena to the person named in the 59688  
subpoena, reading it to the person, or leaving it at the person's 59689  
usual place of residence. When the person being served is a person 59690  
whose practice is authorized by this chapter, service of the 59691  
subpoena may be made by certified mail, return receipt requested, 59692  
and the subpoena shall be deemed served on the date delivery is 59693  
made or the date the person refuses to accept delivery. 59694

A sheriff's deputy who serves a subpoena shall receive the 59695  
same fees as a sheriff. Each witness who appears before the board 59696  
in obedience to a subpoena shall receive the fees and mileage 59697  
provided for witnesses under section 119.094 of the Revised Code. 59698

(B)(1) The board shall conduct all investigations and 59699  
proceedings in a manner that protects the confidentiality of 59700  
patients and persons who file complaints with the board. The board 59701  
shall not make public the names or any other identifying 59702  
information about patients or complainants unless proper consent 59703  
is given or, in the case of a patient, the patient privilege has 59704  
been waived by the patient. Information received by the board 59705  
pursuant to an investigation is confidential and not subject to 59706  
discovery in any civil action. 59707

(2) The board may share any information it receives pursuant 59708  
to an investigation, including patient records and patient record 59709  
information, with law enforcement agencies, other licensing 59710  
boards, and other government agencies that are prosecuting, 59711  
adjudicating, or investigating alleged violations of statutes or 59712  
administrative rules. An agency or board that receives the 59713

information shall comply with the same requirements regarding 59714  
confidentiality as the board must comply with under division 59715  
(B)(1) of this section, notwithstanding any conflicting provision 59716  
of the Revised Code or procedure of the agency or board that 59717  
applies when it is dealing with other information in its 59718  
possession. 59719

(3) In a judicial proceeding, any information the board 59720  
receives pursuant to an investigation may be admitted into 59721  
evidence only in accordance with the Ohio Rules of Evidence, but 59722  
the court shall require that appropriate measures be taken to 59723  
ensure that confidentiality is maintained with respect to any part 59724  
of the information that contains names or other identifying 59725  
information about patients or complainants whose confidentiality 59726  
was protected by the board when the information was in the board's 59727  
possession. Measures to ensure confidentiality that may be taken 59728  
by the court include sealing its records or deleting specific 59729  
information from its records. 59730

**Sec. 4732.17.** (A) Subject to division (F) of this section, 59731  
the state behavioral health and social work board ~~of psychology~~ 59732  
may take any of the actions specified in division (C) of this 59733  
section against an applicant for or a person who holds a license 59734  
issued under this chapter on any of the following grounds as 59735  
applicable: 59736

(1) Conviction, including a plea of guilty or no contest, of 59737  
a felony, or of any offense involving moral turpitude, in a court 59738  
of this or any other state or in a federal court; 59739

(2) A judicial finding of eligibility for intervention in 59740  
lieu of conviction for a felony or any offense involving moral 59741  
turpitude in a court of this or any other state or in a federal 59742  
court; 59743

(3) Using fraud or deceit in the procurement of the license 59744

to practice psychology or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit; 59745  
59746  
59747

(4) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals; 59748  
59749

(5) Willful, unauthorized communication of information received in professional confidence; 59750  
59751

(6) Being negligent in the practice of psychology or school psychology; 59752  
59753

(7) Inability to practice according to acceptable and prevailing standards of care by reason of a mental, emotional, physiological, or pharmacological condition or substance abuse; 59754  
59755  
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(8) Subject to section 4732.28 of the Revised Code, violating any rule of professional conduct promulgated by the board; 59757  
59758

(9) Practicing in an area of psychology for which the person is clearly untrained or incompetent; 59759  
59760

(10) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have the person's license issued or restored only upon determination by a court that the person is competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration. 59761  
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(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; 59769  
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(12) Advertising that the person will waive the payment of 59775  
all or any part of a deductible or copayment that a patient, 59776  
pursuant to a health insurance or health care policy, contract, or 59777  
plan that covers psychological services, would otherwise be 59778  
required to pay; 59779

(13) Any of the following actions taken by the agency 59780  
responsible for authorizing or certifying the person to practice 59781  
or regulating the person's practice of a health care occupation or 59782  
provision of health care services in this state or another 59783  
jurisdiction, as evidenced by a certified copy of that agency's 59784  
records and findings for any reason other than the nonpayment of 59785  
fees: 59786

(a) Limitation, revocation, or suspension of the person's 59787  
license to practice; 59788

(b) Acceptance of the person's license surrender; 59789

(c) Denial of a license to the person; 59790

(d) Refuse to renew or reinstate the person's license; 59791

(e) Imposition of probation on the person; 59792

(f) Issuance of an order of censure or other reprimand 59793  
against the person; 59794

(g) Other negative action or finding against the person about 59795  
which information is available to the public. 59796

(14) Offering or rendering psychological services after a 59797  
license issued under this chapter has expired due to a failure to 59798  
timely register under section 4732.14 of the Revised Code or 59799  
complete continuing education requirements; 59800

(15) Offering or rendering psychological services after a 59801  
license issued under this chapter has been placed in retired 59802  
status pursuant to section 4732.142 of the Revised Code; 59803

(16) Unless the person is a school psychologist licensed by 59804

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| the state board of education:   | 59805                                     |
| (a) Offering or rendering school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;  | 59806<br>59807<br>59808<br>59809          |
| (b) Offering or rendering school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.   | 59810<br>59811<br>59812                   |
| (17) Violating any adjudication order or consent agreement adopted by the board;  | 59813<br>59814                            |
| (18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section.   | 59815<br>59816<br>59817                   |
| (B) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any license holder who waives deductibles and copayments:  | 59818<br>59819<br>59820                   |
| (1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request. | 59821<br>59822<br>59823<br>59824<br>59825 |
| (2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.  | 59826<br>59827<br>59828                   |
| (C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following:  | 59829<br>59830                            |
| (1) Refuse to issue a license to an applicant;  | 59831                                     |
| (2) Issue a reprimand to a license holder;  | 59832                                     |
| (3) Suspend the license of a license holder;  | 59833                                     |

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| (4) Revoke the license of a license holder;   | 59834  |
| (5) Limit or restrict the areas of practice of an applicant<br>or a license holder;   | 59835<br>59836   |
| (6) Require mental, substance abuse, or physical evaluations,<br>or any combination of these evaluations, of an applicant or a<br>license holder;   | 59837<br>59838<br>59839  |
| (7) Require remedial education and training of an applicant<br>or a license holder.   | 59840<br>59841   |
| (D) When it revokes the license of a license holder under<br>division (C)(4) of this section, the board may specify that the<br>revocation is permanent. An individual subject to permanent<br>revocation is forever thereafter ineligible to hold a license, and<br>the board shall not accept an application for reinstatement of the<br>license or issuance of a new license.  | 59842<br>59843<br>59844<br>59845<br>59846<br>59847   |
| (E) When the board issues a notice of opportunity for a<br>hearing on the basis of division (A)(7) of this section, the<br>supervising member of the board, with cause and upon consultation<br>with the board's executive director and the board's legal counsel,<br>may compel the applicant or license holder to submit to mental,<br>cognitive, substance abuse, or medical evaluations, or a<br>combination of these evaluations, by a person or persons selected<br>by the board. Notice shall be given to the applicant or license<br>holder in writing signed by the supervising member, the executive<br>director, and the board's legal counsel. The applicant or license<br>holder is deemed to have given consent to submit to these<br>evaluations and to have waived all objections to the admissibility<br>of testimony or evaluation reports that constitute a privileged<br>communication. The expense of the evaluation or evaluations shall<br>be the responsibility of the applicant or license holder who is<br>evaluated. | 59848<br>59849<br>59850<br>59851<br>59852<br>59853<br>59854<br>59855<br>59856<br>59857<br>59858<br>59859<br>59860<br>59861<br>59862<br>59863 |
| (F) Before the board may take action under this section,  | 59864  |

written charges shall be filed with the board by the secretary and 59865  
a hearing shall be had thereon in accordance with Chapter 119. of 59866  
the Revised Code, except as follows: 59867

(1) On receipt of a complaint that any of the grounds listed 59868  
in division (A) of this section exist, the state behavioral health 59869  
and social work board ~~of psychology~~ may suspend a license issued 59870  
under this chapter prior to holding a hearing in accordance with 59871  
Chapter 119. of the Revised Code if it determines, based on the 59872  
complaint, that there is an immediate threat to the public. A 59873  
telephone conference call may be used to conduct an emergency 59874  
meeting for review of the matter by a quorum of the board, taking 59875  
the vote, and memorializing the action in the minutes of the 59876  
meeting. 59877

After suspending a license pursuant to division (F)(1) of 59878  
this section, the board shall notify the license holder of the 59879  
suspension in accordance with section 119.07 of the Revised Code. 59880  
If the individual whose license is suspended fails to make a 59881  
timely request for an adjudication under Chapter 119. of the 59882  
Revised Code, the board shall enter a final order permanently 59883  
revoking the license. 59884

(2) The board shall adopt rules establishing a case 59885  
management schedule for pre-hearing procedures by the hearing 59886  
examiner or presiding board member. The schedule shall include 59887  
applicable deadlines related to the hearing process, including all 59888  
of the following: 59889

(a) The date of the hearing; 59890

(b) The date for the disclosure of witnesses and exhibits; 59891

(c) The date for the disclosure of the identity of expert 59892  
witnesses and the exchange of written reports; 59893

(d) The deadline for submitting a request for the issuance of 59894  
a subpoena for the hearing as provided under Chapter 119. of the 59895

Revised Code and division (F)(4) of this section. 59896

(3) Either party to the hearing may submit a written request 59897  
to the other party for a list of witnesses and copies of documents 59898  
intended to be introduced at the hearing. The request shall be in 59899  
writing and shall be served not less than thirty-seven days prior 59900  
to the hearing, unless the hearing officer or presiding board 59901  
member grants an extension of time to make the request. Not later 59902  
than thirty days before the hearing, the responding party shall 59903  
provide the requested list of witnesses, summary of their 59904  
testimony, and copies of documents to the requesting party, unless 59905  
the hearing officer or presiding board member grants an extension. 59906  
Failure to timely provide a list or copies requested in accordance 59907  
with this section may, at the discretion of the hearing officer or 59908  
presiding board member, result in exclusion from the hearing of 59909  
the witnesses, testimony, or documents. 59910

(4) In addition to subpoenas for the production of books, 59911  
records, and papers requested under Chapter 119. of the Revised 59912  
Code, either party may ask the board to issue a subpoena for the 59913  
production of other tangible items. 59914

The person subject to a subpoena for the production of books, 59915  
records, papers, or other tangible items shall respond to the 59916  
subpoena at least twenty days prior to the date of the hearing. If 59917  
a person fails to respond to a subpoena issued by the board, after 59918  
providing reasonable notice to the person, the board, the hearing 59919  
officer, or both may proceed with enforcement of the subpoena 59920  
pursuant to section 119.09 of the Revised Code. 59921

**Sec. 4732.171.** (A) Except as provided in division (B) of this 59922  
section, if, at the conclusion of a hearing required by section 59923  
4732.17 of the Revised Code, the state behavioral health and 59924  
social work board of ~~psychology~~ determines that a licensed 59925  
psychologist or school psychologist licensed by the state 59926

behavioral health and social work board of ~~psychology~~ has engaged 59927  
in sexual conduct or had sexual contact with the license holder's 59928  
patient or client in violation of any prohibition contained in 59929  
Chapter 2907. of the Revised Code, the board shall do one of the 59930  
following: 59931

(1) Suspend the license holder's license; 59932

(2) Permanently revoke the license holder's license. 59933

(B) If it determines at the conclusion of the hearing that 59934  
neither of the sanctions described in division (A) of this section 59935  
is appropriate, the board shall impose another sanction it 59936  
considers appropriate and issue a written finding setting forth 59937  
the reasons for the sanction imposed and the reason that neither 59938  
of the sanctions described in division (A) of this section is 59939  
appropriate. 59940

**Sec. 4732.172.** Any finding made, and the record of any 59941  
sanction imposed, by the state behavioral health and social work 59942  
board of ~~psychology~~ under section 4732.17 or 4732.171 of the 59943  
Revised Code is a public record under section 149.43 of the 59944  
Revised Code. 59945

**Sec. 4732.173.** (A) The state behavioral health and social 59946  
work board of ~~psychology~~ may approve or establish a colleague 59947  
assistance program for the purpose of affording holders of 59948  
licenses issued under this chapter, license applicants, and 59949  
persons subject to discipline pursuant to division (B) of section 59950  
4731.22 of the Revised Code access to all of the following: 59951

(1) Resources concerning the prevention of distress; 59952

(2) Evaluation and intervention services concerning mental, 59953  
emotional, substance use, and other conditions that may impair 59954  
competence, objectivity, and judgment in the provision of 59955

psychological or school psychological services; 59956

(3) Consultation and mentoring services for practice 59957  
oversight and remediation of professional skill deficits. 59958

The board may compel a license holder, applicant, or 59959  
registered person to participate in the program in conjunction 59960  
with the board's actions under section 4732.17 of the Revised 59961  
Code. 59962

(B) If a program is approved or established, the board shall 59963  
adopt rules specifying the circumstances under which self-referred 59964  
participants may receive confidential services from the program. 59965

**Sec. 4732.18.** At any time after the suspension or revocation 59966  
of a license issued under this chapter, the state behavioral 59967  
health and social work board ~~of psychology~~ may restore the license 59968  
upon the written finding by the board that circumstances so 59969  
warrant. At the time it restores a license, the board may impose 59970  
restrictions and limitations on the practice of the license 59971  
holder. 59972

The board may require a person seeking restoration of a 59973  
license to submit to mental, substance abuse, cognitive, or 59974  
physical evaluations, or a combination of these evaluations. 59975  
Evaluations shall be conducted by qualified individuals selected 59976  
by the board. The costs of any evaluative processes shall be paid 59977  
by the applicant for restoration. A person requesting restoration 59978  
of a license is deemed to have given consent to submit to a mental 59979  
or physical examination when directed to do so in writing by the 59980  
board and to have waived all objections to the admissibility of 59981  
testimony or examination reports that constitute a privileged 59982  
communication. 59983

As a further condition of license restoration, the board may 59984  
require the applicant to do both of the following: 59985

(A) Take the examination selected by the board under section 59986  
4732.11 of the Revised Code and receive a score acceptable to the 59987  
board; 59988

(B) Participate in board processes designed to expose the 59989  
applicant to Chapter 4732. of the Revised Code and rules 59990  
promulgated thereunder, which may include passing a written or 59991  
oral examination on the Ohio laws and rules governing 59992  
psychologists and school psychologists. 59993

**Sec. 4732.21.** Except as provided in section 4732.22 of the 59994  
Revised Code: 59995

(A) No person who is not a licensed psychologist shall offer 59996  
or render services as a psychologist or otherwise engage in the 59997  
practice of psychology. 59998

(B) No person who is not a licensed psychologist, a school 59999  
psychologist licensed by the state behavioral health and social 60000  
work board ~~of psychology~~, or a school psychologist licensed by the 60001  
state board of education shall offer or render services as a 60002  
school psychologist or otherwise engage in the practice of school 60003  
psychology. 60004

**Sec. 4732.22.** (A) The following persons are exempted from the 60005  
licensing requirements of this chapter: 60006

(1) A person who holds a license or certificate issued by the 60007  
state board of education authorizing the practice of school 60008  
psychology, while practicing school psychology within the scope of 60009  
employment by a board of education or by a private school meeting 60010  
the standards prescribed by the state board of education under 60011  
division (D) of section 3301.07 of the Revised Code, or while 60012  
acting as a school psychologist within the scope of employment in 60013  
a program for children with disabilities established under Chapter 60014  
3323. or 5126. of the Revised Code. A person exempted under this 60015

division shall not offer psychological services to any other 60016  
individual, organization, or group for remuneration, monetary or 60017  
otherwise, unless the person is licensed by the state behavioral 60018  
health and social work board of ~~psychology~~. 60019

(2) Any nonresident temporarily employed in this state to 60020  
render psychological services for not more than thirty days a 60021  
year, who, in the opinion of the board, meets the standards for 60022  
entrance in division (B) of section 4732.10 of the Revised Code, 60023  
who has paid the required fee and submitted an application 60024  
prescribed by the board, and who holds whatever license or 60025  
certificate, if any, is required for such practice in the person's 60026  
home state or home country. 60027

(3) Any person working under the supervision of a 60028  
psychologist or school psychologist licensed under this chapter, 60029  
while carrying out specific tasks, under the license holder's 60030  
supervision, as an extension of the license holder's legal and 60031  
ethical authority as specified under this chapter if the person is 60032  
registered under division (B) of this section. All fees shall be 60033  
billed under the name of the license holder. The person working 60034  
under the license holder's supervision shall not represent self to 60035  
the public as a psychologist or school psychologist, although 60036  
supervised persons and persons in training may be ascribed such 60037  
titles as "psychology trainee," "psychology assistant," 60038  
"psychology intern," or other appropriate term that clearly 60039  
implies their supervised or training status. 60040

(4) Any student in an accredited educational institution, 60041  
while carrying out activities that are part of the student's 60042  
prescribed course of study, provided such activities are 60043  
supervised by a professional person who is qualified to perform 60044  
such activities and is licensed under this chapter or is a 60045  
qualified supervisor pursuant to rules of the board; 60046

(5) Recognized religious officials, including ministers, 60047

priests, rabbis, imams, Christian science practitioners, and other 60048  
persons recognized by the board, conducting counseling when the 60049  
counseling activities are within the scope of the performance of 60050  
their regular duties and are performed under the auspices or 60051  
sponsorship of an established and legally cognizable religious 60052  
denomination or sect, as defined in current federal tax 60053  
regulations, and when the religious official does not refer to the 60054  
official's self as a psychologist and remains accountable to the 60055  
established authority of the religious denomination or sect; 60056

(6) Persons in the employ of the federal government insofar 60057  
as their activities are a part of the duties of their positions; 60058

(7) Persons licensed, certified, or registered under any 60059  
other provision of the Revised Code who are practicing those arts 60060  
and utilizing psychological procedures that are allowed and within 60061  
the standards and ethics of their profession or within new areas 60062  
of practice that represent appropriate extensions of their 60063  
profession, provided that they do not hold themselves out to the 60064  
public by the title of psychologist; 60065

(8) Persons using the term "social psychologist," 60066  
"experimental psychologist," "developmental psychologist," 60067  
"research psychologist," "cognitive psychologist," and other terms 60068  
used by those in academic and research settings who possess a 60069  
doctoral degree in psychology from an educational institution 60070  
accredited or recognized by national or regional accrediting 60071  
agencies as maintaining satisfactory standards and who do not use 60072  
such a term in the solicitation or rendering of professional 60073  
psychological services. 60074

(B) The license holder who is supervising a person described 60075  
in division (A)(3) of this section shall register the person with 60076  
the board. The board shall adopt rules regarding the registration 60077  
process and the supervisory relationship. 60078

**Sec. 4732.221.** A nonresident applicant seeking a review of 60079  
qualifications and permission of the state behavioral health and 60080  
social work board of ~~psychology~~ to practice psychology in Ohio for 60081  
no more than thirty days per year under division (A)(2) of section 60082  
4732.22 of the Revised Code shall pay a fee established by the 60083  
board of not less than seventy-five dollars and not more than one 60084  
hundred fifty dollars, no part of which shall be returned. The 60085  
board may adopt rules for the purpose of recognizing a 60086  
nonresident's interjurisdictional practice credentials granted by 60087  
the association of state and provincial psychology boards and 60088  
other relevant professional organizations. 60089

**Sec. 4732.24.** On complaint by the state behavioral health and 60090  
social work board of ~~psychology~~, the unlawful practice of 60091  
psychology or school psychology may be enjoined by the common 60092  
pleas court of the county in which such practice is occurring. 60093

**Sec. 4732.25.** All fines collected for violation of section 60094  
4732.21 of the Revised Code shall be distributed as follows: 60095

(A) One half to the state behavioral health and social work 60096  
board of ~~psychology~~; 60097

(B) One half to the municipal corporation in which the 60098  
offense was committed or, if the offense was committed outside a 60099  
municipal corporation, to the county in which the offense was 60100  
committed. 60101

Money received by a municipal corporation or a county shall 60102  
be paid into its general fund and may be used for any lawful 60103  
purpose. 60104

**Sec. 4732.26.** The state behavioral health and social work 60105  
board of ~~psychology~~, subject to the approval of the controlling 60106  
board, may establish fees in excess of the amounts provided by 60107

sections 4732.01 to 4732.99 of the Revised Code, provided that 60108  
such fees do not exceed the amounts permitted by those sections by 60109  
more than fifty per cent. 60110

**Sec. 4732.27.** On receipt of a notice pursuant to section 60111  
3123.43 of the Revised Code, the state behavioral health and 60112  
social work board of ~~psychology~~ shall comply with sections 3123.41 60113  
to 3123.50 of the Revised Code and any applicable rules adopted 60114  
under section 3123.63 of the Revised Code with respect to a 60115  
license issued pursuant to this chapter. 60116

**Sec. 4732.28.** (A) An individual whom the state behavioral 60117  
health and social work board of ~~psychology~~ licenses, certificates, 60118  
or otherwise legally authorizes to engage in the practice of 60119  
psychology may render the professional services of a psychologist 60120  
within this state through a corporation formed under division (B) 60121  
of section 1701.03 of the Revised Code, a limited liability 60122  
company formed under Chapter 1705. of the Revised Code, a 60123  
partnership, or a professional association formed under Chapter 60124  
1785. of the Revised Code. This division does not preclude an 60125  
individual of that nature from rendering professional services as 60126  
a psychologist through another form of business entity, including, 60127  
but not limited to, a nonprofit corporation or foundation, or in 60128  
another manner that is authorized by or in accordance with this 60129  
chapter, another chapter of the Revised Code, or rules of the 60130  
state behavioral health and social work board of ~~psychology~~ 60131  
adopted pursuant to this chapter. 60132

(B) A corporation, limited liability company, partnership, or 60133  
professional association described in division (A) of this section 60134  
may be formed for the purpose of providing a combination of the 60135  
professional services of the following individuals who are 60136  
licensed, certificated, or otherwise legally authorized to 60137  
practice their respective professions: 60138

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|--|-------|
| (1) Optometrists who are authorized to practice optometry          | 60139 |
| under Chapter 4725. of the Revised Code;                           | 60140 |
| (2) Chiropractors who are authorized to practice chiropractic      | 60141 |
| or acupuncture under Chapter 4734. of the Revised Code;            | 60142 |
| (3) Psychologists who are authorized to practice psychology        | 60143 |
| under this chapter;  | 60144 |
| (4) Registered or licensed practical nurses who are                | 60145 |
| authorized to practice nursing as registered nurses or as licensed | 60146 |
| practical nurses under Chapter 4723. of the Revised Code;          | 60147 |
| (5) Pharmacists who are authorized to practice pharmacy under      | 60148 |
| Chapter 4729. of the Revised Code;                                 | 60149 |
| (6) Physical therapists who are authorized to practice             | 60150 |
| physical therapy under sections 4755.40 to 4755.56 of the Revised  | 60151 |
| Code;  | 60152 |
| (7) Occupational therapists who are authorized to practice         | 60153 |
| occupational therapy under sections 4755.04 to 4755.13 of the      | 60154 |
| Revised Code;  | 60155 |
| (8) Mechanotherapists who are authorized to practice               | 60156 |
| mechanotherapy under section 4731.151 of the Revised Code;         | 60157 |
| (9) Doctors of medicine and surgery, osteopathic medicine and      | 60158 |
| surgery, or podiatric medicine and surgery who are authorized for  | 60159 |
| their respective practices under Chapter 4731. of the Revised      | 60160 |
| Code;  | 60161 |
| (10) Licensed professional clinical counselors, licensed           | 60162 |
| professional counselors, independent social workers, social        | 60163 |
| workers, independent marriage and family therapists, or marriage   | 60164 |
| and family therapists who are authorized for their respective      | 60165 |
| practices under Chapter 4757. of the Revised Code.                 | 60166 |
| This division shall apply notwithstanding a provision of a         | 60167 |
| code of ethics applicable to a psychologist that prohibits a       | 60168 |

psychologist from engaging in the practice of psychology in 60169  
combination with a person who is licensed, certificated, or 60170  
otherwise legally authorized to practice optometry, chiropractic, 60171  
acupuncture through the state chiropractic board, nursing, 60172  
pharmacy, physical therapy, occupational therapy, mechanotherapy, 60173  
medicine and surgery, osteopathic medicine and surgery, podiatric 60174  
medicine and surgery, professional counseling, social work, or 60175  
marriage and family therapy, but who is not also licensed, 60176  
certificated, or otherwise legally authorized to engage in the 60177  
practice of psychology. 60178

**Sec. 4732.31.** (A) The state behavioral health and social work 60179  
board ~~of psychology~~ shall provide access to the following 60180  
information through the internet: 60181

(1) The names of all licensed psychologists and all school 60182  
psychologists licensed by the state behavioral health and social 60183  
work board ~~of psychology~~; 60184

(2) The names of all licensed psychologists and all school 60185  
psychologists licensed by the state behavioral health and social 60186  
work board ~~of psychology~~ who have been reprimanded by the board 60187  
for misconduct, the names of all licensed psychologists or school 60188  
psychologists licensed by the state behavioral health and social 60189  
work board ~~of psychology~~ whose licenses are under an active 60190  
suspension imposed for misconduct, the names of all former 60191  
licensed psychologists and school psychologists licensed by the 60192  
state behavioral health and social work board ~~of psychology~~ whose 60193  
licenses have been suspended or revoked for misconduct, and the 60194  
reason for each reprimand, suspension, or revocation; 60195

(3) Written findings made under division (B) of section 60196  
4732.171 of the Revised Code. 60197

(B) Division (A)(2) of this section does not apply to a 60198  
suspension of the license of a psychologist or school psychologist 60199

that is an automatic suspension imposed under section 4732.14 of 60200  
the Revised Code. 60201

**Sec. 4732.32.** The state behavioral health and social work 60202  
board of ~~psychology~~ shall comply with section 4776.20 of the 60203  
Revised Code. 60204

**Sec. 4732.33.** The state behavioral health and social work 60205  
board of ~~psychology~~ shall adopt rules governing the use of 60206  
telepsychology for the purpose of protecting the welfare of 60207  
recipients of telepsychology services and establishing 60208  
requirements for the responsible use of telepsychology in the 60209  
practice of psychology and school psychology, including 60210  
supervision of persons registered with the ~~state~~ board of 60211  
~~psychology~~ as described in division (B) of section 4732.22 of the 60212  
Revised Code. 60213

**Sec. 4736.12.** (A) The state board of sanitarian registration 60214  
shall charge the following fees: 60215

(1) To apply as a sanitarian-in-training, ~~eighty~~ one hundred 60216  
twenty dollars; 60217

(2) For sanitarians-in-training to apply for registration as 60218  
sanitarians, ~~eighty~~ one hundred twenty dollars. The applicant 60219  
shall pay this fee only once regardless of the number of times the 60220  
applicant takes an examination required under section 4736.08 of 60221  
the Revised Code. 60222

(3) For persons other than sanitarians-in-training to apply 60223  
for registration as sanitarians, including persons meeting the 60224  
requirements of section 4736.16 of the Revised Code, one hundred 60225  
sixty dollars. The applicant shall pay this fee only once 60226  
regardless of the number of times the applicant takes an 60227  
examination required under section 4736.08 of the Revised Code. 60228

(4) The renewal fee for registered sanitarians shall be 60229  
ninety one hundred five dollars. 60230

(5) The renewal fee for sanitarians-in-training shall be 60231  
ninety one hundred five dollars. 60232

(6) For late application for renewal, an additional 60233  
seventy-five dollars. 60234

The board of sanitarian registration, with the approval of 60235  
the controlling board, may establish fees in excess of the amounts 60236  
provided in this section, provided that such fees do not exceed 60237  
the amounts permitted by this section by more than fifty per cent. 60238

(B) The board of sanitarian registration shall charge 60239  
separate fees for examinations as required by section 4736.08 of 60240  
the Revised Code, provided that the fees are not in excess of the 60241  
actual cost to the board of conducting the examinations. 60242

(C) The board of sanitarian registration may adopt rules 60243  
establishing fees for all of the following: 60244

(1) Application for the registration of a training agency 60245  
approved under rules adopted by the board pursuant to section 60246  
4736.11 of the Revised Code and for the annual registration 60247  
renewal of an approved training agency; 60248

(2) Application for the review of continuing education hours 60249  
submitted for the board's approval by approved training agencies 60250  
or by registered sanitarians or sanitarians-in-training; 60251

(3) Additional copies of pocket identification cards and wall 60252  
certificates. 60253

**Sec. 4743.05.** Except as otherwise provided in sections 60254  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 60255  
Revised Code, all money collected under Chapters 3773., 4701., 60256  
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 60257  
4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 4757., 60258

4758., ~~4759., 4761.,~~ 4771., 4775., 4779., and 4781. of the Revised Code shall be paid into the state treasury to the credit of the occupational licensing and regulatory fund, which is hereby created for use in administering such chapters.

At the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education assistance fund created in section 3333.28 of the Revised Code the amount certified to the director under division (B) of section 4723.08 of the Revised Code.

At the end of each quarter, the director shall transfer from the occupational licensing and regulatory fund to the certified public accountant education assistance fund created in section 4701.26 of the Revised Code the amount certified to the director under division (H)(2) of section 4701.10 of the Revised Code.

**Sec. 4744.02.** (A) There is hereby created the state vision and hearing professionals board consisting of the following members, appointed by the governor with the advice and consent of the senate:

(1) Two individuals licensed as optometrists under Chapter 4725. of the Revised Code;

(2) Two individuals licensed as licensed dispensing opticians under Chapter 4725. of the Revised Code;

(3) Two individuals licensed as speech-language pathologists under Chapter 4753. of the Revised Code;

(4) One individual licensed as an audiologist under Chapter 4753. of the Revised Code;

(5) One individual licensed as a hearing aid fitter under Chapter 4747. of the Revised Code;

(6) One individual representing the general public.

(B) Not later than ninety days after the effective date of this section, the governor shall make initial appointments to the board. Of the initial appointments, four members shall serve terms ending March 22, 2019, three members shall serve terms ending March 22, 2020, and two members shall serve terms ending March 22, 2021.

Thereafter, terms of office are three years, with each term commencing on the twenty-third day of March and ending on the twenty-second day of March. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that a member shall continue in office after the expiration date of the member's term until the member's successor takes office. No member shall serve more than three consecutive terms.

Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term.

(C) No individual may be appointed to the board who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States.

The governor may remove a member of the board for malfeasance, misfeasance, or nonfeasance after a hearing in accordance with Chapter 119. of the Revised Code. The governor shall remove, after a hearing in accordance with Chapter 119. of the Revised Code, any member who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States.

**Sec. 4744.04.** (A) There is hereby created the state behavioral health and social work board consisting of the

following members, appointed by the governor with the advice and consent of the senate: 60320  
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(1) One individual licensed as a psychologist under Chapter 4732. of the Revised Code who is not a school psychologist; 60322  
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(2) One individual licensed as a school psychologist under Chapter 4732. of the Revised Code; 60324  
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(3) One individual licensed as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor II, or chemical dependency counselor III under Chapter 4758. of the Revised Code; 60326  
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(4) One individual holding a prevention consultant certificate or prevention specialist I certificate issued under Chapter 4758. of the Revised Code; 60331  
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(5) One individual licensed as a professional clinical counselor or professional counselor under Chapter 4757. of the Revised Code; 60334  
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(6) Two individuals licensed as independent social workers or social workers under Chapter 4757. of the Revised Code; 60337  
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(7) One individual licensed as an independent marriage and family therapist or marriage and family therapist under Chapter 4757. of the Revised Code; 60339  
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(8) One individual representing the general public. 60342

(B) Not later than ninety days after the effective date of this section, the governor shall make initial appointments to the board. Of the initial appointments, four members shall serve terms ending October 4, 2019, three members shall serve terms ending October 4, 2020, and two members shall serve terms ending October 4, 2021. Thereafter, terms of office are three years, with each term commencing on the fifth day of October and ending on the 60343  
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fourth day of October. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that a member shall continue in office after the expiration date of the member's term until the member's successor takes office. No member shall serve more than three consecutive terms. 60350  
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Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. 60356  
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(C) No individual may be appointed to the board who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States. 60361  
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The governor may remove a member of the board for malfeasance, misfeasance, or nonfeasance after a hearing in accordance with Chapter 119. of the Revised Code. The governor shall remove, after a hearing in accordance with Chapter 119. of the Revised Code, any member who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States. 60364  
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**Sec. 4744.041.** (A) The state behavioral health and social work board shall appoint a school psychology examination committee responsible to the board. 60371  
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(B) The committee shall consist of five school psychologists, each of whom holds either of the following: 60374  
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(1) A school psychologist license issued under Chapter 4732. of the Revised Code; 60376  
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(2) A psychologist license issued under Chapter 4732. of the Revised Code and a certificate or license issued by the state 60378  
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board of education. 60380

(C) Committee members shall be appointed by the state 60381  
behavioral health and social work board for staggered five-year 60382  
terms, in accordance with rules adopted by the board. The board 60383  
may delegate to the committee authority to develop the examination 60384  
described in division (B)(2) of section 4732.11 of the Revised 60385  
Code and any procedures the board establishes under division (C) 60386  
of section 4732.11 of the Revised Code. 60387

**Sec. 4744.06.** (A) There is hereby created the state physical 60388  
health services board consisting of the following members, 60389  
appointed by the governor with the advice and consent of the 60390  
senate: 60391

(1) One individual licensed as an occupational therapist 60392  
under Chapter 4755. of the Revised Code; 60393

(2) One individual licensed as a physical therapist under 60394  
Chapter 4755. of the Revised Code; 60395

(3) One individual licensed as an athletic trainer under 60396  
Chapter 4755. of the Revised Code; 60397

(4) Two individuals licensed as occupational therapists, 60398  
physical therapists, or athletic trainers under Chapter 4755. of 60399  
the Revised Code, in any combination of those professionals; 60400

(5) One individual licensed as an orthotist or orthotist or 60401  
prosthetist under Chapter 4779. of the Revised Code; 60402

(6) One individual licensed as a prosthetist or an orthotist 60403  
or prosthetist under Chapter 4779. of the Revised Code; 60404

(7) One individual licensed as a pedorthist under Chapter 60405  
4779. of the Revised Code; 60406

(8) One individual representing the general public. 60407

(B) Not later than ninety days after the effective date of 60408

this section, the governor shall make initial appointments to the 60409  
board. Of the initial appointments, four members shall serve terms 60410  
ending August 27, 2019, three members shall serve terms ending 60411  
August 27, 2020, and two members shall serve terms ending August 60412  
27, 2021. Thereafter, terms of office are three years, with each 60413  
term commencing on the twenty-eighth day of August and ending on 60414  
the twenty-seventh day of August. Each member shall hold office 60415  
from the date of appointment until the end of the term for which 60416  
the member was appointed, except that a member shall continue in 60417  
office after the expiration date of the member's term until the 60418  
member's successor takes office. No member shall serve more than 60419  
three consecutive terms. 60420

Vacancies shall be filled in the same manner as original 60421  
appointments. Any member appointed to fill a vacancy occurring 60422  
before the expiration of the term for which the member's 60423  
predecessor was appointed shall hold office for the remainder of 60424  
that term. 60425

(C) No individual may be appointed to the board who has been 60426  
convicted of or pleaded guilty to a felony under the laws of this 60427  
state, another state, or the United States. 60428

The governor may remove a member of the board for 60429  
malfeasance, misfeasance, or nonfeasance after a hearing in 60430  
accordance with Chapter 119. of the Revised Code. The governor 60431  
shall remove, after a hearing in accordance with Chapter 119. of 60432  
the Revised Code, any member who has been convicted of or pleaded 60433  
guilty to a felony under the laws of this state, another state, or 60434  
the United States. 60435

**Sec. 4744.07.** When the term of a member of a board organized 60436  
under this chapter expires or a vacancy occurs on the board, a 60437  
professional association representing the interests of the 60438  
occupation of the board position to be filled may recommend to the 60439

governor individuals to fill the position. The governor shall 60440  
consider the recommendation in making appointments to the board. 60441

Sec. 4744.10. Whenever the term "state board of optometry," 60442  
"Ohio optical dispensers board," "hearing aid dealers and fitters 60443  
licensing board," or "board of speech-language pathology and 60444  
audiology" is used in any statute, rule, contract, or other 60445  
document, the use shall be construed to mean the "state vision and 60446  
hearing professionals board." 60447

Whenever "executive director of the state board of 60448  
optometry," "executive secretary-treasurer of the Ohio optical 60449  
dispensers board," "secretary of the hearing aid dealers and 60450  
fitters licensing board," or "executive director of the board of 60451  
speech-language pathology and audiology" is used in a statute, 60452  
rule, contract, or other document, the use shall be construed to 60453  
mean the executive director of the state vision and hearing 60454  
professionals board. 60455

Whenever the term "chemical dependency professionals board," 60456  
"counselor, social worker, and marriage and family therapist 60457  
board," or "state board of psychology" is used in any statute, 60458  
rule, contract, or other document, the use shall be construed to 60459  
mean the "state behavioral health and social work board." 60460

Whenever the executive director of the "chemical dependency 60461  
professionals board," "counselor, social worker, and marriage and 60462  
family therapist board," or "state board of psychology" is used in 60463  
any statute, rule, contract, or other document, the use shall be 60464  
construed to mean the executive director of the state behavioral 60465  
health and social work board. 60466

Whenever the term "Ohio occupational therapy, physical 60467  
therapy, and athletic trainers board" or "state board of 60468  
orthotics, prosthetics, and pedorthics" is used in any statute, 60469

rule, contract, or other document, the use shall be construed to mean the "state physical health services board." 60470  
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Whenever the executive director of the "Ohio occupational therapy, physical therapy, and athletic trainers board" or "state board of orthotics, prosthetics, and pedorthics" is used in any statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state physical health services board. 60472  
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Sec. 4744.12. (A) Each board organized under this chapter shall annually elect from among its members a president and secretary. Each board shall hold at least four regular meetings each year and may hold additional meetings as it considers necessary. At least one of the board's regular meetings shall be held in Franklin county. The boards shall publish the time and place of any meetings at least thirty days before the date on which the meeting is to be held, except that in the case of an emergency or special meeting, the board shall give twenty-four-hours' notice or as much notice as possible. 60478  
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A majority of board members constitutes a quorum. 60488

(B) Each board shall do all of the following: 60489

(1) Adopt a seal and certificate of suitable design; 60490

(2) Maintain a record of its proceedings; 60491

(3) Maintain a register of every individual holding a certificate, license, permit, registration, or endorsement issued under Chapters 4725., 4732., 4747., 4753., 4755., 4757., 4758., 4779., and 4783. of the Revised Code, as applicable, and every individual whose certificate, license, permit, registration, or endorsement has been revoked under those chapters. 60492  
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(C) Except as otherwise provided in the Revised Code, the books and records of each board, including its registers, shall be 60498  
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open to public inspection at all reasonable times. A copy of an entry in those books and records, certified by the executive director under the board's seal, is prima facie evidence of the facts therein stated. 60500  
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**Sec. 4744.14.** Each board organized under this chapter shall hire an executive director. Before discharging the executive director's duties, each executive director shall give a bond, to be approved by the board, in the amount of two thousand dollars to ensure the faithful performance of the executive director's duties. The board shall pay the premium of the bond in the same manner as it pays other expenditures of the board. The bond shall be deposited with the secretary of state and kept in the secretary of state's office. 60504  
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The executive director of each board organized under this chapter, in consultation with the director of administrative services, may employ inspectors, investigators, assistants, and other employees as necessary to administer and enforce Chapters 4725., 4732., 4747., 4753., 4755., 4757., 4758., 4779., and 4783. of the Revised Code, as applicable. 60513  
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**Sec. 4744.16.** Each member of a board organized under this chapter shall receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day the member is performing their official duties and be reimbursed for actual and necessary expenses incurred in performing such duties. 60519  
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Each board, in consultation with the director of administrative services, shall set the compensation of its executive director and of any employees of the board. The executive director of each board shall be reimbursed for necessary expenses in accordance with section 126.31 of the Revised Code. 60524  
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All vouchers of the board shall be approved by the board's 60529

president or executive director, or both, as authorized by the 60530  
board. 60531

Sec. 4744.18. Each board organized under this chapter shall 60532  
have an office in Franklin county, where all of the board's 60533  
permanent records shall be kept. On request of each board, the 60534  
director of administrative services shall supply each board with 60535  
office space and supplies. The board's president and executive 60536  
director shall submit an order to the director of administrative 60537  
services for all printing and binding necessary for the board's 60538  
work. 60539

Sec. 4744.20. All expenses of the boards organized under this 60540  
chapter shall be paid from, and all receipts of the boards shall 60541  
be deposited in, the state treasury to the credit of the 60542  
occupational licensing and regulatory fund created in section 60543  
4743.05 of the Revised Code. 60544

Sec. 4744.24. Each board organized under this chapter shall 60545  
annually, on or before the first day of February, submit a report 60546  
to the governor of all its official acts during the preceding 60547  
year, its receipts and disbursements, and a complete report of the 60548  
conditions of the professions regulated by the board. Each board 60549  
shall submit its first report to the governor not later than 60550  
February 1, 2019. Each board shall submit the reports to the 60551  
governor electronically. 60552

Sec. 4744.28. Each board organized under this chapter may 60553  
adopt rules as necessary for the transaction of its business. 60554

Sec. 4744.30. In the absence of fraud or bad faith, any board 60555  
organized under this chapter, current or former board members, 60556  
agents of the board, persons formally requested by the board to be 60557

the board's representative, or employees of the board shall not be 60558  
held liable in damages to any person as the result of any act, 60559  
omission, proceeding, conduct, or decision related to official 60560  
duties undertaken or performed pursuant to Chapters 4725., 4732., 60561  
4747., 4753., 4755., 4757., 4758., 4779., and 4783. of the Revised 60562  
Code, as applicable. 60563

If such a person asks to be defended by the state against any 60564  
claim or action arising out of any act, omission, proceeding, 60565  
conduct, or decision related to the person's official duties, and 60566  
if the request is made in writing at a reasonable time before 60567  
trial and the person requesting defense cooperates in good faith 60568  
in the defense of the claim or action, the state shall provide and 60569  
pay for the person's defense and shall pay any resulting judgment, 60570  
compromise, or settlement. At no time shall the state pay any part 60571  
of a claim or judgment that is for punitive or exemplary damages. 60572

**Sec. 4744.36.** Each board organized under this chapter may 60573  
appoint committees or other groups to assist in fulfilling its 60574  
duties. A committee or group may consist of board members, other 60575  
individuals with appropriate backgrounds, or both board members 60576  
and other individuals with appropriate backgrounds. Any appointed 60577  
committee or group shall act under the board's direction and shall 60578  
perform its functions within the limits established by the board. 60579

Except as otherwise provided in the Revised Code, a committee 60580  
or group organized under this section is advisory in nature and 60581  
may not act independently of the board or act on the board's 60582  
behalf. 60583

Members of a committee or group may be reimbursed by the 60584  
board for any expenses incurred in the performance of their 60585  
duties, in accordance with section 126.31 of the Revised Code and 60586  
with approval from the director of administrative services. 60587

Sec. 4744.40. Each board organized under this chapter may 60588  
enter into contracts with any person or government entity to 60589  
implement this chapter and Chapters 4725., 4732., 4747., 4753., 60590  
4755., 4757., 4758., 4779., and 4783. of the Revised Code, as 60591  
applicable, the rules adopted under those chapters, any other 60592  
applicable statutes or rules, and any applicable federal statutes 60593  
or regulations. 60594

Sec. 4744.48. Each board organized under this chapter may 60595  
become a member of a national licensing organization for the 60596  
professions regulated by that board. The board may participate in 60597  
any of the organization's activities, including reporting actions 60598  
the board takes against an applicant or license holder to any data 60599  
bank established by the organization. 60600

Sec. 4744.50. Each board organized under this chapter shall 60601  
establish a code of ethical practice for individuals licensed, 60602  
certified, or registered by that board in accordance with rules 60603  
adopted under Chapter 119. of the Revised Code. In establishing 60604  
the codes of ethical practice, the board shall define 60605  
unprofessional conduct in the rules, which shall include engaging 60606  
in a dual relationship with a client or former client, committing 60607  
an act of sexual abuse, misconduct, or exploitation of a client or 60608  
former client, and, except as permitted by law, violating client 60609  
confidentiality. 60610

The codes of ethical practice may be based on any codes of 60611  
ethical practice developed by national organizations representing 60612  
the interests of those professions regulated by each board. The 60613  
board may establish standards in its codes of ethical practice 60614  
that are more stringent than those established by national 60615  
organizations. 60616

The board may take disciplinary action against an applicant 60617

or license holder for violating any code of ethical practice 60618  
established under this section. 60619

Sec. 4744.54. No board organized under this chapter or any 60620  
committees established by the board shall discriminate against an 60621  
applicant or license holder because of the person's race, color, 60622  
religion, sex, national origin, disability as defined in section 60623  
4112.01 of the Revised Code, or age. A person who files with the 60624  
board or committee a statement alleging discrimination based on 60625  
any of those reasons may request a hearing with the board or 60626  
committee, as appropriate. 60627

**Sec. 4745.01.** (A) "Standard renewal procedure," as used in 60628  
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 60629  
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 3748., 60630  
3769., 3783., 3921., 3951., 4104., 4105., ~~4143.~~, 4169., 4561., 60631  
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 60632  
4728., 4729., 4731., 4733., 4734., ~~4735.~~, 4739., 4741., 4747., 60633  
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 60634  
4773., and 4775. of the Revised Code, means the license renewal 60635  
procedures specified in this chapter. 60636

(B) "Licensing agency," as used in this chapter, means any 60637  
department, division, board, section of a board, or other state 60638  
governmental unit subject to the standard renewal procedure, as 60639  
defined in this section, and authorized by the Revised Code to 60640  
issue a license to engage in a specific profession, occupation, or 60641  
occupational activity, or to have charge of and operate certain 60642  
specified equipment, machinery, or premises. 60643

(C) "License," as used in this chapter, means a license, 60644  
certificate, permit, card, or other authority issued or conferred 60645  
by a licensing agency by authority of which the licensee has or 60646  
claims the privilege to engage in the profession, occupation, or 60647

occupational activity, or to have control of and operate certain 60648  
specific equipment, machinery, or premises, over which the 60649  
licensing agency has jurisdiction. 60650

(D) "Licensee," as used in this chapter, means either the 60651  
person to whom the license is issued or renewed by a licensing 60652  
agency, or the person, partnership, or corporation at whose 60653  
request the license is issued or renewed. 60654

(E) "Renewal" and "renewed," as used in this chapter and in 60655  
the chapters of the Revised Code specified in division (A) of this 60656  
section, includes the continuing licensing procedure provided in 60657  
Chapter 3748. of the Revised Code and rules adopted under it and 60658  
in sections 1321.05 and 3921.33 of the Revised Code, and as 60659  
applied to those continuing licenses any reference in this chapter 60660  
to the date of expiration of any license shall be construed to 60661  
mean the due date of the annual or other fee for the continuing 60662  
license. 60663

**Sec. 4745.02.** On or before the thirtieth day prior to the 60664  
expiration of any license, each licensing agency shall ~~cause to be~~ 60665  
~~mailed~~ provide a notice ~~and application~~ for renewal to every 60666  
licensee for whom a license was issued or renewed during the 60667  
current license year or other specified period and who has been 60668  
approved for renewal by the specific licensing agency. 60669

The licensee shall complete the applicable renewal 60670  
application and ~~return it to~~ pay the applicable renewal fee. 60671  
Renewal fees paid pursuant to this section shall be deposited with 60672  
the treasurer of state ~~with a renewal fee in the amount specified~~ 60673  
~~on the renewal application.~~ 60674

Upon receipt of the correct fee by the treasurer and 60675  
acceptance of the renewal application by the licensing agency, the 60676  
applicant shall be entered as currently renewed on the records of 60677  
the particular licensing agency, and notice of the entry shall be 60678

~~mailed~~ provided to each licensee as soon as practicable, but not later than thirty days after receipt ~~by the treasurer~~ of the application and renewal fee. A certification by the respective licensing agency, with its seal affixed, of those records shall be prima-facie evidence of renewal in all courts in the trial of any case.

Sec. 4745.021. Notwithstanding any provision of the Revised Code pertaining to the timing of a license renewal to the contrary, if a failure in any electronic license renewal system occurs, a licensing agency may extend the date by which licenses must be renewed. The licensing agency may extend a renewal period for a reasonable time period after the resolution of the system failure. However, a licensing agency must obtain approval from the director of administrative services for an extension in excess of fourteen days beyond the resolution of the system failure.

Sec. 4747.04. The ~~state vision and hearing aid dealers and fitters~~ licensing board shall meet annually to elect a chairperson and a vice chairperson, who shall act as chairperson in the absence of the chairperson. A majority of the board constitutes a quorum. The board shall meet when called by the chairperson. The professionals board shall:

~~(A) Adopt rules for the transaction of its business;~~

~~(B)~~ Design and prepare qualifying examinations for licensing of hearing aid dealers, fitters, and trainees;

~~(C)~~(B) Determine whether persons holding similar valid licenses from other states or jurisdictions shall be required to take and successfully pass the appropriate qualifying examination as a condition for licensing in this state;

~~(D)~~(C) Determine whether charges made against any licensee warrant a hearing before the board;

~~(E)~~(D) Hold hearings to determine the truth and circumstances 60709  
of all charges filed in writing with the board against any 60710  
licensee and determine whether any license held by any person 60711  
shall be revoked, suspended, or reissued; 60712

~~(F)~~(E) Determine and specify the length of time each license 60713  
that is suspended or revoked shall remain suspended or revoked; 60714

~~(G)~~(F) Advise and assist the department of health in all 60715  
matters relating to this chapter; 60716

~~(H)~~(G) Deposit all payments collected under this chapter into 60717  
the ~~general operations~~ state treasury to the credit of the 60718  
occupational licensing and regulatory fund created ~~under in~~ 60719  
section ~~3701.83~~ 4743.05 of the Revised Code ~~to be used in~~ 60720  
~~administering and enforcing this chapter;~~ 60721

~~(I)~~(H) Establish a list of disqualifying offenses for 60722  
licensure as a hearing aid dealer or fitter, or for a hearing aid 60723  
dealer or fitter trainee permit, pursuant to sections 4747.05, 60724  
4747.10, 4747.12, and 4776.10 of the Revised Code. 60725

Nothing in this section shall be interpreted as granting to 60726  
the ~~hearing aid dealers and fitters licensing~~ board the right to 60727  
restrict advertising which is not false or misleading, or to 60728  
prohibit or in any way restrict a hearing aid dealer or fitter 60729  
from renting or leasing space from any person, firm or corporation 60730  
in a mercantile establishment for the purpose of using such space 60731  
for the lawful sale of hearing aids or to prohibit a mercantile 60732  
establishment from selling hearing aids if the sale would be 60733  
otherwise lawful under this chapter. 60734

**Sec. 4747.05.** (A) The state vision and ~~hearing aid dealers~~ 60735  
~~and fitters licensing~~ professionals board shall issue to each 60736  
applicant, within sixty days of receipt of a properly completed 60737  
application and payment of two hundred sixty-two dollars, a 60738

hearing aid dealer's or fitter's license if the applicant, ~~if an~~ 60739  
~~individual:~~ 60740

(1) ~~Is~~ In the case of an individual, the individual is at 60741  
least eighteen years of age. 60742

~~(2) Has,~~ has not committed a disqualifying offense or a crime 60743  
of moral turpitude, as those terms are defined in section 4776.10 60744  
of the Revised Code. 60745

~~(3) Is,~~ is free of contagious or infectious disease. 60746

~~(4) Has,~~ and has successfully passed a qualifying examination 60747  
specified and administered by the board. 60748

~~(B) If the applicant is~~ (2) In the case of a firm, 60749  
partnership, association, or corporation, the application, in 60750  
addition to such information as the board requires, ~~shall be~~ is 60751  
accompanied by an application for a license for each person, 60752  
whether owner or employee, of the firm, partnership, association, 60753  
or corporation, who engages in dealing in or fitting of hearing 60754  
aids, or ~~shall contain~~ contains a statement that such applications 60755  
are submitted separately. No firm, partnership, association, or 60756  
corporation licensed pursuant to this chapter shall permit any 60757  
unlicensed person to sell or fit hearing aids. 60758

~~(C)(B)(1)~~ Subject to divisions ~~(C)(B)(2)~~, (3), and (4) of 60759  
this section, the board shall not adopt, maintain, renew, or 60760  
enforce any rule that precludes an individual from receiving or 60761  
renewing a license issued under this chapter due to any past 60762  
criminal activity or interpretation of moral character, unless the 60763  
individual has committed a crime of moral turpitude or a 60764  
disqualifying offense as those terms are defined in section 60765  
4776.10 of the Revised Code. If the board denies an individual a 60766  
license or license renewal, the reasons for such denial shall be 60767  
put in writing. 60768

(2) Except as otherwise provided in this division, if an 60769

individual applying for a license has been convicted of or pleaded 60770  
guilty to a misdemeanor that is not a crime of moral turpitude or 60771  
a disqualifying offense less than one year prior to making the 60772  
application, the board may use the board's discretion in granting 60773  
or denying the individual a license. Except as otherwise provided 60774  
in this division, if an individual applying for a license has been 60775  
convicted of or pleaded guilty to a felony that is not a crime of 60776  
moral turpitude or a disqualifying offense less than three years 60777  
prior to making the application, the board may use the board's 60778  
discretion in granting or denying the individual a license. The 60779  
provisions in this paragraph do not apply with respect to any 60780  
offense unless the board, prior to ~~the effective date of this~~ 60781  
~~amendment~~ September 28, 2012, was required or authorized to deny 60782  
the application based on that offense. 60783

In all other circumstances, the board shall follow the 60784  
procedures it adopts by rule that conform to division ~~(C)~~(B)(1) of 60785  
this section. 60786

(3) In considering a renewal of an individual's license, the 60787  
board shall not consider any conviction or plea of guilty prior to 60788  
the initial licensing. However, the board may consider a 60789  
conviction or plea of guilty if it occurred after the individual 60790  
was initially licensed, or after the most recent license renewal. 60791

(4) The board may grant an individual a conditional license 60792  
that lasts for one year. After the one-year period has expired, 60793  
the license is no longer considered conditional, and the 60794  
individual shall be considered fully licensed. 60795

~~(D)~~(C) Each license issued expires on the thirtieth day of 60796  
January of the year following that in which it was issued. 60797

Sec. 4747.051. (A) As used in this section, "license" and 60798  
"applicant for an initial license" have the same meanings as in 60799  
section 4776.01 of the Revised Code, except that "license" as used 60800

in both of those terms refers to the types of authorizations 60801  
otherwise issued or conferred under this chapter. 60802

(B) In addition to any other eligibility requirement set 60803  
forth in this chapter, each applicant for an initial license shall 60804  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 60805  
state vision and hearing professionals board shall not grant a 60806  
license to an applicant for an initial license unless the 60807  
applicant complies with sections 4776.01 to 4776.04 of the Revised 60808  
Code and the board, in its discretion, decides that the results of 60809  
the criminal records check do not make the applicant ineligible 60810  
for a license issued pursuant to section 4747.05 or 4747.10 of the 60811  
Revised Code. 60812

**Sec. 4747.06.** (A) Each person engaged in the practice of 60813  
dealing in or fitting of hearing aids who holds a valid hearing 60814  
aid dealer's or fitter's license shall apply annually to the state 60815  
vision and hearing aid dealers and fitters licensing professionals 60816  
board for renewal of such license under the standard renewal 60817  
procedure specified in Chapter 4745. of the Revised Code. The 60818  
board shall issue to each applicant, on proof of completion of the 60819  
continuing education required by division (B) of this section and 60820  
payment of one hundred fifty-seven dollars on or before the first 60821  
day of February, one hundred eighty-three dollars on or before the 60822  
first day of March, or two hundred ten dollars thereafter, a 60823  
renewed hearing aid dealer's or fitter's license. No person who 60824  
applies for renewal of a hearing aid dealer's or fitter's license 60825  
that has expired shall be required to take any examination as a 60826  
condition of renewal provided application for renewal is made 60827  
within two years of the date such license expired. 60828

(B) Each person engaged in the practice of dealing in or 60829  
fitting of hearing aids who holds a valid hearing aid dealer's or 60830  
fitter's license shall complete each year not less than ten hours 60831

of continuing professional education approved by the board. On a 60832  
form provided by the board, the person shall certify to the board, 60833  
at the time of license renewal pursuant to division (A) of this 60834  
section, that in the preceding year the person has completed 60835  
continuing education in compliance with this division and shall 60836  
submit any additional information required by rule of the board 60837  
regarding the continuing education. The board shall adopt rules in 60838  
accordance with Chapter 119. of the Revised Code establishing the 60839  
standards continuing education programs must meet to obtain board 60840  
approval and continuing education reporting requirements. 60841

Continuing education may be applied to meet the requirement 60842  
of this division if it is provided or certified by any of the 60843  
following: 60844

(1) The national institute of hearing instruments studies 60845  
committee of the international hearing society; 60846

(2) The American speech-language hearing association; 60847

(3) The American academy of audiology. 60848

The board may excuse persons licensed under this chapter, as 60849  
a group or as individuals, from all or any part of the 60850  
requirements of this division because of an unusual circumstance, 60851  
emergency, or special hardship. 60852

**Sec. 4747.07.** Each person who holds a hearing aid dealer's or 60853  
fitter's license and engages in the practice of dealing in and 60854  
fitting of hearing aids shall display such license in a 60855  
conspicuous place in the person's office or place of business at 60856  
all times. Each person who maintains more than one office or place 60857  
of business shall post a duplicate copy of the license at each 60858  
location. The state vision and hearing aid dealers and fitters 60859  
licensing professionals board shall issue duplicate copies of a 60860  
license upon receipt of a properly completed application and 60861

payment of sixteen dollars for each copy requested. 60862

**Sec. 4747.08.** After July 1, 1970, no person shall be issued a 60863  
hearing aid dealer's or fitter's license unless such person has 60864  
successfully taken and passed a qualifying examination. The 60865  
qualifying examination shall be a thorough testing of knowledge 60866  
required for the proper selecting, fitting, and sale of hearing 60867  
aids, but shall not be such that a medical or surgical education 60868  
is required for successful completion. It shall consist of written 60869  
and practical portions which shall include, but not be limited to, 60870  
the following areas: 60871

(A) Basic physics of sound; 60872

(B) The anatomy and physiology of the human ear; 60873

(C) The function and purpose of hearing aids; 60874

(D) Pure tone audiometry, including air conduction and bone 60875  
conduction testing; 60876

(E) Live voice or recorded voice speech audiometry, including 60877  
speech reception threshold testing and speech discrimination 60878  
testing; 60879

(F) Masking techniques; 60880

(G) Recording and evaluation of audiograms and speech 60881  
audiometry to determine proper selection and adaption of hearing 60882  
aids; 60883

(H) Earmold impression techniques. 60884

The ~~state vision and hearing aid dealers and fitters~~ 60885  
~~licensing~~ professionals board shall design, prepare, and revise 60886  
such qualifying examinations as are determined necessary by the 60887  
board pursuant to this chapter. It shall administer all such 60888  
qualifying examinations and shall designate the time, place, and 60889  
date the examinations are held. The board shall also furnish all 60890

materials and equipment necessary for the conducting of all 60891  
qualifying examinations. 60892

**Sec. 4747.10.** Each person currently engaged in training to 60893  
become a licensed hearing aid dealer or fitter shall apply to the 60894  
~~state vision and hearing aid dealers and fitters licensing~~ 60895  
professionals board for a hearing aid dealer's and fitter's 60896  
trainee permit. The board shall issue to each applicant within 60897  
thirty days of receipt of a properly completed application and 60898  
payment of one hundred fifty dollars, a trainee permit if such 60899  
applicant meets all of the following criteria: 60900

(A) Is at least eighteen years of age; 60901

(B) Is the holder of a diploma from an accredited high school 60902  
or a certificate of high school equivalence issued by the 60903  
department of education; 60904

(C) Has not committed a disqualifying offense or a crime of 60905  
moral turpitude, as those terms are defined in section 4776.10 of 60906  
the Revised Code; 60907

(D) Is free of contagious or infectious disease. 60908

Subject to the next paragraph, the board shall not deny a 60909  
trainee permit issued under this section to any individual based 60910  
on the individual's past criminal history or an interpretation of 60911  
moral character unless the individual has committed a 60912  
disqualifying offense or crime of moral turpitude as those terms 60913  
are defined in section 4776.10 of the Revised Code. Except as 60914  
otherwise provided in this paragraph, if an individual applying 60915  
for a trainee permit has been convicted of or pleaded guilty to a 60916  
misdemeanor that is not a crime of moral turpitude or a 60917  
disqualifying offense less than one year prior to making the 60918  
application, the board may use the board's discretion in granting 60919  
or denying the individual a trainee permit. Except as otherwise 60920

provided in this paragraph, if an individual applying for a 60921  
trainee permit has been convicted of or pleaded guilty to a felony 60922  
that is not a crime of moral turpitude or a disqualifying offense 60923  
less than three years prior to making the application, the board 60924  
may use the board's discretion in granting or denying the 60925  
individual a trainee permit. The provisions in this paragraph do 60926  
not apply with respect to any offense unless the board, prior to 60927  
September 28, 2012, was required or authorized to deny the 60928  
application based on that offense. 60929

In all other circumstances not described in the preceding 60930  
paragraph, the board shall follow the procedures it adopts by rule 60931  
that conform to this section. 60932

In considering a renewal of an individual's trainee permit, 60933  
the board shall not consider any conviction or plea of guilty 60934  
prior to the issuance of the initial trainee permit. However, the 60935  
board may consider a conviction or plea of guilty if it occurred 60936  
after the individual was initially granted the trainee permit, or 60937  
after the most recent trainee permit renewal. If the board denies 60938  
an individual for a trainee permit or renewal, the reasons for 60939  
such denial shall be put in writing. Additionally, the board may 60940  
grant an individual a conditional trainee permit that lasts for 60941  
one year. After the one-year period has expired, the permit is no 60942  
longer considered conditional, and the individual shall be 60943  
considered to be granted a full trainee permit. 60944

Each trainee permit issued by the board expires one year from 60945  
the date it was first issued, and may be renewed once if the 60946  
trainee has not successfully completed the qualifying requirements 60947  
for licensing as a hearing aid dealer or fitter before the 60948  
expiration date of such permit. The board shall issue a renewed 60949  
permit to each applicant upon receipt of a properly completed 60950  
application and payment of one hundred five dollars. No person 60951  
holding a trainee permit shall engage in the practice of dealing 60952

in or fitting of hearing aids except while under supervision by a 60953  
licensed hearing aid dealer or fitter. 60954

**Sec. 4747.11.** Each person who holds a hearing aid dealer's or 60955  
fitter's license or trainee permit shall notify the state vision 60956  
and hearing aid dealers and fitters licensing professionals board 60957  
in writing of the place or places where ~~he~~ the person engages or 60958  
intends to engage in the practice of dealing in and fitting of 60959  
hearing aids, and shall immediately notify the board in writing of 60960  
any change in such address or addresses. The board shall keep a 60961  
record of the past and current place of business of each person 60962  
who holds a license or permit. 60963

Any notice that is required to be given by the board to a 60964  
person holding a license or permit pursuant to the provisions of 60965  
this chapter shall be mailed to such person by certified mail to 60966  
the address of ~~his~~ the person's current or most recent place of 60967  
business as revealed in the records of the board. 60968

**Sec. 4747.12.** The state vision and hearing aid dealers and 60969  
fitters licensing professionals board may revoke or suspend a 60970  
license or permit if the person who holds such license or permit: 60971

(A) Is convicted of a disqualifying offense or a crime of 60972  
moral turpitude as those terms are defined in section 4776.10 of 60973  
the Revised Code. The record of conviction, or a copy thereof 60974  
certified by the clerk of the court or by the judge in whose court 60975  
the conviction occurs, is conclusive evidence of such conviction; 60976

(B) Procured a license or permit by fraud or deceit practiced 60977  
upon the board; 60978

(C) Obtained any fee or made any sale of a hearing aid by 60979  
fraud or misrepresentation; 60980

(D) Knowingly employed any person without a license or a 60981  
person whose license was suspended or revoked to engage in the 60982

|   |   |
|---|---|
| fitting or sale of hearing aids;  | 60983   |
| (E) Used or caused or promoted the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceptive, or untruthful;  | 60984<br>60985<br>60986<br>60987<br>60988                   |
| (F) Advertised a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the specified model or type of hearing aid;   | 60989<br>60990<br>60991<br>60992                            |
| (G) Represented or advertised that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when such is not true, or using the words "doctor," "clinic," or similar words, abbreviations, or symbols which connote the medical profession when such use is not accurate; | 60993<br>60994<br>60995<br>60996<br>60997<br>60998<br>60999 |
| (H) Is found by the board to be a person of habitual intemperance or gross immorality;  | 61000<br>61001  |
| (I) Advertised a manufacturer's product or used a manufacturer's name or trademark in a manner which suggested the existence of a relationship with the manufacturer which did not or does not exist;   | 61002<br>61003<br>61004<br>61005                            |
| (J) Fitted or sold, or attempted to fit or sell, a hearing aid to a person without first utilizing the appropriate procedures and instruments required for proper fitting of hearing aids;  | 61006<br>61007<br>61008                                     |
| (K) Engaged in the fitting and sale of hearing aids under a false name or an alias;   | 61009<br>61010  |
| (L) Engaged in the practice of dealing in or fitting of hearing aids while suffering from a contagious or infectious  | 61011<br>61012  |

disease; 61013

(M) Was found by the board to be guilty of gross incompetence 61014  
or negligence in the fitting or sale of hearing aids; 61015

(N) Permitted another person to use the licensee's license; 61016

(O) Violate the code of ethical practice adopted under 61017  
section 4744.50 of the Revised Code. 61018

**Sec. 4747.13.** (A) Any person who wishes to make a complaint 61019  
against any person, firm, partnership, association, or corporation 61020  
licensed pursuant to this chapter shall submit such complaint in 61021  
writing to the state vision and hearing aid dealers and fitters 61022  
licensing professionals board within one year from the date of the 61023  
action or event upon which the complaint is based. The hearing aid 61024  
dealers and fitters board shall determine whether the charges in 61025  
the complaint are of a sufficiently serious nature to warrant a 61026  
hearing before the board to determine whether the license or 61027  
permit held by the person complained against shall be revoked or 61028  
suspended. If the board determines that a hearing is warranted, 61029  
then it shall fix the time and place of such hearing and deliver 61030  
or cause to have delivered, either in person or by registered 61031  
mail, at least twenty days before the date of such hearing, an 61032  
order instructing the licensee complained against of the date, 61033  
time, and place where the licensee shall appear before the board. 61034  
Such order shall include a copy of the complaint against the 61035  
licensee. 61036

The board, and the licensee after receipt of the order and a 61037  
copy of the complaint made against the licensee, may take 61038  
depositions in advance of the hearing, provided that each party 61039  
taking depositions shall give at least five days notice to the 61040  
other party of the time, date, and place where such depositions 61041  
shall be taken. Each party shall have the right to attend with 61042  
counsel the taking of such depositions and may cross-examine the 61043

deponent or deponents. Each licensee appearing before the board 61044  
may be represented by counsel. No person shall have the person's 61045  
license or permit revoked or suspended without an opportunity to 61046  
present the person's case at a hearing before the board, and the 61047  
board shall grant a continuance or adjournment of a hearing date 61048  
for good cause. Each person whose license or permit is suspended 61049  
or revoked by the board may appeal such action to the court of 61050  
common pleas. 61051

(B) The board shall petition the court of common pleas of the 61052  
county in which a person, firm, partnership, or corporation 61053  
engages in the sale, practice of dealing in or fitting of hearing 61054  
aids, advertises or assumes such practice, or engages in training 61055  
to become a licensed hearing aid dealer or fitter without first 61056  
being licensed, for an order enjoining any such acts or practices. 61057  
The court may grant such injunctive relief upon a showing that the 61058  
respondent named in the petition is engaging in such acts or 61059  
practices without being licensed under this chapter. 61060

**Sec. 4747.14.** No person, firm, partnership, association, or 61061  
corporation shall: 61062

(A) Sell or barter or offer to sell or barter a hearing aid 61063  
dealers or fitters license or trainee permit issued by the state 61064  
vision and hearing aid dealers and fitters licensing professionals 61065  
board pursuant to sections 4747.05, 4747.06, and 4747.10 of the 61066  
Revised Code; 61067

(B) Purchase or procure or attempt to purchase or procure a 61068  
hearing aid dealers or fitters license or trainee permit with 61069  
intent to use such license or permit as evidence of the holder's 61070  
qualification to engage in the practice of dealing in or fitting 61071  
of hearing aids; 61072

(C) Use or attempt to use as a valid license or permit a 61073  
license or permit which has been purchased, fraudulently obtained, 61074

counterfeited, materially altered, or suspended or revoked; 61075

(D) Alter a license or permit in any way, shape, or form, 61076  
except as may be specified by the board; 61077

(E) Willfully and knowingly make a false statement in an 61078  
application for issuance or renewal of a license or permit. 61079

**Sec. 4747.16.** On receipt of a notice pursuant to section 61080  
3123.43 of the Revised Code, the state vision and hearing aid ~~and~~ 61081  
~~dealers and fitters licensing~~ professionals board shall comply 61082  
with sections 3123.41 to 3123.50 of the Revised Code and any 61083  
applicable rules adopted under section 3123.63 of the Revised Code 61084  
with respect to a license issued pursuant to this chapter. 61085

**Sec. 4747.17.** The state vision and hearing aid ~~dealers and~~ 61086  
~~fitters licensing~~ professionals board shall comply with section 61087  
4776.20 of the Revised Code. 61088

**Sec. 4749.031.** (A) The department of public safety shall be a 61089  
participating public office for purposes of the retained applicant 61090  
fingerprint database established under section 109.5721 of the 61091  
Revised Code. The department shall elect to participate in the 61092  
continuous record monitoring service for all persons licensed or 61093  
registered under this chapter. When the superintendent of the 61094  
bureau of criminal identification and investigation, under section 61095  
109.57 of the Revised Code, indicates that an individual in the 61096  
retained applicant fingerprint database has been arrested for, 61097  
convicted of, or pleaded guilty to any offense, the superintendent 61098  
promptly shall notify the department either electronically or by 61099  
mail that additional arrest or conviction information is 61100  
available. 61101

(B) In addition to any other fees charged by the department 61102  
under this chapter, an applicant for a license under section 61103

4749.03 of the Revised Code, at the time of making an initial or 61104  
renewal application, shall pay any initial or annual fee charged 61105  
by the superintendent pursuant to rules adopted under division 61106  
(~~F~~)(H) of section 109.5721 of the Revised Code. 61107

**Sec. 4751.03.** (A) There is hereby established in the 61108  
department of aging a board of executives of long-term services 61109  
and supports, which board shall be composed of the following 61110  
eleven members: 61111

(1) Four members who are nursing home administrators, owners 61112  
of nursing homes, or officers of corporations owning nursing 61113  
homes, and who shall have an understanding of person-centered 61114  
care, and experience with a range of long-term services and 61115  
supports settings; 61116

(2)(a) Three members who work in long-term services and 61117  
supports settings that are not nursing homes, and who shall have 61118  
an understanding of person-centered care, and experience with a 61119  
range of long-term services and supports settings; 61120

(b) At least one of the members described in division 61121  
(A)(2)(a) of this section shall be a home health administrator, an 61122  
owner of a home health agency, or an officer of a home health 61123  
agency. 61124

(3) One member who is a member of the academic community; 61125

(4) One member who is a consumer of services offered in a 61126  
long-term services and supports setting; 61127

(5) One nonvoting member who is a representative of the 61128  
department of health, designated by the director of health, who is 61129  
involved in the nursing home survey and certification process, who 61130  
shall serve in an advisory capacity only; 61131

(6) One nonvoting member who is a representative of the 61132  
office of the state long-term care ombudsman, designated by the 61133

state long-term care ombudsman, who shall serve in an advisory capacity only. 61134  
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All members of the board shall be citizens of the United States and residents of this state. No member of the board who is appointed under divisions (A)(3) to (6) of this section may have or acquire any direct financial interest in a nursing home or long-term services and supports settings. 61136  
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(B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of appointment until the end of the term for which appointed. No member shall serve more than two consecutive full terms. 61141  
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(C) Appointments to the board shall be made by the governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. 61147  
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(D) The governor may remove any member of the board for misconduct, incapacity, incompetence, or neglect of duty after the member so charged has been served with a written statement of charges and has been given an opportunity to be heard. 61155  
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(E) Each member of the board, except the member designated by the director of health and the member designated by the ombudsman, shall be paid in accordance with section 124.15 of the Revised Code and each member shall be reimbursed for the member's actual and necessary expenses incurred in the discharge of such duties. 61159  
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(F) The board shall elect annually from its membership a 61164

chairperson and a vice-chairperson. 61165

(G) The board shall hold and conduct meetings quarterly and 61166  
at such other times as its business requires. A majority of the 61167  
voting members of the board shall constitute a quorum. The 61168  
affirmative vote of a majority of the voting members of the board 61169  
is necessary for the board to act. 61170

(H) The board shall appoint a secretary who has no financial 61171  
interest in a long-term services and supports setting, and may 61172  
employ and prescribe the powers and duties of such employees and 61173  
consultants as are necessary to carry out this chapter and the 61174  
rules adopted under it. 61175

**Sec. 4751.04.** (A) The board of executives of long-term 61176  
services and supports shall: 61177

(1) Develop, adopt, impose, and enforce regulations 61178  
prescribing standards which must be met by individuals in order to 61179  
receive a license as a nursing home administrator, which standards 61180  
shall be designed to ensure that nursing home administrators are 61181  
of good character and are otherwise suitable, and who, by training 61182  
and experience, are qualified to serve as nursing home 61183  
administrators; 61184

(2) Develop and apply appropriate techniques, including 61185  
examinations and investigations, for determining whether an 61186  
individual meets such standards; 61187

(3) Issue licenses and registrations to individuals 61188  
determined, after application of such techniques, to meet such 61189  
standards, ~~and revoke;~~ 61190

(4) Revoke or suspend licenses or registrations previously 61191  
issued by the board or impose a civil penalty, fine, or any other 61192  
sanction authorized by the board on an individual holding a 61193  
license or registration, in any case where the individual ~~holding~~ 61194

~~such license or registration~~ is determined to have failed 61195  
substantially to conform to the requirements of such standards; 61196

~~(4)~~(5) Develop, adopt, impose, and enforce regulations and 61197  
procedures designed to ensure that individuals holding a temporary 61198  
license, or licensed as nursing home administrators will, during 61199  
any period that they serve as such, comply with Chapter 4751. of 61200  
the Revised Code and the regulations adopted thereunder; 61201

~~(5)~~(6) Receive, investigate, and take appropriate action with 61202  
respect to any charge or complaint filed with the board to the 61203  
effect that any individual licensed as a nursing home 61204  
administrator has failed to comply with Chapter 4751. of the 61205  
Revised Code and the regulations adopted thereunder; 61206

~~(6)~~(7) Take such other actions as may be necessary to enable 61207  
the state to meet the requirements set forth in the "Social 61208  
Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 61209  
g; 61210

~~(7)~~(8) Pay all license and registration fees, civil 61211  
penalties, and fines collected under Chapter 4751. of the Revised 61212  
Code into the board of executives of long-term services and 61213  
supports fund created by section 4751.14 of the Revised Code to be 61214  
used in administering and enforcing this chapter and the rules 61215  
adopted under it; 61216

~~(8)~~(9) Administer, or contract with a government or private 61217  
entity to administer, examinations for licensure as a nursing home 61218  
administrator. If the board contracts with a government or private 61219  
entity to administer the examinations, the contract may authorize 61220  
the entity to collect and keep, as all or part of the entity's 61221  
compensation under the contract, any fee an applicant for 61222  
licensure pays to take an examination. The entity is not required 61223  
to deposit the fee into the state treasury; 61224

~~(9)~~(10) Enter into a contract with the department of aging as 61225

required under section 4751.042 of the Revised Code; 61226

~~(10)~~(11) Create opportunities for the education, training, 61227  
and credentialing of nursing home administrators ~~and others,~~ 61228  
persons in leadership positions who practice in long-term services 61229  
and supports settings or who direct the practices of others in 61230  
those settings, and persons interested in serving in those roles. 61231  
In carrying out this function, the board shall do the following: 61232

(a) Identify core competencies and areas of knowledge that 61233  
are appropriate for nursing home administrators, credentialed 61234  
individuals, and others working within the long-term services and 61235  
supports settings system, with an emphasis on all of the 61236  
following: 61237

(i) Leadership; 61238

(ii) Person-centered care; 61239

(iii) Principles of management within both the business and 61240  
regulatory environments; 61241

(iv) An understanding of all post-acute settings, including 61242  
transitions from acute settings and between post-acute settings. 61243

(b) Assist in the development of a strong, competitive market 61244  
in Ohio for training, continuing education, and degree programs in 61245  
long-term services and supports settings administration. 61246

(B) In the administration and enforcement of Chapter 4751. of 61247  
the Revised Code, and the regulations adopted thereunder, the 61248  
board is subject to Chapter 119. of the Revised Code and sections 61249  
4743.01 and 4743.02 of the Revised Code except that a notice of 61250  
appeal of an order of the board adopting, amending, or rescinding 61251  
a rule or regulation does not operate as a stay of the effective 61252  
date of such order as provided in section 119.11 of the Revised 61253  
Code. The court, at its discretion, may grant a stay of any 61254  
regulation in its application against the person filing the notice 61255

of appeal. 61256

Sec. 4751.043. (A) Training and education programs developed 61257  
by the board of executives of long-term services and supports 61258  
pursuant to division (A)(10) of section 4751.04 of the Revised 61259  
Code may be conducted in person or through electronic media. The 61260  
board may establish and charge a fee for the education and 61261  
training programs. 61262

(B) The board may enter into a contract with a government or 61263  
private entity to perform the board's duties under division 61264  
(A)(10) of section 4751.04 of the Revised Code to develop and 61265  
conduct education and training programs. If the board enters into 61266  
such a contract, the contract may authorize the entity to pay any 61267  
or all costs associated with the education or training programs 61268  
and to collect and keep, as all or part of the entity's 61269  
compensation under the contract, any fee an applicant for 61270  
education or training pays to enroll in the education or training 61271  
program. 61272

Sec. 4751.044. The board of executives of long-term services 61273  
and supports shall approve continuing education courses for 61274  
nursing home administrators. The board may establish a fee for 61275  
approval of such courses that is adequate to cover any expense the 61276  
board incurs in the approval process. 61277

Sec. 4751.10. The license or registration, or both, or the 61278  
temporary license of any person practicing or offering to practice 61279  
nursing home administration, shall be revoked or suspended by the 61280  
board of executives of long-term services and supports if such 61281  
licensee or temporary licensee: 61282

(A) Is unfit or incompetent by reason of negligence, habits, 61283  
or other causes; 61284

(B) Has willfully or repeatedly violated any of the 61285  
provisions of Chapter 4751. of the Revised Code or the regulations 61286  
adopted thereunder; or willfully or repeatedly acted in a manner 61287  
inconsistent with the health and safety of the patients of the 61288  
nursing home in which the licensee or temporary licensee is the 61289  
administrator; 61290

(C) Is guilty of fraud or deceit in the practice of nursing 61291  
home administration or in the licensee's or temporary licensee's 61292  
admission to such practice; 61293

(D) Has been convicted in a court of competent jurisdiction, 61294  
either within or without this state, of a felony. 61295

~~Proceedings under this section shall be instituted by the 61296  
board or shall be begun by filing with the board charges in 61297  
writing and under oath. 61298~~

**Sec. 4751.14.** There is hereby created in the state treasury 61299  
the board of executives of long-term services and supports fund. 61300  
The fund shall consist of the amounts the board collects under 61301  
this chapter as license and registration fees ~~collected under this 61302  
chapter, other fees, civil penalties, and fines.~~ Money in the fund 61303  
shall be used by the board of executives of long-term services and 61304  
supports to administer and enforce this chapter and the rules 61305  
adopted under it. Investment earnings of the fund shall be 61306  
credited to the fund. 61307

**Sec. 4751.99.** Whoever violates section 4751.02 or 4751.09 of 61308  
the Revised Code ~~shall~~ may be fined not ~~less than fifty nor~~ more 61309  
than five hundred dollars for the first offense; for each 61310  
subsequent offense such person ~~shall~~ may be fined not ~~less than 61311  
one hundred nor~~ more than five hundred dollars or imprisoned for 61312  
not more than ninety days, or both. 61313

The imposition of fines pursuant to this section does not 61314

preclude the imposition of any civil penalties or fines authorized 61315  
under section 4751.04 or any other section of the Revised Code. 61316

**Sec. 4752.01.** As used in this chapter: 61317

(A) "Authorized health care professional" means a person 61318  
authorized under Chapter 4731. of the Revised Code to practice 61319  
medicine and surgery or osteopathic medicine and surgery or 61320  
otherwise authorized under Ohio law to prescribe the use of home 61321  
medical equipment by a patient. 61322

(B) "Home medical equipment" means equipment that can stand 61323  
repeated use, is primarily and customarily used to serve a medical 61324  
purpose, is not useful to a person in the absence of illness or 61325  
injury, is appropriate for use in the home, and is one or more of 61326  
the following: 61327

(1) Life-sustaining equipment prescribed by an authorized 61328  
health care professional that mechanically sustains, restores, or 61329  
supplants a vital bodily function, such as breathing; 61330

(2) Technologically sophisticated medical equipment 61331  
prescribed by an authorized health care professional that requires 61332  
individualized adjustment or regular maintenance by a home medical 61333  
equipment services provider to maintain a patient's health care 61334  
condition or the effectiveness of the equipment; 61335

(3) An item specified by the ~~Ohio respiratory care board~~ 61336  
state board of pharmacy in rules adopted under division (B) of 61337  
section 4752.17 of the Revised Code. 61338

(C) "Home medical equipment services" means the sale, 61339  
delivery, installation, maintenance, replacement, or demonstration 61340  
of home medical equipment. 61341

(D) "Home medical equipment services provider" means a person 61342  
engaged in offering home medical equipment services to the public. 61343

(E) "Hospital" has the same meaning as in section 3727.01 of 61344

the Revised Code. 61345

(F) "Sell or rent" means to transfer ownership or the right 61346  
to use property, whether in person or through an agent, employee, 61347  
or other person, in return for compensation. 61348

**Sec. 4752.03.** (A) A person seeking to comply with division 61349  
(A) of section 4752.02 of the Revised Code shall do either of the 61350  
following: 61351

(1) Apply for a license issued under this chapter; 61352

(2) Apply for a certificate of registration issued under this 61353  
chapter on the basis of being accredited by the joint commission 61354  
on accreditation of healthcare organizations or another national 61355  
accrediting body recognized by the ~~Ohio respiratory care board~~ 61356  
state board of pharmacy, as specified in rules adopted under 61357  
section 4752.17 of the Revised Code. 61358

(B) A person intending to provide home medical equipment 61359  
services from more than one facility shall apply for a separate 61360  
license or certificate of registration for each facility. 61361

**Sec. 4752.04.** A person seeking a license to provide home 61362  
medical equipment services shall apply to the ~~Ohio respiratory~~ 61363  
~~care board~~ state board of pharmacy on a form the board shall 61364  
prescribe and provide. The application must be accompanied by the 61365  
license application fee established in rules adopted under section 61366  
4752.17 of the Revised Code, except that the board may waive all 61367  
or part of the fee if the board determines that an applicant's 61368  
license will be issued in the last six months of the biennial 61369  
licensing period established under section 4752.05 of the Revised 61370  
Code. 61371

In the application, the applicant shall specify the name and 61372  
location of the facility from which services will be provided. 61373

**Sec. 4752.05.** (A) ~~The Ohio respiratory care board~~ state board of pharmacy shall issue a license to provide home medical equipment services to each applicant under section 4752.04 of the Revised Code that meets either of the following requirements:

(1) Meets the standards established by the board in rules adopted under section 4752.17 of the Revised Code;

(2) Is a pharmacy licensed under Chapter 4729. of the Revised Code that receives total payments of ten thousand dollars or more per year from selling or renting home medical equipment.

(B) During the period ending one year after September 16, 2004, an applicant that does not meet either of the requirements of division (A) of this section shall be granted a provisional license if for at least twelve months prior to September 16, 2004, the applicant was engaged in the business of providing home medical equipment services. The provisional license expires one year following the date on which it is issued and is not subject to renewal under section 4752.06 of the Revised Code.

(C) The board may conduct a personal interview of an applicant, or an applicant's representative, to determine the applicant's qualifications for licensure.

(D) A license issued under division (A) of this section expires at the end of the licensing period for which it is issued and may be renewed in accordance with section 4752.06 of the Revised Code. For purposes of issuing and renewing licenses, the board shall use a biennial licensing period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year.

(E) Any license issued under this section is valid only for the facility named in the application.

**Sec. 4752.06.** Except for a provisional license issued under

section 4752.05 of the Revised Code, a license issued under this 61404  
chapter shall be renewed by the ~~Ohio respiratory care board~~ state 61405  
board of pharmacy if the license holder is in compliance with the 61406  
applicable requirements of this chapter. 61407

An application for license renewal shall be accompanied by 61408  
the renewal fee established in rules adopted under section 4752.17 61409  
of the Revised Code and, except as provided in division (B) of 61410  
section 4752.07 of the Revised Code, by documentation satisfactory 61411  
to the board that the continuing education requirements of section 61412  
4752.07 of the Revised Code have been met. Renewals shall be made 61413  
in accordance with the standard renewal procedure established 61414  
under Chapter 4745. of the Revised Code and the renewal procedures 61415  
established in rules adopted under section 4752.17 of the Revised 61416  
Code. 61417

**Sec. 4752.08.** (A) The ~~Ohio respiratory care board~~ state board 61418  
of pharmacy may inspect the operations and facility, subpoena the 61419  
records, and compel testimony of employees of any home medical 61420  
equipment services provider licensed under this chapter. 61421  
Inspections shall be conducted as provided in rules adopted by the 61422  
board under section 4752.17 of the Revised Code. 61423

(B) The board shall employ investigators who shall, under the 61424  
direction of the executive director of the board, investigate 61425  
complaints and conduct inspections. Pursuant to an investigation 61426  
or inspection, investigators may review and audit records during 61427  
normal business hours at the place of business of the person being 61428  
investigated. The board and its employees shall not disclose 61429  
confidential information obtained during an investigation, except 61430  
pursuant to a court order. 61431

(C) The board shall send the provider a report of the results 61432  
of an inspection. If the board determines that the provider is not 61433

in compliance with any requirement of this chapter applicable to 61434  
providers licensed under this chapter, the board may direct the 61435  
provider to attain compliance. Failure of the provider to comply 61436  
with the directive is grounds for action by the board under 61437  
division (A)(1) of section 4752.09 of the Revised Code. 61438

(D) A provider that disputes the results of an inspection may 61439  
file an appeal with the board not later than ninety days after 61440  
receiving the inspection report. The board shall review the 61441  
inspection report and, at the request of the provider, conduct a 61442  
new inspection. 61443

**Sec. 4752.09.** (A) The ~~Ohio respiratory care board~~ state board 61444  
of pharmacy may, in accordance with Chapter 119. of the Revised 61445  
Code, suspend or revoke a license issued under this chapter or 61446  
discipline a license holder by imposing a fine of not more than 61447  
five thousand dollars or taking other disciplinary action on any 61448  
of the following grounds: 61449

(1) Violation of any provision of this chapter or an order or 61450  
rule of the board, as those provisions, orders, or rules are 61451  
applicable to persons licensed under this chapter; 61452

(2) A plea of guilty to or a judicial finding of guilt of a 61453  
felony or a misdemeanor that involves dishonesty or is directly 61454  
related to the provision of home medical equipment services; 61455

(3) Making a material misstatement in furnishing information 61456  
to the board; 61457

(4) Professional incompetence; 61458

(5) Being guilty of negligence or gross misconduct in 61459  
providing home medical equipment services; 61460

(6) Aiding, assisting, or willfully permitting another person 61461  
to violate any provision of this chapter or an order or rule of 61462  
the board, as those provisions, orders, or rules are applicable to 61463

persons licensed under this chapter; 61464

(7) Failing, within sixty days, to provide information in 61465  
response to a written request by the board; 61466

(8) Engaging in conduct likely to deceive, defraud, or harm 61467  
the public; 61468

(9) Denial, revocation, suspension, or restriction of a 61469  
license to provide home medical equipment services, for any reason 61470  
other than failure to renew, in another state or jurisdiction; 61471

(10) Directly or indirectly giving to or receiving from any 61472  
person a fee, commission, rebate, or other form of compensation 61473  
for services not rendered; 61474

(11) Knowingly making or filing false records, reports, or 61475  
billings in the course of providing home medical equipment 61476  
services, including false records, reports, or billings prepared 61477  
for or submitted to state and federal agencies or departments; 61478

(12) Failing to comply with federal rules issued pursuant to 61479  
the medicare program established under Title XVIII of the "Social 61480  
Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, 61481  
relating to operations, financial transactions, and general 61482  
business practices of home medical services providers. 61483

(B) The ~~respiratory care board~~ state board of pharmacy 61484  
immediately may suspend a license without a hearing if it 61485  
determines that there is evidence that the license holder is 61486  
subject to actions under this section and that there is clear and 61487  
convincing evidence that continued operation by the license holder 61488  
presents an immediate and serious harm to the public. The 61489  
president and executive director of the board shall make a 61490  
preliminary determination and describe, by telephone conference or 61491  
any other method of communication, the evidence on which they made 61492  
their determination to the other members of the board. The board 61493  
may by resolution designate another board member to act in place 61494

of the president of the board or another employee to act in the 61495  
place of the executive director, in the event that the board 61496  
president or executive director is unavailable or unable to act. 61497  
On review of the evidence, the board may by a vote of not less 61498  
than seven of its members, suspend a license without a prior 61499  
hearing. The board may vote on the suspension by way of a 61500  
telephone conference call. 61501

Immediately following the decision to suspend a license under 61502  
this division, the board shall issue a written order of suspension 61503  
and cause it to be delivered in accordance with section 119.07 of 61504  
the Revised Code. The order shall not be subject to suspension by 61505  
the court during the pendency of any appeal filed under section 61506  
119.12 of the Revised Code. If the license holder requests an 61507  
adjudication hearing, the date set for the hearing shall be within 61508  
fifteen days but not earlier than seven days after the license 61509  
holder requests the hearing, unless another date is agreed to by 61510  
the license holder and the board. The suspension shall remain in 61511  
effect, unless reversed by the board, until a final adjudication 61512  
order issued by the board pursuant to this section and Chapter 61513  
119. of the Revised Code becomes effective. The board shall issue 61514  
its final adjudication order not later than ninety days after 61515  
completion of the hearing. The board's failure to issue the order 61516  
by that day shall cause the summary suspension to end, but shall 61517  
not affect the validity of any subsequent final adjudication 61518  
order. 61519

**Sec. 4752.11.** (A) A person seeking a certificate of 61520  
registration to provide home medical equipment services shall 61521  
apply to the ~~Ohio respiratory care board~~ state board of pharmacy 61522  
on a form the board shall prescribe and provide. The application 61523  
must be accompanied by the registration fee established in rules 61524  
adopted under section 4752.17 of the Revised Code, except that the 61525  
board may waive all or part of the fee if the board determines 61526

that an applicant's certificate of registration will be issued in 61527  
the last six months of the biennial registration period 61528  
established under section 4752.12 of the Revised Code. 61529

(B) The applicant shall specify in the application all of the 61530  
following: 61531

(1) The name of the facility from which services will be 61532  
provided; 61533

(2) The facility's address; 61534

(3) The facility's telephone number; 61535

(4) A person who may be contacted with regard to the 61536  
facility; 61537

(5) The name of the national accrediting body that issued the 61538  
accreditation on which the application is based; 61539

(6) The applicant's accreditation number and the expiration 61540  
date of the accreditation; 61541

(7) A telephone number that may be used twenty-four hours a 61542  
day, seven days a week, to obtain information related to the 61543  
facility's provision of home medical equipment services. 61544

**Sec. 4752.12.** (A) ~~The Ohio respiratory care board~~ state board 61545  
of pharmacy shall issue a certificate of registration to provide 61546  
home medical equipment services to each applicant who submits a 61547  
complete application under section 4752.11 of the Revised Code. 61548  
For purposes of this division, an application is complete only if 61549  
the board finds that the applicant holds accreditation from the 61550  
joint commission on accreditation of healthcare organizations or 61551  
another national accrediting body recognized by the board, as 61552  
specified in rules adopted under section 4752.17 of the Revised 61553  
Code. 61554

(B) A certificate of registration issued under this section 61555

expires at the end of the registration period for which it is 61556  
issued and may be renewed in accordance with section 4752.13 of 61557  
the Revised Code. For purposes of renewing certificates of 61558  
registration, the board shall use a biennial registration period 61559  
that begins on the first day of July of each even-numbered year 61560  
and ends on the thirtieth day of June of the next succeeding 61561  
even-numbered year. 61562

(C) A certificate of registration issued under this section 61563  
is valid only for the facility named in the application. 61564

**Sec. 4752.13.** A certificate of registration issued under this 61565  
chapter shall be renewed by the ~~Ohio respiratory care board~~ state 61566  
board of pharmacy if the certificate holder is accredited by the 61567  
joint commission on accreditation of healthcare organizations or 61568  
another national accrediting body recognized by the board, as 61569  
specified in rules adopted under section 4752.17 of the Revised 61570  
Code. 61571

An application for renewal of a certificate of registration 61572  
shall be accompanied by the renewal fee established in rules 61573  
adopted under section 4752.17 of the Revised Code. Renewals shall 61574  
be made in accordance with the standard renewal procedure 61575  
established under Chapter 4745. of the Revised Code and the 61576  
renewal procedures established in rules adopted under section 61577  
4752.17 of the Revised Code. 61578

**Sec. 4752.14.** The ~~Ohio respiratory care board~~ state board of 61579  
pharmacy shall enter into a cooperative agreement with each of the 61580  
national accrediting bodies it recognizes in rules adopted under 61581  
section 4752.17 of the Revised Code for purposes of issuing 61582  
certificates of registration under this chapter. The board shall 61583  
ensure that each cooperative agreement establishes or specifies 61584  
standards or procedures regarding a complaint process, patient 61585

safety and care, and any other matter the board considers 61586  
appropriate for home medical equipment services providers that 61587  
receive certificates of registration under this chapter. 61588

**Sec. 4752.15.** (A) The ~~Ohio respiratory care board~~ state board 61589  
of pharmacy shall, in accordance with Chapter 119. of the Revised 61590  
Code, suspend or revoke a certificate of registration issued under 61591  
this chapter if it learns from any source that the accreditation 61592  
on which the certificate of registration was issued has been 61593  
revoked or suspended or is otherwise no longer valid. 61594

(B) If the status of the accreditation on which a certificate 61595  
of registration is issued under this chapter changes for any 61596  
reason, the holder of the certificate shall notify the board. On 61597  
receipt of the notice, the board shall take action under division 61598  
(A) of this section, if appropriate. 61599

**Sec. 4752.17.** (A) The ~~Ohio respiratory care board~~ state board 61600  
of pharmacy shall adopt rules to implement and administer this 61601  
chapter. The rules shall do all of the following: 61602

(1) Specify items considered to be home medical equipment for 61603  
purposes of divisions (B)(1) and (2) of section 4752.01 of the 61604  
Revised Code; 61605

(2) Establish procedures for issuance and renewal of licenses 61606  
and certificates of registration under this chapter, including the 61607  
duties that may be fulfilled by the board's executive director and 61608  
other board employees; 61609

(3) Specify the national accrediting bodies the board 61610  
recognizes for purposes of issuing certificates of registration 61611  
under this chapter; 61612

(4) Establish standards an applicant must meet to be eligible 61613  
to be granted a license under section 4752.05 of the Revised Code; 61614

(5) Establish standards for personnel policies, equipment storage, equipment maintenance, and record keeping to be followed by home medical equipment services providers licensed under this chapter;

(6) Establish standards for continuing education programs in home medical equipment services for individuals who provide home medical equipment services while employed by or under the control of a home medical equipment services provider licensed under this chapter;

(7) Establish standards and procedures for inspection of home medical equipment providers licensed under this chapter and the facilities from which their home medical equipment services are provided and for appeal of inspection results;

(8) Establish fees for issuing and renewing licenses under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the licensing program;

(9) Establish fees for conducting inspections of home medical equipment services providers licensed under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the inspection program;

(10) Establish fees for issuing and renewing certificates of registration under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the registration program;

(11) Establish any other standards, requirements, or procedures the board considers necessary for the implementation or administration of this chapter.

(B) The board may adopt rules specifying items that are considered home medical equipment for purposes of division (B)(3) of section 4752.01 of the Revised Code.

(C) Rules shall be adopted under this chapter in accordance 61645  
with Chapter 119. of the Revised Code. Prior to adopting any rule, 61646  
the board shall consult with representatives of any association of 61647  
home medical equipment services providers that do business in this 61648  
state. 61649

**Sec. 4752.18.** All moneys the ~~Ohio respiratory care board~~ 61650  
state board of pharmacy receives under this chapter, from any 61651  
source, shall be deposited into the state treasury to the credit 61652  
of the occupational licensing and regulatory fund created under 61653  
section 4743.05 of the Revised Code. 61654

**Sec. 4752.19.** (A) At the request of the ~~Ohio respiratory care~~ 61655  
~~board~~ state board of pharmacy, the attorney general may bring a 61656  
civil action for appropriate relief, including a temporary 61657  
restraining order, preliminary or permanent injunction, and civil 61658  
penalties, in the court of common pleas of the county in which a 61659  
violation has occurred, is occurring, or is threatening to occur 61660  
against any person who has violated, is violating, or threatens to 61661  
violate section 4752.02 of the Revised Code. In accordance with 61662  
the Rules of Civil Procedure, the court of common pleas in which 61663  
an action for injunction is filed has jurisdiction to grant, and 61664  
shall grant, a temporary restraining order and preliminary and 61665  
permanent injunctive relief upon a showing that the person against 61666  
whom the action is brought has violated, is violating, or 61667  
threatens to violate section 4752.02 of the Revised Code. In an 61668  
action for a civil penalty, the court may impose upon a person 61669  
found to have violated section 4752.02 of the Revised Code a civil 61670  
penalty of not less than five hundred and not more than two 61671  
thousand five hundred dollars for each day of violation. Moneys 61672  
resulting from civil penalties imposed under this section shall be 61673  
deposited into the state treasury to the credit of the 61674  
occupational licensing and regulatory fund created under section 61675

4743.05 of the Revised Code. 61676

(B) The remedies provided in this section are in addition to 61677  
remedies otherwise available under any federal or state law or 61678  
ordinance of a municipal corporation. 61679

**Sec. 4752.20.** The Ohio respiratory care board state pharmacy 61680  
board shall comply with section 4776.20 of the Revised Code. 61681

**Sec. 4752.22.** Whenever the term "Ohio respiratory care board" 61682  
is used in any statute, rule, contract, or other document, the use 61683  
shall be construed to mean the "state board of pharmacy," with 61684  
respect to implementing Chapter 4752. of the Revised Code. 61685

Whenever the executive director of the Ohio respiratory care 61686  
board is used in any statute, rule, contract, or other document, 61687  
the use shall be construed to mean the executive director of the 61688  
state board of pharmacy, with respect to implementing Chapter 61689  
4752. of the Revised Code. 61690

**Sec. 4752.24.** The state board of pharmacy shall appoint a 61691  
home medical equipment services advisory council for the purpose 61692  
of advising the board on issues relating to providing home medical 61693  
equipment services. The advisory council shall consist of not more 61694  
than seven individuals knowledgeable in the provision of home 61695  
medical equipment services. 61696

Not later than ninety days after the effective date of this 61697  
section, the board shall make initial appointments to the council. 61698  
Members shall serve three-year staggered terms of office in 61699  
accordance with rules adopted by the board. 61700

With approval from the director of administrative services, 61701  
members may receive an amount fixed under division (J) of section 61702  
124.15 of the Revised Code for each day the member is performing 61703  
the member's official duties and be reimbursed for actual and 61704

necessary expenses incurred in performing those duties. 61705

**Sec. 4753.05.** (A) The state vision and hearing professionals 61706  
board of speech language pathology and audiology may make 61707  
reasonable rules necessary for the administration of this chapter. 61708  
The board shall adopt rules to ensure ethical standards of 61709  
practice by speech language pathologists and audiologists licensed 61710  
or permitted pursuant to this chapter. All rules adopted under 61711  
this chapter shall be adopted in accordance with Chapter 119. of 61712  
the Revised Code. 61713

(B) The board shall determine the nature and scope of 61714  
examinations to be administered to applicants for licensure 61715  
pursuant to this chapter in the practices of speech-language 61716  
pathology and audiology, and shall evaluate the qualifications of 61717  
all applicants. Written examinations may be supplemented by such 61718  
practical and oral examinations as the board shall determine by 61719  
rule. The board shall determine by rule the minimum examination 61720  
score for licensure. Licensure shall be granted independently in 61721  
speech-language pathology and audiology. The board shall maintain 61722  
a current public record of all persons licensed, to be made 61723  
available upon request. 61724

(C) The board shall publish and make available, upon request, 61725  
the licensure and permit standards prescribed by this chapter and 61726  
rules adopted pursuant thereto. 61727

(D) The board shall submit to the governor each year a report 61728  
of all its official actions during the preceding year together 61729  
with any recommendations and findings with regard to the 61730  
improvement of the professions of audiology and speech language 61731  
pathology. 61732

~~(E)~~ The board shall investigate all alleged irregularities in 61733  
the practices of speech-language pathology and audiology by 61734  
persons licensed or permitted pursuant to this chapter and any 61735

violations of this chapter or rules adopted by the board. The 61736  
board shall not investigate the practice of any person 61737  
specifically exempted from licensure under this chapter by section 61738  
4753.12 of the Revised Code, as long as the person is practicing 61739  
within the scope of the person's license or is carrying out 61740  
responsibilities as described in division (G) or (H) of section 61741  
4753.12 of the Revised Code and does not claim to be a 61742  
speech-language pathologist or audiologist. 61743

In conducting investigations under this division, the board 61744  
may administer oaths, order the taking of depositions, issue 61745  
subpoenas, and compel the attendance of witnesses and the 61746  
production of books, accounts, papers, records, documents, and 61747  
testimony. In any case of disobedience or neglect of any subpoena 61748  
served on any person or the refusal of any witness to testify to 61749  
any matter regarding which the witness may lawfully be 61750  
interrogated, the court of common pleas of any county where such 61751  
disobedience, neglect, or refusal occurs or any judge thereof, on 61752  
application by the board, shall compel obedience by attachment 61753  
proceedings for contempt, as in the case of disobedience of the 61754  
requirements of a subpoena issued from such court, or a refusal to 61755  
testify therein. 61756

~~(F)(E)~~ The board shall conduct such hearings ~~and keep such~~ 61757  
~~records and minutes~~ as are necessary to carry out this chapter. 61758

~~(G)~~ ~~The board shall adopt a seal by which it shall~~ 61759  
~~authenticate its proceedings. Copies of the proceedings, records,~~ 61760  
~~and acts signed by the chairperson or executive director and~~ 61761  
~~authenticated by such seal shall be prima facie evidence thereof~~ 61762  
~~in all courts of this state.~~ 61763

**Sec. 4753.06.** No person is eligible for licensure as a 61764  
speech-language pathologist or audiologist unless: 61765

(A) The person has obtained a broad general education to 61766

serve as a background for the person's specialized academic 61767  
training and preparatory professional experience. Such background 61768  
may include study from among the areas of human psychology, 61769  
sociology, psychological and physical development, the physical 61770  
sciences, especially those that pertain to acoustic and biological 61771  
phenomena, and human anatomy and physiology, including 61772  
neuroanatomy and neurophysiology. 61773

(B) If the person seeks licensure as a speech-language 61774  
pathologist, the person submits to the state vision and hearing 61775  
professionals board of speech-language pathology and audiology an 61776  
official transcript demonstrating that the person has at least a 61777  
master's degree in speech-language pathology or the equivalent as 61778  
determined by the board. The person's academic credit must include 61779  
course work accumulated in the completion of a well-integrated 61780  
course of study approved by the board and delineated by rule 61781  
dealing with the normal aspects of human communication, 61782  
development and disorders thereof, and clinical techniques for the 61783  
evaluation and the improvement or eradication of such disorders. 61784  
The course work must have been completed at colleges or 61785  
universities accredited by regional or national accrediting 61786  
organizations recognized by the board. 61787

(C) Except as provided in division (F)(1)(b) of this section, 61788  
if the person seeks licensure as an audiologist, the person 61789  
submits to the board an official transcript demonstrating that the 61790  
person has at least a doctor of audiology degree or the equivalent 61791  
as determined by the board. The person's academic credit must 61792  
include course work accumulated in the completion of a 61793  
well-integrated course of study approved by the board and 61794  
delineated by rules dealing with the normal aspects of human 61795  
hearing, balance, and related development and clinical evaluation, 61796  
audiologic diagnosis, and treatment of disorders of human hearing, 61797  
balance, and related development. The course work must have been 61798

completed in an audiology program that is accredited by an 61799  
organization recognized by the United States department of 61800  
education and operated by a college or university accredited by a 61801  
regional or national accrediting organization recognized by the 61802  
board. 61803

(D) The person submits to the board evidence of the 61804  
completion of appropriate, supervised clinical experience in the 61805  
professional area, speech-language pathology or audiology, for 61806  
which licensure is requested, dealing with a variety of 61807  
communication disorders. The appropriateness of the experience 61808  
shall be determined under rules of the board. This experience 61809  
shall have been obtained in an accredited college or university, 61810  
in a cooperating program of an accredited college or university, 61811  
or in another program approved by the board. 61812

(E) The person submits to the board evidence that the person 61813  
has passed the examination for licensure to practice 61814  
speech-language pathology or audiology pursuant to division (B) of 61815  
section 4753.05 of the Revised Code. 61816

(F)(1) In the case of either of the following, the person 61817  
presents to the board written evidence that the person has 61818  
obtained professional experience: 61819

(a) The person seeks licensure as a speech-language 61820  
pathologist; 61821

(b) The person seeks licensure as an audiologist and does not 61822  
meet the requirements of division (C) of this section regarding a 61823  
doctor of audiology degree, but before January 1, 2006, the person 61824  
met the requirements of division (B) of this section regarding a 61825  
master's degree in audiology as that division existed on December 61826  
31, 2005. 61827

(2) The professional experience shall be appropriately 61828  
supervised as determined by board rule. The amount of professional 61829

experience shall be determined by board rule and shall be bona fide clinical work that has been accomplished in the major professional area, speech-language pathology or audiology, in which licensure is being sought. If the person seeks licensure as a speech-language pathologist, this experience shall not begin until the requirements of divisions (B), (D), and (E) of this section have been completed unless approved by the board. If the person seeks licensure as an audiologist, this experience shall not begin until the requirements of division (B) of this section, as that division existed on December 31, 2005, and divisions (D) and (E) of this section have been completed unless approved by the board. Before beginning the supervised professional experience pursuant to this section, the applicant for licensure to practice speech-language pathology or audiology shall obtain a conditional license pursuant to section 4753.071 of the Revised Code.

**Sec. 4753.061.** (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state vision and hearing professionals board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4753.06 or 4753.07 of the Revised Code.

**Sec. 4753.07.** The state vision and hearing professionals

board of ~~speech language pathology and audiology~~ shall issue under 61861  
its seal a license or conditional license to every applicant who 61862  
has passed the appropriate examinations designated by the board 61863  
and who otherwise complies with the licensure requirements of this 61864  
chapter. The license or conditional license entitles the holder to 61865  
practice speech-language pathology or audiology. Each licensee 61866  
shall display the license or conditional license or an official 61867  
duplicate in a conspicuous place where the licensee practices 61868  
speech-language pathology or audiology or both. 61869

**Sec. 4753.071.** A person who is required to meet the 61870  
supervised professional experience requirement of division (F) of 61871  
section 4753.06 of the Revised Code shall submit to the state 61872  
vision and hearing professionals board of ~~speech language~~ 61873  
~~pathology and audiology~~ an application for a conditional license. 61874  
The application shall include a plan for the content of the 61875  
supervised professional experience on a form the board shall 61876  
prescribe. The board shall issue the conditional license to the 61877  
applicant if the applicant meets the requirements of section 61878  
4753.06 of the Revised Code, other than the requirement to have 61879  
obtained the supervised professional experience, and pays to the 61880  
board the appropriate fee for a conditional license. An applicant 61881  
may not begin employment until the conditional license has been 61882  
issued. 61883

A conditional license authorizes an individual to practice 61884  
speech-language pathology or audiology while completing the 61885  
supervised professional experience as required by division (F) of 61886  
section 4753.06 of the Revised Code. A person holding a 61887  
conditional license may practice speech-language pathology or 61888  
audiology while working under the supervision of a person fully 61889  
licensed in accordance with this chapter. A conditional license is 61890  
valid for eighteen months unless suspended or revoked pursuant to 61891  
section 3123.47 or 4753.10 of the Revised Code. 61892

A person holding a conditional license may perform services 61893  
for which payment will be sought under the medicare program or the 61894  
medicaid program but all requests for payment for such services 61895  
shall be made by the person who supervises the person performing 61896  
the services. 61897

**Sec. 4753.072.** The state vision and hearing professionals 61898  
~~board of speech language pathology and audiology~~ shall establish 61899  
by rule pursuant to Chapter 119. of the Revised Code the 61900  
qualifications for persons seeking licensure as a speech-language 61901  
pathology aide or an audiology aide. The qualifications shall be 61902  
less than the standards for licensure as a speech-language 61903  
pathologist or audiologist. An aide shall not act independently 61904  
and shall work under the direction and supervision of a 61905  
speech-language pathologist or audiologist licensed by the board. 61906  
An aide shall not dispense hearing aids. An applicant shall not 61907  
begin employment until the license has been approved. 61908

**Sec. 4753.073.** (A)~~(1)~~ The state vision and hearing 61909  
professionals ~~board of speech language pathology and audiology~~ 61910  
shall issue under its seal a speech-language pathology student 61911  
permit to any applicant who submits a plan that has been approved 61912  
by the applicant's university graduate program in speech-language 61913  
pathology and that conforms to requirements determined by the 61914  
board by rule and who meets all of the following requirements: 61915

~~(a)~~(1) Is enrolled in a graduate program at an educational 61916  
institution located in this state that is accredited by the 61917  
council on academic accreditation in audiology and speech-language 61918  
pathology of the American speech-language-hearing association; 61919

~~(b)~~(2) Has completed at least one year of postgraduate 61920  
training in speech-language pathology, or equivalent coursework as 61921  
determined by the board, and any student clinical experience the 61922

board may require by rule~~+~~. 61923

~~(2)~~(B) The speech-language pathology student permit 61924  
authorizes the holder to practice speech-language pathology within 61925  
limits determined by the board by rule, which shall include the 61926  
following: 61927

~~(a)~~(1) The permit holder's caseload shall be limited in a 61928  
manner to be determined by the board by rule. 61929

~~(b)~~(2) The permit holder's authorized scope of practice shall 61930  
be limited in a manner to be determined by the board by rule. The 61931  
rule shall consider the coursework and clinical experience that 61932  
has been completed by the permit holder and the recommendation of 61933  
the applicant's university graduate program in speech-language 61934  
pathology. 61935

~~(e)~~(3) The permit holder shall practice only when under the 61936  
supervision of a speech-language pathologist who is licensed by 61937  
the board and acting under the approval and direction of the 61938  
applicant's university graduate program in speech-language 61939  
pathology. The board shall determine by rule the manner of 61940  
supervision. 61941

~~(3)~~(C) A permit issued under this section shall expire two 61942  
years after the date of issuance. Student permits may be renewed 61943  
in a manner to be determined by the board by rule. 61944

~~(4)~~(D) Each permit holder shall display the permit or an 61945  
official duplicate in a conspicuous place where the permit holder 61946  
practices speech-language pathology. 61947

**Sec. 4753.08.** The state vision and hearing professionals 61948  
~~board of speech-language pathology and audiology~~ shall waive the 61949  
examination, educational, and professional experience requirements 61950  
for any applicant who meets any of the following requirements: 61951

(A) On September 26, 1975, ~~has~~ had at least a bachelor's 61952

degree with a major in speech-language pathology or audiology from 61953  
an accredited college or university, or ~~who has been~~ was employed 61954  
as a speech-language pathologist or audiologist for at least nine 61955  
months at any time within the three years prior to September 26, 61956  
1975, if an application providing bona fide proof of such degree 61957  
or employment ~~is~~ was filed with the former board of 61958  
speech-language pathology and audiology within one year after 61959  
~~September 26, 1975~~ that date, and ~~is~~ was accompanied by the 61960  
application fee as prescribed in division (A) of section 4753.11 61961  
of the Revised Code; 61962

(B) Presents proof to the state vision and hearing 61963  
professionals board of current certification or licensure in good 61964  
standing in the area in which licensure is sought in a state that 61965  
has standards at least equal to the standards for licensure that 61966  
are in effect in this state at the time the applicant applies for 61967  
the license; 61968

(C) Presents proof to the state vision and hearing 61969  
professionals board of both of the following: 61970

(1) Having current certification or licensure in good 61971  
standing in audiology in a state that has standards at least equal 61972  
to the standards for licensure as an audiologist that were in 61973  
effect in this state on December 31, 2005; 61974

(2) Having first obtained that certification or licensure not 61975  
later than December 31, 2007. 61976

(D) Presents proof to the state vision and hearing 61977  
professionals board of a current certificate of clinical 61978  
competence in speech-language pathology or audiology that is in 61979  
good standing and received from the American 61980  
speech-language-hearing association in the area in which licensure 61981  
is sought. 61982

**Sec. 4753.09.** Except as provided in this section and in 61983  
section 4753.10 of the Revised Code, a license issued by the state 61984  
vision and hearing professionals board of ~~speech language~~ 61985  
~~pathology and audiology~~ shall be renewed biennially in accordance 61986  
with the standard renewal procedure contained in Chapter 4745. of 61987  
the Revised Code. If the application for renewal is made one year 61988  
or longer after the renewal application is due, the person shall 61989  
apply for licensure as provided in section 4753.06 or division 61990  
(B), (C), or (D) of section 4753.08 of the Revised Code. The board 61991  
shall not renew a conditional license; however, the board may 61992  
grant an applicant a second conditional license. 61993

The board shall establish by rule adopted pursuant to Chapter 61994  
119. of the Revised Code the qualifications for license renewal. 61995  
Applicants shall demonstrate continued competence, which may 61996  
include continuing education, examination, self-evaluation, peer 61997  
review, performance appraisal, or practical simulation. The board 61998  
may establish other requirements as a condition for license 61999  
renewal as considered appropriate by the board. 62000

The board may renew a license which expires while the license 62001  
is suspended, but the renewal shall not affect the suspension. The 62002  
board shall not renew a license which has been revoked. If a 62003  
revoked license is reinstated under section 4753.10 of the Revised 62004  
Code after it has expired, the licensee, as a condition of 62005  
reinstatement, shall pay a reinstatement fee in the amount equal 62006  
to the renewal fee in effect on the last preceding regular renewal 62007  
date on which it is reinstated, plus any delinquent fees accrued 62008  
from the time of the revocation, if such a fee is prescribed by 62009  
the board by rule. 62010

**Sec. 4753.091.** (A) A person licensed under this chapter may 62011  
apply to the state vision and hearing professionals board of 62012  
~~speech language pathology and audiology~~ to have the person's 62013

license classified as inactive. If a fee is charged under division 62014  
(B) of this section, the person shall include the fee with the 62015  
application. 62016

If the person's license is in good standing, the person is 62017  
not the subject of any complaint, the person is not the subject of 62018  
an investigation or disciplinary action by the board, and the 62019  
person meets any other requirements established by the board in 62020  
rules adopted under this section, the board shall classify the 62021  
license as inactive. The inactive classification shall become 62022  
effective on the date immediately following the date that the 62023  
person's license is scheduled to expire. 62024

(B) The board may charge a fee for classifying a license as 62025  
inactive. 62026

(C) During the period that a license is classified as 62027  
inactive, the person may not engage in the practice of 62028  
speech-language pathology or the practice of audiology, as 62029  
applicable, in this state or make any representation to the public 62030  
indicating that the person is actively licensed under this 62031  
chapter. 62032

(D) A person whose license has been classified as inactive 62033  
may apply to the board to have the license reactivated. The board 62034  
shall reactivate the license if the person meets the requirements 62035  
established by the board in rules adopted under this section. 62036

(E) The board's jurisdiction to take disciplinary action 62037  
under this chapter is not removed or limited when a person's 62038  
license is classified as inactive under this section. 62039

(F) The board shall adopt rules as necessary for classifying 62040  
a license as inactive and reactivating an inactive license. The 62041  
rules shall be adopted in accordance with Chapter 119. of the 62042  
Revised Code. 62043

**Sec. 4753.10.** In accordance with Chapter 119. of the Revised Code, the state vision and hearing professionals board ~~of speech-language pathology and audiology~~ may reprimand or place on probation a speech-language pathologist or audiologist or suspend, revoke, or refuse to issue or renew the license of a speech-language pathologist or audiologist. Disciplinary actions may be taken by the board for conduct that may result from but not necessarily be limited to:

(A) Fraud, deception, or misrepresentation in obtaining or attempting to obtain a license;

(B) Fraud, deception, or misrepresentation in using a license;

(C) Altering a license;

(D) Aiding or abetting unlicensed practice;

(E) Committing fraud, deception, or misrepresentation in the practice of speech-language pathology or audiology including:

(1) Making or filing a false report or record in the practice of speech-language pathology or audiology;

(2) Submitting a false statement to collect a fee;

(3) Obtaining a fee through fraud, deception, or misrepresentation, or accepting commissions or rebates or other forms of remuneration for referring persons to others.

(F) Using or promoting or causing the use of any misleading, deceiving, improbable, or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation;

(G) Falsely representing the use or availability of services or advice of a physician;

(H) Misrepresenting the applicant, licensee, or holder by

|   |   |
|---|---|
| using the word "doctor" or any similar word, abbreviation, or symbol if the use is not accurate or if the degree was not obtained from an accredited institution;   | 62073<br>62074<br>62075                   |
| (I) Committing any act of dishonorable, immoral, or unprofessional conduct while engaging in the practice of speech-language pathology or audiology;  | 62076<br>62077<br>62078                   |
| (J) Engaging in illegal, incompetent, or habitually negligent practice;   | 62079<br>62080                            |
| (K) Providing professional services while:  | 62081                                     |
| (1) Mentally incompetent;   | 62082                                     |
| (2) Under the influence of alcohol;   | 62083                                     |
| (3) Using any narcotic or controlled substance or other drug that is in excess of therapeutic amounts or without valid medical indication.  | 62084<br>62085<br>62086                   |
| (L) Providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from such services, devices, appliances, or products in accordance with results obtained utilizing appropriate assessment procedures and instruments; | 62087<br>62088<br>62089<br>62090<br>62091 |
| (M) Violating this chapter or any lawful order given or rule adopted by the board;  | 62092<br>62093                            |
| (N) Being convicted of or pleading guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;  | 62094<br>62095<br>62096<br>62097          |
| (O) Being disciplined by a licensing or disciplinary authority of this or any other state or country or convicted or disciplined by a court of this or any other state or country for an act that would be grounds for disciplinary action under this section.                                  | 62098<br>62099<br>62100<br>62101<br>62102 |

After revocation of a license under this section, application 62103  
may be made to the board for reinstatement. The board, in 62104  
accordance with an order of revocation as issued under Chapter 62105  
119. of the Revised Code, may require an examination for ~~such~~ 62106  
reinstatement. 62107

If any person has engaged in any practice which constitutes 62108  
an offense under the provisions of this chapter or rules 62109  
promulgated thereunder by the board, the board may apply to the 62110  
court of common pleas of the county for an injunction or other 62111  
appropriate order restraining such conduct, and the court may 62112  
issue such order. 62113

Any person who wishes to make a complaint against any person 62114  
licensed pursuant to this chapter shall submit the complaint in 62115  
writing to the board within one year from the date of the action 62116  
or event upon which the complaint is based. The board shall 62117  
determine whether the allegations in the complaint are of a 62118  
sufficiently serious nature to warrant formal disciplinary charges 62119  
against the licensee pursuant to this section. If the board 62120  
determines that formal disciplinary charges are warranted, it 62121  
shall proceed in accordance with the procedures established in 62122  
Chapter 119. of the Revised Code. 62123

**Sec. 4753.101.** The state vision and hearing professionals 62124  
~~board of speech language pathology and audiology~~, in accordance 62125  
with Chapter 119. of the Revised Code, may establish rules to 62126  
govern any disciplinary action to be taken against a student 62127  
issued a permit under section 4753.073 of the Revised Code. The 62128  
rules established by the board are not subject to the adjudication 62129  
procedure requirements of sections 119.06 to 119.13 of the Revised 62130  
Code. 62131

**Sec. 4753.11.** (A) For all types of licenses and permits, the 62132

state vision and hearing professionals board of ~~speech language~~ 62133  
~~pathology and audiology~~ shall charge a nonrefundable licensure or 62134  
permit fee, to be determined by board rule, which shall be paid at 62135  
the time the application is filed with the board. 62136

(B) On or before the thirty-first day of January of every 62137  
other year, the board shall charge a biennial licensure renewal 62138  
fee which shall be determined by board rule and used to defray 62139  
costs of the board. 62140

(C) The board may, by rule, provide for the waiver of all or 62141  
part of such fees when the license is issued less than one hundred 62142  
days before the date on which it will expire. 62143

(D) After the last day of the month designated by the board 62144  
for renewal, the board shall charge a late fee to be determined by 62145  
board rule in addition to the biennial licensure renewal fee. 62146

(E) No municipal corporation shall levy an occupational or 62147  
similar excise tax on any person licensed under this chapter. 62148

(F) All fees collected under this section and section 4753.09 62149  
of the Revised Code shall be paid into the state treasury to the 62150  
credit of the occupational licensing and regulatory fund created 62151  
in section 4743.05 of the Revised Code. 62152

**Sec. 4753.12.** Nothing in this chapter shall be construed to: 62153

(A) Prohibit a person other than an individual from engaging 62154  
in the business of speech-language pathology or audiology without 62155  
licensure if it employs a licensed individual in the direct 62156  
practice of speech-language pathology and audiology. Such entity 62157  
shall file a statement with the state vision and hearing 62158  
professionals board, on a form approved by the board for this 62159  
purpose, swearing that it submits itself to the rules of the board 62160  
and the provisions of this chapter which the board determines 62161  
applicable. 62162

(B) Prevent or restrict the practice of a person employed as a speech-language pathologist or audiologist by any agency of the federal government.

(C) Restrict the activities and services of a student or intern in speech-language pathology or audiology from pursuing a course of study leading to a degree in these areas at a college or university accredited by a recognized regional or national accrediting body or in one of its cooperating clinical training facilities, if these activities and services are supervised by a person licensed in the area of study or certified by the American speech-language-hearing association in the area of study and if the student is designated by a title such as "speech-language pathology intern," "audiology intern," "trainee," or other such title clearly indicating the training status.

(D) Prevent a person from performing speech-language pathology or audiology services when performing these services in pursuit of the required supervised professional experience as prescribed in section 4753.06 of the Revised Code and that person has been issued a conditional license pursuant to section 4753.071 of the Revised Code.

(E) Restrict a speech-language pathologist or audiologist who holds the certification of the American speech-language-hearing association, or who is licensed as a speech-language pathologist or audiologist in another state and who has made application to the board for a license in this state from practicing speech-language pathology or audiology without a valid license pending the disposition of the application.

(F) Restrict a person not a resident of this state from offering speech-language pathology or audiology services in this state if such services are performed for not more than one period of thirty consecutive calendar days in any year, if the person is licensed in the state of the person's residence or certified by

the American speech-language-hearing association and files a 62195  
statement as prescribed by the board in advance of providing these 62196  
services. Such person shall be subject to the rules of the board 62197  
and the provisions of this chapter. 62198

(G) Restrict a person licensed under Chapter 4747. of the 62199  
Revised Code from engaging in the duties as defined in that 62200  
chapter related to measuring, testing, and counseling for the 62201  
purpose of identifying or modifying hearing conditions in 62202  
connection with the fitting, dispensing, or servicing of a hearing 62203  
aid, or affect the authority of hearing aid dealers to deal in 62204  
hearing aids or advertise the practice of dealing in hearing aids 62205  
in accordance with Chapter 4747. of the Revised Code. 62206

(H) Restrict a physician from engaging in the practice of 62207  
medicine and surgery or osteopathic medicine and surgery or 62208  
prevent any individual from carrying out any properly delegated 62209  
responsibilities within the normal practice of medicine and 62210  
surgery or osteopathic medicine and surgery. 62211

(I) Restrict a person registered or licensed under Chapter 62212  
4723. of the Revised Code from performing those acts and utilizing 62213  
those procedures that are within the scope of the practice of 62214  
professional or practical nursing as defined in Chapter 4723. of 62215  
the Revised Code and the ethics of the nursing profession, 62216  
provided such a person does not claim to the public to be a 62217  
speech-language pathologist or audiologist. 62218

(J) Restrict an individual licensed as an audiologist under 62219  
this chapter from fitting, selling, or dispensing hearing aids. 62220

(K) Authorize the practice of medicine and surgery or entitle 62221  
a person licensed pursuant to this chapter to engage in the 62222  
practice of medicine or surgery or any of its branches. 62223

(L) Restrict a person licensed pursuant to Chapter 4755. of 62224  
the Revised Code from performing those acts and utilizing those 62225

procedures that are within the scope of the practice of 62226  
occupational therapy or occupational therapy assistant as defined 62227  
in Chapter 4755. of the Revised Code, provided the person does not 62228  
claim to the public to be a speech-language pathologist or 62229  
audiologist. 62230

**Sec. 4753.15.** On receipt of a notice pursuant to section 62231  
3123.43 of the Revised Code, the state vision and hearing 62232  
professionals board of speech language pathology and audiology 62233  
shall comply with sections 3123.41 to 3123.50 of the Revised Code 62234  
and any applicable rules adopted under section 3123.63 of the 62235  
Revised Code with respect to a license issued pursuant to this 62236  
chapter. 62237

**Sec. 4753.16.** The state vision and hearing professionals 62238  
board of ~~speech language pathology and audiology~~ shall comply with 62239  
section 4776.20 of the Revised Code. 62240

**Sec. 4755.02.** (A) The ~~appropriate section of the Ohio~~ 62241  
~~occupational therapy, physical therapy, and athletic trainers~~ 62242  
state physical health services board shall investigate compliance 62243  
with this chapter or any rule or order issued under this chapter 62244  
and shall investigate alleged grounds for the suspension, 62245  
revocation, or refusal to issue or renew licenses or limited 62246  
permits under section 3123.47, 4755.11, 4755.47, or 4755.64 of the 62247  
Revised Code. The ~~appropriate section~~ board may subpoena witnesses 62248  
and documents in connection with its investigations. 62249

(B) Through the attorney general or an appropriate 62250  
prosecuting attorney, the ~~appropriate section~~ board may apply to 62251  
an appropriate court for an order enjoining the violation of this 62252  
chapter. On the filing of a verified petition, the court shall 62253  
conduct a hearing on the petition and give the same preference to 62254  
the proceeding as is given to all proceedings under Chapter 119. 62255

of the Revised Code, irrespective of the position of the 62256  
proceeding on the court's calendar. On a showing that a person has 62257  
violated or is about to violate this chapter, the court shall 62258  
grant an injunction, restraining order, or other order as 62259  
appropriate. The injunction proceedings provided by this division 62260  
are in addition to all penalties and other remedies provided in 62261  
this chapter. 62262

(C) When requested by the ~~appropriate section~~ board, the 62263  
prosecuting attorney of a county, or the village solicitor or city 62264  
director of law of a municipal corporation, where a violation of 62265  
this chapter allegedly occurs, shall take charge of and conduct 62266  
the prosecution. 62267

(D) ~~The appropriate section may employ investigators who~~ 62268  
Investigators employed by the board pursuant to section 4744.14 of 62269  
the Revised Code shall investigate complaints, conduct 62270  
inspections, and make inquiries as in the judgment of the ~~section~~ 62271  
board are appropriate to enforce sections 3123.41 to 3123.50 of 62272  
the Revised Code or this chapter. These investigators have the 62273  
right to review, obtain copies, and audit the patient records and 62274  
personnel files of licensees and limited permit holders at the 62275  
place of business of the licensees or limited permit holders or 62276  
any other place where such documents may be and shall be given 62277  
access to such documents during normal business hours. 62278

(E)(1) Subject to division (E)(2) of this section, 62279  
information and records received or generated by the board 62280  
pursuant to an investigation are confidential, are not public 62281  
records as defined in section 149.43 of the Revised Code, and are 62282  
not subject to discovery in any civil or administrative action. 62283

(2) For good cause, the board may disclose information 62284  
gathered pursuant to an investigation to any federal, state, or 62285  
local law enforcement, prosecutorial, or regulatory agency or its 62286  
officers or agents engaging in an investigation the board believes 62287

is within the agency's jurisdiction. An agency that receives 62288  
confidential information shall comply with the same requirements 62289  
regarding confidentiality as those with which the board must 62290  
comply, notwithstanding any conflicting provision of the Revised 62291  
Code or procedure of the agency that applies when the agency is 62292  
dealing with other information in its possession. The information 62293  
may be admitted into evidence in a criminal trial in accordance 62294  
with the Rules of Evidence, or in an administrative hearing 62295  
conducted by an agency, but the court or agency shall require that 62296  
appropriate measures be taken to ensure that confidentiality is 62297  
maintained with respect to any part of the information that 62298  
contains names or other identifying information about patients, 62299  
complainants, or others whose confidentiality was protected by the 62300  
board when the information was in the board's possession. Measures 62301  
to ensure confidentiality that may be taken by the court or agency 62302  
include sealing its records or redacting specific information from 62303  
its records. 62304

(F) The ~~appropriate section~~ board shall conduct hearings, 62305  
keep records and minutes, and enforce the relevant sections of 62306  
this chapter. 62307

(G) ~~Each section of the~~ The board shall publish and make 62308  
available, upon request and for a fee not to exceed the actual 62309  
cost of printing and mailing, the licensure standards prescribed 62310  
by the relevant sections of this chapter and the Administrative 62311  
Code. 62312

~~(H) The board shall submit to the governor and to the general 62313  
assembly each year a report of all its official actions during the 62314  
preceding year, together with any recommendations and findings 62315  
with regard to the status of the professions of physical therapy, 62316  
occupational therapy, and athletic training. 62317~~

**Sec. 4755.03.** Except as provided in section 4755.99 of the 62318

Revised Code, all fees and fines collected and assessed under this 62319  
chapter by the ~~appropriate section of the Ohio occupational~~ 62320  
~~therapy, physical therapy, and athletic trainers~~ state physical 62321  
health services board, shall be deposited into the state treasury 62322  
to the credit of the occupational licensing and regulatory fund 62323  
created in section 4743.05 of the Revised Code. 62324

**Sec. 4755.031.** A person sanctioned under section 4755.11, 62325  
4755.47, 4755.482, or 4755.64 of the Revised Code shall pay a fee 62326  
in the amount of the actual cost of the administrative hearing, 62327  
including the cost of the court reporter, the hearing officer, 62328  
transcripts, and any witness fees for lodging and travel, as 62329  
determined by the ~~appropriate section of the~~ state physical health 62330  
services board. The fee shall be collected by the ~~appropriate~~ 62331  
~~section~~ board. 62332

**Sec. 4755.06.** The ~~occupational therapy section of the Ohio~~ 62333  
~~occupational therapy, physical therapy, and athletic trainers~~ 62334  
state physical health services board may make reasonable rules in 62335  
accordance with Chapter 119. of the Revised Code relating to, but 62336  
not limited to, the following: 62337

(A) The form and manner for filing applications for licensure 62338  
under sections 4755.04 to 4755.13 of the Revised Code; 62339

(B) The issuance, suspension, and revocation of the licenses 62340  
and the conducting of investigations and hearings; 62341

(C) Standards for approval of courses of study relative to 62342  
the practice of occupational therapy; 62343

(D) The time and form of examination for the licensure; 62344

(E) ~~Standards of ethical conduct in the practice of~~ 62345  
~~occupational therapy;~~ 62346

~~(F)~~ The form and manner for filing applications for renewal 62347

and a schedule of deadlines for renewal; 62348

~~(G)~~(F) The conditions under which a license of a licensee who 62349  
files a late application for renewal will be reinstated; 62350

~~(H)~~(G) Placing an existing license in escrow; 62351

~~(I)~~(H) The amount, scope, and nature of continuing education 62352  
activities required for license renewal, including waivers of the 62353  
continuing education requirements; 62354

~~(J)~~(I) Guidelines for limited permits; 62355

~~(K)~~(J) Requirements for criminal records checks of applicants 62356  
under section 4776.03 of the Revised Code; 62357

~~(L)~~(K) Subject to section 4755.061 of the Revised Code, the 62358  
amount for each fee specified in section 4755.12 of the Revised 62359  
Code ~~that the section charges~~; 62360

~~(M)~~(L) The amount and content of corrective action courses 62361  
required by the board under section 4755.11 of the Revised Code. 62362

The ~~section board~~ may hear testimony in matters relating to 62363  
the duties imposed upon it, and the ~~chairperson~~ president and 62364  
secretary of the ~~section board~~ may administer oaths. The ~~section~~ 62365  
board may require proof, beyond the evidence found in the 62366  
application, of the honesty, truthfulness, and good reputation of 62367  
any person named in an application for licensure, before admitting 62368  
the applicant to an examination or issuing a license. 62369

**Sec. 4755.061.** If the ~~occupational therapy section of the~~ 62370  
~~Ohio occupational therapy, physical therapy, and athletic trainers~~ 62371  
state physical health services board adopts rules pursuant to 62372  
section 4755.06 of the Revised Code relating to the amounts of the 62373  
fees that the ~~section board~~ may charge for the late renewal of 62374  
licenses and the review of continuing education activities, as 62375  
provided in divisions (A)(5) and ~~(A)~~(6) of section 4755.12 of the 62376  
Revised Code, the ~~section board~~ shall not establish fee amounts 62377

for those services that exceed the actual costs the ~~section~~ board 62378  
incurs in providing the services to a licensee. 62379

**Sec. 4755.07.** No person shall qualify for licensure as an 62380  
occupational therapist or as an occupational therapy assistant 62381  
unless the person has shown to the satisfaction of the 62382  
~~occupational therapy section of the Ohio occupational therapy,~~ 62383  
~~physical therapy, and athletic trainers~~ state physical health  
services board that the person: 62384  
62385

(A) Is of good moral character; 62386

(B) Has successfully completed the academic requirements of 62387  
an educational program recognized by the ~~section~~ board, including 62388  
a concentration of instruction in basic human sciences, the human 62389  
development process, occupational tasks and activities, the 62390  
health-illness-health continuum, and occupational therapy theory 62391  
and practice; 62392

(C) Has successfully completed a period of supervised field 62393  
work experience at a recognized educational institution or a 62394  
training program approved by the educational institution where the 62395  
person met the academic requirements. For an occupational 62396  
therapist, a minimum of six months of supervised field work 62397  
experience is required. For an occupational therapy assistant, a 62398  
minimum of two months of supervised field work experience is 62399  
required. 62400

(D) Has successfully passed a written examination testing the 62401  
person's knowledge of the basic and clinical sciences relating to 62402  
occupational therapy, and occupational therapy theory and 62403  
practice, including the applicant's professional skills and 62404  
judgment in the utilization of occupational therapy techniques and 62405  
methods, and such other subjects as the ~~section~~ board may consider 62406  
useful to determine the applicant's fitness to practice. The 62407

~~section board~~ may require separate examinations of applicants for 62408  
licensure as occupational therapy assistants and applicants for 62409  
licensure as occupational therapists. 62410

Applicants for licensure shall be examined at a time and 62411  
place and under such supervision as the ~~section board~~ determines. 62412

**Sec. 4755.08.** The ~~occupational therapy section of the Ohio~~ 62413  
~~occupational therapy, physical therapy, and athletic trainers~~ 62414  
state physical health services board shall issue a license to 62415  
every applicant who has passed the appropriate examination 62416  
designated by the ~~section board~~ and who otherwise complies with 62417  
the licensure requirements of sections 4755.04 to 4755.13 of the 62418  
Revised Code. The license entitles the holder to practice 62419  
occupational therapy or to assist in the practice of occupational 62420  
therapy. The licensee shall display the license in a conspicuous 62421  
place at the licensee's principal place of business. 62422

The ~~section board~~ may issue a limited permit to persons who 62423  
have satisfied the requirements of divisions (A) to (C) of section 62424  
4755.07 of the Revised Code. This permit allows the person to 62425  
practice as an occupational therapist or occupational therapy 62426  
assistant under the supervision of a licensed occupational 62427  
therapist and is valid until the date on which the results of the 62428  
examination are made public. This limited permit shall not be 62429  
renewed if the applicant has failed the examination. 62430

**Sec. 4755.09.** The ~~occupational therapy section of the Ohio~~ 62431  
~~occupational therapy, physical therapy, and athletic trainers~~ 62432  
state physical health services board may waive the examination 62433  
requirement under section 4755.07 of the Revised Code for any 62434  
applicant for licensure as an occupational therapist or 62435  
occupational therapy assistant who either has met educational, 62436  
training, and job experience requirements established by the 62437

~~section board~~, or presents proof of current certification or 62438  
licensure in another state that requires standards for licensure 62439  
at least equal to those for licensure in this state. 62440

The ~~section board~~ may waive the educational requirements 62441  
under section 4755.07 of the Revised Code for any applicant who 62442  
has met job experience requirements established by the ~~section~~ 62443  
board. 62444

**Sec. 4755.10.** Each license issued under section 4755.08 of 62445  
the Revised Code is valid without further recommendation or 62446  
examination until revoked or suspended or until the license 62447  
expires for failure to file an application for renewal as provided 62448  
for in this section. 62449

Licenses shall be renewed biennially in accordance with the 62450  
schedule established in rules adopted by the ~~occupational therapy~~ 62451  
~~section of the Ohio occupational therapy, physical therapy, and~~ 62452  
~~athletic trainers~~ state physical health services board under 62453  
section 4755.06 of the Revised Code. Applicants for renewal shall 62454  
file the fee for renewal as provided in section 4755.12 of the 62455  
Revised Code, an application for renewal on a form prescribed by 62456  
the ~~occupational therapy section board~~, and proof of completion of 62457  
continuing education requirements as provided in rules adopted by 62458  
the ~~section board~~ under section 4755.06 of the Revised Code. An 62459  
application for renewal shall be mailed by the ~~section board~~ to 62460  
the licensee in accordance with the schedule established in rules 62461  
adopted by the ~~section board~~ under section 4755.06 of the Revised 62462  
Code. In all other respects the renewal process is as provided in 62463  
section 4745.02 of the Revised Code. 62464

The license of any licensee who fails to file an application 62465  
for renewal on or before the deadline established in rules adopted 62466  
by the ~~section board~~ under section 4755.06 of the Revised Code 62467  
shall expire automatically, unless the ~~section board~~, for good 62468

cause shown, determines that the application for renewal could not  
have been filed by such day.

Except as provided in sections 3123.41 to 3123.50 of the  
Revised Code and any applicable rules adopted under section  
3123.63 of the Revised Code, the ~~section~~ board may renew a license  
while the license is suspended, but the renewal shall not affect  
the suspension. The ~~section~~ board shall not renew a license that  
has been revoked. If a revoked license is reinstated under section  
4755.11 of the Revised Code after it has expired, the licensee, as  
a condition of reinstatement, shall pay a reinstatement fee equal  
to the renewal fee in effect on the last preceding regular renewal  
date before the reinstatement date, plus any delinquent fees  
accrued from the time of the revocation, if such fees are  
prescribed by the ~~section~~ board by rule.

**Sec. 4755.11.** (A) In accordance with Chapter 119. of the  
Revised Code, the ~~occupational therapy section of the Ohio~~  
~~occupational therapy, physical therapy, and athletic trainers~~  
state physical health services board may suspend, revoke, or  
refuse to issue or renew an occupational therapist license,  
occupational therapy assistant license, occupational therapist  
limited permit, occupational therapy assistant limited permit, or  
reprimand, fine, place a license or limited permit holder on  
probation, or require the license or limited permit holder to take  
corrective action courses, for any of the following:

(1) Conviction of an offense involving moral turpitude or a  
felony, regardless of the state or country in which the conviction  
occurred;

(2) Violation of any provision of sections 4755.04 to 4755.13  
of the Revised Code;

(3) Violation of any lawful order or rule of the ~~occupational~~  
~~therapy section~~ board;

- (4) Obtaining or attempting to obtain a license or limited permit issued by the ~~occupational therapy section~~ board by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading ~~statements~~ statement in relation to these activities; 62500  
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62502  
62503  
62504
- (5) Negligence, unprofessional conduct, or gross misconduct in the practice of the profession of occupational therapy; 62505  
62506
- (6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals; 62507  
62508
- (7) Communicating, without authorization, information received in professional confidence; 62509  
62510
- (8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder; 62511  
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62514  
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- (9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent; 62516  
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- (10) Failing the licensing or Ohio jurisprudence examination; 62518
- (11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy; 62519  
62520
- (12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction; 62521  
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62523  
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- (13) Except as provided in division (B) of this section: 62525
- (a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an 62526  
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enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.

(14) Working or representing oneself as an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder without a current and valid license or limited permit issued by the ~~occupational therapy section~~ board;

(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;

(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified ~~by the occupational therapy section~~ pursuant to section 4744.50 of the Revised Code;

(17) A departure from, or the failure to conform to, minimal standards of care required of licensees or limited permit holders, whether or not actual injury to a patient is established;

(18) An adjudication by a court that the applicant, licensee, or limited permit holder is incompetent for the purpose of holding a license or limited permit and has not thereafter been restored to legal capacity for that purpose;

(19)(a) Except as provided in division (A)(19)(b) of this section, failure to cooperate with an investigation conducted by the ~~occupational therapy section~~ board, including failure to comply with a subpoena or orders issued by the ~~section~~ board or failure to answer truthfully a question presented by the ~~section~~ board at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not 62560  
constitute grounds for discipline under this section if a court of 62561  
competent jurisdiction issues an order that either quashes a 62562  
subpoena or permits the individual to withhold the testimony or 62563  
evidence at issue. 62564

(20) Conviction of a misdemeanor reasonably related to the 62565  
practice of occupational therapy, regardless of the state or 62566  
country in which the conviction occurred; 62567

(21) Inability to practice according to acceptable and 62568  
prevailing standards of care because of mental or physical 62569  
illness, including physical deterioration that adversely affects 62570  
cognitive, motor, or perception skills; 62571

(22) Violation of conditions, limitations, or agreements 62572  
placed by the ~~occupational therapy section~~ board on a license or 62573  
limited permit to practice; 62574

(23) Making a false, fraudulent, deceptive, or misleading 62575  
statement in the solicitation of or advertising for patients in 62576  
relation to the practice of occupational therapy; 62577

(24) Failure to complete continuing education requirements as 62578  
prescribed in rules adopted by the ~~occupational therapy section~~ 62579  
board under section 4755.06 of the Revised Code. 62580

(B) Sanctions shall not be imposed under division (A)(13) of 62581  
this section against any individual who waives deductibles and 62582  
copayments as follows: 62583

(1) In compliance with the health benefit plan that expressly 62584  
allows such a practice. Waiver of the deductibles or copayments 62585  
shall be made only with the full knowledge and consent of the plan 62586  
purchaser, payer, and third-party administrator. Documentation of 62587  
the consent shall be made available to the ~~section~~ board upon 62588  
request. 62589

(2) For professional services rendered to any other person 62590  
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 62591  
Code to the extent allowed by those sections and the rules of the 62592  
~~occupational therapy section~~ board. 62593

(C) Except as provided in division (D) of this section, the 62594  
suspension or revocation of a license or limited permit under this 62595  
section is not effective until either the order for suspension or 62596  
revocation has been affirmed following an adjudication hearing, or 62597  
the time for requesting a hearing has elapsed. 62598

When a license or limited permit is revoked under this 62599  
section, application for reinstatement may not be made sooner than 62600  
one year after the date of revocation. The ~~occupational therapy~~ 62601  
~~section~~ board may accept or refuse an application for 62602  
reinstatement and may require that the applicant pass an 62603  
examination as a condition of reinstatement. 62604

When a license or limited permit holder is placed on 62605  
probation under this section, the ~~occupational therapy section's~~ 62606  
board's probation order shall be accompanied by a statement of the 62607  
conditions under which the individual may be removed from 62608  
probation and restored to unrestricted practice. 62609

(D) On receipt of a complaint that a person who holds a 62610  
license or limited permit issued by the ~~occupational therapy~~ 62611  
~~section~~ board has committed any of the prohibited actions listed 62612  
in division (A) of this section, the ~~section~~ board may immediately 62613  
suspend the license or limited permit prior to holding a hearing 62614  
in accordance with Chapter 119. of the Revised Code if it 62615  
determines, based on the complaint, that the licensee or limited 62616  
permit holder poses an immediate threat to the public. The ~~section~~ 62617  
board may review the allegations and vote on the suspension by 62618  
telephone conference call. If the ~~section~~ board votes to suspend a 62619  
license or limited permit under this division, the ~~section~~ board 62620  
shall issue a written order of summary suspension to the licensee 62621

or limited permit holder in accordance with section 119.07 of the Revised Code. If the individual whose license or limited permit is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the ~~section~~ board shall enter a final order permanently revoking the individual's license or limited permit. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the ~~section's~~ board's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the ~~section~~ board pursuant to division (A) of this section becomes effective. The ~~section~~ board shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

(E) If any person other than a person who holds a license or limited permit issued under section 4755.08 of the Revised Code has engaged in any practice that is prohibited under sections 4755.04 to 4755.13 of the Revised Code or the rules of the ~~occupational therapy section~~ board, the ~~section~~ board may apply to the court of common pleas of the county in which the violation occurred, for an injunction or other appropriate order restraining this conduct, and the court shall issue this order.

**Sec. 4755.111.** (A) An individual whom the ~~occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers~~ state physical health services board licenses, certificates, or otherwise legally authorizes to engage in the practice of occupational therapy may render the professional services of an occupational therapist within this

state through a corporation formed under division (B) of section 62654  
1701.03 of the Revised Code, a limited liability company formed 62655  
under Chapter 1705. of the Revised Code, a partnership, or a 62656  
professional association formed under Chapter 1785. of the Revised 62657  
Code. This division does not preclude an individual of that nature 62658  
from rendering professional services as an occupational therapist 62659  
through another form of business entity, including, but not 62660  
limited to, a nonprofit corporation or foundation, or in another 62661  
manner that is authorized by or in accordance with sections 62662  
4755.04 to 4755.13 of the Revised Code, another chapter of the 62663  
Revised Code, or rules of the ~~Ohio occupational therapy, physical~~ 62664  
~~therapy, and athletic trainers~~ state physical health services 62665  
board adopted pursuant to sections 4755.04 to 4755.13 of the 62666  
Revised Code. 62667

(B) A corporation, limited liability company, partnership, or 62668  
professional association described in division (A) of this section 62669  
may be formed for the purpose of providing a combination of the 62670  
professional services of the following individuals who are 62671  
licensed, certificated, or otherwise legally authorized to 62672  
practice their respective professions: 62673

(1) Optometrists who are authorized to practice optometry 62674  
under Chapter 4725. of the Revised Code; 62675

(2) Chiropractors who are authorized to practice chiropractic 62676  
or acupuncture under Chapter 4734. of the Revised Code; 62677

(3) Psychologists who are authorized to practice psychology 62678  
under Chapter 4732. of the Revised Code; 62679

(4) Registered or licensed practical nurses who are 62680  
authorized to practice nursing as registered nurses or as licensed 62681  
practical nurses under Chapter 4723. of the Revised Code; 62682

(5) Pharmacists who are authorized to practice pharmacy under 62683  
Chapter 4729. of the Revised Code; 62684

|  |  |
|--|--|
| (6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;   | 62685<br>62686<br>62687  |
| (7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;   | 62688<br>62689<br>62690  |
| (8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;  | 62691<br>62692   |
| (9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;  | 62693<br>62694<br>62695<br>62696   |
| (10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.   | 62697<br>62698<br>62699<br>62700<br>62701  |
| This division shall apply notwithstanding a provision of a code of ethics applicable to an occupational therapist that prohibits an occupational therapist from engaging in the practice of occupational therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of occupational therapy. | 62702<br>62703<br>62704<br>62705<br>62706<br>62707<br>62708<br>62709<br>62710<br>62711<br>62712<br>62713 |
| <b>Sec. 4755.12.</b> (A) <del>The occupational therapy section of the</del>  | 62714  |

~~Ohio occupational therapy, physical therapy, and athletic trainers~~ 62715  
state physical health services board may charge any or all of the 62716  
following fees: 62717

(1) A nonrefundable examination fee, which is to be paid at 62718  
the time of application for licensure; 62719

(2) An application fee for an initial license; 62720

(3) An initial licensure fee; 62721

(4) A fee for biennial renewal of a license; 62722

(5) A fee for late renewal of a license; 62723

(6) A fee for the review of continuing education activities; 62724

(7) A fee for a limited permit; 62725

(8) A fee for verification of a license. 62726

(B) Any person who is qualified to practice occupational 62727  
therapy as certified by the ~~section~~ board, but who is not in the 62728  
active practice, as defined by ~~section~~ board rule, may register 62729  
with the ~~section~~ board as a nonactive licensee at a biennial fee. 62730

(C) The ~~section~~ board may, by rule, provide for the waiver of 62731  
all or part of a fee when the license is issued less than one 62732  
hundred days before the date on which it will expire. 62733

(D) Except when all or part of a fee is waived under division 62734  
(C) of this section, the amount charged by the ~~occupational~~ 62735  
~~therapy~~ section board for each of its fees shall be the applicable 62736  
amount established in rules adopted under section 4755.06 of the 62737  
Revised Code. 62738

**Sec. 4755.41.** (A) The ~~physical therapy section of the Ohio~~ 62739  
~~occupational therapy, physical therapy, and athletic trainers~~ 62740  
state physical health services board shall license persons 62741  
desiring to practice physical therapy or to practice as physical 62742  
therapist assistants in this state. 62743

(B) An investigation, inquiry, or hearing which the ~~section~~ board is authorized to undertake or hold may be undertaken or held in accordance with section 4755.02 of the Revised Code. Any finding or order shall be confirmed or approved by the ~~section~~ board.

(C) The ~~physical therapy section~~ board shall do both of the following:

(1) ~~Keep a record of its proceedings;~~

~~(2) Keep a register of applicants showing the name and location of the institution granting the applicant's degree or certificate in physical therapy and whether or not a license was issued;~~

~~(3) Maintain a register of every physical therapist and physical therapist assistant in this state, including the licensee's last known place of business, the licensee's last known residence, and the date and number of the licensee's license;~~

~~(4) Deposit all fees collected by the ~~section~~ board in accordance with section 4755.03 of the Revised Code;~~

~~(5)~~(2) On receipt of an application for a license to practice as a physical therapist or physical therapist assistant, provide to the applicant the ~~section's~~ board's address, dates of upcoming ~~section~~ board meetings, and a list of names of the ~~section~~ board members.

**Sec. 4755.411.** The ~~physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services~~ board shall adopt rules in accordance with Chapter 119. of the Revised Code pertaining to the following:

(A) Fees for the verification of a license and license reinstatement, and other fees established by the ~~section~~ board;

|   |                         |
|---|-------------------------|
| (B) Provisions for the <del>section's</del> <u>board's</u> government and control of its actions and business affairs;  | 62774<br>62775          |
| (C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants; | 62776<br>62777<br>62778 |
| (D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;   | 62779<br>62780          |
| (E) The form and manner for filing applications for licensure with the <del>section</del> <u>board</u> ;  | 62781<br>62782          |
| (F) For purposes of section 4755.46 of the Revised Code, all of the following:  | 62783<br>62784          |
| (1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;                                       | 62785<br>62786<br>62787 |
| (2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;   | 62788<br>62789<br>62790 |
| (3) The conditions under which the license of a person who files a late application for renewal will be reinstated.   | 62791<br>62792          |
| (G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;   | 62793<br>62794          |
| (H) <del>Appropriate ethical conduct in the practice of physical therapy;</del>   | 62795<br>62796          |
| <del>(I)</del> Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;                 | 62797<br>62798<br>62799 |
| <del>(J)</del> <u>(I)</u> Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;               | 62800<br>62801<br>62802 |

~~(K)~~(J) For purposes of section 4755.45 of the Revised Code, 62803  
both of the following: 62804

(1) Identification of the credentialing organizations from 62805  
which the ~~section board~~ will accept equivalency evaluations for 62806  
foreign physical therapist education. The ~~physical therapy section~~ 62807  
~~board~~ shall identify only those credentialing organizations that 62808  
use a course evaluation tool or form approved by the ~~physical~~ 62809  
~~therapy section board~~. 62810

(2) Evidence, other than the evaluations described in 62811  
division ~~(K)~~(J)(1) of this section, that the ~~section board~~ will 62812  
consider for purposes of evaluating whether an applicant's 62813  
education is reasonably equivalent to the educational requirements 62814  
that were in force for licensure in this state as a physical 62815  
therapist on the date of the applicant's initial licensure or 62816  
registration in another state or country. 62817

~~(L)~~(K) Standards of conduct for physical therapists and 62818  
physical therapist assistants, including requirements for 62819  
supervision, delegation, and practicing with or without referral 62820  
or prescription; 62821

~~(M)~~(L) Appropriate display of a license; 62822

~~(N)~~(M) Procedures for a licensee to follow in notifying the 62823  
~~section board~~ within thirty days of a change in name or address, 62824  
or both; 62825

~~(O)~~(N) The amount and content of corrective action courses 62826  
required by the board under section 4755.47 of the Revised Code. 62827

**Sec. 4755.412.** The ~~physical therapy section of the Ohio~~ 62828  
~~occupational therapy, physical therapy, and athletic trainers~~ 62829  
state physical health services board, subject to the approval of 62830  
the controlling board, may establish fees in excess of the amounts 62831  
provided by sections 4755.42, 4755.421, 4755.45, 4755.451, and 62832

4755.46 of the Revised Code, provided that such fees do not exceed 62833  
those amounts by more than fifty per cent. 62834

**Sec. 4755.42.** (A) Each person who desires to practice 62835  
physical therapy shall file with the ~~secretary of the physical~~ 62836  
~~therapy section of the Ohio occupational therapy, physical~~ 62837  
~~therapy, and athletic trainers~~ state physical health services 62838  
board ~~a notarized~~ an application that includes the following: 62839

(1) Name; 62840

(2) Current address; 62841

(3) Physical description and photograph; 62842

(4) Proof of completion of a master's or doctorate program of 62843  
physical therapy education that is accredited by a national 62844  
physical therapy accreditation agency recognized by the United 62845  
States department of education and that includes: 62846

(a) A minimum of one hundred twenty academic semester credits 62847  
or its equivalent, including courses in the biological and other 62848  
physical sciences; 62849

(b) A course in physical therapy education that has provided 62850  
instruction in basic sciences, clinical sciences, and physical 62851  
therapy theory and procedures. 62852

(B) On making application under division (A) of this section, 62853  
the applicant shall pay a fee of not more than one hundred 62854  
twenty-five dollars for the license. 62855

(C) The ~~physical therapy section~~ board shall approve an 62856  
application to sit for the examination required under division (A) 62857  
of section 4755.43 of the Revised Code not later than one hundred 62858  
twenty days after receiving an application that the ~~section~~ board 62859  
considers complete unless the board has done either of the 62860  
following: 62861

(1) Requested documents relevant to the ~~section's~~ board's evaluation of the application; 62862  
62863

(2) Notified the applicant in writing of the ~~section's~~ board's intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the ~~section's~~ board's intent to deny a license. 62864  
62865  
62866  
62867

(D) If the ~~section~~ board fails to comply with division (C) of this section, the ~~section~~ board shall refund one-half of the application fee to the applicant. 62868  
62869  
62870

**Sec. 4755.421.** (A) Each applicant seeking licensure as a physical therapist assistant shall file with the ~~secretary of the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers~~ state physical health services board a ~~notarized~~ an application that includes the following: 62871  
62872  
62873  
62874  
62875  
62876

(1) Name; 62877

(2) Current address; 62878

(3) Physical description and photograph; 62879

(4) Proof of completion of a two-year program of education that is accredited by a national physical therapy accreditation agency recognized by the United States department of education. 62880  
62881  
62882

(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license. 62883  
62884  
62885

(C)(1) The ~~physical therapy section~~ board shall approve an applicant to sit for the examination required under division (A) of section 4755.431 of the Revised Code not later than one hundred twenty days after receiving an application that the ~~section~~ board considers complete unless the board has done either of the following: 62886  
62887  
62888  
62889  
62890  
62891

(a) Requested documents relevant to the ~~section's~~ board's evaluation of the application; 62892  
62893

(b) Notified the applicant in writing of the ~~section's~~ board's intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the ~~section's~~ board's intent to deny a license. 62894  
62895  
62896  
62897

(2) If the ~~section~~ board fails to comply with division (C)(1) of this section, the ~~section~~ board shall refund half of the application fee to the applicant. 62898  
62899  
62900

**Sec. 4755.43.** Except as provided in section 4755.45 of the Revised Code, to be eligible to receive a license to practice as a physical therapist, an applicant must pass both of the following: 62901  
62902  
62903

(A) A national physical therapy examination for physical therapists approved by the ~~physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services~~ board that tests the applicant's knowledge of the basic and applied sciences as they relate to physical therapy and physical therapy theory and procedures. 62904  
62905  
62906  
62907  
62908  
62909

(B) A jurisprudence examination on Ohio's laws and rules governing the practice of physical therapy that is approved by the ~~physical therapy section~~ board. 62910  
62911  
62912

**Sec. 4755.431.** Except as provided in section 4755.451 of the Revised Code, to be eligible to receive a license to practice as a physical therapist assistant, an applicant must pass both of the following: 62913  
62914  
62915  
62916

(A) A national physical therapy examination for physical therapist assistants approved by the ~~physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services~~ board. 62917  
62918  
62919  
62920

(B) A jurisprudence examination approved by the ~~physical~~ 62921  
~~therapy section board~~ on Ohio's laws and rules governing the 62922  
practice of physical therapy. 62923

**Sec. 4755.44.** If an applicant passes the examination or 62924  
examinations required under section 4755.43 of the Revised Code 62925  
and pays the fee required by division (B) of section 4755.42 of 62926  
the Revised Code, the ~~physical therapy section of the Ohio~~ 62927  
~~occupational therapy, physical therapy, and athletic trainers~~ 62928  
state physical health services board shall issue a license, 62929  
attested by the seal of the board, to the applicant to practice as 62930  
a physical therapist. 62931

**Sec. 4755.441.** If an applicant passes the examination or 62932  
examinations required under section 4755.431 of the Revised Code 62933  
and pays the fee required by division (B) of section 4755.421 of 62934  
the Revised Code, the ~~physical therapy section of the Ohio~~ 62935  
~~occupational therapy, physical therapy, and athletic trainers~~ 62936  
state physical health services board shall issue a license, 62937  
attested by the seal of the board, to the applicant to practice as 62938  
physical therapist assistant. 62939

**Sec. 4755.45.** (A) The ~~physical therapy section of the Ohio~~ 62940  
~~occupational therapy, physical therapy, and athletic trainers~~ 62941  
state physical health services board shall issue to an applicant a 62942  
license to practice as a physical therapist without requiring the 62943  
applicant to have passed the national examination for physical 62944  
therapists described in division (A) of section 4755.43 of the 62945  
Revised Code within one year of filing an application described in 62946  
section 4755.42 of the Revised Code if all of the following are 62947  
true: 62948

(1) The applicant presents evidence satisfactory to the 62949  
~~physical therapy section board~~ that the applicant received a score 62950

on the national physical therapy examination described in division 62951  
(A) of section 4755.43 of the Revised Code that would have been a 62952  
passing score according to the board in the year the applicant sat 62953  
for the examination; 62954

(2) The applicant presents evidence satisfactory to the 62955  
~~physical therapy section~~ board that the applicant passed the 62956  
jurisprudence examination described in division (B) of section 62957  
4755.43 of the Revised Code; 62958

(3) The applicant holds a current and valid license or 62959  
registration to practice physical therapy in another state or 62960  
country; 62961

(4) Subject to division (B) of this section, the applicant 62962  
can demonstrate that the applicant's education is reasonably 62963  
equivalent to the educational requirements that were in force for 62964  
licensure in this state on the date of the applicant's initial 62965  
licensure or registration in the other state or country; 62966

(5) The applicant pays the fee described in division (B) of 62967  
section 4755.42 of the Revised Code; 62968

(6) The applicant is not in violation of any section of this 62969  
chapter or rule adopted under it. 62970

(B) For purposes of division (A)(4) of this section, if, 62971  
after receiving the results of an equivalency evaluation from a 62972  
credentialing organization identified by the ~~section~~ board 62973  
pursuant to rules adopted under section 4755.411 of the Revised 62974  
Code, the ~~section~~ board determines that regardless of the results 62975  
of the evaluation the applicant's education is not reasonably 62976  
equivalent to the educational requirements that were in force for 62977  
licensure in this state on the date of the applicant's initial 62978  
licensure or registration in another state or foreign country, the 62979  
~~section~~ board shall send a written notice to the applicant stating 62980  
that the ~~section~~ board is denying the applicant's application and 62981

stating the specific reason why the ~~section~~ board is denying the 62982  
applicant's application. The ~~section~~ board shall send the notice 62983  
to the applicant through certified mail within thirty days after 62984  
the ~~section~~ board makes that determination. 62985

**Sec. 4755.451.** The ~~physical therapy section of the Ohio~~ 62986  
~~occupational therapy, physical therapy, and athletic trainers~~ 62987  
state physical health services board shall issue to an applicant a 62988  
license as a physical therapist assistant without requiring the 62989  
applicant to have passed the national examination for physical 62990  
therapist assistants described in division (A) of section 4755.431 62991  
of the Revised Code within one year of filing an application 62992  
described in section 4755.421 of the Revised Code if all of the 62993  
following are true: 62994

(A) The applicant presents evidence satisfactory to the 62995  
~~physical therapy section~~ board that the applicant received a score 62996  
on the national physical therapy examination described in division 62997  
(A) of section 4755.431 of the Revised Code that would have been a 62998  
passing score according to the board in the year the applicant sat 62999  
for the examination; 63000

(B) The applicant presents evidence satisfactory to the 63001  
~~physical therapy section~~ board that the applicant passed the 63002  
jurisprudence examination described in division (B) of section 63003  
4755.431 of the Revised Code; 63004

(C) The applicant holds a current and valid license or 63005  
registration to practice as a physical therapist assistant in 63006  
another state; 63007

(D) The applicant can demonstrate that the applicant's 63008  
education is reasonably equivalent to the educational requirements 63009  
that were in force for licensure in this state on the date of the 63010  
applicant's initial licensure or registration in the other state; 63011

(E) The applicant pays the fee described in division (B) of section 4755.421 of the Revised Code; 63012  
63013

(F) The applicant is not in violation of any section of this chapter or rule adopted under it. 63014  
63015

**Sec. 4755.46.** (A) Every license to practice as a physical therapist or physical therapist assistant expires biennially in accordance with the schedule established in rules adopted by the ~~physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers~~ state physical health services board under section 4755.411 of the Revised Code. 63016  
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Each individual holding a valid and current license may apply to the ~~physical therapy section~~ board to renew the license in accordance with rules adopted by the board under section 4755.411 of the Revised Code. Each application for license renewal shall be accompanied by a biennial renewal fee of not more than one hundred twenty-five dollars and, if applicable, the applicant's signed statement that the applicant completed the continuing education required under section 4755.51 or 4755.551 of the Revised Code within the time frame established in rules adopted by the ~~physical therapy section~~ board under section 4755.411 of the Revised Code. 63022  
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A license that is not renewed by the last day for renewal established in rules shall automatically expire on that date. 63032  
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(B) Each licensee shall report to the ~~section~~ board in writing a change in name, business address, or home address not later than thirty days after the date of the change. 63034  
63035  
63036

**Sec. 4755.47.** (A) In accordance with Chapter 119. of the Revised Code, the ~~physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers~~ state physical health services board may refuse to grant a license to an applicant for an initial or renewed license as a physical 63037  
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therapist or physical therapist assistant or, by an affirmative 63042  
vote of not less than five members, may limit, suspend, or revoke 63043  
the license of a physical therapist or physical therapist 63044  
assistant or reprimand, fine, place a license holder on probation, 63045  
or require the license holder to take corrective action courses, 63046  
on any of the following grounds: 63047

(1) Habitual indulgence in the use of controlled substances, 63048  
other habit-forming drugs, or alcohol to an extent that affects 63049  
the individual's professional competency; 63050

(2) Conviction of a felony or a crime involving moral 63051  
turpitude, regardless of the state or country in which the 63052  
conviction occurred; 63053

(3) Obtaining or attempting to obtain a license issued by the 63054  
~~physical therapy section~~ board by fraud or deception, including 63055  
the making of a false, fraudulent, deceptive, or misleading 63056  
statement; 63057

(4) An adjudication by a court, as provided in section 63058  
5122.301 of the Revised Code, that the applicant or licensee is 63059  
incompetent for the purpose of holding the license and has not 63060  
thereafter been restored to legal capacity for that purpose; 63061

(5) Subject to section 4755.471 of the Revised Code, 63062  
violation of the code of ethics adopted ~~by the physical therapy~~ 63063  
section under section 4744.50 of the Revised Code; 63064

(6) Violating or attempting to violate, directly or 63065  
indirectly, or assisting in or abetting the violation of or 63066  
conspiring to violate sections 4755.40 to 4755.56 of the Revised 63067  
Code or any order issued or rule adopted under those sections; 63068

(7) Failure of one or both of the examinations required under 63069  
section 4755.43 or 4755.431 of the Revised Code; 63070

(8) Permitting the use of one's name or license by a person, 63071

group, or corporation when the one permitting the use is not 63072  
directing the treatment given; 63073

(9) Denial, revocation, suspension, or restriction of 63074  
authority to practice a health care occupation, including physical 63075  
therapy, for any reason other than a failure to renew, in Ohio or 63076  
another state or jurisdiction; 63077

(10) Failure to maintain minimal standards of practice in the 63078  
administration or handling of drugs, as defined in section 4729.01 63079  
of the Revised Code, or failure to employ acceptable scientific 63080  
methods in the selection of drugs, as defined in section 4729.01 63081  
of the Revised Code, or other modalities for treatment; 63082

(11) Willful betrayal of a professional confidence; 63083

(12) Making a false, fraudulent, deceptive, or misleading 63084  
statement in the solicitation of or advertising for patients in 63085  
relation to the practice of physical therapy; 63086

(13) A departure from, or the failure to conform to, minimal 63087  
standards of care required of licensees when under the same or 63088  
similar circumstances, whether or not actual injury to a patient 63089  
is established; 63090

(14) Obtaining, or attempting to obtain, money or anything of 63091  
value by fraudulent misrepresentations in the course of practice; 63092

(15) Violation of the conditions of limitation or agreements 63093  
placed by the ~~physical therapy section~~ board on a license to 63094  
practice; 63095

(16) Failure to renew a license in accordance with section 63096  
4755.46 of the Revised Code; 63097

(17) Except as provided in section 4755.471 of the Revised 63098  
Code, engaging in the division of fees for referral of patients or 63099  
receiving anything of value in return for a specific referral of a 63100  
patient to utilize a particular service or business; 63101

(18) Inability to practice according to acceptable and 63102  
prevailing standards of care because of mental illness or physical 63103  
illness, including physical deterioration that adversely affects 63104  
cognitive, motor, or perception skills; 63105

(19) The revocation, suspension, restriction, or termination 63106  
of clinical privileges by the United States department of defense 63107  
or department of veterans affairs; 63108

(20) Termination or suspension from participation in the 63109  
medicare or medicaid program established under Title XVIII and 63110  
Title XIX, respectively, of the "Social Security Act," 49 Stat. 63111  
620 (1935), 42 U.S.C. 301, as amended, for an act or acts that 63112  
constitute a violation of sections 4755.40 to 4755.56 of the 63113  
Revised Code; 63114

(21) Failure of a physical therapist to maintain supervision 63115  
of a student, physical therapist assistant, unlicensed support 63116  
personnel, other assistant personnel, or a license applicant in 63117  
accordance with the requirements of sections 4755.40 to 4755.56 of 63118  
the Revised Code and rules adopted under those sections; 63119

(22) Failure to complete continuing education requirements as 63120  
prescribed in section 4755.51 or 4755.511 of the Revised Code or 63121  
to satisfy any rules applicable to continuing education 63122  
requirements that are adopted by the ~~physical therapy section~~ 63123  
board; 63124

(23) Conviction of a misdemeanor when the act that 63125  
constitutes the misdemeanor occurs during the practice of physical 63126  
therapy; 63127

(24)(a) Except as provided in division (A)(24)(b) of this 63128  
section, failure to cooperate with an investigation conducted by 63129  
the ~~physical therapy section~~ board, including failure to comply 63130  
with a subpoena or orders issued by the ~~section~~ board or failure 63131  
to answer truthfully a question presented by the ~~section~~ board at 63132

a deposition or in written interrogatories. 63133

(b) Failure to cooperate with an investigation does not 63134  
constitute grounds for discipline under this section if a court of 63135  
competent jurisdiction issues an order that either quashes a 63136  
subpoena or permits the individual to withhold the testimony or 63137  
evidence at issue. 63138

(25) Regardless of whether the contact or verbal behavior is 63139  
consensual, engaging with a patient other than the spouse of the 63140  
physical therapist or physical therapist assistant, in any of the 63141  
following: 63142

(a) Sexual contact, as defined in section 2907.01 of the 63143  
Revised Code; 63144

(b) Verbal behavior that is sexually demeaning to the patient 63145  
or may be reasonably interpreted by the patient as sexually 63146  
demeaning. 63147

(26) Failure to notify the ~~physical therapy section~~ board of 63148  
a change in name, business address, or home address within thirty 63149  
days after the date of change; 63150

(27) Except as provided in division (B) of this section: 63151

(a) Waiving the payment of all or any part of a deductible or 63152  
copayment that a patient, pursuant to a health insurance or health 63153  
care policy, contract, or plan that covers physical therapy, would 63154  
otherwise be required to pay if the waiver is used as an 63155  
enticement to a patient or group of patients to receive health 63156  
care services from that provider; 63157

(b) Advertising that the individual will waive the payment of 63158  
all or any part of a deductible or copayment that a patient, 63159  
pursuant to a health insurance or health care policy, contract, or 63160  
plan that covers physical therapy, would otherwise be required to 63161  
pay+\_. 63162

(28) Violation of any section of this chapter or rule adopted under it. 63163  
63164

(B) Sanctions shall not be imposed under division (A)(27) of this section against any individual who waives deductibles and copayments as follows: 63165  
63166  
63167

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the ~~physical therapy~~ section board upon request. 63168  
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(2) For professional services rendered to any other person licensed pursuant to sections 4755.40 to 4755.56 of the Revised Code to the extent allowed by those sections and the rules of the ~~physical therapy section board~~. 63174  
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(C) When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The ~~physical therapy section board~~ may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement. 63178  
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When a license holder is placed on probation under this section, the physical therapy section's order for placement on probation shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice. 63184  
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(D) When an application for an initial or renewed license is refused under this section, the ~~physical therapy section board~~ shall notify the applicant in writing of the ~~section's~~ board's decision to refuse issuance of a license and the reason for its decision. 63189  
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63191  
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(E) On receipt of a complaint that a person licensed by the ~~physical therapy section~~ board has committed any of the actions listed in division (A) of this section, the ~~physical therapy section~~ board may immediately suspend the license of the physical therapist or physical therapist assistant prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the person poses an immediate threat to the public. The ~~physical therapy section~~ board may review the allegations and vote on the suspension by telephone conference call. If the ~~physical therapy section~~ board votes to suspend a license under this division, the ~~physical therapy section~~ board shall issue a written order of summary suspension to the person in accordance with section 119.07 of the Revised Code. If the person fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the ~~physical therapy section~~ board shall enter a final order permanently revoking the person's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the ~~physical therapy section's~~ board's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the ~~physical therapy section~~ board pursuant to division (A) of this section becomes effective. The ~~physical therapy section~~ board shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

**Sec. 4755.471.** (A) An individual whom the ~~physical therapy section of the Ohio occupational therapy, physical therapy, and~~

~~athletic trainers~~ state physical health services board licenses, 63226  
certificates, or otherwise legally authorizes to engage in the 63227  
practice of physical therapy may render the professional services 63228  
of a physical therapist within this state through a corporation 63229  
formed under division (B) of section 1701.03 of the Revised Code, 63230  
a limited liability company formed under Chapter 1705. of the 63231  
Revised Code, a partnership, or a professional association formed 63232  
under Chapter 1785. of the Revised Code. This division does not 63233  
preclude an individual of that nature from rendering professional 63234  
services as a physical therapist through another form of business 63235  
entity, including, but not limited to, a nonprofit corporation or 63236  
foundation, or in another manner that is authorized by or in 63237  
accordance with sections 4755.40 to 4755.53 of the Revised Code, 63238  
another chapter of the Revised Code, or rules ~~of the Ohio~~ 63239  
~~occupational therapy, physical therapy, and athletic trainers~~ 63240  
state physical health services board adopted pursuant to sections 63241  
4755.40 to 4755.53 of the Revised Code. 63242

(B) A corporation, limited liability company, partnership, or 63243  
professional association described in division (A) of this section 63244  
may be formed for the purpose of providing a combination of the 63245  
professional services of the following individuals who are 63246  
licensed, certificated, or otherwise legally authorized to 63247  
practice their respective professions: 63248

(1) Optometrists who are authorized to practice optometry 63249  
under Chapter 4725. of the Revised Code; 63250

(2) Chiropractors who are authorized to practice chiropractic 63251  
or acupuncture under Chapter 4734. of the Revised Code; 63252

(3) Psychologists who are authorized to practice psychology 63253  
under Chapter 4732. of the Revised Code; 63254

(4) Registered or licensed practical nurses who are 63255  
authorized to practice nursing as registered nurses or as licensed 63256

|   |   |
|---|---|
| practical nurses under Chapter 4723. of the Revised Code;   | 63257   |
| (5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;  | 63258<br>63259  |
| (6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;  | 63260<br>63261<br>63262   |
| (7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;  | 63263<br>63264<br>63265   |
| (8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;   | 63266<br>63267  |
| (9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;   | 63268<br>63269<br>63270<br>63271  |
| (10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.  | 63272<br>63273<br>63274<br>63275<br>63276   |
| This division shall apply notwithstanding a provision of a code of ethics applicable to a physical therapist that prohibits a physical therapist from engaging in the practice of physical therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy, but who is not also licensed, certificated, or otherwise legally | 63277<br>63278<br>63279<br>63280<br>63281<br>63282<br>63283<br>63284<br>63285<br>63286<br>63287 |

authorized to engage in the practice of physical therapy. 63288

**Sec. 4755.482.** (A) Except as otherwise provided in divisions 63289  
(B) and (C) of this section, a person shall not teach a physical 63290  
therapy theory and procedures course in physical therapy education 63291  
without obtaining a license as a physical therapist from the 63292  
~~physical therapy section of the Ohio occupational therapy,~~ 63293  
~~physical therapy, and athletic trainers~~ state physical health 63294  
services board. 63295

(B) A person who is registered or licensed as a physical 63296  
therapist under the laws of another state shall not teach a 63297  
physical therapy theory and procedures course in physical therapy 63298  
education for more than one year without obtaining a license as a 63299  
physical therapist from the ~~physical therapy section~~ board. 63300

(C) A person who is registered or licensed as a physical 63301  
therapist under the laws of a foreign country and is not 63302  
registered or licensed as a physical therapist in any state who 63303  
wishes to teach a physical therapy theory and procedures course in 63304  
physical therapy education in this state, or an institution that 63305  
wishes the person to teach such a course at the institution, may 63306  
apply to the ~~physical therapy section~~ board to request 63307  
authorization for the person to teach such a course for a period 63308  
of not more than one year. Any member of the ~~physical therapy~~ 63309  
~~section~~ board may approve the person's or institution's 63310  
application. No person described in this division shall teach such 63311  
a course for longer than one year without obtaining a license from 63312  
the ~~physical therapy section~~ board. 63313

(D) The ~~physical therapy section~~ board may investigate any 63314  
person who allegedly has violated this section. The ~~physical~~ 63315  
~~therapy section~~ board has the same powers to investigate an 63316  
alleged violation of this section as those powers specified in 63317  
section 4755.02 of the Revised Code. If, after investigation, the 63318

~~physical therapy section board~~ determines that reasonable evidence 63319  
exists that a person has violated this section, within seven days 63320  
after that determination, the ~~physical therapy section board~~ shall 63321  
send a written notice to that person in the same manner as 63322  
prescribed in section 119.07 of the Revised Code for licensees, 63323  
except that the notice shall specify that a hearing will be held 63324  
and specify the date, time, and place of the hearing. 63325

The ~~physical therapy section board~~ shall hold a hearing 63326  
regarding the alleged violation in the same manner prescribed for 63327  
an adjudication hearing under section 119.09 of the Revised Code. 63328  
If the ~~physical therapy section board~~, after the hearing, 63329  
determines a violation has occurred, the ~~physical therapy section~~ 63330  
~~board~~ may discipline the person in the same manner as the ~~physical~~ 63331  
~~therapy section board~~ disciplines licensees under section 4755.47 63332  
of the Revised Code. The ~~physical therapy section's board's~~ 63333  
determination is an order that the person may appeal in accordance 63334  
with section 119.12 of the Revised Code. 63335

If a person who allegedly committed a violation of this 63336  
section fails to appear for a hearing, the ~~physical therapy~~ 63337  
~~section board~~ may request the court of common pleas of the county 63338  
where the alleged violation occurred to compel the person to 63339  
appear before the ~~physical therapy section board~~ for a hearing. If 63340  
the ~~physical therapy section board~~ assesses a person a civil 63341  
penalty for a violation of this section and the person fails to 63342  
pay that civil penalty within the time period prescribed by the 63343  
~~physical therapy section board~~, the ~~physical therapy section board~~ 63344  
shall forward to the attorney general the name of the person and 63345  
the amount of the civil penalty for the purpose of collecting that 63346  
civil penalty. In addition to the civil penalty assessed pursuant 63347  
to this section, the person also shall pay any fee assessed by the 63348  
attorney general for collection of the civil penalty. 63349

**Sec. 4755.51.** Except in the case of a first license renewal, 63350  
a physical therapist is eligible for renewal of the physical 63351  
therapist's license only if the physical therapist has completed 63352  
twenty-four units of continuing education in one or more courses, 63353  
activities, or programs approved by the ~~physical therapy section~~ 63354  
~~of the Ohio occupational therapy, physical therapy, and athletic~~ 63355  
~~trainers~~ state physical health services board. 63356

On request of the ~~physical therapy section~~ board, an 63357  
applicant for license renewal shall submit evidence satisfactory 63358  
to the ~~section~~ board of completion of the required continuing 63359  
physical therapy education. 63360

**Sec. 4755.511.** Except in the case of a first license renewal, 63361  
a physical therapist assistant is eligible for renewal of the 63362  
physical therapist assistant's license only if the physical 63363  
therapist assistant has completed twelve units of continuing 63364  
education in one or more courses, activities, or programs approved 63365  
by the ~~physical therapy section of the Ohio occupational therapy,~~ 63366  
~~physical therapy, and athletic trainers~~ state physical health 63367  
services board. 63368

On request of the ~~physical therapy section~~ board, an 63369  
applicant for license renewal shall submit evidence satisfactory 63370  
to the ~~section~~ board of completion of the required continuing 63371  
physical therapist assistant education. 63372

**Sec. 4755.52.** (A) In accordance with Chapter 119. of the 63373  
Revised Code, the ~~physical therapy section of the Ohio~~ 63374  
~~occupational therapy, physical therapy, and athletic trainers~~ 63375  
state physical health services board shall adopt rules specifying 63376  
standards, in addition to the standards specified by division (B) 63377  
of this section, for approval of continuing education courses, 63378  
programs, and activities for physical therapists and physical 63379

therapist assistants. 63380

(B) To be eligible for approval by the ~~physical therapy~~ 63381  
~~section board~~, a continuing education course, program, or activity 63382  
shall meet all of the following requirements: 63383

(1) Include significant intellectual or practical content, 63384  
the primary objective of which is to improve the professional 63385  
competence of the participant; 63386

(2) Be an organized program of learning dealing with matters 63387  
directly related to the practice of physical therapy, professional 63388  
responsibility, ethical obligations, or similar subjects that the 63389  
~~section board~~ determines maintain and improve the quality of 63390  
physical therapy services in this state; 63391

(3) Consist of in-person instruction or other methods of 63392  
instruction, including the use of self-study materials prepared 63393  
and conducted by an individual or a group qualified by practical 63394  
or academic experience as determined by the ~~section board~~; 63395

(4) Be presented in a setting physically suited to the 63396  
educational activity of the course, program, or activity; 63397

(5) Include thorough, high-quality written material; 63398

(6) Meet any other standards established by rule of the 63399  
~~section board~~ adopted under division (A) of this section. 63400

(C) The ~~physical therapy section board~~ shall review physical 63401  
therapy continuing education programs, courses, and activities and 63402  
grant approval to those that meet the standards established under 63403  
divisions (A) and (B) of this section. If the ~~section board~~ denies 63404  
approval of a course, program, or activity, it shall give a 63405  
written explanation of the reason for denial to the person 63406  
requesting approval. 63407

The ~~physical therapy section board~~ may approve continuing 63408  
education courses, programs, and activities that have been 63409

approved by an agency in another state that governs the licensure 63410  
of physical therapists and physical therapist assistants if the 63411  
~~section~~ board determines that the standards for continuing 63412  
education courses established by the agency are comparable to 63413  
those established pursuant to this section. 63414

~~The physical therapy section may contract with the Ohio 63415  
chapter of the American physical therapy association for 63416  
assistance in performance of the section's duties under this 63417  
section. 63418~~

**Sec. 4755.53.** (A) Subject to division (B) of this section, 63419  
the ~~physical therapy section of the Ohio occupational therapy,~~ 63420  
~~physical therapy, and athletic trainers~~ state physical health 63421  
services board shall grant continuing education units to a 63422  
licensed physical therapist or physical therapist assistant as 63423  
follows: 63424

(1) For completing an approved continuing education course, 63425  
program, or activity, one unit for each hour of instruction 63426  
received; 63427

(2) For teaching as a faculty member of an institution of 63428  
higher education a course that is part of the curriculum of the 63429  
institution, one-half unit for each semester hour of the course, 63430  
or an equivalent portion of a unit, as determined by the ~~section~~ 63431  
board, for each quarter or trimester hour of the course; 63432

(3) For teaching an approved course that is part of the 63433  
curriculum of an institution of higher education other than as a 63434  
faculty member, one unit for each hour of teaching the course; 63435

(4) For teaching an approved course, program, or activity, 63436  
other than a course that is part of the curriculum of an 63437  
institution of higher education, three units for each hour of 63438  
teaching the course, program, or activity the first time and 63439

one-half unit for each hour of teaching the course, program, or activity any time after the first time; 63440  
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(5) For authoring a published article or book, up to ten units as determined by the ~~physical therapy section~~ board. 63442  
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(B) The ~~physical therapy section~~ board shall grant no more than twelve units of continuing education for teaching during a biennial renewal period. 63444  
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~~(C) The physical therapy section may contract with the Ohio chapter of the American physical therapy association for assistance in performance of the section's duties under this section.~~ 63447  
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**Sec. 4755.61.** (A) The ~~athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers~~ state physical health services board shall: 63451  
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(1) Adopt rules, not inconsistent with this chapter, for the licensure of athletic trainers, including rules that specify the application form and educational course work and clinical experience requirements for licensure and rules that prescribe requirements for criminal records checks of applicants under section 4776.03 of the Revised Code; 63454  
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(2) Establish and deposit fees in accordance with division (B) of this section and section 4755.03 of the Revised Code; 63460  
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(3) Conduct hearings, ~~keep records of its proceedings,~~ and do all things necessary and proper to administer and enforce sections 4755.60 to 4755.65 of the Revised Code; 63462  
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(4) Publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, the requirements for the issuance of an athletic trainers license under this chapter and the rules adopted under it; 63465  
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(5) ~~Maintain a register of every person licensed to practice~~ 63469

~~athletic training in this state, including the addresses of the licensee's last known place of business and residence, and the effective date and identification number of the person's license. The section shall make this list available to any person upon request and payment of a fee not to exceed the actual cost of printing and mailing.~~

~~(6)~~ Publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, a list of persons who passed the examination required under section 4755.62 of the Revised Code;

~~(7)~~(6) Investigate complaints concerning alleged violations of section 4755.62 of the Revised Code or other grounds for the suspension, revocation, or refusal to issue a license under section 3123.47 or 4755.64 of the Revised Code. In connection with its investigations, the ~~athletic trainers section~~ board may subpoena witnesses, issue subpoenas, examine witnesses, administer oaths, and, under the direction of the executive director of the board, investigate complaints and make inspections and other inquiries as in the judgment of the section are appropriate to enforce sections 3123.41 to 3123.50 and this chapter of the Revised Code. The ~~section~~ board may review and audit the records of any licensee during normal business hours at the licensee's place of business or at any other place where the licensee's records are kept. Notwithstanding section 149.43 of the Revised Code, the ~~athletic trainers section~~ board and its employees, except pursuant to a court order, shall maintain in confidence all information obtained.

~~(8)~~(7) Adopt rules governing the nature and scope of the examination required under section 4755.62 of the Revised Code and the reexamination required under section 4755.63 of the Revised Code and the minimum examination score for licensure or renewal thereof. The rules for the examination required under section

4755.62 of the Revised Code shall ensure the testing of the 63502  
applicant's knowledge of the basic and clinical sciences relating 63503  
to athletic training theory and practice, including professional 63504  
skills and judgment in the utilization of athletic training 63505  
techniques and such other subjects as the ~~athletic trainers~~ 63506  
~~section board~~ considers useful in determining competency to 63507  
practice athletic training. 63508

~~(9)~~(8) Conduct the examination required under section 4755.62 63509  
of the Revised Code at least twice a year at a time and place and 63510  
under such supervision as the ~~athletic trainers section board~~ 63511  
determines; 63512

~~(10)~~(9) Adopt rules to determine which states' standards for 63513  
licensure are equal to or greater than this state's for the 63514  
purpose of waiving requirements under division (D) of section 63515  
4755.62 of the Revised Code; 63516

~~(11)~~(10) Adopt rules to determine which examinations meet the 63517  
requirements of division (E) of section 4755.62 of the Revised 63518  
Code; 63519

~~(12)~~ Adopt rules establishing the standards of ethical 63520  
conduct for licensed athletic trainers under this chapter; 63521

~~(13)~~(11) Adopt rules specifying the scope and nature of the 63522  
continuing education courses that are acceptable to the ~~athletic~~ 63523  
~~trainers section board~~ and the number of courses that must be 63524  
completed to comply with the requirement for renewal of a license 63525  
under section 4755.63 of the Revised Code; 63526

~~(14)~~(12) Adopt rules establishing the schedule when licenses 63527  
to practice as an athletic trainer expire during a biennium for 63528  
purposes of section 4755.63 of the Revised Code. 63529

(B) The fees adopted by the ~~athletic trainers section board~~ 63530  
pursuant to division (A)(2) of this section shall be established 63531  
and adjusted as required to provide sufficient revenues to meet 63532

the expenses of the section in administering sections 4755.60 to 63533  
4755.66 of the Revised Code. The fees shall include the following: 63534

(1) A nonrefundable examination fee, not to exceed the amount 63535  
necessary to cover the expense of administering the examination; 63536

(2) An initial license fee; 63537

(3) A biennial license renewal fee; 63538

(4) A late renewal penalty, not to exceed fifty per cent of 63539  
the renewal fee. 63540

The ~~athletic trainers section~~ board may, by rule, provide for 63541  
the waiver of all or part of a license fee if the license is 63542  
issued less than one hundred days before its expiration date. 63543

(C) All rules under sections 4755.60 to 4755.65 of the 63544  
Revised Code shall be adopted by the ~~athletic trainers section~~ 63545  
board in accordance with Chapter 119. of the Revised Code. 63546

**Sec. 4755.62.** (A) No person shall claim to the public to be 63547  
an athletic trainer or imply by words, actions, or letters that 63548  
the person is an athletic trainer, or otherwise engage in the 63549  
practice of athletic training, unless the person is licensed as an 63550  
athletic trainer pursuant to this chapter. 63551

(B) Except as otherwise provided in division (B) of section 63552  
4755.65 of the Revised Code, no educational institution, 63553  
partnership, association, or corporation shall advertise or 63554  
otherwise offer to provide or convey the impression that it is 63555  
providing athletic training unless an individual licensed as an 63556  
athletic trainer pursuant to this chapter is employed by, or under 63557  
contract to, the educational institution, partnership, 63558  
association, or corporation and will be performing the athletic 63559  
training services to which reference is made. 63560

(C) To qualify for an athletic trainers license, a person 63561  
shall: 63562

- (1) Have satisfactorily completed an application for licensure in accordance with rules adopted by the ~~athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers~~ state physical health services board under section 4755.61 of the Revised Code; 63563  
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- (2) Have paid the examination fee required under this section; 63568  
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- (3) Be of good moral character; 63570
- (4) Have shown, to the satisfaction of the ~~athletic trainers section board~~, that the applicant has received a baccalaureate or higher degree from an institution of higher education, approved by the ~~athletic trainers section board~~ of the board and the federal regional accreditation agency and recognized by the council on postsecondary accreditation, and has satisfactorily completed the educational course work requirements established by rule of the ~~athletic trainers section board~~ under section 4755.61 of the Revised Code. 63571  
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- (5) In addition to educational course work requirements, have obtained supervised clinical experience that meets the requirements established in rules adopted by the ~~athletic trainers section board~~ under section 4755.61 of the Revised Code; 63580  
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- (6) Have passed an examination adopted by the ~~athletic trainers section board~~ under division (A)~~(8)~~(7) of section 4755.61 of the Revised Code. Each applicant for licensure shall pay, at the time of application, the nonrefundable examination fee set by the ~~athletic trainers section board~~. 63584  
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- (D) The ~~section board~~ may waive the requirements of division (C) of this section for any applicant who presents proof of current licensure in another state whose standards for licensure, as determined by the ~~section board~~, are equal to or greater than those in effect in this state on the date of application. 63589  
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(E) The ~~section~~ board shall issue a license to every 63594  
applicant who complies with the requirements of division (C) of 63595  
this section, files the required application form, and pays the 63596  
fees required by section 4755.61 of the Revised Code. A license 63597  
issued under this section entitles the holder to engage in the 63598  
practice of athletic training, claim to the public to be an 63599  
athletic trainer, or to imply by words or letters that the 63600  
licensee is an athletic trainer. Each licensee shall display the 63601  
licensee's license in a conspicuous place at the licensee's 63602  
principal place of employment. 63603

**Sec. 4755.63.** Each license issued under section 4755.62 of 63604  
the Revised Code expires biennially in accordance with the 63605  
schedule established in rules adopted by the ~~athletic trainers~~ 63606  
~~section of the Ohio occupational therapy, physical therapy, and~~ 63607  
~~athletic trainers~~ state physical health services board under 63608  
section 4755.61 of the Revised Code, but each person holding a 63609  
valid, unexpired license may apply to the ~~athletic trainers~~ 63610  
~~section~~ board, on forms approved by the ~~section~~ board, for license 63611  
renewal. The ~~section~~ board shall renew a license upon the payment 63612  
of the license renewal fee prescribed by section 4755.61 of the 63613  
Revised Code, submission of the renewal application, and 63614  
submission to the ~~section~~ board of proof of satisfactory 63615  
completion of the required number of continuing education courses, 63616  
as specified in rules adopted by the ~~section~~ board under section 63617  
4755.61 of the Revised Code. 63618

**Sec. 4755.64.** (A) In accordance with Chapter 119. of the 63619  
Revised Code, the ~~athletic trainers section of the Ohio~~ 63620  
~~occupational therapy, physical therapy, and athletic trainers~~ 63621  
state physical health services board may suspend, revoke, or 63622  
refuse to issue or renew an athletic trainers license, or 63623  
reprimand, fine, or place a licensee on probation, for any of the 63624

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|---|--|
| following:  | 63625  |
| (1) Conviction of a felony or offense involving moral turpitude, regardless of the state or country in which the conviction occurred;   | 63626<br>63627<br>63628                            |
| (2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;  | 63629<br>63630                                     |
| (3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;  | 63631<br>63632                                     |
| (4) Negligence or gross misconduct in the practice of athletic training;  | 63633<br>63634                                     |
| (5) Violating the standards of ethical conduct in the practice of athletic training as adopted <del>by the athletic trainers section</del> under section <del>4755.61</del> <u>4744.50</u> of the Revised Code;   | 63635<br>63636<br>63637                            |
| (6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;  | 63638<br>63639<br>63640                            |
| (7) Practicing in an area of athletic training for which the individual is untrained, incompetent, or practicing without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter; | 63641<br>63642<br>63643<br>63644<br>63645<br>63646 |
| (8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;   | 63647<br>63648<br>63649                            |
| (9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;  | 63650<br>63651<br>63652<br>63653                   |
| (10) Failing the licensing examination;   | 63654  |

(11) Aiding or abetting the unlicensed practice of athletic training; 63655  
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(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction. 63657  
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(B) If the ~~athletic trainers section~~ board places a licensee on probation under division (A) of this section, the ~~section's~~ board's order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed from probation and restored to unrestricted practice. 63661  
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(C) A licensee whose license has been revoked under division (A) of this section may apply to the ~~athletic trainers section~~ board for reinstatement of the license one year following the date of revocation. The ~~athletic trainers section~~ board may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement. 63666  
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(D) On receipt of a complaint that a person licensed by the ~~athletic trainers section~~ board has committed any of the prohibited actions listed in division (A) of this section, the ~~section~~ board may immediately suspend the license of a licensed athletic trainer prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The ~~section~~ board may review the allegations and vote on the suspension by telephone conference call. If the ~~section~~ board votes to suspend a license under this division, the ~~section~~ board shall issue a written order of summary suspension to the licensed athletic trainer in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the ~~section~~ board shall enter a final order 63672  
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permanently revoking the individual's license. Notwithstanding 63687  
section 119.12 of the Revised Code, a court of common pleas shall 63688  
not grant a suspension of the ~~section's~~ board's order of summary 63689  
suspension pending the determination of an appeal filed under that 63690  
section. Any order of summary suspension issued under this 63691  
division shall remain in effect, unless reversed on appeal, until 63692  
a final adjudication order issued by the ~~section~~ board pursuant to 63693  
division (A) of this section becomes effective. The ~~section~~ board 63694  
shall issue its final adjudication order regarding an order of 63695  
summary suspension issued under this division not later than 63696  
ninety days after completion of its hearing. Failure to issue the 63697  
order within ninety days shall result in immediate dissolution of 63698  
the suspension order, but shall not invalidate any subsequent, 63699  
final adjudication order. 63700

**Sec. 4755.65.** (A) Nothing in sections 4755.61 to 4755.64 of 63701  
the Revised Code shall be construed to prevent or restrict the 63702  
practice, services, or activities of any person who: 63703

(1) Is an individual authorized under Chapter 4731. of the 63704  
Revised Code to practice medicine and surgery, osteopathic 63705  
medicine and surgery, or podiatry, a dentist licensed under 63706  
Chapter 4715. of the Revised Code, a chiropractor licensed under 63707  
Chapter 4734. of the Revised Code, a dietitian licensed under 63708  
Chapter 4759. of the Revised Code, a physical therapist licensed 63709  
under this chapter, or a qualified member of any other occupation 63710  
or profession practicing within the scope of the person's license 63711  
or profession and who does not claim to the public to be an 63712  
athletic trainer; 63713

(2) Is employed as an athletic trainer by an agency of the 63714  
United States government and provides athletic training solely 63715  
under the direction or control of the agency by which the person 63716  
is employed; 63717

(3) Is a student in an athletic training education program 63718  
approved by the ~~athletic trainers section~~ state physical health 63719  
services board leading to a baccalaureate or higher degree from an 63720  
accredited college or university and is performing duties that are 63721  
a part of a supervised course of study; 63722

(4) Is not an individual licensed as an athletic trainer in 63723  
this state who practices or offers to practice athletic training 63724  
while traveling with a visiting team or organization from outside 63725  
the state or an event approved by the ~~section~~ board for the 63726  
purpose of providing athletic training to the visiting team, 63727  
organization, or event; 63728

(5) Provides athletic training only to relatives or in 63729  
medical emergencies; 63730

(6) Provides gratuitous care to friends or members of the 63731  
person's family; 63732

(7) Provides only self-care. 63733

(B) Nothing in this chapter shall be construed to prevent any 63734  
person licensed under Chapter 4723. of the Revised Code and whose 63735  
license is in good standing, any person authorized under Chapter 63736  
4731. of the Revised Code to practice medicine and surgery or 63737  
osteopathic medicine and surgery and whose certificate to practice 63738  
is in good standing, any person authorized under Chapter 4731. of 63739  
the Revised Code to practice podiatry and whose certificate to 63740  
practice is in good standing, any person licensed under Chapter 63741  
4734. of the Revised Code to practice chiropractic and whose 63742  
license is in good standing, any person licensed as a dietitian 63743  
under Chapter 4759. of the Revised Code to practice dietetics and 63744  
whose license is in good standing, any person licensed as a 63745  
physical therapist under this chapter to practice physical therapy 63746  
and whose license is in good standing, or any association, 63747  
corporation, or partnership from advertising, describing, or 63748

offering to provide athletic training, or billing for athletic 63749  
training if the athletic training services are provided by a 63750  
person licensed under this chapter and practicing within the scope 63751  
of the person's license, by a person licensed under Chapter 4723. 63752  
of the Revised Code and practicing within the scope of the 63753  
person's license, by a person authorized under Chapter 4731. of 63754  
the Revised Code to practice podiatry, by a person authorized 63755  
under Chapter 4731. of the Revised Code to practice medicine and 63756  
surgery or osteopathic medicine and surgery, by a person licensed 63757  
under Chapter 4734. of the Revised Code to practice chiropractic, 63758  
or by a person licensed under Chapter 4759. of the Revised Code to 63759  
practice dietetics. 63760

(C) Nothing in this chapter shall be construed as authorizing 63761  
a licensed athletic trainer to practice medicine and surgery, 63762  
osteopathic medicine and surgery, podiatry, or chiropractic. 63763

**Sec. 4755.66.** On receipt of a notice pursuant to section 63764  
3123.43 of the Revised Code, the ~~appropriate section of the Ohio~~ 63765  
~~occupational therapy, physical therapy, and athletic trainers~~ 63766  
state physical health services board shall comply with sections 63767  
3123.41 to 3123.50 of the Revised Code and any applicable rules 63768  
adopted under section 3123.63 of the Revised Code with respect to 63769  
a license issued pursuant to this chapter. 63770

**Sec. 4755.70.** (A) As used in this section, "license" and 63771  
"applicant for an initial license" have the same meanings as in 63772  
section 4776.01 of the Revised Code, except that "license" as used 63773  
in both of those terms refers to the types of authorizations 63774  
otherwise issued or conferred under this chapter. 63775

(B) In addition to any other eligibility requirement set 63776  
forth in this chapter, each applicant for an initial license shall 63777  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 63778

~~occupational therapy section, the physical therapy section, and~~ 63779  
~~the athletic trainers section of the Ohio occupational therapy,~~ 63780  
~~physical therapy, and athletic trainers~~ state physical health 63781  
services board shall not grant a license to an applicant for an 63782  
initial license unless the applicant complies with sections 63783  
4776.01 to 4776.04 of the Revised Code and the board, in its 63784  
discretion, decides that the results of the criminal records check 63785  
do not make the applicant ineligible for a license issued pursuant 63786  
to section 4755.07, 4755.09, 4755.44, 4755.441, 4755.45, 4755.451, 63787  
or 4755.62 of the Revised Code. 63788

**Sec. 4755.71.** ~~The Ohio occupational therapy, physical~~ 63789  
~~therapy, and athletic trainers~~ state physical health services 63790  
board shall comply with section 4776.20 of the Revised Code. 63791

**Sec. 4755.99.** (A) Whoever violates ~~sections~~ section 4755.05 63792  
or 4755.62 or ~~divisions~~ division (A), (B), (C), (D), or (H) of 63793  
section 4755.48 of the Revised Code is guilty of a minor 63794  
misdemeanor. If the offender has previously been convicted of an 63795  
offense under that section, the offender is guilty of a 63796  
misdemeanor of the third degree on a first offense and a 63797  
misdemeanor of the first degree on each subsequent offense. 63798

(B)~~(1)~~ One-half of all fines collected for violation of 63799  
~~section~~ sections 4755.05, 4755.48, and 4755.62 of the Revised Code 63800  
shall be distributed to the ~~occupational therapy section of the~~ 63801  
~~Ohio occupational therapy, physical therapy, and athletic trainers~~ 63802  
state physical health services board and then paid into the state 63803  
treasury to the credit of the occupational licensing and 63804  
regulatory fund created in section 4743.05 of the Revised Code, 63805  
and one-half to the treasury of the municipal corporation in which 63806  
the offense was committed, or if the offense was committed outside 63807  
the limits of a municipal corporation, to the treasury of the 63808  
county. 63809

~~(2) One half of all fines collected for violation of section 4755.48 of the Revised Code shall be distributed to the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board and then paid into the state treasury to the credit of the occupational licensing and regulatory fund, and one half to the treasury of the municipal corporation in which the offense was committed, or if the offense was committed outside the limits of a municipal corporation, to the treasury of the county.~~

~~(3) One half of all fines collected for violation of section 4755.62 of the Revised Code shall be distributed to the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board and then paid into the state treasury to the credit of the occupational licensing and regulatory fund, and one half to the treasury of the municipal corporation in which the offense was committed, or if the offense was committed outside the limits of a municipal corporation, to the treasury of the county.~~

**Sec. 4757.10.** ~~The counselor, social worker, and marriage and family therapist~~ state behavioral health and social work board may adopt any rules necessary to carry out this chapter.

The board shall adopt rules that do all of the following:

(A) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;

(B) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;

(C) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this

chapter; 63840

(D) Establish requirements for criminal records checks of 63841  
applicants under section 4776.03 of the Revised Code; 63842

(E) Establish a graduated system of fines based on the scope 63843  
and severity of violations and the history of compliance, not to 63844  
exceed five hundred dollars per incident, that ~~any professional~~ 63845  
~~standards committee~~ of the board may charge for a disciplinary 63846  
violation described in section 4757.36 of the Revised Code; 63847

(F) Establish the amount and content of corrective action 63848  
courses required by the board under section ~~4755.36~~ 4757.36 of the 63849  
Revised Code; 63850

(G) Provide for voluntary registration of all of the 63851  
following: 63852

(1) Master's level counselor trainees enrolled in practice 63853  
and internships; 63854

(2) Master's level social worker trainees enrolled in 63855  
fieldwork, practice, and internships; 63856

(3) Master's level marriage and family therapist trainees 63857  
enrolled in practice and internships. 63858

Rules adopted under division (G) of this section shall not 63859  
require a trainee to register with the board, and if a trainee has 63860  
not registered, shall prohibit any adverse effect with respect to 63861  
a trainee's application for licensure by the board. 63862

All rules adopted under this section shall be adopted in 63863  
accordance with Chapter 119. of the Revised Code. When it adopts 63864  
rules under this section or any other section of this chapter, the 63865  
board may consider standards established by any national 63866  
association or other organization representing the interests of 63867  
those involved in professional counseling, social work, or 63868  
marriage and family therapy. 63869

**Sec. 4757.101.** (A) As used in this section, "license" and 63870  
"applicant for an initial license" have the same meanings as in 63871  
section 4776.01 of the Revised Code, except that "license" as used 63872  
in both of those terms refers to the types of authorizations 63873  
otherwise issued or conferred under this chapter. 63874

(B) In addition to any other eligibility requirement set 63875  
forth in this chapter, each applicant for an initial license shall 63876  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 63877  
~~counselor, social worker, and marriage and family therapist~~ state 63878  
behavioral health and social work board shall not grant a license 63879  
to an applicant for an initial license unless the applicant 63880  
complies with sections 4776.01 to 4776.04 of the Revised Code and 63881  
the board, in its discretion, decides that the results of the 63882  
criminal records check do not make the applicant ineligible for a 63883  
license issued pursuant to section 4757.22, 4757.23, 4757.27, 63884  
4757.28, 4757.29, 4757.30, or 4757.301 of the Revised Code. 63885

**Sec. 4757.13.** (A) Each individual who engages in the practice 63886  
of professional counseling, social work, or marriage and family 63887  
therapy shall prominently display, in a conspicuous place in the 63888  
office or place where a major portion of the individual's practice 63889  
is conducted, and in such a manner as to be easily seen and read, 63890  
the license granted to the individual by the state ~~counselor,~~ 63891  
~~social worker, and marriage and family therapist~~ behavioral health 63892  
and social work board. 63893

(B) A license holder engaged in a private individual 63894  
practice, partnership, or group practice shall prominently display 63895  
the license holder's fee schedule in the office or place where a 63896  
major portion of the license holder's practice is conducted. The 63897  
bottom of the first page of the fee schedule shall include the 63898  
following statement, which shall be followed by the name, address, 63899  
and telephone number of the board: 63900

"This information is required by the ~~Counselor, Social Worker, and Marriage and Family Therapist~~ State Behavioral Health and Social Work Board, which regulates the practices of professional counseling, social work, and marriage and family therapy in this state."

**Sec. 4757.15.** The ~~counselor, social worker, and marriage and family therapist~~ state behavioral health and social work board shall prepare, cause to be prepared, or procure the use of, and grade, have graded, or procure the grading of, examinations to determine the competence of applicants for licensure under this chapter. The board may administer separate examinations to reflect differences in educational degrees earned by applicants. The board may develop the examinations or use examinations prepared by state or national organizations that represent the interests of those involved in professional counseling, social work, or marriage and family therapy. The board shall conduct examinations at least twice each year and shall determine the level of competence necessary for a passing score.

**Sec. 4757.16.** (A) A person seeking to be licensed or registered under this chapter as a licensed professional clinical counselor ~~or~~, licensed professional counselor, social worker, independent social worker, social worker assistant, independent marriage and family therapist, or marriage and family therapist shall file with the ~~counselors professional standards committee of the counselor, social worker, and marriage and family therapist state behavioral health and social work~~ board a ~~written~~ an application on a form prescribed by the board. ~~A person seeking to be licensed under this chapter as an independent social worker or social worker or registered under this chapter as a social work assistant shall file with the social workers professional standards committee of the board a written application on a form~~

~~prescribed by the board. A person seeking to be licensed under 63932  
this chapter as an independent marriage and family therapist or a 63933  
marriage and family therapist shall file with the marriage and 63934  
family therapist professional standards committee of the board a 63935  
written application on a form prescribed by the board. 63936~~

Each form prescribed by the board shall contain a statement 63937  
informing the applicant that a person who knowingly makes a false 63938  
statement on the form is guilty of falsification under section 63939  
2921.13 of the Revised Code, a misdemeanor of the first degree. 63940

(B) The ~~professional standards committees~~ board shall adopt 63941  
rules under Chapter 119. of the Revised Code concerning the 63942  
process for review of each application received to determine 63943  
whether the applicant meets the requirements to receive the 63944  
license or certificate of registration for which application has 63945  
been made. 63946

**Sec. 4757.17.** The ~~professional standards committees of the 63947  
counselor, social worker, and marriage and family therapist state 63948  
behavioral health and social work board shall review the 63949  
applications of applicants for licensure or registration under 63950  
this chapter who have received a post-secondary degree from an 63951  
educational institution outside the United States. The ~~committee 63952  
reviewing the application~~ board shall determine whether the 63953  
applicant's experience, command of the English language, and 63954  
completed academic program meet the standards of an academic 63955  
program of an accredited educational institution. If they do, the 63956  
applicant shall be considered to have received the education from 63957  
an accredited educational institution as required by this chapter 63958  
and rules adopted under it. 63959~~

**Sec. 4757.18.** The ~~counselor, social worker, and marriage and 63960  
family therapist state behavioral health and social work~~ board may 63961

enter into a reciprocal agreement with any state that regulates 63962  
individuals practicing in the same capacities as those regulated 63963  
under this chapter if the board finds that the state has 63964  
requirements substantially equivalent to the requirements this 63965  
state has for receipt of a license or certificate of registration 63966  
under this chapter. In a reciprocal agreement, the board agrees to 63967  
issue the appropriate license or certificate of registration to 63968  
any resident of the other state whose practice is currently 63969  
authorized by that state if that state's regulatory body agrees to 63970  
authorize the appropriate practice of any resident of this state 63971  
who holds a valid license or certificate of registration issued 63972  
under this chapter. 63973

The ~~professional standards committees of the~~ board may, by 63974  
endorsement, issue the appropriate license or certificate of 63975  
registration to a resident of a state with which the board does 63976  
not have a reciprocal agreement, if the person submits proof 63977  
satisfactory to the ~~committee~~ board of currently being licensed, 63978  
certified, registered, or otherwise authorized to practice by that 63979  
state. 63980

**Sec. 4757.19.** On receipt of a notice pursuant to section 63981  
3123.43 of the Revised Code, the ~~counselor, social worker, and~~ 63982  
~~marriage and family therapist~~ state behavioral health and social 63983  
work board shall comply with sections 3123.41 to 3123.50 of the 63984  
Revised Code and any applicable rules adopted under section 63985  
3123.63 of the Revised Code with respect to a license issued 63986  
pursuant to this chapter. 63987

**Sec. 4757.22.** (A) The ~~counselors professional standards~~ 63988  
~~committee of the counselor, social worker, and marriage and family~~ 63989  
~~therapist~~ state behavioral health and social work board shall 63990  
issue a license to practice as a licensed professional clinical 63991

counselor to each applicant who submits a properly completed 63992  
application, pays the fee established under section 4757.31 of the 63993  
Revised Code, and meets the requirements specified in division (B) 63994  
of this section. 63995

(B)(1) To be eligible for a licensed professional clinical 63996  
counselor license, an individual must meet the following 63997  
requirements: 63998

(a) The individual must be of good moral character. 63999

(b) The individual must hold from an accredited educational 64000  
institution a graduate degree in counseling. 64001

(c) The individual must complete a minimum of ninety quarter 64002  
hours or sixty semester hours of graduate credit in counselor 64003  
training acceptable to the ~~committee~~ board, including instruction 64004  
in the following areas: 64005

(i) Clinical psychopathology, personality, and abnormal 64006  
behavior; 64007

(ii) Evaluation of mental and emotional disorders; 64008

(iii) Diagnosis of mental and emotional disorders; 64009

(iv) Methods of prevention, intervention, and treatment of 64010  
mental and emotional disorders. 64011

(d) The individual must complete, in either a private or 64012  
clinical counseling setting, supervised experience in counseling 64013  
that is of a type approved by the ~~committee~~ board, is supervised 64014  
by a licensed professional clinical counselor or other qualified 64015  
professional approved by the ~~committee~~ board, and is in the 64016  
following amounts: 64017

(i) In the case of an individual holding only a master's 64018  
degree, not less than two years of experience, which must be 64019  
completed after the award of the master's degree; 64020

(ii) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate. 64021  
64022  
64023

(e) The individual must pass a field evaluation that meets the following requirements: 64024  
64025

(i) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the ~~committee~~ board to be competent to evaluate an individual's professional competence; 64026  
64027  
64028  
64029

(ii) Includes documented evidence of the quality, scope, and nature of the applicant's experience and competence in diagnosing and treating mental and emotional disorders. 64030  
64031  
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(f) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional clinical counselor. 64033  
64034  
64035

(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a mental health counseling program in this state after January 1, 2018, must be from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program accredited by the council for accreditation of counseling and related educational programs. 64036  
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(3) All of the following meet the educational requirements of division (B)(1)(c) of this section: 64043  
64044

(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs; 64045  
64046  
64047

(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs; 64048  
64049  
64050

(c) A graduate degree in counseling issued by another state 64051  
from a clinical mental health counseling program, a clinical 64052  
rehabilitation counseling program, or an addiction counseling 64053  
program that is accredited by the council for accreditation of 64054  
counseling and related educational programs; 64055

(d) Any other accredited counseling programs accepted by the 64056  
board in accordance with rules adopted under division (F)(3) of 64057  
this section. 64058

(C) To be accepted by the ~~committee~~ board for purposes of 64059  
division (B) of this section, counselor training must include at 64060  
least the following: 64061

(1) Instruction in human growth and development; counseling 64062  
theory; counseling techniques; group dynamics, processing, and 64063  
counseling; appraisal of individuals; research and evaluation; 64064  
professional, legal, and ethical responsibilities; social and 64065  
cultural foundations; and lifestyle and career development; 64066

(2) Participation in a supervised practicum and internship in 64067  
counseling. 64068

(D) The ~~committee~~ board may issue a temporary license to an 64069  
applicant who meets all of the requirements to be licensed under 64070  
this section, pending the receipt of transcripts or action by the 64071  
~~committee~~ board to issue a license to practice as a licensed 64072  
professional clinical counselor. 64073

(E) An individual may not sit for the licensing examination 64074  
unless the individual meets the educational requirements to be 64075  
licensed under this section. An individual who is denied admission 64076  
to the licensing examination may appeal the denial in accordance 64077  
with Chapter 119. of the Revised Code. 64078

(F) The board shall adopt any rules necessary ~~for the~~ 64079  
~~committee~~ to implement this section. The rules shall do all of the 64080  
following: 64081

(1) Establish criteria for the ~~committee~~ board to use in 64082  
determining whether an applicant's training should be accepted and 64083  
supervised experience approved; 64084

(2) Establish course content requirements for qualifying 64085  
counseling degrees issued by institutions in other states from 64086  
clinical mental health counseling programs, clinical 64087  
rehabilitation counseling programs, and addiction counseling 64088  
programs that are not accredited by the council for accreditation 64089  
of counseling and related educational programs and for graduate 64090  
degrees from other accredited counseling programs approved by the 64091  
board in accordance with rules adopted under division (F)(3) of 64092  
this section; 64093

(3) For purposes of divisions (B)(2)(b) and (3) of this 64094  
section, establish requirements for acceptance by the ~~committee~~ 64095  
board of accredited counseling programs. 64096

Rules adopted under this division shall be adopted in 64097  
accordance with Chapter 119. of the Revised Code. 64098

**Sec. 4757.23.** (A) The ~~counselors professional standards~~ 64099  
~~committee of the counselor, social worker, and marriage and family~~ 64100  
~~therapist~~ state behavioral health and social work board shall 64101  
issue a license as a licensed professional counselor to each 64102  
applicant who submits a properly completed application, pays the 64103  
fee established under section 4757.31 of the Revised Code, and 64104  
meets the requirements established under division (B) of this 64105  
section. 64106

(B)(1) To be eligible for a license as a licensed 64107  
professional counselor, an individual must meet the following 64108  
requirements: 64109

(a) The individual must be of good moral character. 64110

(b) The individual must hold from an accredited educational 64111

institution a graduate degree in counseling. 64112

(c) The individual must complete a minimum of ninety quarter 64113  
hours or sixty semester hours of graduate credit in counselor 64114  
training acceptable to the ~~committee~~ board, which the individual 64115  
may complete while working toward receiving a graduate degree in 64116  
counseling, or subsequent to receiving the degree, and which shall 64117  
include training in the following areas: 64118

(i) Clinical psychopathology, personality, and abnormal 64119  
behavior; 64120

(ii) Evaluation of mental and emotional disorders; 64121

(iii) Diagnosis of mental and emotional disorders; 64122

(iv) Methods of prevention, intervention, and treatment of 64123  
mental and emotional disorders. 64124

(d) The individual must pass an examination administered by 64125  
the board for the purpose of determining ability to practice as a 64126  
licensed professional counselor. 64127

(2) To meet the requirement of division (B)(1)(b) of this 64128  
section, a graduate degree in counseling obtained from a mental 64129  
health counseling program in this state after January 1, 2018, 64130  
must be from a clinical mental health counseling program, clinical 64131  
rehabilitation counseling program, or addiction counseling program 64132  
accredited by the council for accreditation of counseling and 64133  
related educational programs. 64134

(3) All of the following meet the educational requirements of 64135  
division (B)(1)(c) of this section: 64136

(a) A clinical mental health counseling program accredited by 64137  
the council for accreditation of counseling and related 64138  
educational programs; 64139

(b) Until January 1, 2018, a mental health counseling program 64140  
accredited by the council for accreditation of counseling and 64141

related educational programs; 64142

(c) A graduate degree in counseling issued by an institution 64143  
in another state from a clinical mental health counseling program, 64144  
a clinical rehabilitation counseling program, or an addiction 64145  
counseling program that is accredited by the council for 64146  
accreditation of counseling and related educational programs; 64147

(d) Any other accredited counseling programs accepted by the 64148  
board in accordance with rules adopted under division (F)(3) of 64149  
this section. 64150

(C) To be accepted by the ~~committee~~ board for purposes of 64151  
division (B) of this section, counselor training must include at 64152  
least the following: 64153

(1) Instruction in human growth and development; counseling 64154  
theory; counseling techniques; group dynamics, processing, and 64155  
counseling; appraisal of individuals; research and evaluation; 64156  
professional, legal, and ethical responsibilities; social and 64157  
cultural foundations; and lifestyle and career development; 64158

(2) Participation in a supervised practicum and internship in 64159  
counseling. 64160

(D) The ~~committee~~ board may issue a temporary license to 64161  
practice as a licensed professional counselor to an applicant who 64162  
meets all of the requirements to be licensed under this section as 64163  
follows: 64164

(1) Pending the receipt of transcripts or action by the 64165  
~~committee~~ board to issue a license as a licensed professional 64166  
counselor; 64167

(2) For a period not to exceed ninety days, to an applicant 64168  
who provides the board with a statement from the applicant's 64169  
academic institution indicating that the applicant has met the 64170  
academic requirements for the applicant's degree and the projected 64171

date the applicant will receive the applicant's transcript showing a conferred degree. 64172  
64173

On application to the ~~committee~~ board, a temporary license issued under division (D)(2) of this section may be renewed for good cause shown. 64174  
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(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance with Chapter 119. of the Revised Code. 64177  
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(F) The board shall adopt any rules necessary ~~for the committee~~ to implement this section. The rules shall do all of the following: 64182  
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64184

(1) Establish criteria for the ~~committee~~ board to use in determining whether an applicant's training should be accepted and supervised experience approved; 64185  
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(2) Establish course content requirements for qualifying counseling degrees issued by institutions in other states from clinical mental health counseling programs, clinical rehabilitation counseling programs, and addiction counseling programs that are not accredited by the council for accreditation of counseling and related educational programs and for graduate degrees from other accredited counseling programs accepted by the board in accordance with rules adopted under division (F)(3) of this section; 64188  
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(3) For purposes of divisions (B)(2)(b) and (3) of this section, establish requirements for acceptance by the ~~committee~~ board of accredited counseling programs. 64197  
64198  
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Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code. 64200  
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Sec. 4757.27. (A) ~~The social workers professional standards committee of the counselor, social worker, and marriage and family therapist~~ state behavioral health and social work board shall issue a license as an independent social worker to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section. An independent social worker license shall clearly indicate each academic degree earned by the person to whom it has been issued.

(B) To be eligible for a license as an independent social worker, an individual must meet the following requirements:

(1) The individual must be of good moral character.

(2) The individual must hold a master's degree in social work from an educational institution accredited by the council on social work education or an educational institution in candidacy for accreditation by the council.

(3) The individual must complete at least two years of post-master's degree social work experience supervised by an independent social worker.

(4) The individual must pass an examination administered by the board for the purpose of determining ability to practice as an independent social worker.

(C) The ~~committee~~ board may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the ~~committee~~ board to issue a license as an independent social worker.

(D) The board shall adopt any rules necessary ~~for the committee~~ to implement this section, including criteria ~~for the committee~~ to use in determining whether an applicant's training

should be accepted and supervised experience approved. Rules 64232  
adopted under this division shall be adopted in accordance with 64233  
Chapter 119. of the Revised Code. 64234

**Sec. 4757.28.** (A) The ~~social workers professional standards~~ 64235  
~~committee of the counselor, social worker, and marriage and family~~ 64236  
~~therapist~~ state behavioral health and social work board shall 64237  
issue a license as a social worker to each applicant who submits a 64238  
properly completed application, pays the fee established under 64239  
section 4757.31 of the Revised Code, and meets the requirements 64240  
specified in division (B) of this section. A social worker license 64241  
shall clearly indicate each academic degree earned by the person 64242  
to whom it is issued. 64243

(B) To be eligible for a license as a social worker, an 64244  
individual must meet the following requirements: 64245

(1) The individual must be of good moral character. 64246

(2) The individual must hold from an accredited educational 64247  
institution one of the following: 64248

(a) A baccalaureate degree in social work; 64249

(b) A master's degree in social work; 64250

(c) A doctorate in social work. 64251

(3) The individual must pass an examination administered by 64252  
the board for the purpose of determining ability to practice as a 64253  
social worker. 64254

(C) The ~~committee~~ board may issue a temporary license to 64255  
practice as a social worker as follows: 64256

(1) To an applicant who meets all of the requirements to be 64257  
licensed under this section, pending the receipt of transcripts or 64258  
action by the ~~committee~~ board to issue a license as a social 64259  
worker; 64260

(2) For a period not to exceed ninety days, to an applicant 64261  
who provides the board with a statement from the applicant's 64262  
academic institution indicating that the applicant has met the 64263  
academic requirements for the applicant's degree, and the 64264  
projected date the applicant will receive the applicant's 64265  
transcript showing a conferred degree. 64266

On application to the ~~committee~~ board, a temporary license 64267  
issued under division (C)(2) of this section may be renewed for 64268  
good cause shown. 64269

(D) The board shall adopt any rules necessary ~~for the~~ 64270  
~~committee~~ to implement this section, including criteria ~~for the~~ 64271  
~~committee~~ to use in determining whether an applicant's training 64272  
should be accepted and supervised experience approved. Rules 64273  
adopted under this division shall be adopted in accordance with 64274  
Chapter 119. of the Revised Code. 64275

**Sec. 4757.29.** The ~~social workers professional standards~~ 64276  
~~committee of the counselor, social worker, and marriage and family~~ 64277  
~~therapist~~ state behavioral health and social work board shall 64278  
issue a certificate of registration as a social work assistant to 64279  
each applicant who submits a properly completed application, pays 64280  
the fee established under section 4757.31 of the Revised Code, is 64281  
of good moral character, and holds from an accredited educational 64282  
institution an associate degree in social service technology or a 64283  
bachelor's degree that is equivalent to an associate degree in 64284  
social service technology or a related bachelor's or higher degree 64285  
that is approved by the ~~committee~~ board. 64286

**Sec. 4757.30.** (A) The ~~marriage and family therapist~~ 64287  
~~professional standards committee of the counselor, social worker,~~ 64288  
~~and marriage and family therapist~~ state behavioral health and 64289  
social work board shall issue a license to practice as a marriage 64290

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|---|----------------------------------|
| and family therapist to a person who has done all of the  | 64291                            |
| following:  | 64292                            |
| (1) Properly completed an application for the license;  | 64293                            |
| (2) Paid the required fee established by the board under<br>section 4757.31 of the Revised Code;  | 64294<br>64295                   |
| (3) Achieved one of the following:  | 64296                            |
| (a) Received from an educational institution accredited at<br>the time the degree was granted by a regional accrediting<br>organization recognized by the board a master's degree or a<br>doctorate in marriage and family therapy; | 64297<br>64298<br>64299<br>64300 |
| (b) Completed a graduate degree that includes a minimum of<br>ninety quarter hours of graduate level course work in marriage and<br>family therapy training that is acceptable to the <del>committee</del> <u>board</u> ;           | 64301<br>64302<br>64303          |
| (4) Passed an examination administered by the board for the<br>purpose of determining the person's ability to be a marriage and<br>family therapist;  | 64304<br>64305<br>64306          |
| (5) Completed a practicum that includes at least three<br>hundred hours of client contact.  | 64307<br>64308                   |
| (B) To be accepted by the <del>committee</del> <u>board</u> for purposes of<br>division (A)(3)(b) of this section, marriage and family therapist<br>training must include instruction in at least the following:                    | 64309<br>64310<br>64311          |
| (1) Research and evaluation;  | 64312                            |
| (2) Professional, legal, and ethical responsibilities;  | 64313                            |
| (3) Marriage and family studies;  | 64314                            |
| (4) Marriage and family therapy, including therapeutic theory<br>and techniques for individuals, groups, and families;  | 64315<br>64316                   |
| (5) Human development;  | 64317                            |
| (6) Appraisal of individuals and families;  | 64318                            |

(7) Diagnosis of mental and emotional disorders; 64319

(8) Systems theory. 64320

(C) ~~The marriage and family therapist professional standards~~ 64321  
~~committee~~ board shall issue a license to practice as an 64322  
independent marriage and family therapist to a person who does 64323  
both of the following: 64324

(1) Meets all of the requirements of division (A) of this 64325  
section; 64326

(2) After meeting the requirements of division (A)(3) of this 64327  
section, completes at least two calendar years of supervised 64328  
training while engaged in the practice of marriage and family 64329  
therapy. 64330

The two years of supervised training must include two hundred 64331  
hours of face-to-face supervision while completing a minimum of 64332  
one thousand hours of documented client contact in marriage and 64333  
family therapy. Of the required two hundred hours, a minimum of 64334  
one hundred hours must be individual supervision. Supervision 64335  
shall be performed by a supervisor whose training and experience 64336  
meets standards established by the board in rules adopted under 64337  
section 4757.10 of the Revised Code. 64338

(D) An independent marriage and family therapist or a 64339  
marriage and family therapist may engage in the private practice 64340  
of marriage and family therapy as an individual practitioner or as 64341  
a member of a partnership or group practice. 64342

(E) A marriage and family therapist may diagnose and treat 64343  
mental and emotional disorders only under the supervision of a 64344  
psychologist, psychiatrist, licensed professional clinical 64345  
counselor, independent social worker, or independent marriage and 64346  
family therapist. An independent marriage and family therapist may 64347  
diagnose and treat mental and emotional disorders without 64348  
supervision. 64349

(F) Nothing in this chapter or rules adopted under it 64350  
authorizes an independent marriage and family therapist or a 64351  
marriage and family therapist to admit a patient to a hospital or 64352  
requires a hospital to allow a marriage and family therapist to 64353  
admit a patient. 64354

(G) An independent marriage and family therapist or a 64355  
marriage and family therapist may not diagnose, treat, or advise 64356  
on conditions outside the recognized boundaries of the marriage 64357  
and family therapist's competency. An independent marriage and 64358  
family therapist or a marriage and family therapist shall make 64359  
appropriate and timely referrals when a client's needs exceed the 64360  
marriage and family therapist's competence level. 64361

**Sec. 4757.301.** On receipt of an application for a license as 64362  
a marriage and family therapist, the ~~counselor, social worker, and~~ 64363  
~~marriage and family therapist~~ state behavioral health and social 64364  
work board may issue a temporary license to an individual who 64365  
qualifies under division (A) of section 4757.30 of the Revised 64366  
Code for licensure as a marriage and family therapist or divisions 64367  
(A) and (C) of section 4757.30 of the Revised Code for licensure 64368  
as an independent marriage and family therapist, except that the 64369  
individual is awaiting the next opportunity to take an examination 64370  
required by the board under that division. The temporary license 64371  
allows the holder to engage in the practice of independent 64372  
marriage and family therapy or marriage and family therapy as 64373  
appropriate and is valid from the date of issuance until the 64374  
earlier of one year from that date, the date the applicant 64375  
withdraws from taking the examination, the date the applicant is 64376  
notified that the applicant failed the examination, or the date 64377  
the applicant's license is issued under section 4757.30 of the 64378  
Revised Code. A temporary license may not be renewed. 64379

**Sec. 4757.31.** (A) Subject to division (B) of this section, 64380

~~the counselor, social worker, and marriage and family therapist~~ 64381  
state behavioral health and social work board shall establish, and 64382  
may from time to time adjust, fees to be charged for the 64383  
following: 64384

(1) Examination for licensure as a licensed professional 64385  
clinical counselor, licensed professional counselor, marriage and 64386  
family therapist, independent marriage and family therapist, 64387  
social worker, or independent social worker; 64388

(2) Initial licenses of licensed professional clinical 64389  
counselors, licensed professional counselors, marriage and family 64390  
therapists, independent marriage and family therapists, social 64391  
workers, and independent social workers, except that the board 64392  
shall charge only one fee to a person who fulfills all 64393  
requirements for more than one of the following initial licenses: 64394  
an initial license as a social worker or independent social 64395  
worker, an initial license as a licensed professional counselor or 64396  
licensed professional clinical counselor, and an initial license 64397  
as a marriage and family therapist or independent marriage and 64398  
family therapist; 64399

(3) Initial certificates of registration of social work 64400  
assistants; 64401

(4) Renewal and late renewal of licenses of licensed 64402  
professional clinical counselors, licensed professional 64403  
counselors, marriage and family therapists, independent marriage 64404  
and family therapists, social workers, and independent social 64405  
workers and renewal and late renewal of certificates of 64406  
registration of social work assistants; 64407

(5) Verification, to another jurisdiction, of a license or 64408  
registration issued by the board; 64409

(6) Continuing education programs offered by the board to 64410

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| licensees or registrants;  | 64411  |
| (7) Approval of continuing education programs;   | 64412  |
| (8) Approval of continuing education providers to be<br>authorized to offer continuing education programs without prior<br>approval from the board for each program offered;   | 64413<br>64414<br>64415  |
| (9) Issuance of a replacement copy of any wall certificate<br>issued by the board;   | 64416<br>64417   |
| (10) Late completion of continuing counselor, social worker,<br>or marriage and family therapy education required under section<br>4757.33 of the Revised Code and the rules adopted under it.   | 64418<br>64419<br>64420  |
| (B) The fees charged under division (A)(1) of this section<br>shall be established in amounts sufficient to cover the direct<br>expenses incurred in examining applicants for licensure. The fees<br>charged under divisions (A)(2) to (9) of this section shall be<br>nonrefundable and shall be established in amounts sufficient to<br>cover the necessary expenses in administering this chapter and<br>rules adopted under it that are not covered by fees charged under<br>division (A)(1) or (C) of this section. The renewal fee for a<br>license or certificate of registration shall not be less than the<br>initial fee for that license or certificate. The fees charged for<br>licensure and registration and the renewal of licensure and<br>registration may differ for the various types of licensure and<br>registration, but shall not exceed one hundred twenty-five dollars<br>each, unless the board determines that amounts in excess of one<br>hundred twenty-five dollars are needed to cover its necessary<br>expenses in administering this chapter and rules adopted under it<br>and the amounts in excess of one hundred twenty-five dollars are<br>approved by the controlling board. | 64421<br>64422<br>64423<br>64424<br>64425<br>64426<br>64427<br>64428<br>64429<br>64430<br>64431<br>64432<br>64433<br>64434<br>64435<br>64436<br>64437<br>64438 |
| (C) All receipts of the board shall be deposited in the state<br>treasury to the credit of the occupational licensing and<br>regulatory fund <u>created in section 4743.05 of the Revised Code.</u>  | 64439<br>64440<br>64441  |

All vouchers of the board shall be approved by the chairperson or executive director of the board, or both, as authorized by the board. 64442  
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**Sec. 4757.32.** A license or certificate of registration issued under this chapter expires two years after it is issued and may be renewed in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code. 64445  
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Subject to section 4757.36 of the Revised Code, the staff of the ~~appropriate professional standards committee of the counselor, social worker, and marriage and family therapist~~ state behavioral health and social work board shall, on behalf of ~~each committee the board~~, issue a renewed license or certificate of registration to each applicant who has paid the renewal fee established by the board under section 4757.31 of the Revised Code and satisfied the continuing education requirements established by the board under section 4757.33 of the Revised Code. 64449  
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A license or certificate of registration that is not renewed lapses on its expiration date. A license or certificate of registration that has lapsed may be restored if the individual, not later than two years after the license or certificate expired, applies for restoration of the license or certificate. The staff of the ~~appropriate professional standards committee~~ board shall issue a restored license or certificate of registration to the applicant if the applicant pays the renewal fee established under section 4757.31 of the Revised Code and satisfies the continuing education requirements established under section 4757.33 of the Revised Code for restoring the license or certificate of registration. The board ~~and its professional standards committees~~ shall not require a person to take an examination as a condition of having a lapsed license or certificate of registration restored. 64458  
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**Sec. 4757.321.** (A) A person licensed or registered under this chapter may apply to the ~~counselor, social worker, and marriage and family therapist~~ state behavioral health and social work board to have the person's license or registration classified as inactive. If a fee is charged under division (B) of this section, the person shall include the fee with the application. If the person's license or registration is in good standing and the person meets any other requirements established by the board in rules adopted under this section, the board shall classify the license or registration as inactive. The inactive classification shall become effective on the date immediately following the date that the person's license or registration is scheduled to expire.

(B) The board may charge a fee for classifying a license or registration as inactive.

(C) During the period that a license or registration is classified as inactive, the person may not engage in the practice of professional counseling, social work, or marriage and family therapy, as applicable, in this state or make any representation to the public indicating that the person is actively licensed or registered under this chapter.

(D) A person whose license or registration has been classified as inactive may apply to the board to have the license or registration reactivated. The board shall reactivate the license or registration if the person meets the requirements established by the board in rules adopted under this section.

(E) The board's jurisdiction to take disciplinary action under this chapter is not removed or limited when a license or registration is classified as inactive under this section.

(F) The board shall adopt rules as necessary for classifying a license or registration as inactive and reactivating an inactive license or registration. The rules shall be adopted in accordance

with Chapter 119. of the Revised Code. 64504

(G) This section does not apply to registration of master's 64505  
level counselor trainees, social worker trainees, marriage and 64506  
family therapist trainees, or continuing education providers. 64507

**Sec. 4757.33.** (A) Except as provided in division (B) of this 64508  
section, each person who holds a license or certificate of 64509  
registration issued under this chapter shall complete during the 64510  
period that the license or certificate is in effect not less than 64511  
thirty clock hours of continuing professional education as a 64512  
condition of receiving a renewed license or certificate. To have a 64513  
lapsed license or certificate of registration restored, a person 64514  
shall complete the number of hours of continuing education 64515  
specified by the ~~counselor, social worker, and marriage and family~~ 64516  
~~therapist~~ state behavioral health and social work board in rules 64517  
it shall adopt in accordance with Chapter 119. of the Revised 64518  
Code. 64519

The ~~professional standards committees of the counselor,~~ 64520  
~~social worker, and marriage and family therapist~~ board shall adopt 64521  
rules in accordance with Chapter 119. of the Revised Code 64522  
establishing standards and procedures to be followed by the 64523  
~~committees in~~ for conducting the continuing education approval 64524  
process, which shall include registering individuals and entities 64525  
to provide continuing education programs approved by the board. 64526

(B) The board may waive the continuing education requirements 64527  
established under this section for persons who are unable to 64528  
fulfill them because of military service, illness, residence 64529  
abroad, or any other reason the ~~committee~~ board considers 64530  
acceptable. 64531

**Sec. 4757.34.** The ~~counselor, social worker, and marriage and~~ 64532  
~~family therapist~~ state behavioral health and social work board 64533

shall approve one or more continuing education courses of study 64534  
that assist social workers, independent social workers, social 64535  
work assistants, independent marriage and family therapists, 64536  
marriage and family therapists, licensed professional clinical 64537  
counselors, and licensed professional counselors in recognizing 64538  
the signs of domestic violence and its relationship to child 64539  
abuse. Social workers, independent social workers, social work 64540  
assistants, independent marriage and family therapists, marriage 64541  
and family therapists, licensed professional clinical counselors, 64542  
and licensed professional counselors are not required to take the 64543  
courses. 64544

**Sec. 4757.36.** (A) ~~The appropriate professional standards~~ 64545  
~~committee of the counselor, social worker, and marriage and family~~ 64546  
~~therapist~~ state behavioral health and social work board may, in 64547  
accordance with Chapter 119. of the Revised Code, take any action 64548  
specified in division (B) of this section for any reason described 64549  
in division (C) of this section against an individual who has 64550  
applied for or holds a license issued under this chapter; a 64551  
master's level counselor trainee, social worker trainee, or 64552  
marriage and family therapist trainee; or an individual or entity 64553  
that is registered, or has applied for registration, in accordance 64554  
with rules adopted under section 4757.33 of the Revised Code to 64555  
provide continuing education programs approved by the board. 64556

(B) In its imposition of sanctions against an individual or 64557  
entity specified in division (A) of this section, the board may do 64558  
any of the following: 64559

(1) Refuse to issue or refuse to renew a license or 64560  
certificate of registration; 64561

(2) Suspend, revoke, or otherwise restrict a license or 64562  
certificate of registration; 64563

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| (3) Reprimand an individual holding a license or certificate of registration;   | 64564<br>64565  |
| (4) Impose a fine in accordance with the graduated system of fines established by the board in rules adopted under section 4757.10 of the Revised Code;   | 64566<br>64567<br>64568                                     |
| (5) Require an individual holding a license or certificate of registration to take corrective action courses.   | 64569<br>64570  |
| (C) The <del>appropriate professional standards committee of the</del> board may take an action specified in division (B) of this section for any of the following reasons:   | 64571<br>64572<br>64573                                     |
| (1) Commission of an act that violates any provision of this chapter or rules adopted under it;   | 64574<br>64575  |
| (2) Knowingly making a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration;   | 64576<br>64577<br>64578                                     |
| (3) Accepting a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy; | 64579<br>64580<br>64581<br>64582<br>64583<br>64584<br>64585 |
| (4) A failure to comply with section 4757.13 of the Revised Code;   | 64586<br>64587  |
| (5) A conviction in this or any other state of a crime that is a felony in this state;  | 64588<br>64589  |
| (6) A failure to perform properly as a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker  | 64590<br>64591<br>64592<br>64593                            |

due to the use of alcohol or other drugs or any other physical or 64594  
mental condition; 64595

(7) A conviction in this state or in any other state of a 64596  
misdemeanor committed in the course of practice as a licensed 64597  
professional clinical counselor, licensed professional counselor, 64598  
independent marriage and family therapist, marriage and family 64599  
therapist, social work assistant, social worker, or independent 64600  
social worker; 64601

(8) Practicing outside the scope of practice applicable to 64602  
that person; 64603

(9) Practicing in violation of the supervision requirements 64604  
specified under sections 4757.21 and 4757.26, and division (E) of 64605  
section 4757.30, of the Revised Code; 64606

(10) A violation of the person's code of ethical practice 64607  
adopted by rule of the board pursuant to section ~~4757.11~~ 4744.50 64608  
of the Revised Code; 64609

(11) Revocation or suspension of a license or certificate of 64610  
registration, other disciplinary action against a license holder 64611  
or registration, or the voluntary surrender of a license or 64612  
certificate of registration in another state or jurisdiction for 64613  
an offense that would be a violation of this chapter. 64614

(D) A disciplinary action under division (B) of this section 64615  
shall be taken pursuant to an adjudication under Chapter 119. of 64616  
the Revised Code, except that in lieu of an adjudication, the 64617  
~~appropriate professional standards committee~~ board may enter into 64618  
a consent agreement with an individual or entity specified in 64619  
division (A) of this section to resolve an allegation of a 64620  
violation of this chapter or any rule adopted under it. A consent 64621  
agreement, when ratified by the ~~appropriate professional standards~~ 64622  
~~committee~~ board, constitutes the findings and order of the board 64623  
with respect to the matter addressed in the agreement. If a 64624

~~committee~~ the board refuses to ratify a consent agreement, the 64625  
admissions and findings contained in the consent agreement are of 64626  
no force or effect. 64627

(E) In any instance in which ~~a professional standards~~ 64628  
~~committee of~~ the board is required by Chapter 119. of the Revised 64629  
Code to give notice of the opportunity for a hearing and the 64630  
individual or entity subject to the notice does not timely request 64631  
a hearing in accordance with section 119.07 of the Revised Code, 64632  
the ~~committee~~ board may adopt a final order that contains the 64633  
board's findings. In that final order, the ~~committee~~ board may 64634  
order any of the sanctions identified in division (B) of this 64635  
section. 64636

(F) One year or more after the date of suspension or 64637  
revocation of a license or certificate of registration under this 64638  
section, application may be made to the ~~appropriate professional~~ 64639  
~~standards committee~~ board for reinstatement. The ~~committee~~ board 64640  
may approve or deny an application for reinstatement. If a license 64641  
has been suspended or revoked, the ~~committee~~ board may require an 64642  
examination for reinstatement. 64643

(G) On request of the board, the attorney general shall bring 64644  
and prosecute to judgment a civil action to collect any fine 64645  
imposed under division (B)(4) of this section that remains unpaid. 64646

(H) All fines collected under division (B)(4) of this section 64647  
shall be deposited into the state treasury to the credit of the 64648  
occupational licensing and regulatory fund created in section 64649  
4743.05 of the Revised Code. 64650

**Sec. 4757.361.** (A) As used in this section, with regard to 64651  
offenses committed in Ohio, "aggravated murder," "murder," 64652  
"voluntary manslaughter," "felonious assault," "kidnapping," 64653  
"rape," "sexual battery," "gross sexual imposition," "aggravated 64654  
arson," "aggravated robbery," and "aggravated burglary" mean such 64655

offenses as defined in Title XXIX of the Revised Code; with regard 64656  
to offenses committed in other jurisdictions, the terms mean 64657  
offenses comparable to offenses defined in Title XXIX of the 64658  
Revised Code. 64659

(B) When there is clear and convincing evidence that 64660  
continued practice by an individual licensed under this chapter 64661  
presents a danger of immediate and serious harm to the public, as 64662  
determined on consideration of the evidence by the ~~professional~~ 64663  
~~standards committees of the counselor, social worker, and marriage~~ 64664  
~~and family therapist~~ state behavioral health and social work 64665  
board, the ~~appropriate committee~~ board shall impose on the 64666  
individual a summary suspension without a hearing. 64667

Immediately following the decision to impose a summary 64668  
suspension, the ~~appropriate committee~~ board shall issue a written 64669  
order of suspension and cause it to be delivered by certified mail 64670  
or in person in accordance with section 119.07 of the Revised 64671  
Code. The order shall not be subject to suspension by the court 64672  
during the pendency of any appeal filed under section 119.12 of 64673  
the Revised Code. If the individual subject to the suspension 64674  
requests an adjudication, the date set for the adjudication shall 64675  
be within fifteen days but not earlier than seven days after the 64676  
individual makes the request, unless another date is agreed to by 64677  
both the individual and the ~~committee imposing the suspension~~ 64678  
board. The summary suspension shall remain in effect, unless 64679  
reversed by the ~~committee~~ board, until a final adjudication order 64680  
issued by the ~~committee~~ board pursuant to this section and Chapter 64681  
119. of the Revised Code becomes effective. 64682

The ~~committee~~ board shall issue its final adjudication order 64683  
within ninety days after completion of the adjudication. If the 64684  
~~committee~~ board does not issue a final order within the ninety-day 64685  
period, the summary suspension shall be void, but any final 64686

adjudication order issued subsequent to the ninety-day period 64687  
shall not be affected. 64688

(C) The license issued to an individual under this chapter is 64689  
automatically suspended on that individual's conviction of, plea 64690  
of guilty to, or judicial finding with regard to any of the 64691  
following: aggravated murder, murder, voluntary manslaughter, 64692  
felonious assault, kidnapping, rape, sexual battery, gross sexual 64693  
imposition, aggravated arson, aggravated robbery, or aggravated 64694  
burglary. The suspension shall remain in effect from the date of 64695  
the conviction, plea, or finding until an adjudication is held 64696  
under Chapter 119. of the Revised Code. If the ~~appropriate~~ 64697  
~~committee~~ board has knowledge that an automatic suspension has 64698  
occurred, it shall notify the individual subject to the 64699  
suspension. If the individual is notified and either fails to 64700  
request an adjudication within the time periods established by 64701  
Chapter 119. of the Revised Code or fails to participate in the 64702  
adjudication, the ~~committee~~ board shall enter a final order 64703  
permanently revoking the person's license or certificate. 64704

**Sec. 4757.37.** (A) An individual whom the ~~counselor, social~~ 64705  
~~worker, and marriage and family therapist~~ state behavioral health 64706  
and social work board licenses, certificates, or otherwise legally 64707  
authorizes to engage in the practice of professional counseling, 64708  
social work, or marriage and family therapy may render the 64709  
professional services of a licensed professional clinical 64710  
counselor, licensed professional counselor, independent social 64711  
worker, social worker, independent marriage and family therapist, 64712  
or marriage and family therapist within this state through a 64713  
corporation formed under division (B) of section 1701.03 of the 64714  
Revised Code, a limited liability company formed under Chapter 64715  
1705. of the Revised Code, a partnership, or a professional 64716  
association formed under Chapter 1785. of the Revised Code. This 64717  
division does not preclude such an individual from rendering 64718

professional services as a licensed professional clinical 64719  
counselor, licensed professional counselor, independent social 64720  
worker, social worker, independent marriage and family therapist, 64721  
or marriage and family therapist through another form of business 64722  
entity, including, but not limited to, a nonprofit corporation or 64723  
foundation, or in another manner that is authorized by or in 64724  
accordance with this chapter, another chapter of the Revised Code, 64725  
or rules of the ~~counselor, social worker, and marriage and family~~ 64726  
~~therapist~~ state behavioral health and social work board adopted 64727  
pursuant to this chapter. 64728

(B) A corporation, limited liability company, partnership, or 64729  
professional association described in division (A) of this section 64730  
may be formed for the purpose of providing a combination of the 64731  
professional services of the following individuals who are 64732  
licensed, certificated, or otherwise legally authorized to 64733  
practice their respective professions: 64734

(1) Optometrists who are authorized to practice optometry 64735  
under Chapter 4725. of the Revised Code; 64736

(2) Chiropractors who are authorized to practice chiropractic 64737  
or acupuncture under Chapter 4734. of the Revised Code; 64738

(3) Psychologists who are authorized to practice psychology 64739  
under Chapter 4732. of the Revised Code; 64740

(4) Registered or licensed practical nurses who are 64741  
authorized to practice nursing as registered nurses or as licensed 64742  
practical nurses under Chapter 4723. of the Revised Code; 64743

(5) Pharmacists who are authorized to practice pharmacy under 64744  
Chapter 4729. of the Revised Code; 64745

(6) Physical therapists who are authorized to practice 64746  
physical therapy under sections 4755.40 to 4755.56 of the Revised 64747  
Code; 64748

(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code; 64749  
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(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code; 64752  
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(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code; 64754  
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(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under this chapter. 64758  
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This division applies notwithstanding a provision of a code of ethics applicable to an individual who is a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist that prohibits the individual from engaging in the individual's practice in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of professional counseling, social work, or marriage and family therapy. 64763  
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**Sec. 4757.38.** (A) ~~The counselor, social worker, and marriage and family therapist~~ state behavioral health and social work board 64778  
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shall investigate alleged violations of this chapter or the rules 64780  
adopted under it and alleged irregularities in the delivery of 64781  
services related to professional counseling, social work, or 64782  
marriage and family therapy by persons licensed or registered 64783  
under this chapter. As part of its conduct of an investigation, 64784  
the board may issue subpoenas, examine witnesses, and administer 64785  
oaths. 64786

(B) All of the following apply under this chapter with 64787  
respect to the confidentiality of information: 64788

(1) Information received by the board pursuant to a complaint 64789  
or an investigation is confidential and not subject to discovery 64790  
in any civil action, except that the board may disclose 64791  
information to law enforcement officers and government entities 64792  
for purposes of an investigation of either an individual who holds 64793  
a license or certificate of registration issued under this chapter 64794  
or an individual or entity that may have engaged in the 64795  
unauthorized practice of professional counseling, social work, or 64796  
marriage and family therapy. No law enforcement officer or 64797  
government entity with knowledge of any information disclosed by 64798  
the board pursuant to this division shall divulge the information 64799  
to any other person or government entity except for the purpose of 64800  
a government investigation, a prosecution, or an adjudication by a 64801  
court or government entity. 64802

(2) If an investigation requires a review of patient records, 64803  
the investigation and proceeding shall be conducted in such a 64804  
manner as to protect patient confidentiality. 64805

(3) All adjudications and investigations of the board are 64806  
civil actions for the purposes of section 2305.252 of the Revised 64807  
Code. 64808

(4) Any board activity that involves continued monitoring of 64809  
an individual as part of or following any disciplinary action 64810

taken under section 4755.36 of the Revised Code shall be conducted 64811  
in a manner that maintains the individual's confidentiality. 64812  
Information received or maintained by the board with respect to 64813  
the board's monitoring activities is not subject to discovery in 64814  
any civil action and is confidential, except that the board may 64815  
disclose information to law enforcement officers and government 64816  
entities for purposes of an investigation of an individual holding 64817  
a license or certificate of registration issued under this 64818  
chapter. 64819

(C) The board may receive any information necessary to 64820  
conduct an investigation under this section. If the board is 64821  
investigating the provision of services to a couple or group, it 64822  
is not necessary for both members of the couple or all members of 64823  
the group to consent to the release of information relevant to the 64824  
investigation. 64825

(D) The board shall ensure that all records it holds 64826  
pertaining to an investigation remain confidential. The board 64827  
shall adopt rules establishing procedures to be followed in 64828  
maintaining the confidentiality of its investigative records. The 64829  
rules shall be adopted in accordance with Chapter 119. of the 64830  
Revised Code. 64831

**Sec. 4757.39.** For any hearing it is authorized to conduct 64832  
under this chapter, the state behavioral health and social work 64833  
board may appoint one of its members to act on behalf of the 64834  
board. The board shall make such appointments in writing. It is 64835  
not necessary for a member to be an attorney to be appointed. A 64836  
finding or order of a member appointed to act on behalf of the 64837  
board is a finding or order of the board when confirmed by the 64838  
board. 64839

**Sec. 4757.40.** In addition to any other remedies provided by 64840

law, the ~~counselor and social worker~~ state behavioral health and social work board may apply to an appropriate court for an order enjoining the violation of any provision of this chapter, and on a showing that any person has violated or is about to violate any provision of this chapter, the court shall grant an order enjoining the violation.

**Sec. 4757.41.** (A) This chapter shall not apply to the following:

(1) A person certified by the state board of education under Chapter 3319. of the Revised Code while performing any services within the person's scope of employment by a board of education or by a private school meeting the standards prescribed by the state board of education under division (D) of section 3301.07 of the Revised Code or in a program operated under Chapter 5126. of the Revised Code for training individuals with developmental disabilities;

(2) Psychologists or school psychologists licensed under Chapter 4732. of the Revised Code;

(3) Members of other professions licensed, certified, or registered by this state while performing services within the recognized scope, standards, and ethics of their respective professions;

(4) Rabbis, priests, Christian science practitioners, clergy, or members of religious orders and other individuals participating with them in pastoral counseling when the counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in federal tax regulations, paragraph (g)(5) of 26 C.F.R. 1.6033-2 (1995), and when the individual rendering the

service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;

(5) Any person who is not licensed under this chapter as a licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker and is employed in the civil service as defined in section 124.01 of the Revised Code while engaging in professional counseling or social work as a civil service employee, if on July 10, 2014, the person has at least two years of service in that capacity;

(6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and if the student does not hold herself or himself out as a person licensed or registered under this chapter;

(7) An individual who holds a license or certificate under Chapter 4758. of the Revised Code who is acting within the scope of the individual's license or certificate as a member of the profession of chemical dependency counseling or prevention services;

(8) Any person employed by the American red cross while engaging in activities relating to services for military families and veterans and disaster relief, as described in the "American National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as amended;

(9) Members of labor organizations who hold union counselor certificates while performing services in their official capacity as union counselors;

(10) Any person employed in a hospital as defined in section 3727.01 of the Revised Code or in a nursing home as defined in section 3721.01 of the Revised Code while providing as a hospital

employee or nursing home employee, respectively, social services 64903  
other than counseling and the use of psychosocial interventions 64904  
and social psychotherapy; 64905

(11) A vocational rehabilitation professional who is 64906  
providing rehabilitation services to individuals under section 64907  
3304.17 of the Revised Code, or holds certification by the 64908  
commission on rehabilitation counselor certification and is 64909  
providing rehabilitation counseling services consistent with the 64910  
commission's standards; 64911

(12) A caseworker not licensed under this chapter as an 64912  
independent social worker or social worker who is employed by a 64913  
public children services agency under section 5153.112 of the 64914  
Revised Code. 64915

(B) Divisions (A)(5) and (10) of this section do not prevent 64916  
a person described in those divisions from obtaining a license or 64917  
certificate of registration under this chapter. 64918

(C) Except as provided in divisions (A) and (D) of this 64919  
section, no employee in the service of the state, including public 64920  
employees as defined by Chapter 4117. of the Revised Code, shall 64921  
engage in the practice of professional counseling, social work, or 64922  
marriage and family therapy without the appropriate license issued 64923  
by the state behavioral health and social work board. Failure to 64924  
comply with this division constitutes nonfeasance under section 64925  
124.34 of the Revised Code or just cause under a collective 64926  
bargaining agreement. Nothing in this division restricts the 64927  
director of administrative services from developing new 64928  
classifications related to this division or from reassigning 64929  
affected employees to appropriate classifications based on the 64930  
employee's duties and qualifications. 64931

(D) Except as provided in division (A) of this section, an 64932  
employee who was engaged in the practice of professional 64933

counseling, social work, or marriage and family therapy in the 64934  
service of the state prior to July 10, 2014, including public 64935  
employees as defined by Chapter 4117. of the Revised Code, shall 64936  
comply with division (C) of this section within two years after 64937  
July 10, 2014. Any such employee who fails to comply shall be 64938  
removed from employment. 64939

(E) Nothing in this chapter prevents a public children 64940  
services agency from employing as a caseworker a person not 64941  
licensed under this chapter as an independent social worker or 64942  
social worker who has the qualifications specified in section 64943  
5153.112 of the Revised Code. 64944

**Sec. 4757.44.** For the purposes of section 2305.51 of the 64945  
Revised Code, a person who holds a license issued under this 64946  
chapter is a mental health professional. 64947

A license holder is not liable in damages in a civil action, 64948  
and shall not be subject to disciplinary action by the ~~counselor,~~ 64949  
~~social worker, and marriage and family therapist~~ state behavioral 64950  
health and social work board, for disclosing any confidential 64951  
information about a client that is disclosed for the purposes of 64952  
section 2305.51 of the Revised Code. 64953

**Sec. 4757.45.** The ~~counselor, social worker, and marriage and~~ 64954  
~~family therapist~~ state behavioral health and social work board 64955  
shall comply with section 4776.20 of the Revised Code. 64956

**Sec. 4758.20.** (A) The ~~chemical dependency professionals~~ state 64957  
behavioral health and social work board shall adopt rules to 64958  
establish, specify, or provide for all of the following: 64959

(1) Fees for the purposes authorized by section 4758.21 of 64960  
the Revised Code; 64961

(2) If the board, pursuant to section 4758.221 of the Revised 64962

Code, elects to administer examinations for individuals seeking to 64963  
act as substance abuse professionals in a U.S. department of 64964  
transportation drug and alcohol testing program, the board's 64965  
administration of the examinations; 64966

~~(3) For the purpose of section 4758.23 of the Revised Code,~~ 64967  
~~codes of ethical practice and professional conduct for individuals~~ 64968  
~~who hold a license, certificate, or endorsement issued under this~~ 64969  
~~chapter;~~ 64970

~~(4)~~ For the purpose of section 4758.24 of the Revised Code, 64971  
all of the following: 64972

(a) Good moral character requirements for an individual who 64973  
seeks or holds a license, certificate, or endorsement issued under 64974  
this chapter; 64975

(b) The documents that an individual seeking such a license, 64976  
certificate, or endorsement must submit to the board; 64977

(c) Requirements to obtain the license, certificate, or 64978  
endorsement that are in addition to the requirements established 64979  
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 64980  
4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised 64981  
Code. The additional requirements may include preceptorships. 64982

(d) The period of time that an individual whose registered 64983  
applicant certificate has expired must wait before applying for a 64984  
new registered applicant certificate. 64985

~~(5)~~(4) For the purpose of section 4758.28 of the Revised 64986  
Code, requirements for approval of continuing education courses of 64987  
study for individuals who hold a license, certificate, or 64988  
endorsement issued under this chapter; 64989

~~(6)~~(5) For the purpose of section 4758.30 of the Revised 64990  
Code, the intervention for and treatment of an individual holding 64991  
a license, certificate, or endorsement issued under this chapter 64992

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| whose abilities to practice are impaired due to abuse of or                      | 64993 |
| dependency on alcohol or other drugs or other physical or mental                 | 64994 |
| condition;   | 64995 |
| <del>(7)</del> <u>(6)</u> Requirements governing reinstatement of a suspended or | 64996 |
| revoked license, certificate, or endorsement under division (B) of               | 64997 |
| section 4758.30 of the Revised Code, including requirements for                  | 64998 |
| determining the amount of time an individual must wait to apply                  | 64999 |
| for reinstatement;   | 65000 |
| <del>(8)</del> <u>(7)</u> For the purpose of section 4758.31 of the Revised      | 65001 |
| Code, methods of ensuring that all records the board holds                       | 65002 |
| pertaining to an investigation remain confidential during the                    | 65003 |
| investigation;   | 65004 |
| <del>(9)</del> <u>(8)</u> Criteria for employees of the board to follow when     | 65005 |
| performing their duties under division (B) of section 4758.35 of                 | 65006 |
| the Revised Code;  | 65007 |
| <del>(10)</del> <u>(9)</u> For the purpose of division (A)(1) of section 4758.39 | 65008 |
| and division (A)(1) of section 4758.40 of the Revised Code, course               | 65009 |
| requirements for a degree in a behavioral science or nursing that                | 65010 |
| shall, at a minimum, include at least forty semester hours in all                | 65011 |
| of the following courses:  | 65012 |
| (a) Theories of counseling and psychotherapy;                                    | 65013 |
| (b) Counseling procedures;   | 65014 |
| (c) Group process and techniques;  | 65015 |
| (d) Relationship therapy;  | 65016 |
| (e) Research methods and statistics;   | 65017 |
| (f) Fundamentals of assessment and diagnosis, including                          | 65018 |
| measurement and appraisal;   | 65019 |
| (g) Psychopathology;   | 65020 |
| (h) Human development;   | 65021 |

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| (i) Cultural competence in counseling;   | 65022   |
| (j) Ethics.  | 65023   |
| <del>(11)</del> <u>(10)</u> For the purpose of division (A)(2) of section 4758.39 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have and the number of those hours that must be in clinical supervisory experience;   | 65024<br>65025<br>65026<br>65027<br>65028                                     |
| <del>(12)</del> <u>(11)</u> For the purpose of division (A)(3) of section 4758.39, division (A)(3) of section 4758.40, division (A)(3) of section 4758.41, and division (A)(3) of section 4758.42 of the Revised Code, both of the following:  | 65029<br>65030<br>65031<br>65032  |
| (a) The number of hours of training in chemical dependency an individual must have;  | 65033<br>65034  |
| (b) Training requirements for chemical dependency that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training.   | 65035<br>65036<br>65037<br>65038  |
| <del>(13)</del> <u>(12)</u> For the purpose of division (A)(2) of section 4758.40, division (A)(2) of section 4758.41, and division (A)(2) of section 4758.42 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have;   | 65039<br>65040<br>65041<br>65042<br>65043                                     |
| <del>(14)</del> <u>(13)</u> For the purpose of division (B)(2)(b) of section 4758.40 and division (B)(2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders; | 65044<br>65045<br>65046<br>65047<br>65048<br>65049<br>65050<br>65051<br>65052 |

~~(15)~~(14) For the purpose of division (A)(1) of section 65053  
4758.41 of the Revised Code, course requirements for a degree in a 65054  
behavioral science or nursing; 65055

~~(16)~~(15) For the purpose of division (A) of section 4758.43 65056  
of the Revised Code, both of the following: 65057

(a) The number of hours of training in chemical dependency 65058  
counseling that an individual must have; 65059

(b) Training requirements for chemical dependency counseling 65060  
that shall, at a minimum, include qualifications for the 65061  
individuals who provide the training and the content areas covered 65062  
in the training. 65063

~~(17)~~(16) For the purpose of division (A)(1) of section 65064  
4758.44 of the Revised Code, the number of hours of compensated 65065  
work experience in prevention services that an individual must 65066  
have and the number of those hours that must be in administering 65067  
or supervising the services; 65068

~~(18)~~(17) For the purpose of division (A)(2) of section 65069  
4758.44 of the Revised Code, the field of study in which an 65070  
individual must obtain at least a bachelor's degree; 65071

~~(19)~~(18) For the purpose of division (A)(3) of section 65072  
4758.44, division (A)(3) of section 4758.45, and division (D) of 65073  
section 4758.46 of the Revised Code, both of the following: 65074

(a) The number of hours of prevention-related education that 65075  
an individual must have; 65076

(b) Requirements for prevention-related education. 65077

~~(20)~~(19) For the purpose of division (A)(4) of section 65078  
4758.44 of the Revised Code, the number of hours of administrative 65079  
or supervisory education that an individual must have; 65080

~~(21)~~(20) For the purpose of division (A)(1) of section 65081  
4758.45 of the Revised Code, the number of hours of compensated or 65082

volunteer work, field placement, intern, or practicum experience 65083  
in prevention services that an individual must have and the number 65084  
of those hours that must be in planning or delivering the 65085  
services; 65086

~~(22)~~(21) For the purpose of division (A)(2) of section 65087  
4758.45 of the Revised Code, the field of study in which an 65088  
individual must obtain at least an associate's degree; 65089

~~(23)~~(22) For the purpose of division (C) of section 4758.46 65090  
of the Revised Code, the number of hours of compensated or 65091  
volunteer work, field placement, intern, or practicum experience 65092  
in prevention services that an individual must have; 65093

~~(24)~~(23) Standards for the one hundred hours of compensated 65094  
work or supervised internship in gambling disorder direct clinical 65095  
experience required by division (B)(2) of section 4758.48 of the 65096  
Revised Code; 65097

~~(25)~~(24) For the purpose of section 4758.51 of the Revised 65098  
Code, continuing education requirements for individuals who hold a 65099  
license, certificate, or endorsement issued under this chapter; 65100

~~(26)~~(25) For the purpose of section 4758.51 of the Revised 65101  
Code, the number of hours of continuing education that an 65102  
individual must complete to have an expired license, certificate, 65103  
or endorsement restored under section 4758.26 of the Revised Code; 65104

~~(27)~~(26) For the purpose of divisions (A) and (B) of section 65105  
4758.52 of the Revised Code, training requirements for chemical 65106  
dependency counseling; 65107

~~(28)~~(27) The duties, which may differ, of all of the 65108  
following: 65109

(a) An independent chemical dependency counselor-clinical 65110  
supervisor licensed under this chapter who supervises a chemical 65111  
dependency counselor III under section 4758.56 of the Revised 65112

Code; 65113

(b) An independent chemical dependency counselor-clinical 65114  
supervisor, independent chemical dependency counselor, or chemical 65115  
dependency counselor III licensed under this chapter who 65116  
supervises a chemical dependency counselor assistant under section 65117  
4758.59 of the Revised Code; 65118

(c) A prevention consultant or prevention specialist 65119  
certified under this chapter or independent chemical dependency 65120  
counselor-clinical supervisor, independent chemical dependency 65121  
counselor, or chemical dependency counselor III licensed under 65122  
this chapter who supervises a prevention specialist assistant or 65123  
registered applicant under section 4758.61 of the Revised Code. 65124

~~(29)~~(28) The duties of an independent chemical dependency 65125  
counselor licensed under this chapter who holds the gambling 65126  
disorder endorsement who supervises a chemical dependency 65127  
counselor III with the gambling disorder endorsement under section 65128  
4758.62 of the Revised Code. 65129

~~(30)~~(29) Anything else necessary to administer this chapter. 65130

(B) All rules adopted under this section shall be adopted in 65131  
accordance with Chapter 119. of the Revised Code and any 65132  
applicable federal laws and regulations. 65133

(C) When it adopts rules under this section, the board may 65134  
consider standards established by any national association or 65135  
other organization representing the interests of those involved in 65136  
chemical dependency counseling or prevention services. 65137

**Sec. 4758.21.** (A) In accordance with rules adopted under 65138  
section 4758.20 of the Revised Code and subject to division (B) of 65139  
this section, the ~~chemical dependency professionals~~ state 65140  
behavioral health and social work board shall establish, and may 65141  
from time to time adjust, fees to be charged for the following: 65142

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| (1) Admitting an individual to an examination administered pursuant to section 4758.22 of the Revised Code;   | 65143<br>65144   |
| (2) Issuing an initial independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention consultant certificate, prevention specialist certificate, prevention specialist assistant certificate, or registered applicant certificate;  | 65145<br>65146<br>65147<br>65148<br>65149<br>65150<br>65151<br>65152 |
| (3) Issuing an initial gambling disorder endorsement;   | 65153  |
| (4) Renewing an independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention consultant certificate, prevention specialist certificate, or prevention specialist assistant certificate;   | 65154<br>65155<br>65156<br>65157<br>65158<br>65159<br>65160          |
| (5) Renewing a gambling disorder endorsement;   | 65161  |
| (6) Approving continuing education courses under section 4758.28 of the Revised Code;   | 65162<br>65163   |
| (7) Doing anything else the board determines necessary to administer this chapter.  | 65164<br>65165   |
| (B) The fees established under division (A) of this section are nonrefundable. They shall be in amounts sufficient to cover the necessary expenses of the board in administering this chapter and rules adopted under it. The fees for a license, certificate, or endorsement and the renewal of a license, certificate, or endorsement may differ for the various types of licenses, certificates, or endorsements, but shall not exceed one hundred seventy-five dollars each, unless the board determines that | 65166<br>65167<br>65168<br>65169<br>65170<br>65171<br>65172<br>65173 |

amounts in excess of one hundred seventy-five dollars are needed 65174  
to cover its necessary expenses in administering this chapter and 65175  
rules adopted under it and the amounts in excess of one hundred 65176  
seventy-five dollars are approved by the controlling board. 65177

~~(C) All vouchers of the board shall be approved by the 65178  
chairperson or executive director of the board, or both, as 65179  
authorized by the board. 65180~~

**Sec. 4758.22.** The ~~chemical dependency professionals state 65181  
behavioral health and social work board shall prepare, cause to be 65182  
prepared, or procure the use of, and grade, cause to be graded, or 65183  
procure the grading of, examinations to determine the competence 65184  
of individuals seeking an independent chemical dependency 65185  
counselor-clinical supervisor license, independent chemical 65186  
dependency counselor license, chemical dependency counselor III 65187  
license, chemical dependency counselor II license, prevention 65188  
consultant certificate, or prevention specialist certificate. The 65189  
board may develop the examinations or use examinations prepared by 65190  
state or national organizations that represent the interests of 65191  
those involved in chemical dependency counseling or prevention 65192  
services. The board shall conduct examinations at least twice each 65193  
year and shall determine the level of competence necessary for a 65194  
passing score. 65195~~

An individual may not sit for an examination administered 65196  
pursuant to this section unless the individual meets the 65197  
requirements to obtain the license or certificate the individual 65198  
seeks, other than the requirement to have passed the examination, 65199  
and pays the fee established under section 4758.21 of the Revised 65200  
Code. An individual who is denied admission to the examination may 65201  
appeal the denial in accordance with Chapter 119. of the Revised 65202  
Code. 65203

**Sec. 4758.221.** In accordance with rules adopted under section 65204  
4758.20 of the Revised Code, the ~~chemical dependency professionals~~ 65205  
state behavioral health and social work board may administer 65206  
examinations for individuals seeking to act as substance abuse 65207  
professionals in a U.S. department of transportation drug and 65208  
alcohol testing program. If it elects to administer the 65209  
examinations, the board shall use examinations that 65210  
comprehensively cover all the elements of substance abuse 65211  
professional qualification training listed in 49 C.F.R. 65212  
40.281(c)(1) and are prepared by a nationally recognized 65213  
professional or training organization that represents the 65214  
interests of those involved in chemical dependency counseling 65215  
services. 65216

**Sec. 4758.24.** (A) The ~~chemical dependency professionals~~ state 65217  
behavioral health and social work board shall issue a license, 65218  
certificate, or endorsement under this chapter to an individual 65219  
who meets all of the following requirements: 65220

(1) Is of good moral character as determined in accordance 65221  
with rules adopted under section 4758.20 of the Revised Code; 65222

(2) Except as provided in section 4758.241 of the Revised 65223  
Code, submits a properly completed application and all other 65224  
documentation specified in rules adopted under section 4758.20 of 65225  
the Revised Code; 65226

(3) Except as provided in section 4758.241 of the Revised 65227  
Code, pays the fee established under section 4758.21 of the 65228  
Revised Code for the license, certificate, or endorsement that the 65229  
individual seeks; 65230

(4) Meets the requirements to obtain the license, 65231  
certificate, or endorsement that the individual seeks as specified 65232  
in section 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 65233

4758.45, 4758.46, 4758.47, or 4758.48 of the Revised Code; 65234

(5) Meets any additional requirements specified in rules 65235  
adopted under section 4758.20 of the Revised Code to obtain the 65236  
license, certificate, or endorsement that the individual seeks. 65237

(B) The board shall not do either of the following: 65238

(1) Issue a certificate to practice as a chemical dependency 65239  
counselor I; 65240

(2) Issue a new registered applicant certificate to an 65241  
individual whose previous registered applicant certificate has 65242  
been expired for less than the period of time specified in rules 65243  
adopted under section 4758.20 of the Revised Code. 65244

**Sec. 4758.241.** ~~The chemical dependency professionals state~~ 65245  
behavioral health and social work board shall issue an independent 65246  
chemical dependency counselor-clinical supervisor license under 65247  
section 4758.24 of the Revised Code to each individual who, on the 65248  
effective date of this section March 22, 2013, holds a valid 65249  
independent chemical dependency counselor license without 65250  
requiring the individual to comply with divisions (A)(2) and (3) 65251  
of that section. 65252

**Sec. 4758.242.** (A) As used in this section, "license" and 65253  
"applicant for an initial license" have the same meanings as in 65254  
section 4776.01 of the Revised Code, except that "license" as used 65255  
in both of those terms refers to the types of authorizations 65256  
otherwise issued or conferred under this chapter. 65257

(B) In addition to any other eligibility requirement set 65258  
forth in this chapter, each applicant for an initial license shall 65259  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 65260  
state behavioral health and social work board shall not grant a 65261  
license to an applicant for an initial license unless the 65262  
applicant complies with sections 4776.01 to 4776.04 of the Revised 65263

Code and the board, in its discretion, decides that the results of 65264  
the criminal records check do not make the applicant ineligible 65265  
for a license issued pursuant to this chapter. 65266

**Sec. 4758.25.** (A) ~~The chemical dependency professionals state~~ 65267  
behavioral health and social work board may enter into a 65268  
reciprocal agreement with any state that regulates individuals 65269  
practicing in the same capacities as those regulated under this 65270  
chapter if the board finds that the state has requirements 65271  
substantially equivalent to the requirements of this state to 65272  
receive a license or certificate under this chapter. 65273

The board may become a member of a national reciprocity 65274  
organization that requires its members to have requirements 65275  
substantially equivalent to the requirements of this state to 65276  
receive a license or certificate to practice in the same 65277  
capacities as those regulated under this chapter. If the board 65278  
becomes a member of such an organization, the board shall consider 65279  
itself to have a reciprocal agreement with the other states that 65280  
are also members of the organization. 65281

(B) The board may, by endorsement, issue the appropriate 65282  
license or certificate to a resident of a state with which the 65283  
board does not have a reciprocal agreement if both of the 65284  
following apply: 65285

(1) The board finds that the state has requirements 65286  
substantially equivalent to the requirements of this state for 65287  
receipt of a license or certificate under this chapter. 65288

(2) The individual submits proof satisfactory to the board of 65289  
being currently authorized to practice by that state. 65290

(C) A license or certificate obtained by reciprocity or 65291  
endorsement under this section may be renewed or restored under 65292  
section 4758.26 of the Revised Code if the individual holding the 65293

license or certificate satisfies the renewal or restoration 65294  
requirements established by that section. An individual holding a 65295  
license or certificate obtained by reciprocity or endorsement 65296  
under this section may obtain, under section 4758.24 of the 65297  
Revised Code, a different license or certificate available under 65298  
this chapter if the individual meets all of the requirements as 65299  
specified in that section for the license or certificate the 65300  
individual seeks. 65301

**Sec. 4758.26.** (A) Subject to section 4758.30 of the Revised 65302  
Code, a license, certificate, or endorsement issued under this 65303  
chapter expires the following period of time after it is issued: 65304

(1) In the case of an initial chemical dependency counselor 65305  
assistant certificate, thirteen months; 65306

(2) In the case of any other license, certificate, or 65307  
endorsement, two years. 65308

(B) Subject to section 4758.30 of the Revised Code and except 65309  
as provided in section 4758.27 of the Revised Code, the ~~chemical~~ 65310  
~~dependency professionals~~ state behavioral health and social work 65311  
board shall renew a license, certificate, or endorsement issued 65312  
under this chapter in accordance with the standard renewal 65313  
procedure established under Chapter 4745. of the Revised Code if 65314  
the individual seeking the renewal pays the renewal fee 65315  
established under section 4758.21 of the Revised Code and does the 65316  
following: 65317

(1) In the case of an individual seeking renewal of an 65318  
initial chemical dependency counselor assistant certificate, 65319  
satisfies the additional training requirement established under 65320  
section 4758.52 of the Revised Code; 65321

(2) In the case of any other individual, satisfies the 65322  
continuing education requirements established under section 65323

4758.51 of the Revised Code. 65324

(C) Subject to section 4758.30 of the Revised Code and except 65325  
as provided in section 4758.27 of the Revised Code, a license, 65326  
certificate, or endorsement issued under this chapter that has 65327  
expired may be restored if the individual seeking the restoration, 65328  
not later than two years after the license, certificate, or 65329  
endorsement expires, applies for restoration of the license, 65330  
certificate, or endorsement. The board shall issue a restored 65331  
license, certificate, or endorsement to the individual if the 65332  
individual pays the renewal fee established under section 4758.21 65333  
of the Revised Code and does the following: 65334

(1) In the case of an individual whose initial chemical 65335  
dependency counselor assistant certificate expired, satisfies the 65336  
additional training requirement established under section 4758.52 65337  
of the Revised Code; 65338

(2) In the case of any other individual, satisfies the 65339  
continuing education requirements established under section 65340  
4758.51 of the Revised Code for restoring the license, 65341  
certificate, or endorsement. 65342

The board shall not require an individual to take an 65343  
examination as a condition of having an expired license, 65344  
certificate, or endorsement restored under this section. 65345

**Sec. 4758.27.** The ~~chemical dependency professionals state~~ 65346  
behavioral health and social work board shall not renew or restore 65347  
under section 4758.26 of the Revised Code either of the following: 65348

(A) A certificate to practice as a chemical dependency 65349  
counselor I; 65350

(B) A registered applicant certificate. 65351

**Sec. 4758.28.** The ~~chemical dependency professionals state~~ 65352

behavioral health and social work board shall approve, in 65353  
accordance with rules adopted under section 4758.20 of the Revised 65354  
Code and subject to payment of the fee established under section 65355  
4758.21 of the Revised Code, continuing education courses of study 65356  
for individuals who hold a license, certificate, or endorsement 65357  
issued under this chapter. 65358

**Sec. 4758.29.** On receipt of a notice pursuant to section 65359  
3123.43 of the Revised Code, the ~~chemical dependency professionals~~ 65360  
state behavioral health and social work board shall comply with 65361  
sections 3123.41 to 3123.50 of the Revised Code and any applicable 65362  
rules adopted under section 3123.63 of the Revised Code with 65363  
respect to a license, certificate, or endorsement issued pursuant 65364  
to this chapter. 65365

**Sec. 4758.30.** (A) The ~~chemical dependency professionals~~ state 65366  
behavioral health and social work board, in accordance with 65367  
Chapter 119. of the Revised Code, may refuse to issue a license, 65368  
certificate, or endorsement applied for under this chapter; refuse 65369  
to renew or restore a license, certificate, or endorsement issued 65370  
under this chapter; suspend, revoke, or otherwise restrict a 65371  
license, certificate, or endorsement issued under this chapter; or 65372  
reprimand an individual holding a license, certificate, or 65373  
endorsement issued under this chapter. These actions may be taken 65374  
by the board regarding the applicant for a license, certificate, 65375  
or endorsement or the individual holding a license, certificate, 65376  
or endorsement for one or more of the following reasons: 65377

(1) Violation of any provision of this chapter or rules 65378  
adopted under it; 65379

(2) Knowingly making a false statement on an application for 65380  
a license, certificate, or endorsement or for renewal, 65381  
restoration, or reinstatement of a license, certificate, or 65382

|   |  |
|---|--|
| endorsement;  | 65383  |
| (3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, prevention services, gambling disorder counseling, or fields related to chemical dependency counseling, prevention services, or gambling disorder counseling;   | 65384<br>65385<br>65386<br>65387<br>65388<br>65389<br>65390          |
| (4) Conviction in this or any other state of any crime that is a felony in this state;  | 65391<br>65392   |
| (5) Conviction in this or any other state of a misdemeanor committed in the course of practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, prevention consultant, gambling disorder endorsee, prevention specialist, prevention specialist assistant, or registered applicant;                          | 65393<br>65394<br>65395<br>65396<br>65397<br>65398<br>65399<br>65400 |
| (6) Inability to practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, gambling disorder endorsee, prevention consultant, prevention specialist, prevention specialist assistant, or registered applicant due to abuse of or dependency on alcohol or other drugs or other physical or mental condition; | 65401<br>65402<br>65403<br>65404<br>65405<br>65406<br>65407<br>65408 |
| (7) Practicing outside the individual's scope of practice;  | 65409  |
| (8) Practicing without complying with the supervision requirements specified under section 4758.56, 4758.59, 4758.61, or 4758.62 of the Revised Code;   | 65410<br>65411<br>65412  |
| (9) Violation of the code of ethical practice and   | 65413  |

professional conduct for chemical dependency counseling, 65414  
prevention services, or gambling disorder counseling adopted by 65415  
the board pursuant to section ~~4758.23~~ 4744.50 of the Revised Code; 65416

(10) Revocation of a license, certificate, or endorsement or 65417  
voluntary surrender of a license, certificate, or endorsement in 65418  
another state or jurisdiction for an offense that would be a 65419  
violation of this chapter. 65420

(B) An individual whose license, certificate, or endorsement 65421  
has been suspended or revoked under this section may apply to the 65422  
board for reinstatement after an amount of time the board shall 65423  
determine in accordance with rules adopted under section 4758.20 65424  
of the Revised Code. The board may accept or refuse an application 65425  
for reinstatement. The board may require an examination for 65426  
reinstatement of a license, certificate, or endorsement that has 65427  
been suspended or revoked. 65428

**Sec. 4758.31.** ~~The chemical dependency professionals state~~ 65429  
behavioral health and social work board shall investigate alleged 65430  
violations of this chapter or the rules adopted under it and 65431  
alleged irregularities in the delivery of chemical dependency 65432  
counseling services, prevention services, or gambling disorder 65433  
counseling services by individuals who hold a license, 65434  
certificate, or endorsement issued under this chapter. As part of 65435  
an investigation, the board may issue subpoenas, examine 65436  
witnesses, and administer oaths. 65437

The board may receive any information necessary to conduct an 65438  
investigation under this section that has been obtained in 65439  
accordance with federal laws and regulations. If the board is 65440  
investigating the provision of chemical dependency counseling 65441  
services or gambling disorder counseling services to a couple or 65442  
group, it is not necessary for both members of the couple or all 65443  
members of the group to consent to the release of information 65444

relevant to the investigation. 65445

The board shall ensure, in accordance with rules adopted 65446  
under section 4758.20 of the Revised Code, that all records it 65447  
holds pertaining to an investigation remain confidential during 65448  
the investigation. After the investigation, the records are public 65449  
records except as otherwise provided by federal or state law. 65450

**Sec. 4758.32.** For any hearing it conducts under this chapter, 65451  
the ~~chemical dependency professionals~~ state behavioral health and 65452  
social work board may appoint one of its voting members to act on 65453  
behalf of the board. It is not necessary that the member be an 65454  
attorney to be appointed. The board shall make the appointment in 65455  
writing. 65456

A finding or order of a member appointed to act on behalf of 65457  
the board is a finding or order of the board when confirmed by the 65458  
board. 65459

**Sec. 4758.35.** (A) An individual seeking a license, 65460  
certificate, or endorsement issued under this chapter shall file 65461  
with the ~~chemical dependency professionals~~ state behavioral health 65462  
and social work board ~~a written~~ an application on a form 65463  
prescribed by the board. Each form shall state that a false 65464  
statement made on the form is the crime of falsification under 65465  
section 2921.13 of the Revised Code. 65466

(B) The board shall require an individual or individuals 65467  
employed by the board ~~under section 4758.15 of the Revised Code~~ to 65468  
do both of the following in accordance with criteria established 65469  
by rules adopted under section 4758.20 of the Revised Code: 65470

(1) Receive and review all applications submitted to the 65471  
board; 65472

(2) Submit to the board all applications the individual or 65473  
individuals recommend the board review based on the criteria 65474

established in the rules. 65475

(C) The board shall review all applications submitted to the 65476  
board pursuant to division (B)(2) of this section. 65477

**Sec. 4758.36.** As part of the review process under division 65478  
(C) of section 4758.35 of the Revised Code of an application 65479  
submitted by an applicant whose education or experience in 65480  
chemical dependency counseling, prevention services, or gambling 65481  
disorder counseling was obtained outside the United States, or 65482  
whose education and experience both were obtained outside the 65483  
United States, the ~~chemical dependency professionals~~ state 65484  
behavioral health and social work board shall determine whether 65485  
the applicant's command of the English language and education or 65486  
experience meet the standards required by this chapter and rules 65487  
adopted under it. 65488

**Sec. 4758.47.** An individual seeking a registered applicant 65489  
certificate shall meet all of the following requirements: 65490

(A) Be at least eighteen years of age; 65491

(B) Have at least a high school diploma or a certificate of 65492  
high school equivalence; 65493

(C) Submit to the ~~chemical dependency professionals~~ state 65494  
behavioral health and social work board a professional development 65495  
plan that is acceptable to the board. 65496

**Sec. 4758.51.** (A) Except as provided in division (C) of this 65497  
section and in accordance with rules adopted under section 4758.20 65498  
of the Revised Code, each individual who holds a license, 65499  
certificate, or endorsement issued under this chapter, other than 65500  
an initial chemical dependency counselor assistant certificate, 65501  
shall complete during the period that the license, certificate, or 65502  
endorsement is in effect not less than the following number of 65503

clock hours of continuing education as a condition of receiving a renewed license, certificate, or endorsement:

(1) In the case of an individual holding a prevention specialist assistant certificate, twenty;

(2) In the case of an individual holding a gambling disorder endorsement, six;

(3) In the case of any other individual, forty.

(B) Except as provided in division (C) of this section, an individual whose license, certificate, or endorsement issued under this chapter, other than an initial chemical dependency counselor assistant certificate, has expired shall complete the number of hours of continuing education specified in rules adopted under section 4758.20 of the Revised Code as a condition of receiving a restored license, certificate, or endorsement.

(C) The ~~chemical dependency professionals~~ state behavioral health and social work board may waive the continuing education requirements established under this section for individuals who are unable to fulfill them because of military service, illness, residence outside the United States, or any other reason the board considers acceptable.

**Sec. 4758.52.** (A) Except as provided in division (C) of this section, each individual who holds an initial chemical dependency counselor assistant certificate shall complete, during the first twelve months that the initial certificate is in effect, at least thirty additional hours of training in chemical dependency counseling that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code as a condition of having the initial certificate renewed.

(B) Except as provided in division (C) of this section, an individual whose initial chemical dependency counselor assistant

certificate has expired shall complete at least thirty additional 65534  
hours of training in chemical dependency counseling that meets the 65535  
requirements specified in rules adopted under section 4758.20 of 65536  
the Revised Code as a condition of receiving a restored chemical 65537  
dependency counselor assistant certificate. 65538

(C) The ~~chemical dependency professionals~~ state behavioral 65539  
health and social work board may waive the additional training 65540  
requirement established under this section for individuals who are 65541  
unable to fulfill the requirement because of military service, 65542  
illness, residence outside the United States, or any other reason 65543  
the board considers acceptable. 65544

**Sec. 4758.72.** The ~~chemical dependency professionals~~ state 65545  
behavioral health and social work board shall comply with section 65546  
4776.20 of the Revised Code. 65547

**Sec. 4759.011.** Whenever the term "Ohio board of dietetics" is 65548  
used in any statute, rule, contract, or other document, the use 65549  
shall be construed to mean the "state medical board," with respect 65550  
to implementing Chapter 4761. of the Revised Code. 65551

Whenever the executive secretary of the Ohio board of 65552  
dietetics is used in any statute, rule, contract, or other 65553  
document, the use shall be construed to mean the executive 65554  
director of the state medical board, with respect to implementing 65555  
Chapter 4761. of the Revised Code. 65556

**Sec. 4759.02.** (A) Except as otherwise provided in this 65557  
section or in section 4759.10 of the Revised Code, no person shall 65558  
practice, offer to practice, or hold ~~himself~~ self forth to 65559  
practice dietetics unless ~~he~~ the person has been licensed under 65560  
section 4759.06 of the Revised Code. 65561

(B) Except for a licensed dietitian holding an inactive 65562

license who does not practice or offer to practice dietetics, or a person licensed under section 4759.06 of the Revised Code, or as otherwise provided in this section or in section 4759.10 of the Revised Code:

(1) No person shall use the title "dietitian"; and

(2) No person except for a person licensed under Chapters 4701. to 4755. of the Revised Code, when acting within the scope of their practice, shall use any other title, designation, words, letters, abbreviation, or insignia or combination of any title, designation, words, letters, abbreviation, or insignia tending to indicate that the person is practicing dietetics.

(C) Notwithstanding division (B) of this section, a person who is a dietitian registered by the commission on dietetic registration and who does not violate division (A) of this section may use the designation "registered dietitian" and the abbreviation "R.D."

(D) Division (A) of this section does not apply to:

(1) A student enrolled in an academic program that is in compliance with division (A)(5) of section 4759.06 of the Revised Code who is engaging in the practice of dietetics under the supervision of a dietitian licensed under section 4759.06 of the Revised Code or a dietitian registered by the commission on dietetic registration, as part of the academic program;

(2) A person participating in the pre-professional experience required by division (A)(6) of section 4759.06 of the Revised Code;

(3) A person holding a limited permit under division (F) of section 4759.06 of the Revised Code.

(E) Divisions (A) and (B) of this section do not apply to a person who performs no more than fifteen days of dietetic practice

in the state and who meets at least one of the following requirements: 65593  
65594

(1) The ~~Ohio state medical~~ board of ~~dietetics~~ determines that ~~he~~ the person is licensed in another state with licensure requirements equivalent to or more stringent than those set forth in this chapter; 65595  
65596  
65597  
65598

(2) ~~He~~ The person is a dietitian registered by the commission on dietetic registration and resides in another state that either has no dietitian licensure requirements or has licensure requirements less stringent than those set forth in this chapter. 65599  
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**Sec. 4759.05.** The ~~Ohio state medical~~ board of ~~dietetics~~ shall: 65603  
65604

(A) Adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code to carry out the provisions of this chapter, including rules governing the following: 65605  
65606  
65607

(1) Selection and approval of a dietitian licensure examination offered by the commission on dietetic registration or any other examination; 65608  
65609  
65610

(2) The examination of applicants for licensure as a dietitian, to be held at least twice annually, as required under division (A) of section 4759.06 of the Revised Code; 65611  
65612  
65613

(3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least equivalent to the requirements adopted by the commission on dietetic registration; 65614  
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(4) Requirements for a person holding a limited permit under division (F) of section 4759.06 of the Revised Code, including the duration of validity of a limited permit; 65618  
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65620

(5) Requirements for a licensed dietitian who places a license in inactive status under division (G) of section 4759.06 65621  
65622

of the Revised Code, including a procedure for changing inactive status to active status; 65623  
65624

(6) Continuing education requirements for renewal of a license, except that the board may adopt rules to waive the requirements for a person who is unable to meet the requirements due to illness or other reasons. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration. 65625  
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(7) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure; 65631  
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(8) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the academy of nutrition and dietetics; 65634  
65635  
65636  
65637

(9) Formulation of ~~a written~~ an application form for licensure or license renewal that includes the statement that any applicant who knowingly makes a false statement on the application is guilty of a misdemeanor of the first degree under section 2921.13 of the Revised Code; 65638  
65639  
65640  
65641  
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(10) Procedures for license renewal; 65643

(11) Establishing a time period after the notification of a violation of section 4759.02 of the Revised Code, by which the person notified must request a hearing by the board under section 4759.09 of the Revised Code; 65644  
65645  
65646  
65647

(12) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code. 65648  
65649

(B) Investigate alleged violations of sections 4759.02 to 4759.10 of the Revised Code. In making its investigations, the board may issue subpoenas, examine witnesses, and administer 65650  
65651  
65652

oaths. 65653

(C) ~~Adopt a seal;~~ 65654

~~(D)~~ Conduct meetings and keep records as are necessary to 65655  
carry out the provisions of this chapter; 65656

~~(E)~~(D) Publish, and make available to the public, upon 65657  
request and for a fee not to exceed the actual cost of printing 65658  
and mailing, the board's rules and requirements for licensure 65659  
adopted under division (A) of this section ~~and a record of all~~ 65660  
~~persons licensed under section 4759.06 of the Revised Code.~~ 65661

Sec. 4759.051. The state medical board shall appoint a 65662  
dietetics advisory council for the purpose of advising the board 65663  
on issues relating to the practice of dietetics. The advisory 65664  
council shall consist of not more than seven individuals 65665  
knowledgeable in the area of dietetics. 65666

Not later than ninety days after the effective date of this 65667  
section, the board shall make initial appointments to the council. 65668  
Members shall serve three-year staggered terms of office in 65669  
accordance with rules adopted by the board. 65670

With approval from the director of administrative services, 65671  
members may receive an amount fixed under division (J) of section 65672  
124.15 of the Revised Code for each day the member is performing 65673  
the member's official duties and be reimbursed for actual and 65674  
necessary expenses incurred in performing those duties. 65675

**Sec. 4759.06.** (A) ~~The Ohio~~ state medical board of dietetics 65676  
shall issue or renew a license to practice dietetics to an 65677  
applicant who: 65678

(1) Has satisfactorily completed an application for licensure 65679  
in accordance with division (A) of section 4759.05 of the Revised 65680  
Code; 65681

(2) Has paid the fee required under division (A) of section 65682  
4759.08 of the Revised Code; 65683

(3) Is a resident of the state or performs or plans to 65684  
perform dietetic services within the state; 65685

(4) Is of good moral character; 65686

(5) Has received a baccalaureate or higher degree from an 65687  
institution of higher education that is approved by the board or a 65688  
regional accreditation agency that is recognized by the council on 65689  
postsecondary accreditation, and has completed a program 65690  
consistent with the academic standards for dietitians established 65691  
by the academy of nutrition and dietetics; 65692

(6) Has successfully completed a pre-professional dietetic 65693  
experience approved by the academy of nutrition and dietetics, or 65694  
experience approved by the board under division (A)(3) of section 65695  
4759.05 of the Revised Code; 65696

(7) Has passed the examination approved by the board under 65697  
division (A)(1) of section 4759.05 of the Revised Code; 65698

(8) Is an applicant for renewal of a license, and has 65699  
fulfilled the continuing education requirements adopted under 65700  
division (A)(6) of section 4759.05 of the Revised Code. 65701

(B) The board shall waive the requirements of divisions 65702  
(A)(5), (6), and (7) of this section and any rules adopted under 65703  
division (A)(7) of section 4759.05 of the Revised Code if the 65704  
applicant presents satisfactory evidence to the board of current 65705  
registration as a registered dietitian with the commission on 65706  
dietetic registration. 65707

(C) The board shall waive the requirements of division (A)(7) 65708  
of this section if the application for renewal is made within two 65709  
years after the date of license expiration. 65710

(D) The board may waive the requirements of division (A)(5), 65711

(6), or (7) of this section or any rules adopted under division 65712  
(A)(7) of section 4759.05 of the Revised Code, if the applicant 65713  
presents satisfactory evidence of education, experience, or 65714  
passing an examination in another state or a foreign country, that 65715  
the board considers the equivalent of the requirements stated in 65716  
those divisions or rules. 65717

(E) The board shall issue an initial license to practice 65718  
dietetics to an applicant who meets the requirements of division 65719  
(A) of this section. An initial license shall be valid from the 65720  
date of issuance through the thirtieth day of June following 65721  
issuance of the license. Each subsequent license shall be valid 65722  
from the first day of July through the thirtieth day of June. The 65723  
board shall renew the license of an applicant who is licensed to 65724  
practice dietetics and who meets the continuing education 65725  
requirements of division (A)(6) of section 4759.05 of the Revised 65726  
Code. The renewal shall be pursuant to the standard renewal 65727  
procedure of sections 4745.01 to 4745.03 of the Revised Code. 65728

(F) The board may grant a limited permit to a person who has 65729  
completed the education and pre-professional requirements of 65730  
divisions (A)(5) and (6) of this section and who presents evidence 65731  
to the board of having applied to take the examination approved by 65732  
the board under division (A)(1) of section 4759.05 of the Revised 65733  
Code. A person holding a limited permit who has failed the 65734  
examination shall practice only under the direct supervision of a 65735  
licensed dietitian. 65736

(G) A licensed dietitian may place the license in inactive 65737  
status. 65738

**Sec. 4759.061.** (A) As used in this section, "license" and 65739  
"applicant for an initial license" have the same meanings as in 65740  
section 4776.01 of the Revised Code, except that "license" as used 65741  
in both of those terms refers to the types of authorizations 65742

otherwise issued or conferred under this chapter. 65743

(B) In addition to any other eligibility requirement set 65744  
forth in this chapter, each applicant for an initial license shall 65745  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 65746  
~~Ohio state medical board of dietetics~~ shall not grant a license to 65747  
an applicant for an initial license unless the applicant complies 65748  
with sections 4776.01 to 4776.04 of the Revised Code and the 65749  
board, in its discretion, decides that the results of the criminal 65750  
records check do not make the applicant ineligible for a license 65751  
issued pursuant to section 4759.06 of the Revised Code. 65752

**Sec. 4759.07.** (A) The ~~Ohio state medical board of dietetics~~ 65753  
may, in accordance with Chapter 119. of the Revised Code, refuse 65754  
to issue, review, or renew, or may suspend, revoke, or impose 65755  
probationary conditions upon any license or permit to practice 65756  
dietetics, if the applicant has: 65757

(1) Violated sections 4759.02 to 4759.10 of the Revised Code 65758  
or rules adopted under those sections; 65759

(2) Knowingly made a false statement in ~~his~~ an application 65760  
for licensure or license renewal; 65761

(3) Been convicted of any crime constituting a felony in this 65762  
or any other state; 65763

(4) Been impaired in ~~his~~ ability to perform as a licensed 65764  
dietitian due to the use of a controlled substance or alcoholic 65765  
beverage; 65766

(5) Been convicted of a misdemeanor committed in the course 65767  
of ~~his~~ work as a dietitian in this or any other state; 65768

(6) A record of incompetent or negligent conduct in ~~his~~ the 65769  
practice of dietetics. 65770

(B) For purposes of this division, any individual who holds a 65771  
license or permit issued under this chapter, or applies for a 65772

license or permit to practice dietetics, is deemed to have given 65773  
consent to submit to a mental or physical examination when 65774  
directed to do so in writing by the board and to have waived all 65775  
objections to the admissibility of testimony or examination 65776  
reports that constitute a privileged communication. 65777

For purposes of division (A)(4) of this section, if the board 65778  
has reason to believe that any individual who holds a license or 65779  
permit issued under this chapter or any applicant for a license or 65780  
permit suffers such impairment, the board may compel the 65781  
individual to submit to a mental or physical examination, or both. 65782  
The expense of the examination is the responsibility of the 65783  
individual compelled to be examined. Any mental or physical 65784  
examination required under this division shall be undertaken by a 65785  
treatment provider or physician qualified to conduct such 65786  
examination and chosen by the board. 65787

Failure to submit to a mental or physical examination ordered 65788  
by the board constitutes an admission of the allegations against 65789  
the individual unless the failure is due to circumstances beyond 65790  
the individual's control, and a default and final order may be 65791  
entered without the taking of testimony or presentation of 65792  
evidence. If the board determines that the individual's ability to 65793  
practice is impaired, the board shall suspend the individual's 65794  
license or permit or deny the individual's application and shall 65795  
require the individual, as a condition for initial, continued, 65796  
reinstated, or renewed licensure, to submit to treatment. 65797

Before being eligible to apply for reinstatement of a license 65798  
or permit suspended under this division, the dietician shall 65799  
demonstrate to the board the ability to resume practice in 65800  
compliance with acceptable and prevailing standards of care. The 65801  
demonstration shall include the following: 65802

(1) Certification from a treatment provider approved under 65803  
section 4731.25 of the Revised Code that the individual has 65804

successfully completed any required inpatient treatment; 65805

(2) Evidence of continuing full compliance with an aftercare contract or consent agreement; 65806  
65807

(3) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination. 65808  
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The board may reinstate a license or permit suspended under this division after such demonstration and after the individual has entered into a written consent agreement. 65814  
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When the impaired dietician resumes practice, the board shall require continued monitoring of the dietician. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the dietician has maintained sobriety. 65817  
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(C) One year or more after the date of suspension or revocation of a license or permit under division (A)(1), (2), (3), (5), or (6) of this section, an application for reinstatement of the license or permit may be made to the board. The board shall grant or deny reinstatement with a hearing, at the request of the applicant, in accordance with Chapter 119. of the Revised Code and may impose conditions upon the reinstatement, including the requirement of passing an examination approved by the board. 65826  
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**Sec. 4759.08.** (A) ~~The Ohio state medical board of dietetics~~ 65834

shall charge and collect fees as described in this section for 65835  
issuing the following: 65836

(1) An application for an initial dietitian license, or an 65837  
application for reactivation of an inactive license, one hundred 65838  
twenty-five dollars, and for reinstatement of a lapsed, revoked, 65839  
or suspended license, one hundred eighty dollars; 65840

(2) License renewal, ninety-five dollars; 65841

(3) A limited permit, and renewal of the permit, sixty-five 65842  
dollars; 65843

(4) A duplicate license or permit, twenty dollars; 65844

(5) For processing a late application for renewal of any 65845  
license or permit, an additional fee equal to fifty per cent of 65846  
the fee for the renewal. 65847

(B) The board shall not require a licensed dietitian holding 65848  
an inactive license to pay the renewal fee. 65849

(C) Subject to the approval of the controlling board, the 65850  
~~Ohio state medical~~ board ~~of dietetics~~ may establish fees in excess 65851  
of the amounts provided in division (A) of this section, provided 65852  
that the fees do not exceed the amounts by greater than fifty per 65853  
cent. 65854

(D) The board may adopt rules pursuant to Chapter 119. of the 65855  
Revised Code to waive all or part of the fee for an initial 65856  
license if the license is issued within one hundred days of the 65857  
date of expiration of the license. 65858

(E) All receipts of the board shall be deposited in the state 65859  
treasury to the credit of the ~~occupational licensing and~~ 65860  
~~regulatory fund. All vouchers of the board shall be approved by~~ 65861  
~~the chairperson or secretary of the board, or both, as authorized~~ 65862  
~~by the board~~ state medical board operating fund in accordance with 65863  
section 4731.24 of the Revised Code. 65864

**Sec. 4759.09.** The ~~Ohio~~ state medical board of ~~dietetics~~ shall 65865  
notify in writing any person determined by the board to be in 65866  
violation of section 4759.02 of the Revised Code. The notification 65867  
shall state that the person may request a hearing by the board 65868  
within the amount of time specified by the board pursuant to 65869  
division (A) of section 4759.05 of the Revised Code. If the person 65870  
fails to request the hearing, or if the board determines from the 65871  
hearing that the person is in violation of section 4759.02 of the 65872  
Revised Code, the board may apply to the court of common pleas of 65873  
the county in which the violation is occurring for an injunction 65874  
or other appropriate restraining order to prohibit the continued 65875  
violation of section 4759.02 of the Revised Code. 65876  
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**Sec. 4759.10.** Sections 4759.01 to 4759.09 of the Revised Code 65878  
do not apply to any of the following: 65879

(A) A person licensed under Chapters 4701. to 4755. of the 65880  
Revised Code who is acting within the scope of the person's 65881  
profession, provided that the person complies with division (B) of 65882  
section 4759.02 of the Revised Code; 65883

(B) A person who is a graduate of an associate degree program 65884  
approved by the academy of nutrition and dietetics or the ~~Ohio~~ 65885  
state medical board of ~~dietetics~~ who is working as a dietetic 65886  
technician under the supervision of a dietitian licensed under 65887  
section 4759.06 of the Revised Code or registered by the 65888  
commission on dietetic registration, except that the person is 65889  
subject to division (B) of section 4759.02 of the Revised Code if 65890  
the person uses a title other than "dietetic technician"; 65891

(C) A person who practices dietetics related to employment in 65892  
the armed forces, veteran's administration, or the public health 65893  
service of the United States; 65894

(D) Persons employed by a nonprofit agency approved by the board or by a federal, state, municipal or county government, or by any other political subdivision, elementary or secondary school, or an institution of higher education approved by the board or by a regional agency recognized by the council on postsecondary accreditation, who performs only nutritional education activities and such other nutritional activities as the state medical board of dietetics, by rule, permits, provided the person does not violate division (B) of section 4759.02 of the Revised Code;

(E) A person who has completed a program meeting the academic standards set for dietitians by the academy of nutrition and dietetics, received a baccalaureate or higher degree from a school, college, or university approved by a regional accreditation agency recognized by the council on postsecondary accreditation, works under the supervision of a licensed dietitian or registered dietitian, and does not violate division (B) of section 4759.02 of the Revised Code;

(F) A person when acting, under the direction and supervision of a person licensed under Chapters 4701. to 4755. of the Revised Code, in the execution of a plan of treatment authorized by the licensed person, provided the person complies with division (B) of section 4759.02 of the Revised Code;

(G) The free dissemination of literature in the state;

(H) Provided that the persons involved in the sale, promotion, or explanation of the sale of food, food materials, or dietary supplements do not violate division (B) of section 4759.02 of the Revised Code, the sale of food, food materials, or dietary supplements and the marketing and distribution of food, food materials, or dietary supplements and the promotion or explanation of the use of food, food materials, or dietary supplements provided that the promotion or explanation does not violate

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| Chapter 1345. of the Revised Code;   | 65927   |
| (I) A person who offers dietary supplements for sale and who makes the following statements about the product if the statements are consistent with the dietary supplement's label or labeling:  | 65928<br>65929<br>65930   |
| (1) Claim a benefit related to a classical nutrient deficiency disease and disclose the prevalence of the disease in the United States;  | 65931<br>65932<br>65933   |
| (2) Describe the role of a nutrient or dietary ingredient intended to affect the structure or function of the human body;  | 65934<br>65935  |
| (3) Characterize the documented mechanism by which a nutrient or dietary ingredient acts to maintain the structure or function of the human body;  | 65936<br>65937<br>65938   |
| (4) Describe general well-being from the consumption of a nutrient or dietary ingredient.  | 65939<br>65940  |
| (J) Provided that the persons involved in presenting a general program of instruction for weight control do not violate division (B) of section 4759.02 of the Revised Code, a general program of instruction for weight control approved in writing by a licensed dietitian, a physician licensed under Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine or surgery, a person licensed in another state that the board considers to have substantially equivalent licensure requirements as this state, or a registered dietitian; | 65941<br>65942<br>65943<br>65944<br>65945<br>65946<br>65947<br>65948<br>65949 |
| (K) The continued practice of dietetics at a hospital by a person employed at that same hospital to practice dietetics for the twenty years immediately prior to July 1, 1987, so long as the person works under the supervision of a dietitian licensed under section 4759.06 of the Revised Code and does not violate division (B) of section 4759.02 of the Revised Code. This division does not apply to any person who has held a license issued under this chapter to practice dietetics. As used in this division,  | 65950<br>65951<br>65952<br>65953<br>65954<br>65955<br>65956<br>65957          |

"hospital" has the same meaning as in section 3727.01 of the Revised Code. 65958  
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**Sec. 4759.11.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board of dietetics shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter. 65960  
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**Sec. 4759.12.** The ~~Ohio~~ state medical board of dietetics shall comply with section 4776.20 of the Revised Code. 65966  
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**Sec. 4761.011.** Whenever the term "Ohio respiratory care board" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state medical board," with respect to implementing Chapter 4761. of the Revised Code. 65968  
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Whenever the executive director of the Ohio respiratory care board is used in any statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state medical board, with respect to implementing Chapter 4761. of the Revised Code. 65972  
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**Sec. 4761.03.** The ~~Ohio respiratory care board~~ state medical board shall regulate the practice of respiratory care in this state and the persons to whom the board issues licenses and limited permits under this chapter ~~and shall license and register home medical equipment services providers under Chapter 4752. of the Revised Code.~~ Rules adopted under this chapter that deal with the provision of respiratory care in a hospital, other than rules regulating the issuance of licenses or limited permits, shall be consistent with the conditions for participation under medicare, Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 65977  
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U.S.C.A. 1395, as amended, and with the respiratory care 65987  
accreditation standards of the joint commission on accreditation 65988  
of healthcare organizations or the American osteopathic 65989  
association. 65990

The board shall: 65991

(A) Adopt, and may rescind or amend, rules in accordance with 65992  
Chapter 119. of the Revised Code to carry out the purposes of this 65993  
chapter, including rules prescribing: 65994

(1) The form and manner for filing applications for licensure 65995  
and renewal, limited permits, and limited permit extensions under 65996  
sections 4761.05 and 4761.06 of the Revised Code; 65997

(2) The form, scoring, and scheduling of examinations and 65998  
reexaminations for licensure and license renewal; 65999

(3) Standards for the approval of educational programs 66000  
required to qualify for licensure and continuing education 66001  
programs required for license renewal; 66002

(4) Continuing education courses and the number of hour 66003  
requirements necessary for license renewal, in accordance with 66004  
section 4761.06 of the Revised Code; 66005

(5) Procedures for the issuance and renewal of licenses and 66006  
limited permits, including the duties that may be fulfilled by the 66007  
board's executive director and other board employees; 66008

(6) Procedures for the denial, suspension, permanent 66009  
revocation, refusal to renew, and reinstatement of licenses and 66010  
limited permits, the conduct of hearings, and the imposition of 66011  
fines for engaging in conduct that is grounds for such action and 66012  
hearings under section 4761.09 of the Revised Code; 66013

(7) Standards of ethical conduct for the practice of 66014  
respiratory care; 66015

(8) Conditions under which the license renewal fee and 66016

continuing education requirements may be waived at the request of a licensee who is not in active practice; 66017  
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(9) The respiratory care tasks that may be performed by an individual practicing as a polysomnographic technologist pursuant to division (B)(3) of section 4761.10 of the Revised Code; 66019  
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(10) Procedures for registering out-of-state respiratory care providers authorized to practice in this state under division (A)(4) of section 4761.11 of the Revised Code; 66022  
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(11) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code; 66025  
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(12) Procedures for accepting and storing copies of hyperbaric technologist certifications filed with the board pursuant to division (A)(11) of section 4761.11 of the Revised Code. 66027  
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(B) Determine the sufficiency of an applicant's qualifications for admission to the licensing examination or a reexamination, and for the issuance or renewal of a license or limited permit; 66031  
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(C) Determine the respiratory care educational programs that are acceptable for fulfilling the requirements of division (A) of section 4761.04 of the Revised Code; 66035  
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(D) Schedule, administer, and score the licensing examination or any reexamination for license renewal or reinstatement. The board shall administer the licensing examinations at least twice a year and notify applicants of the time and place of the examinations. 66038  
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(E) Investigate complaints concerning alleged violations of section 4761.10 of the Revised Code or grounds for the suspension, permanent revocation, or refusal to issue licenses or limited permits under section 3123.47 or 4761.09 of the Revised Code. The 66043  
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board shall employ investigators who shall, under the direction of 66047  
the executive director of the board, investigate complaints and 66048  
make inspections and other inquiries as, in the judgment of the 66049  
board, are appropriate to enforce sections 3123.41 to 3123.50, 66050  
4761.09, and 4761.10 of the Revised Code. Pursuant to an 66051  
investigation and inspection, the investigators may review and 66052  
audit records during normal business hours at the place of 66053  
business of a licensee or person who is the subject of a complaint 66054  
filed with the board or at any place where the records are kept. 66055

Except when required by court order, the board and its 66056  
employees shall not disclose confidential information obtained 66057  
during an investigation or identifying information about any 66058  
person who files a complaint with the board. 66059

The board may hear testimony in matters relating to the 66060  
duties imposed upon it and issue subpoenas pursuant to an 66061  
investigation. The president and secretary of the board may 66062  
administer oaths. 66063

(F) Conduct hearings, keep records of its proceedings, and do 66064  
other things as are necessary and proper to carry out and enforce 66065  
the provisions of this chapter; 66066

(G) Maintain, publish, and make available upon request, for a 66067  
fee not to exceed the actual cost of printing and mailing: 66068

(1) The requirements for the issuance of licenses and limited 66069  
permits under this chapter and rules adopted by the board; 66070

~~(2) A current register of every person licensed to practice 66071  
respiratory care in this state, to include the addresses of the 66072  
person's last known place of business and residence, the effective 66073  
date and identification number of the license, the name and 66074  
location of the institution that granted the person's degree or 66075  
certificate of completion of respiratory care educational 66076  
requirements, and the date the degree or certificate was issued;~~ 66077

~~(3)~~ A list of the names and locations of the institutions 66078  
that each year granted degrees or certificates of completion in 66079  
respiratory care; 66080

~~(4)~~(3) After the administration of each examination, a list 66081  
of persons who passed the examination. 66082

(H) Submit to the governor and to the general assembly each 66083  
year a report of all of its official actions during the preceding 66084  
year, together with any findings and recommendations with regard 66085  
to the improvement of the profession of respiratory care; 66086

~~(I) Administer and enforce Chapter 4752. of the Revised Code.~~ 66087

**Sec. 4761.031.** The ~~Ohio respiratory care board~~ state medical 66088  
board may share any information it receives pursuant to an 66089  
investigation conducted under division (E) of section 4761.03 of 66090  
the Revised Code, including patient records and patient record 66091  
information, with other licensing boards and governmental agencies 66092  
that are investigating alleged professional misconduct and with 66093  
law enforcement agencies and other governmental agencies that are 66094  
investigating or prosecuting alleged criminal offenses. A board or 66095  
agency that receives the information shall comply with the same 66096  
requirements regarding confidentiality as those with which the 66097  
~~Ohio respiratory care board~~ state medical board must comply, 66098  
notwithstanding any conflicting provision of the Revised Code or 66099  
procedure of the board or agency that applies when the board or 66100  
agency is dealing with other information in its possession. The 66101  
information may be admitted into evidence in a criminal trial in 66102  
accordance with the Rules of Evidence, but the court shall require 66103  
that appropriate measures are taken to ensure that confidentiality 66104  
is maintained with respect to any part of the information that 66105  
contains names or other identifying information about persons 66106  
whose confidentiality was protected by the ~~Ohio respiratory care~~ 66107  
~~board~~ state medical board when the information was in the board's 66108

possession. Measures to ensure confidentiality that may be taken 66109  
by the court include sealing its records or deleting specific 66110  
information from its records. 66111

Sec. 4761.032. The state medical board shall appoint a 66112  
respiratory care advisory council for the purpose of advising the 66113  
board on issues relating to the practice of respiratory care. The 66114  
advisory council shall consist of not more than seven individuals 66115  
knowledgeable in the area of respiratory care. 66116

Not later than ninety days after the effective date of this 66117  
section, the board shall make initial appointments to the council. 66118  
Members shall serve three-year staggered terms of office in 66119  
accordance with rules adopted by the board. 66120

With approval from the director of administrative services, 66121  
members may receive an amount fixed under division (J) of section 66122  
124.15 of the Revised Code for each day the member is performing 66123  
the member's official duties and be reimbursed for actual and 66124  
necessary expenses incurred in performing those duties. 66125

**Sec. 4761.04.** (A) Except as provided in division (B) of this 66126  
section, no person is eligible for licensure as a respiratory care 66127  
professional unless the person has shown, to the satisfaction of 66128  
the ~~Ohio respiratory care board~~ state medical board, all of the 66129  
following: 66130

(1) That the person is of good moral character; 66131

(2) That the person has successfully completed the 66132  
requirements of an educational program approved by the board that 66133  
includes instruction in the biological and physical sciences, 66134  
pharmacology, respiratory care theory, procedures, and clinical 66135  
practice, and cardiopulmonary rehabilitation techniques; 66136

(3) That the person has passed an examination administered by 66137  
the board that tests the applicant's knowledge of the basic and 66138

clinical sciences relating to respiratory care theory and 66139  
practice, professional skills and judgment in the utilization of 66140  
respiratory care techniques, and such other subjects as the board 66141  
considers useful in determining fitness to practice. 66142

(B) The board may waive the requirements of division (A) of 66143  
this section with respect to any applicant who presents proof of 66144  
current licensure in another state whose standards for licensure 66145  
are at least equal to those in effect in this state on the date of 66146  
application. The board may waive the requirements of divisions 66147  
(A)(2) and (3) of this section with respect to any applicant who 66148  
presents proof of having successfully completed any examination 66149  
recognized by the board as meeting the requirements of division 66150  
(A)(3) of this section. 66151

**Sec. 4761.05.** (A) The ~~Ohio respiratory care board~~ state 66152  
medical board shall issue a license to any applicant who complies 66153  
with the requirements of section 4761.04 of the Revised Code, 66154  
files the prescribed application form, and pays the fee or fees 66155  
required under section 4761.07 of the Revised Code. The license 66156  
entitles the holder to practice respiratory care. The licensee 66157  
shall display the license in a conspicuous place at the licensee's 66158  
principal place of business. 66159

(B)(1) The board shall issue a limited permit to any 66160  
applicant who meets the requirements of division (A)(1) of section 66161  
4761.04 of the Revised Code, files the prescribed application 66162  
form, pays the fee required under section 4761.07 of the Revised 66163  
Code, and meets either of the following requirements: 66164

(a) Is enrolled in and is in good standing in a respiratory 66165  
care educational program approved by the board that meets the 66166  
requirements of division (A)(2) of section 4761.04 of the Revised 66167  
Code leading to a degree or certificate of completion or is a 66168  
graduate of the program; 66169

(b) Is employed as a provider of respiratory care in this state and was employed as a provider of respiratory care in this state prior to March 14, 1989.

(2) The limited permit authorizes the holder to provide respiratory care under the supervision of a respiratory care professional. A person issued a limited permit under division (B)(1)(a) of this section may practice respiratory care under the limited permit for not more than the earliest of the following:

(a) Three years after the date the limited permit is issued;

(b) One year following the date of receipt of a certificate of completion from a board-approved respiratory care education program;

(c) Until the holder discontinues participation in the educational program.

The board may extend the term of a limited permit in cases of unusual hardship. The holder seeking an extension shall petition the board in the form and manner prescribed by the board in rules adopted under section 4761.03 of the Revised Code. This division does not require a student enrolled in an educational program leading to a degree or certificate of completion in respiratory care approved by the board to obtain a limited permit to perform any duties that are part of the required course of study.

(3) A person issued a limited permit under division (B)(1)(b) of this section may practice under a limited permit for not more than three years, except that this restriction does not apply to a permit holder who, on March 14, 1989, has been employed as a provider of respiratory care for an average of not less than twenty-five hours per week for a period of not less than five years by a hospital.

(C) All holders of licenses and limited permits issued under this section shall display, in a conspicuous place on their

persons, information that identifies the type of authorization 66201  
under which they practice. 66202

**Sec. 4761.051.** (A) As used in this section, "license" and 66203  
"applicant for an initial license" have the same meanings as in 66204  
section 4776.01 of the Revised Code, except that "license" as used 66205  
in both of those terms refers to the types of authorizations 66206  
otherwise issued or conferred under this chapter. 66207

(B) In addition to any other eligibility requirement set 66208  
forth in this chapter, each applicant for an initial license shall 66209  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 66210  
~~Ohio respiratory care board~~ state medical board shall not grant a 66211  
license to an applicant for an initial license unless the 66212  
applicant complies with sections 4776.01 to 4776.04 of the Revised 66213  
Code and the board, in its discretion, decides that the results of 66214  
the criminal records check do not make the applicant ineligible 66215  
for a license issued pursuant to section 4761.05 of the Revised 66216  
Code. 66217

**Sec. 4761.06.** (A) Each license to practice respiratory care 66218  
shall be renewed biennially. Each limited permit to practice 66219  
respiratory care shall be renewed annually. Each person holding a 66220  
license or limited permit to practice respiratory care shall apply 66221  
to the ~~Ohio respiratory care board~~ state medical board on the form 66222  
and according to the schedule prescribed by the board for renewal 66223  
of the license or limited permit. Licenses and limited permits 66224  
shall be renewed in accordance with the standard renewal procedure 66225  
of Chapter 4745. of the Revised Code. The board shall renew a 66226  
license upon the payment of the license renewal fee prescribed 66227  
under section 4761.07 of the Revised Code and proof of 66228  
satisfactory completion of the continuing education or 66229  
reexamination requirements of division (B) of this section. The 66230  
board shall renew a limited permit upon payment of the limited 66231

permit renewal fee prescribed under section 4761.07 of the Revised Code and submission of one of the following:

(1) If the limited permit was issued on the basis of division (B)(1)(a) of section 4761.05 of the Revised Code, proof acceptable to the board of enrollment and good standing in an educational program that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code or of graduation from such a program;

(2) If the limited permit was issued on the basis of division (B)(1)(b) of section 4761.05 of the Revised Code, proof acceptable to the board of employment as a provider of respiratory care.

(B) On and after March 14, 1991, and every year thereafter, on or before the annual renewal date, the holder of a limited permit issued under division (B)(1)(b) of section 4761.05 of the Revised Code shall submit proof to the board that the holder has satisfactorily completed the number of hours of continuing education required by the board, which shall not be less than three nor more than ten hours of continuing education acceptable to the board.

On or before the biennial renewal date, a license holder shall submit proof to the board that the license holder has satisfactorily completed the number of hours of continuing education required by the board, which shall be not less than six nor more than twenty hours of continuing education acceptable to the board, or has passed a reexamination in accordance with the board's renewal requirements. The board may waive all or part of the continuing education requirement for a license holder who has held the license for less than two years.

**Sec. 4761.07.** (A) The ~~Ohio respiratory care board~~ state medical board shall charge any license applicant or holder who is to take an examination required under division (A)(3) of section 4761.04 or a reexamination required under division (B) of section

4761.06 of the Revised Code for license renewal or under section 66263  
4761.09 of the Revised Code for license reinstatement, a 66264  
nonrefundable examination fee, not to exceed the amount necessary 66265  
to cover the expense of administering the examination. The license 66266  
applicant or holder shall pay the fee at the time of application 66267  
for licensure or renewal. 66268

(B) The board shall establish the following additional 66269  
nonrefundable fees and penalty: 66270

(1) An initial license fee, not to exceed seventy-five 66271  
dollars; 66272

(2) A biennial license renewal fee, not to exceed one hundred 66273  
dollars; 66274

(3) A limited permit fee, not to exceed twenty dollars; 66275

(4) A limited permit renewal fee, not to exceed ten dollars; 66276

(5) A late renewal penalty, not to exceed fifty per cent of 66277  
the renewal fee; 66278

(6) A fee for accepting and storing hyperbaric technologist 66279  
certifications filed with the board under division (A)(11) of 66280  
section 4761.11 of the Revised Code, not to exceed twenty dollars. 66281

(C) Notwithstanding division (B)(4) of this section, after 66282  
the third renewal of a limited permit that meets the exception in 66283  
division (B)(3) of section 4761.05 of the Revised Code, the 66284  
limited permit renewal fee shall be one-half the amount of the 66285  
biennial license renewal fee established under division (B)(2) of 66286  
this section and section 4761.08 of the Revised Code. 66287

(D) The board shall adjust the fees biennially and within the 66288  
limits established by division (B) of this section to provide 66289  
sufficient revenues to meet its expenses. 66290

(E) The board may, by rule, provide for the waiver of all or 66291  
part of a license fee when the license is issued less than 66292

eighteen months before its expiration date. 66293

(F) All fees received by the board shall be deposited into 66294  
the state treasury to the credit of the ~~occupational licensing and~~ 66295  
~~regulatory fund~~ state medical board operating fund pursuant to 66296  
section 4731.24 of the Revised Code. 66297

**Sec. 4761.08.** The ~~Ohio respiratory care board~~ state medical 66298  
board, subject to the approval of the controlling board, may 66299  
establish fees, except fees established at amounts adequate to 66300  
cover designated expenses, in excess of the amounts provided in 66301  
this chapter. The fees shall not exceed the amounts specified by 66302  
more than fifty per cent. 66303

**Sec. 4761.09.** (A) The ~~Ohio respiratory care board~~ state 66304  
medical board may refuse to issue or renew a license or a limited 66305  
permit, may issue a reprimand, may suspend or permanently revoke a 66306  
license or limited permit, or may place a license or limited 66307  
permit holder on probation, on any of the following grounds: 66308

(1) A plea of guilty to, a judicial finding of guilt of, or a 66309  
judicial finding of eligibility for intervention in lieu of 66310  
conviction for an offense involving moral turpitude or of a 66311  
felony, in which case a certified copy of the court record shall 66312  
be conclusive evidence of the matter; 66313

(2) Violating any provision of this chapter or an order or 66314  
rule of the board; 66315

(3) Assisting another person in that person's violation of 66316  
any provision of this chapter or an order or rule of the board; 66317

(4) Obtaining a license or limited permit by means of fraud, 66318  
false or misleading representation, or concealment of material 66319  
facts or making any other material misrepresentation to the board; 66320

(5) Being guilty of negligence or gross misconduct in the 66321

|   |  |
|---|--|
| practice of respiratory care;   | 66322  |
| (6) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;   | 66323<br>66324                                     |
| (7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;   | 66325<br>66326<br>66327                            |
| (8) Using any dangerous drug, as defined in section 4729.01 of the Revised Code, or alcohol to the extent that the use impairs the ability to practice respiratory care at an acceptable level of competency;   | 66328<br>66329<br>66330<br>66331                   |
| (9) Practicing respiratory care while mentally incompetent;   | 66332  |
| (10) Accepting commissions, rebates, or other forms of remuneration for patient referrals;  | 66333<br>66334                                     |
| (11) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code;  | 66335<br>66336<br>66337                            |
| (12) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures;   | 66338<br>66339<br>66340                            |
| (13) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care;   | 66341<br>66342<br>66343                            |
| (14) Assisting suicide as defined in section 3795.01 of the Revised Code.   | 66344<br>66345                                     |
| Before the board may take any action under this section, other than issuance of a summary suspension order under division (C) of this section, the executive director of the board shall prepare and file written charges with the board. Disciplinary actions taken by the board under this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised | 66346<br>66347<br>66348<br>66349<br>66350<br>66351 |

Code, except that in lieu of an adjudication, the board may enter 66352  
into a consent agreement to resolve an allegation of a violation 66353  
of this chapter or any rule adopted under it. A consent agreement, 66354  
when ratified by the board, shall constitute the findings and 66355  
order of the board with respect to the matter addressed in the 66356  
agreement. If the board refuses to ratify a consent agreement, the 66357  
admissions and findings contained in the consent agreement shall 66358  
be of no effect. 66359

(B) If the board orders a license or limited permit holder 66360  
placed on probation, the order shall be accompanied by a written 66361  
statement of the conditions under which the person may be restored 66362  
to practice. 66363

The person may reapply to the board for original issuance of 66364  
a license after one year following the date the license was 66365  
denied. 66366

A Except as otherwise provided in division (D) of this 66367  
section, a person may apply to the board for the reinstatement of 66368  
a license or limited permit after one year following the date of 66369  
suspension or refusal to renew. The board may accept or refuse the 66370  
application for reinstatement and may require that the applicant 66371  
pass a reexamination as a condition of eligibility for 66372  
reinstatement. 66373

(C) If the president and secretary of the board determine 66374  
that there is clear and convincing evidence that a license or 66375  
limited permit holder has committed an act that is grounds for 66376  
board action under division (A) of this section and that continued 66377  
practice by the license or permit holder presents a danger of 66378  
immediate and serious harm to the public, the president and 66379  
secretary may recommend that the board suspend the license or 66380  
limited permit without a prior hearing. The president and 66381  
secretary shall submit in writing to the board the allegations 66382  
causing them to recommend the suspension. 66383

On review of the allegations, the board, by a vote of not less than seven of its members, may suspend a license or limited permit without a prior hearing. The board may review the allegations and vote on the suspension by a telephone conference call.

If the board votes to suspend a license or limited permit under this division, the board shall issue a written order of summary suspension to the license or limited permit holder in accordance with section 119.07 of the Revised Code. If the license or limited permit holder requests a hearing by the board, the board shall conduct the hearing in accordance with Chapter 119. of the Revised Code. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the board's order of summary suspension pending determination of an appeal filed under that section.

Any order of summary suspension issued under this division shall remain in effect until a final adjudication order issued by the board pursuant to division (A) of this section becomes effective. The board shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

(D) For purposes of this division, any individual who holds a license or permit issued under this chapter, or applies for a license or permit to practice respiratory care, is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

For purposes of division (A)(8) of this section, if the board

has reason to believe that any individual who holds a license or permit issued under this chapter or any applicant for a license or permit suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure, to submit to treatment.

Before being eligible to apply for reinstatement of a license or permit suspended under this division, the respiratory care professional shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(1) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(2) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(3) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has

been found capable of practicing according to acceptable and 66447  
prevailing standards of care. The reports shall be made by 66448  
individuals or providers approved by the board for making such 66449  
assessments and shall describe the basis for their determination. 66450

The board may reinstate a license or permit suspended under 66451  
this division after such demonstration and after the individual 66452  
has entered into a written consent agreement. 66453

When the impaired respiratory care professional resumes 66454  
practice, the board shall require continued monitoring of the 66455  
respiratory care professional. The monitoring shall include 66456  
compliance with the written consent agreement entered into before 66457  
reinstatement or with conditions imposed by board order after a 66458  
hearing, and, upon termination of the consent agreement, 66459  
submission to the board for at least two years of annual written 66460  
progress reports made under penalty of falsification stating 66461  
whether the respiratory care professional has maintained sobriety. 66462

**Sec. 4761.10.** (A) No person shall offer or render respiratory 66463  
care services, or represent that the person is a respiratory care 66464  
professional, respiratory therapist, respiratory technologist, 66465  
respiratory care technician, respiratory practitioner, inhalation 66466  
therapist, inhalation technologist, or inhalation therapy 66467  
technician, or to have any similar title or to provide these 66468  
services under a similar description, unless the person holds a 66469  
license or limited permit issued under this chapter. No 66470  
partnership, association, or corporation shall advertise or 66471  
otherwise offer to provide or convey the impression that it is 66472  
providing respiratory care unless an individual holding a license 66473  
or limited permit issued under this chapter is employed by or 66474  
under contract with the partnership, association, or corporation 66475  
and will be performing the respiratory care services to which 66476  
reference is made. 66477

(B) Notwithstanding the provisions of division (A) of this section, all of the following apply:

(1) In the case of a hospital or nursing facility, some limited aspects of respiratory care services such as measuring blood pressure and taking blood samples may be performed by persons demonstrating current competence in such procedures, as long as the person acts under the direction of a physician or the delegation of a registered nurse and the person does not represent that the person is engaged in the practice of respiratory care. The above limited aspects of respiratory care do not include any of the following: the administration of aerosol medication, the maintenance of patients on mechanical ventilators, aspiration, and the application and maintenance of artificial airways.

(2) In the case of a facility, institution, or other setting that exists for a purpose substantially other than the provision of health care, if nursing tasks are delegated by a registered nurse as provided in Chapter 4723. of the Revised Code and the rules adopted under it, respiratory care tasks may be performed under that delegation by persons demonstrating current competence in performing the tasks, as long as the person does not represent that the person is engaged in the practice of respiratory care.

(3) A polysomnographic technologist credentialed by an organization the ~~Ohio respiratory care board~~ state medical board recognizes, a trainee under the direct supervision of a polysomnographic technologist credentialed by an organization the board recognizes, or a person the board recognizes as being eligible to be credentialed as a polysomnographic technologist may perform the respiratory care tasks specified in rules adopted under section 4761.03 of the Revised Code, as long as both of the following apply:

(a) The tasks are performed in the diagnosis and therapeutic intervention of sleep-related breathing disorders and under the

general supervision of a physician. 66510

(b) The person performing the tasks does not represent that 66511  
the person is engaged in the practice of respiratory care. 66512

(C) If the ~~Ohio respiratory care board~~ state medical board 66513  
finds that any person, including any partnership, association, or 66514  
corporation, has engaged or is engaging in any activity or conduct 66515  
that is prohibited under division (A) of this section or rules of 66516  
the board, or that is grounds for the denial, suspension, or 66517  
permanent revocation of a person's license under section 4761.09 66518  
of the Revised Code, it may apply to the court of common pleas in 66519  
the county in which the violation occurred for an order 66520  
restraining the unlawful activity or conduct, including the 66521  
continued practice of respiratory care. Upon a showing that the 66522  
law or rule has been violated, or the person has engaged in 66523  
conduct constituting such grounds, the court may issue an 66524  
injunction or other appropriate restraining order. 66525

**Sec. 4761.11.** (A) Nothing in this chapter shall be construed 66526  
to prevent or restrict the practice, services, or activities of 66527  
any person who: 66528

(1) Is a health care professional licensed by this state 66529  
providing respiratory care services included in the scope of 66530  
practice established by the license held, as long as the person 66531  
does not represent that the person is engaged in the practice of 66532  
respiratory care; 66533

(2) Is employed as a respiratory care professional by an 66534  
agency of the United States government and provides respiratory 66535  
care solely under the direction or control of the employing 66536  
agency; 66537

(3) Is a student enrolled in ~~an Ohio respiratory care~~ 66538  
~~board-approved~~ a respiratory care education program approved by 66539

the state medical board leading to a certificate of completion in 66540  
respiratory care and is performing duties that are part of a 66541  
supervised course of study; 66542

(4) Is a nonresident of this state practicing or offering to 66543  
practice respiratory care, if the respiratory care services are 66544  
offered for not more than thirty days in a year, services are 66545  
provided under the supervision of a respiratory care professional 66546  
licensed under this chapter, and the nonresident registers with 66547  
the board in accordance with rules adopted by the board under 66548  
section 4761.03 of the Revised Code and meets either of the 66549  
following requirements: 66550

(a) Qualifies for licensure under this chapter, except for 66551  
passage of the examination required under division (A)(3) of 66552  
section 4761.04 of the Revised Code; 66553

(b) Holds a valid license issued by a state that has 66554  
licensure requirements considered by the board to be comparable to 66555  
those of this state and has not been issued a license in another 66556  
state that has been revoked or is currently under suspension or on 66557  
probation. 66558

(5) Provides respiratory care only to relatives or in medical 66559  
emergencies; 66560

(6) Provides gratuitous care to friends or personal family 66561  
members; 66562

(7) Provides only self care; 66563

(8) Is employed in the office of a physician and renders 66564  
medical assistance under the physician's direct supervision 66565  
without representing that the person is engaged in the practice of 66566  
respiratory care; 66567

(9) Is employed in a clinical chemistry or arterial blood gas 66568  
laboratory and is supervised by a physician without representing 66569

that the person is engaged in the practice of respiratory care; 66570

(10) Is engaged in the practice of respiratory care as an 66571  
employee of a person or governmental entity located in another 66572  
state and provides respiratory care services for less than 66573  
seventy-two hours to patients being transported into, out of, or 66574  
through this state; 66575

(11) Is employed as a certified hyperbaric technologist, has 66576  
filed with the board a copy of the person's current certification 66577  
as a hyperbaric technologist in accordance with the rules adopted 66578  
by the board under section 4761.03 of the Revised Code, has paid 66579  
the fee established pursuant to section 4761.07 of the Revised 66580  
Code, and administers hyperbaric oxygen therapy under the direct 66581  
supervision of a physician, a podiatrist acting in compliance with 66582  
section 4731.511 of the Revised Code, a physician assistant, or an 66583  
advanced practice registered nurse and without representing that 66584  
the person is engaged in the practice of respiratory care. 66585

(B) Nothing in this chapter shall be construed to prevent any 66586  
person from advertising, describing, or offering to provide 66587  
respiratory care or billing for respiratory care when the 66588  
respiratory care services are provided by a health care 66589  
professional licensed by this state practicing within the scope of 66590  
practice established by the license held. Nothing in this chapter 66591  
shall be construed to prevent a hospital or nursing facility from 66592  
advertising, describing, or offering to provide respiratory care, 66593  
or billing for respiratory care rendered by a person licensed 66594  
under this chapter or persons who may provide limited aspects of 66595  
respiratory care or respiratory care tasks pursuant to division 66596  
(B) of section 4761.10 of the Revised Code. 66597

(C) Notwithstanding division (A) of section 4761.10 of the 66598  
Revised Code, in a life-threatening situation, in the absence of 66599  
licensed personnel, unlicensed persons shall not be prohibited 66600  
from taking life-saving measures. 66601

(D) Nothing in this chapter shall be construed as authorizing a respiratory care professional to practice medicine and surgery or osteopathic medicine and surgery. This division does not prohibit a respiratory care professional from administering topical or intradermal medications for the purpose of producing localized decreased sensation as part of a procedure or task that is within the scope of practice of a respiratory care professional.

**Sec. 4761.12.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~respiratory care board~~ state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or permit issued pursuant to this chapter.

**Sec. 4761.13.** (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) The prosecutor in any case against any respiratory care professional or an individual holding a limited permit issued under this chapter shall promptly notify the ~~Ohio respiratory care board~~ state medical board of any of the following:

(1) A plea of guilty to, or a finding of guilt by a jury or court of, a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge;

(2) A plea of guilty to, or a finding of guilt by a jury or court of, a misdemeanor committed in the course of practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;

(3) A plea of guilty to, or a finding of guilt by a jury or

court of, a misdemeanor involving moral turpitude, or a case in 66632  
which the trial court issues an order of dismissal upon technical 66633  
or procedural grounds of a charge of a misdemeanor involving moral 66634  
turpitude. 66635

(C) The report shall include the name and address of the 66636  
respiratory care professional or person holding a limited permit, 66637  
the nature of the offense for which the action was taken, and the 66638  
certified court documents recording the action. The board may 66639  
prescribe and provide forms for prosecutors to make reports under 66640  
this section. The form may be the same as the form required to be 66641  
provided under section 2929.42 of the Revised Code. 66642

**Sec. 4761.14.** An employer that disciplines or terminates the 66643  
employment of a respiratory care professional or individual 66644  
holding a limited permit issued under this chapter because of 66645  
conduct that would be grounds for disciplinary action under 66646  
section 4761.09 of the Revised Code shall report the action to the 66647  
~~Ohio respiratory care board~~ state medical board. The report shall 66648  
state the name of the respiratory care professional or individual 66649  
holding the limited permit and the reason the employer took the 66650  
action. If an employer fails to report to the board, the board may 66651  
seek an order from a court of competent jurisdiction compelling 66652  
submission of the report. 66653

**Sec. 4761.18.** The ~~Ohio respiratory care board~~ state medical 66654  
board shall comply with section 4776.20 of the Revised Code. 66655

**Sec. 4765.01.** As used in this chapter: 66656

(A) "First responder" means an individual who holds a 66657  
current, valid certificate issued under section 4765.30 of the 66658  
Revised Code to practice as a first responder. 66659

(B) "Emergency medical technician-basic" or "EMT-basic" means 66660

an individual who holds a current, valid certificate issued under 66661  
section 4765.30 of the Revised Code to practice as an emergency 66662  
medical technician-basic. 66663

(C) "Emergency medical technician-intermediate" or "EMT-I" 66664  
means an individual who holds a current, valid certificate issued 66665  
under section 4765.30 of the Revised Code to practice as an 66666  
emergency medical technician-intermediate. 66667

(D) "Emergency medical technician-paramedic" or "paramedic" 66668  
means an individual who holds a current, valid certificate issued 66669  
under section 4765.30 of the Revised Code to practice as an 66670  
emergency medical technician-paramedic. 66671

(E) "Ambulance" means any motor vehicle that is used, or is 66672  
intended to be used, for the purpose of responding to emergency 66673  
medical situations, transporting emergency patients, and 66674  
administering emergency medical service to patients before, 66675  
during, or after transportation. 66676

(F) "Cardiac monitoring" means a procedure used for the 66677  
purpose of observing and documenting the rate and rhythm of a 66678  
patient's heart by attaching electrical leads from an 66679  
electrocardiograph monitor to certain points on the patient's body 66680  
surface. 66681

(G) "Emergency medical service" means any of the services 66682  
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 66683  
the Revised Code that are performed by first responders, emergency 66684  
medical technicians-basic, emergency medical 66685  
technicians-intermediate, and paramedics. "Emergency medical 66686  
service" includes such services performed before or during any 66687  
transport of a patient, including transports between hospitals and 66688  
transports to and from helicopters. 66689

(H) "Emergency medical service organization" means a public 66690  
or private organization using first responders, EMTs-basic, 66691

EMTs-I, or paramedics, or a combination of first responders, 66692  
EMTs-basic, EMTs-I, and paramedics, to provide emergency medical 66693  
services. 66694

(I) "Physician" means an individual who holds a current, 66695  
valid ~~certificate~~ license issued under Chapter 4731. of the 66696  
Revised Code authorizing the practice of medicine and surgery or 66697  
osteopathic medicine and surgery. 66698

(J) "Registered nurse" means an individual who holds a 66699  
current, valid license issued under Chapter 4723. of the Revised 66700  
Code authorizing the practice of nursing as a registered nurse. 66701

(K) "Volunteer" means a person who provides services either 66702  
for no compensation or for compensation that does not exceed the 66703  
actual expenses incurred in providing the services or in training 66704  
to provide the services. 66705

(L) "Emergency medical service personnel" means first 66706  
responders, emergency medical technicians-basic, emergency medical 66707  
technicians-intermediate, emergency medical technicians-paramedic, 66708  
and persons who provide medical direction to such persons. 66709

(M) "Hospital" has the same meaning as in section 3727.01 of 66710  
the Revised Code. 66711

(N) "Trauma" or "traumatic injury" means severe damage to or 66712  
destruction of tissue that satisfies both of the following 66713  
conditions: 66714

(1) It creates a significant risk of any of the following: 66715

(a) Loss of life; 66716

(b) Loss of a limb; 66717

(c) Significant, permanent disfigurement; 66718

(d) Significant, permanent disability. 66719

(2) It is caused by any of the following: 66720

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|---|---|
| (a) Blunt or penetrating injury;  | 66721   |
| (b) Exposure to electromagnetic, chemical, or radioactive energy;   | 66722<br>66723  |
| (c) Drowning, suffocation, or strangulation;  | 66724   |
| (d) A deficit or excess of heat.  | 66725   |
| (O) "Trauma victim" or "trauma patient" means a person who has sustained a traumatic injury.  | 66726<br>66727  |
| (P) "Trauma care" means the assessment, diagnosis, transportation, treatment, or rehabilitation of a trauma victim by emergency medical service personnel or by a physician, nurse, physician assistant, respiratory therapist, physical therapist, chiropractor, occupational therapist, speech-language pathologist, audiologist, or psychologist licensed to practice as such in this state or another jurisdiction. | 66728<br>66729<br>66730<br>66731<br>66732<br>66733<br>66734 |
| (Q) "Trauma center" means all of the following:   | 66735   |
| (1) Any hospital that is verified by the American college of surgeons as an adult or pediatric trauma center;   | 66736<br>66737  |
| (2) Any hospital that is operating as an adult or pediatric trauma center under provisional status pursuant to section 3727.101 of the Revised Code;  | 66738<br>66739<br>66740                                     |
| (3) Until December 31, 2004, any hospital in this state that is designated by the director of health as a level II pediatric trauma center under section 3727.081 of the Revised Code;  | 66741<br>66742<br>66743                                     |
| (4) Any hospital in another state that is licensed or designated under the laws of that state as capable of providing specialized trauma care appropriate to the medical needs of the trauma patient.   | 66744<br>66745<br>66746<br>66747                            |
| (R) "Pediatric" means involving a patient who is less than sixteen years of age.  | 66748<br>66749  |

(S) "Adult" means involving a patient who is not a pediatric patient. 66750  
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(T) "Geriatric" means involving a patient who is at least seventy years old or exhibits significant anatomical or physiological characteristics associated with advanced aging. 66752  
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(U) "Air medical organization" means an organization that provides emergency medical services, or transports emergency victims, by means of fixed or rotary wing aircraft. 66755  
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(V) "Emergency care" and "emergency facility" have the same meanings as in section 3727.01 of the Revised Code. 66758  
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(W) "Stabilize," except as it is used in division (B) of section 4765.35 of the Revised Code with respect to the manual stabilization of fractures, has the same meaning as in section 1753.28 of the Revised Code. 66760  
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(X) "Transfer" has the same meaning as in section 1753.28 of the Revised Code. 66764  
66765

(Y) "Firefighter" means any member of a fire department as defined in section 742.01 of the Revised Code. 66766  
66767

(Z) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code. 66768  
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(AA) "Part-time paid firefighter" means a person who provides firefighting services on less than a full-time basis, is routinely scheduled to be present on site at a fire station or other designated location for purposes of responding to a fire or other emergency, and receives more than nominal compensation for the provision of firefighting services. 66770  
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(BB) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code. 66776  
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Sec. 4776.01. As used in this chapter: 66779

(A) "License" means an authorization evidenced by a license, 66780  
certificate, registration, permit, card, or other authority that 66781  
is issued or conferred by a licensing agency to a licensee or to 66782  
an applicant for an initial license by which the licensee or 66783  
initial license applicant has or claims the privilege to engage in 66784  
a profession, occupation, or occupational activity, or, except in 66785  
the case of the state dental board, to have control of and operate 66786  
certain specific equipment, machinery, or premises, over which the 66787  
licensing agency has jurisdiction. 66788

(B) Except as provided in section 4776.20 of the Revised 66789  
Code, "licensee" means the person to whom the license is issued by 66790  
a licensing agency. 66791

(C) Except as provided in section 4776.20 of the Revised 66792  
Code, "licensing agency" means any of the following: 66793

(1) The board authorized by Chapters 4701., 4717., 4725., 66794  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 66795  
4759., 4760., 4761., 4762., 4779., and 4783. of the Revised Code 66796  
to issue a license to engage in a specific profession, occupation, 66797  
or occupational activity, or to have charge of and operate certain 66798  
specified equipment, machinery, or premises. 66799

(2) The state dental board, relative to its authority to 66800  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 66801  
4715.27 of the Revised Code; 66802

(3) The department of commerce or state board of pharmacy, 66803  
relative to its authority to issue a license to a person or entity 66804  
pursuant to Chapter 3796. of the Revised Code or any rules adopted 66805  
under that chapter. 66806

(D) "Applicant for an initial license" includes persons 66807  
seeking a license for the first time and persons seeking a license 66808

by reciprocity, endorsement, or similar manner of a license issued 66809  
in another state. 66810

(E) "Applicant for a restored license" includes persons 66811  
seeking restoration of a certificate under section 4730.14, 66812  
4731.281, 4760.06, or 4762.06 of the Revised Code. 66813

(F) "Criminal records check" has the same meaning as in 66814  
section 109.572 of the Revised Code. 66815

**Sec. 4776.02.** (A) An applicant for an initial license or 66816  
restored license from a licensing agency, a person seeking to 66817  
satisfy the criteria for being a qualified pharmacy technician 66818  
that are specified in section 4729.42 of the Revised Code, a 66819  
person seeking to satisfy the requirements to be an employee of a 66820  
pain management clinic as specified in section 4729.552 of the 66821  
Revised Code, or a person seeking employment with an entity 66822  
holding a license issued under Chapter 3796. of the Revised Code 66823  
shall submit a request to the bureau of criminal identification 66824  
and investigation for a criminal records check of the applicant or 66825  
person. The request shall be accompanied by a completed copy of 66826  
the form prescribed under division (C)(1) of section 109.572 of 66827  
the Revised Code, a set of fingerprint impressions obtained as 66828  
described in division (C)(2) of that section, and the fee 66829  
prescribed under division (C)(3) of that section. The applicant or 66830  
person shall ask the superintendent of the bureau of criminal 66831  
identification and investigation in the request to obtain from the 66832  
federal bureau of investigation any information it has pertaining 66833  
to the applicant or person. 66834

An applicant or person requesting a criminal records check 66835  
shall provide the bureau of criminal identification and 66836  
investigation with the applicant's or person's name and address 66837  
and, regarding an applicant, with the licensing agency's name and 66838  
address. ~~If the person requesting the criminal records check is a~~ 66839

~~person seeking employment with an entity holding a license under Chapter 3796. of the Revised Code, the person also shall provide the bureau with the name and address of the entity holding the license.~~

(B) Upon receipt of the completed form, the set of fingerprint impressions, and the fee provided for in division (A) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the applicant or person under division (B) of section 109.572 of the Revised Code. Upon completion of the criminal records check, the superintendent shall do whichever of the following is applicable:

(1) If the request was submitted by an applicant for an initial license or restored license, report the results of the criminal records check and any information the federal bureau of investigation provides to the licensing agency identified in the request for a criminal records check;

(2) If the request was submitted by a person seeking to satisfy the criteria for being a qualified pharmacy technician that are specified in section 4729.42 of the Revised Code or a person seeking to satisfy the requirements to be an employee of a pain management clinic as specified in section 4729.552 of the Revised Code, do both of the following:

(a) Report the results of the criminal records check and any information the federal bureau of investigation provides to the person who submitted the request;

(b) Report the results of the portion of the criminal records check performed by the bureau of criminal identification and investigation under division (B)(1) of section 109.572 of the Revised Code to the employer or potential employer specified in the request of the person who submitted the request and send a

letter to that employer or potential employer regarding the 66871  
information provided by the federal bureau of investigation that 66872  
states either that based on that information there is no record of 66873  
any conviction or that based on that information the person who 66874  
submitted the request may not meet the criteria that are specified 66875  
in section 4729.42 of the Revised Code, whichever is applicable. 66876

~~(3) If the request was submitted by a person seeking 66877  
employment with an entity holding a license issued under Chapter 66878  
3796. of the Revised Code, report the results of the criminal 66879  
records check, including any information the federal bureau of 66880  
investigation provides as part of the criminal records check, to 66881  
both of the following: 66882~~

~~(a) The person who submitted the request; 66883~~

~~(b) The entity holding a license issued under Chapter 3796. 66884  
of the Revised Code from which the person who submitted the 66885  
request is seeking employment. 66886~~

**Sec. 4776.04.** The results of any criminal records check 66887  
conducted pursuant to a request made under this chapter and any 66888  
report containing those results, including any information the 66889  
federal bureau of investigation provides, are not public records 66890  
for purposes of section 149.43 of the Revised Code and shall not 66891  
be made available to any person or for any purpose other than as 66892  
follows: 66893

(A) If the request for the criminal records check was 66894  
submitted by an applicant for an initial license or restored 66895  
license, as follows: 66896

(1) The superintendent of the bureau of criminal 66897  
identification and investigation shall make the results available 66898  
to the licensing agency for use in determining, under the agency's 66899  
authorizing chapter of the Revised Code, whether the applicant who 66900

is the subject of the criminal records check should be granted a license under that chapter.

(2) The licensing agency shall make the results available to the applicant who is the subject of the criminal records check.

(B) If the request for the criminal records check was submitted by a person seeking to satisfy the criteria for being a qualified pharmacy technician that are specified in section 4729.42 of the Revised Code or a person seeking to satisfy the requirements to be an employee of a pain management clinic as specified in section 4729.552 of the Revised Code, the superintendent of the bureau of criminal identification and investigation shall make the results available in accordance with the following:

(1) The superintendent shall make the results of the criminal records check, including any information the federal bureau of investigation provides, available to the person who submitted the request and is the subject of the criminal records check.

(2) The superintendent shall make the results of the portion of the criminal records check performed by the bureau of criminal identification and investigation under division (B)(1) of section 109.572 of the Revised Code available to the employer or potential employer specified in the request of the person who submitted the request and shall send a letter of the type described in division (B)(2) of section 4776.02 of the Revised Code to that employer or potential employer regarding the information provided by the federal bureau of investigation that contains one of the types of statements described in that division.

(C) If the request for the criminal records check was submitted by an applicant for a trainee license under section 4776.021 of the Revised Code, as follows:

(1) The superintendent of the bureau of criminal

identification and investigation shall make the results available 66932  
to the licensing agency or other agency identified in division (B) 66933  
of section 4776.021 of the Revised Code for use in determining, 66934  
under the agency's authorizing chapter of the Revised Code and 66935  
division (D) of section 4776.021 of the Revised Code, whether the 66936  
applicant who is the subject of the criminal records check should 66937  
be granted a trainee license under that chapter and that division. 66938

(2) The licensing agency or other agency identified in 66939  
division (B) of section 4776.021 of the Revised Code shall make 66940  
the results available to the applicant who is the subject of the 66941  
criminal records check. 66942

~~(D) If the request for the criminal records check was 66943  
submitted by a person seeking employment with an entity holding a 66944  
license issued under Chapter 3796. of the Revised Code, the 66945  
superintendent shall make the results available in accordance with 66946  
division (B)(3) of section 4776.02 of the Revised Code. 66947~~

**Sec. 4779.02.** (A) Except as provided in division (B) of this 66948  
section, no person shall practice or represent that the person is 66949  
authorized to practice orthotics, prosthetics, or pedorthics 66950  
unless the person holds a current, valid license issued or renewed 66951  
under this chapter. 66952

(B) Division (A) of this section does not apply to any of the 66953  
following: 66954

(1) An individual who holds a current, valid license, 66955  
certificate, or registration issued under Chapter 4723., 4729., 66956  
4730., 4731., 4734., or 4755. of the Revised Code and is 66957  
practicing within the individual's scope of practice under 66958  
statutes and rules regulating the individual's profession; 66959

(2) An individual who practices orthotics, prosthetics, or 66960  
pedorthics as an employee of the federal government and is engaged 66961

in the performance of duties prescribed by statutes and regulations of the United States;

(3) An individual who provides orthotic, prosthetic, or pedorthic services under the supervision of a licensed orthotist, prosthetist, or pedorthist in accordance with section 4779.04 of the Revised Code;

(4) An individual who provides orthotic, prosthetic, or pedorthic services as part of an educational, certification, or residency program approved by the state physical health services board ~~of orthotics, prosthetics, and pedorthics~~ under sections 4779.25 to 4779.27 of the Revised Code;

(5) An individual who provides orthotic, prosthetic, or pedorthic services under the direct supervision of an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

**Sec. 4779.08.** (A) The state physical health services board ~~of orthotics, prosthetics, and pedorthics~~ shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing all of the following:

(1) The form and manner of filing of applications to be admitted to examinations and for licensure and license renewal;

(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing other entities that conduct examinations;

(3) The form, scoring, and scheduling of licensing examinations;

(4) Fees for examinations and applications for licensure and license renewal;

(5) Fees for approval of continuing education courses;

|  |  |
|--|--|
| (6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;   | 66992<br>66993                                     |
| <del>(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;</del>  | 66994<br>66995                                     |
| <del>(8)</del> Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;   | 66996<br>66997                                     |
| <del>(9)</del> <u>(8)</u> Fines for violations of this chapter;  | 66998  |
| <del>(10)</del> <u>(9)</u> Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;   | 66999<br>67000<br>67001                            |
| <del>(11)</del> <u>(10)</u> Standards for continuing education programs required for license renewal;  | 67002<br>67003                                     |
| <del>(12) Provisions for making available the information described in section 4779.22 of the Revised Code;</del>  | 67004<br>67005                                     |
| <del>(13)</del> <u>(11)</u> Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.  | 67006<br>67007                                     |
| (B) The board may adopt any other rules necessary for the administration of this chapter.  | 67008<br>67009                                     |
| (C) <del>The</del> <u>All</u> fees <del>prescribed</del> <u>received</u> by the board under this section shall be <del>paid to the treasurer of</del> <u>deposited in the</u> state, <del>who shall deposit the fees in treasury to the credit of the</del> occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.   | 67010<br>67011<br>67012<br>67013<br>67014          |
| <b>Sec. 4779.09.</b> An applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics shall apply to the state <u>physical health services</u> board <del>of</del> <del>orthotics, prosthetics, and pedorthics</del> in accordance with rules adopted under section 4779.08 of the Revised Code and pay the application fee specified in the rules. The board shall issue a | 67015<br>67016<br>67017<br>67018<br>67019<br>67020 |

license to an applicant who is eighteen years of age or older, of 67021  
good moral character, and meets either the requirements of 67022  
divisions (A) and (B) of this section or the requirements of 67023  
section ~~4779.16~~ or 4779.17 of the Revised Code. 67024

(A) The applicant must pass an examination conducted pursuant 67025  
to section 4779.15 of the Revised Code; 67026

(B) The applicant must meet the requirements of one of the 67027  
following: 67028

(1) In the case of an applicant for a license to practice 67029  
orthotics, the requirements of section 4779.10 of the Revised 67030  
Code; 67031

(2) In the case of an applicant for a license to practice 67032  
prosthetics, the requirements of section 4779.11 of the Revised 67033  
Code; 67034

(3) In the case of an applicant for a license to practice 67035  
orthotics and prosthetics, the requirements of section 4779.12 of 67036  
the Revised Code; 67037

(4) In the case of an applicant for a license to practice 67038  
pedorthics, the requirements of section 4779.13 of the Revised 67039  
Code. 67040

**Sec. 4779.091.** (A) As used in this section, "license" and 67041  
"applicant for an initial license" have the same meanings as in 67042  
section 4776.01 of the Revised Code, except that "license" as used 67043  
in both of those terms refers to the types of authorizations 67044  
otherwise issued or conferred under this chapter. 67045

(B) In addition to any other eligibility requirement set 67046  
forth in this chapter, each applicant for an initial license shall 67047  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 67048  
state physical health services board ~~of orthotics, prosthetics,~~ 67049  
~~and pedorthics~~ shall not grant a license to an applicant for an 67050

initial license unless the applicant complies with sections 67051  
4776.01 to 4776.04 of the Revised Code and the board, in its 67052  
discretion, decides that the results of the criminal records check 67053  
do not make the applicant ineligible for a license issued pursuant 67054  
to section 4779.09, ~~4779.16~~, 4779.17, or 4779.18 of the Revised 67055  
Code. 67056

**Sec. 4779.10.** To be eligible for a license to practice 67057  
orthotics, an applicant must meet the following requirements ~~of~~ 67058  
~~division (A) of this section, or, if the application is made on or~~ 67059  
~~before January 1, 2008, the requirements of either division (A) or~~ 67060  
~~(B) of this section:~~ 67061

~~(A) The requirements of this division are met if the~~ 67062  
~~applicant is in compliance with divisions (A)(1), (2), and (3) of~~ 67063  
~~this section.~~ 67064

~~(1)~~ On the date of application, the applicant has practiced 67065  
orthotics for not less than eight months under the supervision of 67066  
an individual licensed under this chapter to practice orthotics~~;~~ 67067

~~(2)~~(B) The applicant has completed an orthotics residency 67068  
program approved by the state physical health services board under 67069  
section 4779.27 of the Revised Code~~;~~ 67070

~~(3)~~(C) One of the following is the case: 67071

~~(a)~~(1) The applicant holds a bachelor's degree in orthotics 67072  
and prosthetics from an accredited college or university whose 67073  
orthotics and prosthetics program is recognized by the ~~state~~ board 67074  
~~of orthotics, prosthetics, and pedorthics~~ under section 4779.25 of 67075  
the Revised Code or an equivalent educational credential from a 67076  
foreign educational institution recognized by the board~~;~~ 67077

~~(b)~~(2) The applicant holds a bachelor's degree in a subject 67078  
other than orthotics and prosthetics or an equivalent educational 67079  
credential from a foreign educational institution recognized by 67080

the board and has completed a certificate program in orthotics 67081  
recognized by the board under section 4779.26 of the Revised Code. 67082

~~(B) This division applies to applications made on or before 67083  
January 1, 2008. The requirements of this division are met if the 67084  
applicant is in compliance with division (B)(1) or (B)(2)(a) or 67085  
(b) of this section. 67086~~

~~(1) If application is made on or before January 1, 2006, the 67087  
applicant meets all of the following requirements: 67088~~

~~(a) Holds an associate's degree or higher from an accredited 67089  
college or university or an equivalent credential from a foreign 67090  
educational institution recognized by the board; 67091~~

~~(b) Has completed a certificate program in orthotics 67092  
recognized by the board under section 4779.26 of the Revised Code; 67093~~

~~(c) Has three years of documented, full-time experience 67094  
practicing or teaching orthotics. 67095~~

~~(2) If the application is made on or before January 1, 2008, 67096  
the applicant meets the requirements of division (B)(2)(a) or (b) 67097  
of this section. 67098~~

~~(a)(i) The applicant holds a bachelor's degree or higher from 67099  
a nationally accredited college or university or an equivalent 67100  
credential from a foreign educational institution recognized by 67101  
the board; 67102~~

~~(ii) The applicant holds a valid certificate in orthotics 67103  
issued by the American board for certification in orthotics and 67104  
prosthetics, the board for orthotist/prosthetist certification, or 67105  
an equivalent successor organization recognized by the board; 67106~~

~~(iii) The applicant has completed three years of documented, 67107  
full-time experience practicing or teaching orthotics. 67108~~

~~(b)(i) The applicant holds a bachelor's degree or higher from 67109  
a nationally accredited college or university or an equivalent 67110~~

~~credential from a foreign educational institution recognized by  
the board;~~ 67111  
67112

~~(ii) The applicant has completed a certificate program in  
orthotics recognized by the board under section 4779.26 of the  
Revised Code;~~ 67113  
67114  
67115

~~(iii) The applicant has completed a residency program in  
orthotics recognized by the board under section 4779.27 of the  
Revised Code or has three years of documented, full-time  
experience practicing or teaching orthotics.~~ 67116  
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67118  
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**Sec. 4779.11.** To be eligible for a license to practice 67120  
prosthetics, an applicant must meet the following requirements of 67121  
division (A) of this section, or, if the application is made on or 67122  
before January 1, 2008, the requirements of either division (A) or 67123  
(B) of this section: 67124

~~(A) The requirements of this division are met if the  
applicant is in compliance with divisions (A)(1), (2), and (3) of  
this section.~~ 67125  
67126  
67127

~~(1) On the date of application, the applicant has practiced  
prosthetics for not less than eight months under the supervision  
of an individual licensed under this chapter to practice  
prosthetics;~~ 67128  
67129  
67130  
67131

~~(2)(B) The applicant has completed a prosthetics residency  
program approved by the state physical health services board under  
section 4779.27 of the Revised Code;~~ 67132  
67133  
67134

~~(3)(C) One of the following is the case:~~ 67135

~~(a)(1) The applicant holds a bachelor's degree in orthotics  
and prosthetics from an accredited college or university whose  
orthotics and prosthetics program is recognized by the ~~state~~ board  
of orthotics, prosthetics, and pedorthics under section 4779.25 of  
the Revised Code or an equivalent educational credential from a~~ 67136  
67137  
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foreign educational institution recognized by the board; 67141

~~(b)(2) The applicant holds a bachelor's degree in a subject 67142  
other than orthotics and prosthetics or an equivalent educational 67143  
credential from a foreign educational institution recognized by 67144  
the board and has completed a certificate program in prosthetics 67145  
recognized by the board under section 4779.26 of the Revised Code. 67146~~

~~(B) This division applies to applications made on or before 67147  
January 1, 2008. The requirements of this division are met if the 67148  
applicant is in compliance with division (B)(1) or (B)(2)(a) or 67149  
(b) of this section; 67150~~

~~(1) If application is made on or before January 1, 2006, the 67151  
applicant meets all of the following requirements: 67152~~

~~(a) Holds an associate's degree or higher from an accredited 67153  
college or university or an equivalent credential from a foreign 67154  
educational institution recognized by the board; 67155~~

~~(b) Has completed a certificate program in prosthetics 67156  
recognized by the board under section 4779.26 of the Revised Code; 67157~~

~~(c) Has three years of documented, full time experience 67158  
practicing or teaching prosthetics. 67159~~

~~(2) If the application is made on or before January 1, 2008, 67160  
the applicant meets the requirements of division (B)(2)(a) or (b) 67161  
of this section; 67162~~

~~(a)(i) The applicant holds a bachelor's degree or higher from 67163  
a nationally accredited college or university or an equivalent 67164  
credential from a foreign educational institution recognized by 67165  
the board; 67166~~

~~(ii) The applicant holds a valid certificate in prosthetics 67167  
issued by the American board for certification in orthotics and 67168  
prosthetics, the board for orthotist/prosthetist certification, or 67169  
an equivalent successor organization recognized by the board; 67170~~

~~(iii) The applicant has completed three years of documented, full time experience practicing or teaching prosthetics.~~ 67171  
67172

~~(b)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 67173  
67174  
67175  
67176

~~(ii) The applicant has completed a certificate program in prosthetics recognized by the board under section 4779.26 of the Revised Code;~~ 67177  
67178  
67179

~~(iii) The applicant has completed a residency program in prosthetics recognized by the board under section 4779.27 of the Revised Code or has three years of documented, full time experience practicing or teaching prosthetics.~~ 67180  
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**Sec. 4779.12.** To be eligible for a license to practice orthotics and prosthetics, an applicant must meet the following requirements of ~~division (A) of this section, or, if the application is made on or before January 1, 2008, the requirements of either division (A) or (B) of this section:~~ 67184  
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~~(A) The requirements of this division are met if the applicant is in compliance with divisions (A)(1), (2), and (3) of this section.~~ 67189  
67190  
67191

~~(1) On the date of application, the applicant has practiced orthotics and prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice orthotics and prosthetics.~~ 67192  
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~~(2)(B) The applicant has completed an orthotics and prosthetics residency program approved by the state physical health services board under section 4779.27 of the Revised Code.~~ 67196  
67197  
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~~(3)(C) One of the following is the case:~~ 67199

~~(a)(1) The applicant holds a bachelor's degree in orthotics~~ 67200

and prosthetics from an accredited college or university whose  
orthotics and prosthetics program is recognized by the ~~state~~ board  
~~of orthotics, prosthetics, and pedorthics~~ under section 4779.25 of  
the Revised Code or an equivalent educational credential from a  
foreign educational institution recognized by the board~~;~~.

~~(b)(2)~~ The applicant holds a bachelor's degree in a subject  
other than orthotics and prosthetics or an equivalent educational  
credential from a foreign educational institution recognized by  
the board and has completed a certificate program in orthotics and  
prosthetics recognized by the board under section 4779.26 of the  
Revised Code.

~~(B) This division applies to applications made on or before  
January 1, 2008. The requirements of this division are met if the  
applicant is in compliance with division (B)(1) or (B)(2)(a) or  
(b) of this section;~~

~~(1) If application is made on or before January 1, 2006, the  
applicant meets all of the following requirements:~~

~~(a) Holds an associate's degree or higher from an accredited  
college or university or an equivalent credential from a foreign  
educational institution recognized by the board;~~

~~(b) Has completed a certificate program in orthotics and  
prosthetics recognized by the board under section 4779.26 of the  
Revised Code;~~

~~(c) Has six years of documented, full-time experience  
practicing or teaching orthotics or prosthetics.~~

~~(2) If the application is made on or before January 1, 2008,  
the applicant meets the requirements of division (B)(2)(a) or (b)  
of this section;~~

~~(a)(i) The applicant holds a bachelor's degree or higher from  
a nationally accredited college or university or an equivalent~~

~~credential from a foreign educational institution recognized by  
the board;~~ 67231  
67232

~~(ii) The applicant holds a valid certificate in orthotics and  
prosthetics issued by the American board for certification in  
orthotics and prosthetics, the board for orthotist/prosthetist  
certification, or an equivalent successor organization recognized  
by the board;~~ 67233  
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~~(iii) The applicant has completed six years of documented,  
full-time experience practicing or teaching orthotics or  
prosthetics.~~ 67238  
67239  
67240

~~(b)(i) The applicant holds a bachelor's degree or higher from  
a nationally accredited college or university or an equivalent  
credential from a foreign educational institution recognized by  
the board;~~ 67241  
67242  
67243  
67244

~~(ii) The applicant has completed a certificate program in  
orthotics and prosthetics recognized by the board under section  
4779.26 of the Revised Code;~~ 67245  
67246  
67247

~~(iii) The applicant has completed a residency program in  
orthotics and prosthetics recognized by the board under section  
4779.27 of the Revised Code or has six years of documented,  
full-time experience practicing or teaching orthotics or  
prosthetics.~~ 67248  
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**Sec. 4779.13.** To be eligible for a license to practice 67253  
pedorthics, an applicant must meet all of the following 67254  
requirements: 67255

(A) On the date of application, has practiced pedorthics for 67256  
not less than eight months under the supervision of an individual 67257  
licensed under this chapter to practice pedorthics; 67258

(B) Holds a high school diploma or certificate of high school 67259  
equivalence issued by the department of education, or a 67260

primary-secondary education or higher education agency of another 67261  
state; 67262

(C) Has completed the education, training, and experience 67263  
required to take the certification examination developed by the 67264  
state physical health services board for certification in 67265  
pedorthics or an equivalent successor organization recognized by 67266  
the board. 67267

**Sec. 4779.15.** Except as provided in ~~sections 4779.16 and~~ 67268  
section 4779.17 of the Revised Code, the state physical health 67269  
services board ~~of orthotics, prosthetics, and pedorthics~~ shall 67270  
examine or cause to be examined each individual who seeks to 67271  
practice orthotics, prosthetics, orthotics and prosthetics, or 67272  
pedorthics in this state. 67273

To be eligible to take an examination conducted by the board 67274  
or an entity recognized by the board for the purpose of this 67275  
section, an individual must file an application and pay an 67276  
examination fee as specified in rules adopted by the board under 67277  
section 4779.08 of the Revised Code and meet all the requirements 67278  
of section 4779.09 of the Revised Code other than the requirement 67279  
of having passed the examination. 67280

Examinations shall be conducted at least once a year in 67281  
accordance with rules adopted by the board under section 4779.08 67282  
of the Revised Code. Each applicant shall be examined in such 67283  
subjects as the board requires. 67284

The board may use as its examination all or part of a 67285  
standard orthotics, prosthetics, orthotics and prosthetics, or 67286  
pedorthics licensing examination established for the purpose of 67287  
determining the competence of individuals to practice orthotics, 67288  
prosthetics, or pedorthics in the United States. In lieu of 67289  
conducting examinations, the board may accept the results of 67290  
examinations conducted by entities recognized by the board. 67291

Sec. 4779.17. The state physical health services board of 67292  
~~orthotics, prosthetics, and pedorthics~~ shall issue a license under 67293  
section 4779.09 of the Revised Code to practice orthotics, 67294  
prosthetics, orthotics and prosthetics, or pedorthics without 67295  
examination to an applicant who meets all of the following 67296  
requirements: 67297

(A) Applies to the board in accordance with section 4779.09 67298  
of the Revised Code; 67299

(B) Holds a license to practice orthotics, prosthetics, 67300  
orthotics and prosthetics, or pedorthics issued by the appropriate 67301  
authority of another state; 67302

(C) One of the following applies: 67303

(1) In the case of an applicant for a license to practice 67304  
orthotics, the applicant meets the requirements in divisions 67305  
~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.10 of the Revised Code. 67306

(2) In the case of an applicant for a license to practice 67307  
prosthetics, the applicant meets the requirements in divisions 67308  
~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.11 of the Revised Code. 67309

(3) In the case of an applicant for a license to practice 67310  
orthotics and prosthetics, the applicant meets the requirements in 67311  
divisions ~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.12 of the Revised 67312  
Code. 67313

(4) In the case of an applicant for a license to practice 67314  
pedorthics, the applicant meets the requirements in divisions (B) 67315  
and (C) of section 4779.13 of the Revised Code. 67316

(D) ~~The~~ All fees prescribed received by the board under this 67317  
section shall be ~~paid to the treasurer of~~ deposited in the state, 67318  
~~who shall deposit the fees in treasury to the credit of the~~ 67319  
occupational licensing and regulatory fund established in section 67320  
4743.05 of the Revised Code. 67321

**Sec. 4779.18.** (A) The state physical health services board of 67322  
~~orthotics, prosthetics, and pedorthics~~ shall issue a temporary 67323  
license to an individual who meets all of the following 67324  
requirements: 67325

(1) Applies to the board in accordance with rules adopted 67326  
under section 4779.08 of the Revised Code and pays the application 67327  
fee specified in the rules; 67328

(2) Is eighteen years of age or older; 67329

(3) Is of good moral character; 67330

(4) One of the following applies: 67331

(a) In the case of an applicant for a license to practice 67332  
orthotics, the applicant meets the requirements in divisions 67333  
~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.10 of the Revised Code. 67334

(b) In the case of an applicant for a license to practice 67335  
prosthetics, the applicant meets the requirements in divisions 67336  
~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.11 of the Revised Code. 67337

(c) In the case of an applicant for a license to practice 67338  
orthotics and prosthetics, the applicant meets the requirements in 67339  
divisions ~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.12 of the Revised 67340  
Code. 67341

(d) In the case of an applicant for a license to practice 67342  
pedorthics, the applicant meets the requirements in divisions (B) 67343  
and (C) of section 4779.13 of the Revised Code. 67344

(B) A temporary license issued under this section is valid 67345  
for one year and may be renewed once in accordance with rules 67346  
adopted by the board under section 4779.08 of the Revised Code. 67347

An individual who holds a temporary license may practice 67348  
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 67349  
only under the supervision of an individual who holds a license 67350

issued under section 4779.09 of the Revised Code in the same area 67351  
of practice. 67352

(C) ~~The All fees prescribed received by the board under this 67353  
section shall be paid to the treasurer of deposited in the state, 67354  
~~who shall deposit the fees in treasury to the credit of the~~ 67355  
occupational licensing and regulatory fund established in section 67356  
4743.05 of the Revised Code. 67357~~

**Sec. 4779.20.** (A) An individual seeking to renew a license 67358  
issued under section 4779.09 of the Revised Code shall, on or 67359  
before the day the license expires pursuant to section 4779.19 of 67360  
the Revised Code, apply for renewal. The state physical health 67361  
services board ~~of orthotics, prosthetics, and pedorthics~~ shall 67362  
send renewal notices at least one month prior to the expiration 67363  
date. 67364

Applications shall be submitted to the board on forms the 67365  
board prescribes and furnishes. Each application shall be 67366  
accompanied by a renewal fee specified in rules adopted by the 67367  
board under section 4779.08 of the Revised Code, except that the 67368  
board may waive part of the renewal fee for the first renewal of 67369  
an initial license that expires one hundred days or less after it 67370  
is issued. 67371

(B) Beginning with the fourth renewal and every third renewal 67372  
thereafter, a license holder must certify to the board one of the 67373  
following: 67374

(1) In the case of an individual licensed as an orthotist or 67375  
prosthetist, the individual has completed within the preceding 67376  
three years forty-five continuing education units granted by the 67377  
board under section 4779.24 of the Revised Code; 67378

(2) In the case of an individual licensed as a prosthetist 67379  
and orthotist, the individual has completed within the preceding 67380

three years seventy-five continuing education units granted by the board under section 4779.24 of the Revised Code;

(3) In the case of an individual licensed as a pedorthist, the individual has completed within the previous three years the continuing education courses required by the board for certification in pedorthics or an equivalent organization recognized by the board.

**Sec. 4779.23.** (A) To be eligible for approval by the state physical health services board ~~of orthotics, prosthetics, and pedorthics~~, a continuing education course must satisfy all of the following requirements:

(1) Include significant intellectual or practical content and be designed to improve the professional competence of participants;

(2) Deal with matters directly related to the practice of orthotics, prosthetics, or pedorthics, including professional responsibility, ethical obligations, or similar subjects that the board considers necessary to maintain and improve the quality of orthotic and prosthetic services in this state;

(3) Involve in-person instruction, except that a course may use self-study materials if the materials are prepared and presented by a group with appropriate practical experience;

(4) Be presented in a setting that is physically suited to the course;

(5) Include thorough, high-quality written material;

(6) Meet any other requirements the board considers appropriate.

(B) The board shall, in accordance with the standards in division (A) of this section, review and approve continuing education courses. If the board does not approve a course, it

shall provide a written explanation of the reason for the denial 67411  
to the person that requested approval. The board may approve 67412  
continuing education courses approved by boards of other states 67413  
that regulate orthotics, prosthetics, and pedorthics if the other 67414  
board's standards for approving continuing education courses are 67415  
equivalent to the standards established pursuant to division (A) 67416  
of this section. 67417

**Sec. 4779.24.** The state physical health services board of 67418  
~~orthotics, prosthetics, and pedorthics~~ shall grant continuing 67419  
education units to individuals licensed under this chapter on the 67420  
following basis: 67421

(A) For completing a continuing education course approved by 67422  
the board under section 4779.23 of the Revised Code, one unit for 67423  
each hour of instruction received; 67424

(B) For teaching as a faculty member a course in orthotics, 67425  
prosthetics, or pedorthics that is part of the curriculum of an 67426  
institution of higher education, one-half unit for each semester 67427  
hour of the course, or an equivalent unit for each quarter or 67428  
trimester hour of the course; 67429

(C) For teaching other than as a faculty member a course that 67430  
is part of an institution of higher education's orthotics, 67431  
prosthetics, or pedorthics curriculum, one unit for each hour 67432  
teaching the course; 67433

(D) For teaching a continuing education course that is 67434  
approved by the board under section 4779.23 of the Revised Code 67435  
that is not part of an institution of higher education's 67436  
orthotics, prosthetics, or pedorthics curriculum, three units for 67437  
each hour teaching the course for the first time and one-half unit 67438  
for each hour teaching the course each time thereafter. 67439

**Sec. 4779.25.** The state physical health services board of 67440

~~orthotics, prosthetics, and pedorthics~~ shall recognize an 67441  
institution of higher education's bachelor's degree program in 67442  
orthotics and prosthetics if the program satisfies all of the 67443  
following requirements: 67444

(A) Provides not less than two semesters or three quarters of 67445  
instruction in orthotics and two semesters or three quarters of 67446  
instruction in prosthetics; 67447

(B) Requires as a condition of entry a high school diploma or 67448  
certificate of high school equivalence; 67449

(C) Includes a written description of the program that 67450  
includes learning goals, course objectives, and competencies for 67451  
graduation; 67452

(D) Requires frequent, documented evaluation of students to 67453  
assess their acquisition of knowledge, problem identification and 67454  
solving skills, and psychomotor, behavioral, and clinical 67455  
competencies; 67456

(E) Requires as a condition of entry successful completion of 67457  
courses in biology, chemistry, physics, psychology, computer 67458  
science, algebra or higher math, human anatomy with a laboratory 67459  
section, and physiology with a laboratory section; 67460

(F) Requires formal instruction in biomechanics, gait 67461  
analysis and pathometrics, kinesiology, pathology, materials 67462  
science, research methods, and diagnostic imaging techniques; 67463

(G) Requires students as a condition of graduation to 67464  
demonstrate orthotics skills, including measurement, 67465  
impression-taking, model rectification, and fitting and alignment 67466  
of orthoses for the lower limbs, upper limbs, and spines; 67467

(H) Requires students as a condition of graduation to 67468  
complete training in orthotic systems, including foot orthosis, 67469  
ankle-foot orthosis, knee orthosis, knee-ankle-foot orthosis, 67470

hip-knee-ankle orthosis, hip orthosis, wrist-hand orthosis, 67471  
cervical-thoracic-lumbo-sacral orthosis, thoracolumbo-sacral 67472  
orthosis, lumbo-sacral orthosis, HALO, fracture management, RGO, 67473  
standing frames, and seating; 67474

(I) Requires students as a condition of graduation to 67475  
demonstrate prosthetic skills that include measurement, 67476  
impression-taking, model rectification, diagnostic fitting, 67477  
definitive fitting, postoperative management, external power, and 67478  
static and dynamic alignment of sockets related to various 67479  
amputation levels, including partial foot, Syme's below knee, 67480  
above knee, below elbow, above elbow, and the various joint 67481  
disarticulations; 67482

(J) Requires as a condition of graduation students to 67483  
complete not less than five hundred hours of supervised clinical 67484  
experience that focus on patient-related activities, including 67485  
recommendation, measurement, impression-taking, model 67486  
rectification, fabrication, fitting, and evaluating patients in 67487  
the use and function of orthotics and prosthetics; 67488

(K) Provides for the evaluation of the program's compliance 67489  
with the requirements of this section through regular, on-site 67490  
visits conducted by a team of qualified individuals from a 67491  
nationally recognized orthotic, prosthetic, or orthotic and 67492  
prosthetic certifying body; 67493

(L) Meets any other standards adopted by the board under 67494  
section 4779.08 of the Revised Code. 67495

**Sec. 4779.26.** The state physical health services board of 67496  
~~orthotics, prosthetics, and pedorthics~~ shall recognize a 67497  
certificate program in orthotics, prosthetics, or orthotics and 67498  
prosthetics if the program satisfies all of the following 67499  
requirements: 67500

|  |   |
|--|---|
| (A) Meets the requirements in divisions (B), (C), (D), (E), (F), (K), and (L) of section 4779.25 of the Revised Code;  | 67501<br>67502                            |
| (B) In the case of a certificate program in orthotics, the program does all of the following:  | 67503<br>67504                            |
| (1) Provides not less than two semesters or three quarters of instruction in orthotics;  | 67505<br>67506                            |
| (2) Requires students to complete not less than two hundred fifty hours of supervised clinical experience that focuses on patient-related activities, recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics;   | 67507<br>67508<br>67509<br>67510<br>67511 |
| (3) Meets the requirements in divisions (G) and (H) of section 4779.25 of the Revised Code.  | 67512<br>67513                            |
| (C) In the case of a certificate program in prosthetics, the program does all of the following:  | 67514<br>67515                            |
| (1) Provides not less than two semesters or three quarters of instruction in prosthetics;  | 67516<br>67517                            |
| (2) Requires students to complete not less than two hundred fifty hours of supervised clinical experience that focuses on patient-related activities, recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of prosthetics; | 67518<br>67519<br>67520<br>67521<br>67522 |
| (3) Meets the requirements in divisions (F) and (I) of section 4779.25 of the Revised Code.  | 67523<br>67524                            |
| (D) In the case of a certificate program in orthotics and prosthetics, the program does both of the following:   | 67525<br>67526                            |
| (1) Provides not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;  | 67527<br>67528<br>67529                   |
| (2) Meets the requirements in divisions (H) and (I) of   | 67530                                     |

section 4779.25 of the Revised Code. 67531

**Sec. 4779.27.** The state physical health services board of 67532  
~~orthotics, prosthetics, and pedorthics~~ shall approve a residency 67533  
program in orthotics, prosthetics, or orthotics and prosthetics if 67534  
the program does all of the following: 67535

(A) Requires a bachelor's degree as a condition of entry; 67536

(B) Does one of the following: 67537

(1) In the case of a residency program in orthotics, provides 67538  
two semesters or three quarters of instruction in orthotics; 67539

(2) In the case of a residency program in prosthetics, 67540  
provides two semesters or three quarters of instruction in 67541  
prosthetics; 67542

(3) In the case of a residency program in orthotics and 67543  
prosthetics, provides two semesters or three quarters of 67544  
instruction in orthotics and two semesters or three quarters of 67545  
instruction in prosthetics. 67546

(C) Meets the requirements in divisions (K) and (L) of 67547  
section 4779.25 of the Revised Code; 67548

(D) Provides residents with a sufficient variety and volume 67549  
of clinical experiences to give them adequate educational 67550  
experience in the acute, rehabilitative, and chronic aspects of 67551  
orthotics and prosthetics, including recommendation, measurement, 67552  
impression-taking, model rectification, fabrication, fitting, and 67553  
evaluating patients in the use and function of orthotics and 67554  
prosthetics; 67555

(E) Provides residents with sufficient training in clinical 67556  
assessment, patient management, technical implementation, practice 67557  
management, and professional responsibility. 67558

**Sec. 4779.30.** If the state physical health services board of 67559

~~orthotics, prosthetics, and pedorthics~~ has reason to believe that 67560  
a person who holds a license issued under this chapter is mentally 67561  
ill or mentally incompetent, it may file in the probate court of 67562  
the county in which the person has a legal residence an affidavit 67563  
in the form prescribed in section 5122.11 of the Revised Code and 67564  
signed by the secretary of the board, whereupon the same 67565  
proceeding shall be had as provided in Chapter 5122. of the 67566  
Revised Code. The attorney general may represent the board in any 67567  
proceeding commenced under this section. 67568

If an individual who has been granted a license under this 67569  
chapter is adjudicated by a probate court to be mentally ill or 67570  
mentally incompetent, the individual's license shall be 67571  
automatically suspended until the individual has filed with the 67572  
board a certified copy of an adjudication by a probate court of 67573  
the individual's subsequent restoration to competency or has 67574  
submitted to the board proof, satisfactory to the board, of having 67575  
been restored to competency in the manner and form provided in 67576  
section 5122.38 of the Revised Code. The judge of the court shall 67577  
immediately notify the board of an adjudication of incompetence 67578  
and note any suspension of a license in the margin of the court's 67579  
record of the certificate. ~~In the absence of fraud or bad faith,~~ 67580  
~~neither the board nor any agent, representative, or employee of~~ 67581  
~~the board shall be held liable in damages by any person by reason~~ 67582  
~~of the filing of the affidavit referred to in this section.~~ 67583

**Sec. 4779.32.** If any person makes an allegation against an 67584  
individual who holds a license issued under this chapter, the 67585  
allegation shall be reduced to writing and verified by a person 67586  
who is familiar with the facts underlying the allegation. The 67587  
person making the allegation shall file ~~three copies of the~~ 67588  
allegation with the state physical health services board ~~of~~ 67589  
~~orthotics, prosthetics, and pedorthics~~. If a person alleges that a 67590  
license holder is engaging or has engaged in conduct described in 67591

division (A) of section 4779.28 of the Revised Code, the board may 67592  
proceed with an adjudication hearing under Chapter 119. of the 67593  
Revised Code. The board shall retain the information filed under 67594  
this section in accordance with rules adopted by the board under 67595  
section 4779.08 of the Revised Code. 67596

**Sec. 4779.33.** The ~~secretary of the state~~ physical health 67597  
services board ~~of orthotics, prosthetics, and pedorthics~~ shall 67598  
enforce the laws relating to the practice of orthotics, 67599  
prosthetics, and pedorthics. If the secretary of the board has 67600  
knowledge of a violation, the secretary shall investigate the 67601  
violation and notify the prosecuting attorney of the proper 67602  
county. 67603

**Sec. 4779.34.** The state physical health services board ~~of~~ 67604  
~~orthotics, prosthetics, and pedorthics~~ shall comply with section 67605  
4776.20 of the Revised Code. 67606

**Sec. 4781.04.** (A) The ~~manufactured homes commission~~ 67607  
department of commerce, division of industrial compliance shall 67608  
adopt rules pursuant to Chapter 119. of the Revised Code to do all 67609  
of the following: 67610

(1) Establish uniform standards that govern the installation 67611  
of manufactured housing. Not later than one hundred eighty days 67612  
after the secretary of the United States department of housing and 67613  
urban development adopts model standards for the installation of 67614  
manufactured housing or amends those standards, the ~~commission~~ 67615  
division of industrial compliance shall amend its standards as 67616  
necessary to be consistent with, and not less stringent than, the 67617  
model standards for the design and installation of manufactured 67618  
housing the secretary adopts or any manufacturers' standards that 67619  
the secretary determines are equal to or not less stringent than 67620  
the model standards. 67621

(2) Govern the inspection of the installation of manufactured housing. The rules shall specify that the ~~commission~~ division of industrial compliance, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards the ~~commission~~ division of industrial compliance establishes pursuant to this section.

(3) Govern the design, construction, installation, approval, and inspection of foundations and the base support systems for manufactured housing. The rules shall specify that the ~~commission~~ division of industrial compliance, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation, foundations, and base support systems of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards and foundation and base support system design the ~~commission~~ division of industrial compliance establishes pursuant to this section.

(4) Govern the training, experience, and education requirements for manufactured housing installers, ~~manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons;~~

(5) Establish a code of ethics for manufactured housing installers;

(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;

(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance

with this chapter and the rules adopted pursuant to it, and for 67653  
the ~~commission's~~ division's expenses incurred in implementing this 67654  
chapter; 67655

(8) Establish conditions under which a licensee may enter 67656  
into contracts to fulfill the licensee's responsibilities; 67657

(9) Govern the investigation of complaints concerning any 67658  
~~violation of this chapter or the rules adopted pursuant to it or~~ 67659  
complaints involving the conduct of any licensed manufactured 67660  
housing installer or person installing manufactured housing 67661  
without a license, ~~licensed manufactured housing dealer, licensed~~ 67662  
~~manufactured housing broker, or manufactured housing salesperson;~~ 67663

(10) Establish a dispute resolution program for the timely 67664  
resolution of warranty issues involving new manufactured homes, 67665  
disputes regarding responsibility for the correction or repair of 67666  
defects in manufactured housing, and the installation of 67667  
manufactured housing. The rules shall provide for the timely 67668  
resolution of disputes between manufacturers, manufactured housing 67669  
dealers, and installers regarding the correction or repair of 67670  
defects in manufactured housing that are reported by the purchaser 67671  
of the home during the one-year period beginning on the date of 67672  
installation of the home. The rules also shall provide that 67673  
decisions made regarding the dispute under the program are not 67674  
binding upon the purchaser of the home or the other parties 67675  
involved in the dispute unless the purchaser so agrees in a 67676  
written acknowledgement that the purchaser signs and delivers to 67677  
the program within ten business days after the decision is issued. 67678

(11) Establish the requirements and procedures for the 67679  
certification of building departments and building department 67680  
personnel pursuant to section 4781.07 of the Revised Code; 67681

(12) Establish fees to be charged to building departments and 67682  
building department personnel applying for certification and 67683

renewal of certification pursuant to section 4781.07 of the Revised Code; 67684  
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(13) Develop a policy regarding the maintenance of records for any inspection authorized or conducted pursuant to this chapter. Any record maintained under division (A)(13) of this section shall be a public record under section 149.43 of the Revised Code. 67686  
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~~(14) Carry out any other provision of this chapter.~~ 67691

(B) The ~~manufactured homes commission~~ division of industrial compliance shall do all of the following: 67692  
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(1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the ~~commission~~ division determines appropriate; 67694  
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(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination; 67698  
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(3) Prepare and distribute any application form ~~this chapter requires~~ sections 4781.01 to 4781.11 of the Revised Code require; 67701  
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(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants; 67703  
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(5) Establish procedures for processing, approving, and disapproving applications for licensure; 67705  
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(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application; 67707  
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(7) Review the design and plans for manufactured housing installations, foundations, and support systems; 67710  
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(8) Inspect a sample of homes at a percentage the ~~commission~~ division determines to evaluate the construction and installation 67712  
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of manufactured housing installations, foundations, and support systems to determine compliance with the standards the ~~commission~~ division adopts; 67714  
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(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer, ~~manufactured housing dealer,~~ ~~manufactured housing broker,~~ or ~~manufactured housing salesperson;~~ 67717  
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(10) Determine appropriate disciplinary actions for violations of this chapter; 67721  
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(11) Conduct audits and inquiries of manufactured housing installers, ~~manufactured housing dealers,~~ and ~~manufactured housing brokers~~ as appropriate for the enforcement of this chapter. The ~~commission~~ division, or any person the ~~commission~~ division employs for the purpose, may review and audit the business records of any manufactured housing installer, ~~dealer,~~ or ~~broker~~ during normal business hours. 67723  
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(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity; 67730  
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~~(13) Perform any function or duty necessary to administer this chapter and the rules adopted pursuant to it.~~ 67733  
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(C) Nothing in this section, or in any rule adopted by the ~~manufactured homes commission~~ division, shall be construed to limit the authority of a board of health to enforce section 3701.344 or Chapters 3703., 3718., and 3781. of the Revised Code or limit the authority of the department of administrative services to lease space for the use of a state agency and to group together state offices in any city in the state as provided in section 123.01 of the Revised Code. 67735  
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**Sec. 4781.06.** (A) The ~~manufactured homes commission~~ division 67743

of industrial compliance may delegate to the ~~executive director~~ 67744  
the Ohio construction industry licensing board any of its duties 67745  
set forth in ~~division (B) of section~~ sections 4781.04 to 4781.15 67746  
of the Revised Code. 67747

(B) The ~~commission~~ division may enter into a contract with 67748  
the Ohio manufactured homes association or another entity to 67749  
administer the dispute resolution program created pursuant to 67750  
section 4781.04 of the Revised Code. The contract shall specify 67751  
the terms for the administration of the program. 67752

(C)(1) The ~~commission~~ division may enter into a contract with 67753  
any private third party, municipal corporation, township, county, 67754  
state agency, or the Ohio manufactured homes association, or any 67755  
successor entity, to perform any of the ~~commission's~~ division's 67756  
functions set forth in ~~division (B) of section~~ sections 4781.04 to 67757  
4781.15 of the Revised Code that the ~~commission~~ division has not 67758  
delegated to the ~~executive director~~ Ohio construction industry 67759  
licensing board. Each contract shall specify the compensation to 67760  
be paid to the private third party, municipal corporation, 67761  
township, county, state agency, or the Ohio manufactured homes 67762  
association, or successor entity, for the performance of the 67763  
~~commission's~~ division's functions. 67764

(2) Except as provided in this division, the ~~commission~~ 67765  
division shall not enter into any contract with any person or 67766  
building department to accept and approve plans and specifications 67767  
or to inspect manufactured housing foundations and the 67768  
installation of manufactured housing unless that person or 67769  
building department is certified pursuant to section 4781.07 of 67770  
the Revised Code. The ~~commission~~ division shall require inspectors 67771  
the Ohio department of health employs to obtain certification 67772  
pursuant to section 4781.07 of the Revised Code. 67773

**Sec. 4781.07.** (A) Pursuant to rules the ~~manufactured homes~~ 67774

~~commission~~ division of industrial compliance adopts, the 67775  
~~commission~~ division may certify municipal, township, and county 67776  
building departments and the personnel of those departments, or 67777  
any private third party, to exercise the ~~commission's~~ division's 67778  
enforcement authority, accept and approve plans and specifications 67779  
for foundations, support systems and installations, and inspect 67780  
manufactured housing foundations, support systems, and 67781  
manufactured housing installations. Any certification is effective 67782  
for three years. 67783

(B) Following an investigation and finding of facts that 67784  
support its action, the ~~commission~~ division of industrial 67785  
compliance may revoke or suspend certification. The ~~commission~~ 67786  
division may initiate an investigation on ~~its~~ the division's own 67787  
motion or the petition of a person affected by the enforcement or 67788  
approval of plans. 67789

**Sec. 4781.08.** (A) The ~~manufactured homes commission~~ division 67790  
of industrial compliance shall issue a manufactured housing 67791  
~~installer's~~ installer license to any applicant who is at least 67792  
eighteen years of age and meets all of the following requirements: 67793

(1) Submits an application to the ~~commission~~ division on a 67794  
form the ~~commission~~ division prescribes and pays the fee the 67795  
~~commission~~ division requires; 67796

(2) Completes all training requirements the ~~commission~~ 67797  
division prescribes; 67798

(3) Meets the experience requirements the ~~commission~~ division 67799  
prescribes by rule; 67800

(4) Has at least one year of experience installing 67801  
manufactured housing under the supervision of a licensed 67802  
manufactured home installer if applying for licensure after 67803  
January 1, 2006; 67804

(5) Has completed an installation training course the ~~commission~~ division approves, which may be offered by the Ohio manufactured homes association or other entity;

(6) Receives a passing score on the licensure examination the ~~commission~~ division administers;

(7) Provides information the ~~commission~~ division requires to demonstrate compliance with this chapter and the rules the ~~commission~~ division adopts;

(8) Provides the ~~commission~~ division with three references from persons who are retailers, manufacturers, or manufactured home park operators familiar with the person's installation work experience and competency, with at least two of the three references provided after January 1, 2006, being from persons who are licensed manufactured housing installers;

(9) Has liability insurance or a surety bond that is issued by an insurance or surety company authorized to transact business in Ohio, in the amount the ~~commission~~ division specifies, and containing the terms and conditions the ~~commission~~ division requires;

(10) Is in compliance with section 4123.35 of the Revised Code.

(B) The ~~commission~~ division of industrial compliance shall not grant a license to any person who the ~~commission~~ division finds has engaged in actions during the previous two years that constitute a ground for denial, suspension, or revocation of a license or who has had a license revoked or disciplinary action imposed by the licensing or certification board of another state or jurisdiction during the previous two years in connection with the installation of manufactured housing.

(C) Any person who is licensed, certified, or otherwise approved under the laws of another state to perform functions

substantially similar to those of a manufactured housing installer 67836  
may apply to the ~~commission~~ division for licensure on a form the 67837  
~~commission~~ division prescribes. The ~~commission~~ division shall 67838  
issue a license if the standards for licensure, certification, or 67839  
approval in the state in which the applicant is licensed, 67840  
certified, or approved are substantially similar to or exceed the 67841  
requirements set forth in this chapter and the rules adopted 67842  
pursuant to it. The ~~commission~~ division may require the applicant 67843  
to pass the ~~commission's~~ division's licensure examination. 67844

(D) Any license issued pursuant to this section shall bear 67845  
the licensee's name and post-office address, the issue date, a 67846  
serial number the ~~commission~~ division designates, and the 67847  
signature of the ~~commission chairperson or a person the~~ commission 67848  
division designates pursuant to rules. 67849

(E) A manufactured housing ~~installers~~ installer license 67850  
expires two years after it is issued. The ~~commission~~ division of 67851  
industrial compliance shall renew a license if the applicant does 67852  
all of the following: 67853

(1) Meets the requirements of division (A) of this section; 67854

(2) Demonstrates compliance with the requirements of this 67855  
chapter and the rules adopted pursuant to it; 67856

(3) Meets the ~~commission's~~ division's continuing education 67857  
requirements. 67858

(F) No manufactured housing ~~installer's~~ installer license may 67859  
be transferred to another person. 67860

**Sec. 4781.09.** (A) The ~~manufactured homes~~ commission division 67861  
of industrial compliance may deny, suspend, revoke, or refuse to 67862  
renew the license of any manufactured home installer for any of 67863  
the following reasons: 67864

(1) Failure to satisfy the requirements of section 4781.08 or 67865

|   |  |
|---|--|
| 4781.10 of the Revised Code;  | 67866  |
| (2) Violation of this chapter or any rule adopted pursuant to it;   | 67867<br>67868                                     |
| (3) Making a material misstatement in an application for a license;   | 67869<br>67870                                     |
| (4) Installing manufactured housing without a license or without being under the supervision of a licensed manufactured housing installer;  | 67871<br>67872<br>67873                            |
| (5) Failure to appear for a hearing before the <del>commission</del> <u>division</u> or to comply with any final adjudication order of the <del>commission</del> <u>division</u> issued pursuant to this chapter;   | 67874<br>67875<br>67876                            |
| (6) Conviction of a felony or a crime involving moral turpitude;  | 67877<br>67878                                     |
| (7) Having had a license revoked, suspended, or denied by the <del>commission</del> <u>division</u> during the preceding two years;   | 67879<br>67880                                     |
| (8) Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years;   | 67881<br>67882                                     |
| (9) Engaging in conduct in another state or jurisdiction that would violate this chapter if committed in this state.  | 67883<br>67884                                     |
| (10) Failing to provide written notification of an installation pursuant to division (D) of section 4781.11 of the Revised Code to a county treasurer or county auditor.  | 67885<br>67886<br>67887                            |
| (B)(1) Any person whose license or license application is revoked, suspended, denied, or not renewed or upon whom a civil penalty is imposed may request an adjudication hearing on the matter within thirty days after receipt of the notice of the action. The hearing shall be held in accordance with Chapter 119. of the Revised Code. | 67888<br>67889<br>67890<br>67891<br>67892<br>67893 |
| (2) Any licensee or applicant may appeal an order made pursuant to an adjudication hearing in the manner provided in  | 67894<br>67895                                     |

section 119.12 of the Revised Code. 67896

(C) A person whose license is suspended, revoked, or not 67897  
renewed may apply for a new license two years after the date on 67898  
which the license was suspended, revoked, or not renewed. 67899

**Sec. 4781.10.** (A) The ~~manufactured homes commission~~ division 67900  
of industrial compliance may establish programs and requirements 67901  
for continuing education for manufactured housing installers. The 67902  
~~commission~~ division shall not require licensees to complete more 67903  
than eight credit hours of continuing education during each 67904  
license period. If the ~~commission~~ division establishes a program 67905  
of continuing education, it shall require that only courses that 67906  
the ~~commission~~ division preapproves be accepted for licensure 67907  
credit, and unless an extension is granted pursuant to division 67908  
(D) of this section, that all credit hours be successfully 67909  
completed prior to the expiration of the installer's license. 67910

(B) To provide the resources to administer continuing 67911  
education programs, the ~~commission~~ division may establish 67912  
nonrefundable fees, including any of the following: 67913

(1) An application fee not to exceed one hundred fifty 67914  
dollars charged to the sponsor of each proposed course; 67915

(2) A renewal fee not to exceed seventy-five dollars, charged 67916  
to the sponsor of each course, for the annual renewal of course 67917  
approval; 67918

(3) A course fee charged to the sponsor of each course 67919  
offered, not to exceed five dollars per credit hour, for each 67920  
person completing an approved course; 67921

(4) A student fee charged to licensees, not to exceed fifty 67922  
dollars, for each course or activity a student submits to the 67923  
~~commission~~ division for approval. 67924

(C) The ~~commission~~ division may adopt reasonable rules not 67925

|  |       |
|--|-------|
| inconsistent with this chapter to carry out any continuing                       | 67926 |
| education program, including rules that govern the following:                    | 67927 |
| (1) The content and subject matter of continuing education                       | 67928 |
| courses;   | 67929 |
| (2) The criteria, standards, and procedures for the approval                     | 67930 |
| of courses, course sponsors, and course instructors;                             | 67931 |
| (3) The methods of instruction;  | 67932 |
| (4) The computation of course credit;  | 67933 |
| (5) The ability to carry forward course credit from one year                     | 67934 |
| to another;  | 67935 |
| (6) Conditions under which the <del>commission</del> <u>division</u> may grant   | 67936 |
| a waiver or variance from continuing education requirements on the               | 67937 |
| basis of hardship or other reasons;  | 67938 |
| (7) Procedures for compliance with the continuing education                      | 67939 |
| requirements and sanctions for noncompliance.                                    | 67940 |
| (D) The <del>commission</del> <u>division</u> shall not renew the license of     | 67941 |
| any person who fails to satisfy any continuing education                         | 67942 |
| requirement that the <del>commission</del> <u>division</u> establishes. The      | 67943 |
| <del>commission</del> <u>division</u> may, for good cause, grant an extension of | 67944 |
| time to comply with the continuing education requirements. Any                   | 67945 |
| installer who is granted an extension and completes the continuing               | 67946 |
| education requirements within the time the <del>commission</del> <u>division</u> | 67947 |
| establishes is deemed in compliance with the education                           | 67948 |
| requirements. The license of any person who is granted an                        | 67949 |
| extension shall remain in effect during the period of the                        | 67950 |
| extension.   | 67951 |
| <br>   |       |
| <b>Sec. 4781.11.</b> (A)(1) Except as provided in division (B) of                | 67952 |
| this section, no person shall install manufactured housing unless                | 67953 |
| that person is licensed as a manufactured housing installer                      | 67954 |
| pursuant to this chapter or unless a licensed manufactured housing               | 67955 |

installer is present during the installation and supervises the 67956  
person who is not licensed. 67957

(2) A licensed manufactured housing installer who supervises 67958  
the work of an unlicensed person is responsible for all 67959  
installation work that the unlicensed person performs under the 67960  
licensed person's supervision. 67961

(3) A person who is not a licensed manufactured housing 67962  
installer may perform foundation or base support system 67963  
construction if supervised by a licensed installer. The licensed 67964  
installer need not be present during the construction of the 67965  
foundation or base support system but is responsible for the 67966  
construction of the foundation or base support system. 67967

(B)(1) Nothing in this chapter requires a person to obtain a 67968  
manufactured housing installer license to install manufactured 67969  
housing for the person's own occupancy if the manufactured housing 67970  
is located on property that the person owns and is not located in 67971  
a manufactured home park. 67972

(2) A person who installs manufactured housing in the manner 67973  
described in division (B)(1) of this section is not entitled to 67974  
claim any right or remedy or to bring a cause of action under this 67975  
chapter. 67976

(C) No person shall install any manufactured housing 67977  
foundation or manufactured housing support system unless that 67978  
foundation or support system complies with the standards the 67979  
~~manufactured homes commission~~ division of industrial compliance 67980  
establishes and receives all approvals and inspections that the 67981  
~~commission~~ division requires. 67982

(D) Within fourteen days after the installation, a 67983  
manufactured housing installer who performs or supervises a 67984  
manufactured housing installation shall provide to both the 67985  
treasurer and the auditor of the county in which the installation 67986

is being performed a written notice containing all of the 67987  
following information: 67988

- (1) The address or location of the installation; 67989
- (2) The date of the installation; 67990
- (3) The make and model of the installed manufactured housing 67991  
unit; 67992
- (4) The name of the owner of the installed manufactured 67993  
housing unit. 67994

(E) It is a violation of this chapter to do any of the 67995  
following: 67996

- (1) Represent another person's license as a manufactured 67997  
housing installer as one's own; 67998
- (2) Intentionally give false or materially misleading 67999  
information of any kind to the ~~commission or to a commission~~ 68000  
member division of industrial compliance in connection with 68001  
licensing matters; 68002
- (3) Impersonate another manufactured housing installer; 68003
- (4) Use an expired, suspended, or revoked license. 68004

**Sec. 4781.12.** (A) The ~~manufactured homes commission~~ division 68005  
of industrial compliance may apply to an appropriate court to 68006  
enjoin any violation of this chapter or the rules adopted pursuant 68007  
to it. The court shall grant any appropriate relief, including an 68008  
injunction, restraining order, or any combination thereof, upon a 68009  
showing that a person has violated or is about to violate this 68010  
chapter or a rule adopted pursuant to it. 68011

(B) The prosecuting attorney of a county, a city director of 68012  
law, or the attorney general may, upon the complaint of the 68013  
~~commission~~ division, prosecute to termination or bring an action 68014  
for injunction against any person violating this chapter or the 68015

rules adopted pursuant to it. 68016

(C) Any other party adversely affected by an order of the 68017  
~~commission~~ division may appeal the order to the court of common 68018  
pleas of the county in which the party adversely affected is a 68019  
resident or has a place of business, except that if that party is 68020  
not a resident of this state and has no place of business in this 68021  
state, the party shall appeal to the court of common pleas in 68022  
Franklin county. 68023

**Sec. 4781.121.** (A) The ~~manufactured homes commission~~ division 68024  
of industrial compliance, pursuant to section 4781.04 of the 68025  
Revised Code, may investigate any person who allegedly has 68026  
committed a violation. If, after an investigation the ~~commission~~ 68027  
division determines that reasonable evidence exists that a person 68028  
has committed a violation, within seven days after that 68029  
determination, the ~~commission~~ division shall send a written notice 68030  
to that person in the same manner as prescribed in section 119.07 68031  
of the Revised Code for licensees, except that the notice shall 68032  
specify that a hearing will be held and specify the date, time, 68033  
and place of the hearing. 68034

(B) The ~~commission~~ division of industrial compliance shall 68035  
hold a hearing regarding the alleged violation in the same manner 68036  
prescribed for an adjudication hearing under section 119.09 of the 68037  
Revised Code. If the ~~commission~~ division, after the hearing, 68038  
determines that a violation has occurred, the ~~commission, upon an~~ 68039  
~~affirmative vote of five of its members,~~ division may impose a 68040  
fine not exceeding one thousand dollars per violation per day. The 68041  
~~commission's~~ division's determination is an order that the person 68042  
may appeal in accordance with section 119.12 of the Revised Code. 68043

(C) If the person who allegedly committed a violation fails 68044  
to appear for a hearing, the ~~commission~~ division of industrial 68045  
compliance may request the court of common pleas of the county 68046

where the alleged violation occurred to compel the person to 68047  
appear before the ~~commission~~ division for a hearing. 68048

(D) If the ~~commission~~ division assesses a person a civil 68049  
penalty for a violation and the person fails to pay that civil 68050  
penalty within the time period prescribed by the ~~commission~~ 68051  
division pursuant to section 131.02 of the Revised Code, the 68052  
~~commission~~ division shall forward to the attorney general the name 68053  
of the person and the amount of the civil penalty for the purpose 68054  
of collecting that civil penalty. In addition to the civil penalty 68055  
assessed pursuant to this section, the person also shall pay any 68056  
fee assessed by the attorney general for collection of the civil 68057  
penalty. 68058

(E) The authority provided to the ~~commission~~ division of 68059  
industrial compliance pursuant to this section, and any fine 68060  
imposed under this section, shall be in addition to, and not in 68061  
lieu of, all penalties and other remedies provided in this 68062  
chapter. Any fines collected pursuant to this section shall be 68063  
used solely to administer and enforce this chapter and rules 68064  
adopted under it. Any fees collected pursuant to this section 68065  
shall be transmitted to the treasurer of state and shall be 68066  
credited to the ~~manufactured homes commission regulatory~~ 68067  
industrial compliance operating fund created in section ~~4781.54~~ 68068  
121.084 of the Revised Code and the rules adopted thereunder. The 68069  
fees shall be used only for the purpose of administering and 68070  
enforcing sections 4781.26 to 4781.35 of the Revised Code and the 68071  
rules adopted thereunder. 68072

(F) As used in this section, "violation" means a violation of 68073  
section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant 68074  
to section 4781.04, of the Revised Code. 68075

**Sec. 4781.14.** (A) The ~~manufactured homes commission,~~ division 68076  
of industrial compliance has exclusive authority to regulate 68077

manufactured home installers, the installation of manufactured 68078  
housing, and manufactured housing foundations and support systems 68079  
in this state. ~~By enacting this chapter, it~~ It is the intent of 68080  
the general assembly to preempt municipal corporations and other 68081  
political subdivisions from regulating and licensing manufactured 68082  
housing installers and regulating and inspecting the installation 68083  
of manufactured housing and manufactured housing foundations and 68084  
support systems. 68085

(B) The ~~manufactured homes commission~~ division has exclusive 68086  
power to adopt rules of uniform application throughout the state 68087  
governing installation of manufactured housing, the inspection of 68088  
manufactured housing foundations and support systems, the 68089  
inspection of the installation of manufactured housing, the 68090  
training and licensing of manufactured housing installers, and the 68091  
investigation of complaints concerning manufactured housing 68092  
installers. 68093

(C) The rules the ~~commission~~ division adopts pursuant to this 68094  
chapter are the exclusive rules governing the installation of 68095  
manufactured housing, the design, construction, and approval of 68096  
foundations for manufactured housing, the licensure of 68097  
manufactured home installers, and the fees charged for licensure 68098  
of manufactured home installers. No political subdivision of the 68099  
state or any department or agency of the state may establish any 68100  
other standards governing the installation of manufactured 68101  
housing, manufactured housing foundations and support systems, the 68102  
licensure of manufactured housing installers, or fees charged for 68103  
the licensure of manufactured housing installers. 68104

(D) Nothing in this section limits the authority of the 68105  
attorney general to enforce Chapter 1345. of the Revised Code or 68106  
to take any action permitted by the Revised Code against 68107  
manufactured housing installers, retailers, or manufacturers. 68108

**Sec. 4781.17.** (A) Each person applying for a manufactured 68109  
housing dealer's license or manufactured housing broker's license 68110  
shall complete and deliver to the ~~manufactured homes commission~~ 68111  
department of commerce, division of real estate, before the first 68112  
day of April, a separate application for license for each county 68113  
in which the business of selling or brokering manufactured or 68114  
mobile homes is to be conducted. The application shall be in the 68115  
form prescribed by the ~~commission~~ division of real estate and 68116  
accompanied by the fee established by the ~~commission~~ division of 68117  
real estate. The applicant shall sign and swear to the application 68118  
that shall include all of the following: 68119

(1) Name of applicant and location of principal place of 68120  
business; 68121

(2) Name or style under which business is to be conducted 68122  
and, if a corporation, the state of incorporation; 68123

(3) Name and address of each owner or partner and, if a 68124  
corporation, the names of the officers and directors; 68125

(4) The county in which the business is to be conducted and 68126  
the address of each place of business therein; 68127

(5) A statement of the previous history, record, and 68128  
association of the applicant and of each owner, partner, officer, 68129  
and director, that is sufficient to establish to the satisfaction 68130  
of the ~~commission~~ division of real estate the reputation in 68131  
business of the applicant; 68132

(6) A statement showing whether the applicant has previously 68133  
applied for a manufactured housing dealer's license, manufactured 68134  
housing broker's license, manufactured housing salesperson's 68135  
license, or, prior to July 1, 2010, a motor vehicle dealer's 68136  
license, manufactured home broker's license, or motor vehicle 68137  
salesperson's license, and the result of the application, and 68138

whether the applicant has ever been the holder of any such license 68139  
that was revoked or suspended; 68140

(7) If the applicant is a corporation or partnership, a 68141  
statement showing whether any partner, employee, officer, or 68142  
director has been refused a manufactured housing dealer's license, 68143  
manufactured housing broker's license, manufactured housing 68144  
salesperson's license, or, prior to July 1, 2010, a motor vehicle 68145  
dealer's license, manufactured home broker's license, or motor 68146  
vehicle salesperson's license, or has been the holder of any such 68147  
license that was revoked or suspended; 68148

(8) Any other information required by the ~~commission~~ division 68149  
of real estate. 68150

(B) Each person applying for a manufactured housing 68151  
salesperson's license shall complete and deliver to the 68152  
~~manufactured homes commission~~ division of real estate before the 68153  
first day of July an application for license. The application 68154  
shall be in the form prescribed by the ~~commission~~ division of real 68155  
estate and shall be accompanied by the fee established by the 68156  
~~commission~~ division. The applicant shall sign and swear to the 68157  
application that shall include all of the following: 68158

(1) Name and post-office address of the applicant; 68159

(2) Name and post-office address of the manufactured housing 68160  
dealer or manufactured housing broker for whom the applicant 68161  
intends to act as salesperson; 68162

(3) A statement of the applicant's previous history, record, 68163  
and association, that is sufficient to establish to the 68164  
satisfaction of the ~~commission~~ division of real estate the 68165  
applicant's reputation in business; 68166

(4) A statement as to whether the applicant intends to engage 68167  
in any occupation or business other than that of a manufactured 68168  
housing salesperson; 68169

(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended;

(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked;

(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson;

(8) Any other information required by the ~~commission~~ division of real estate.

(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the ~~commission~~ division of real estate under this section also shall be accompanied by a photograph, as prescribed by the ~~commission~~ division, of each place of business operated, or to be operated, by the applicant.

(D) The ~~manufactured homes commission~~ division of real estate shall deposit all license fees into the state treasury to the credit of the ~~occupational licensing and~~ manufactured homes regulatory fund.

**Sec. 4781.18.** (A) The ~~manufactured homes commission~~ division of real estate shall deny the application of any person for a license as a manufactured housing dealer or manufactured housing broker and refuse to issue the license if the ~~commission~~ division finds that any of the following is true of the applicant:

(1) The applicant has made any false statement of a material

fact in the application. 68200

(2) The applicant has not complied with this chapter or the 68201  
rules adopted by the ~~commission~~ division of real estate under this 68202  
chapter. 68203

(3) The applicant is of bad business repute or has habitually 68204  
defaulted on financial obligations. 68205

(4) The applicant has been guilty of a fraudulent act in 68206  
connection with selling or otherwise dealing in manufactured 68207  
housing or in connection with brokering manufactured housing. 68208

(5) The applicant has entered into or is about to enter into 68209  
a contract or agreement with a manufacturer or distributor of 68210  
manufactured homes that is contrary to the requirements of this 68211  
chapter. 68212

(6) The applicant is insolvent. 68213

(7) The applicant is of insufficient responsibility to ensure 68214  
the prompt payment of any final judgments that might reasonably be 68215  
entered against the applicant because of the transaction of 68216  
business as a manufactured housing dealer or manufactured housing 68217  
broker during the period of the license applied for, or has failed 68218  
to satisfy any such judgment. 68219

(8) The applicant has no established place of business that, 68220  
where applicable, is used or will be used for the purpose of 68221  
selling, displaying, offering for sale or dealing in manufactured 68222  
housing at the location for which application is made. 68223

(9) Within less than twelve months prior to making 68224  
application, the applicant has been denied a manufactured housing 68225  
dealer's license or manufactured housing broker's license, or has 68226  
any such license revoked. 68227

(B) The ~~commission~~ division of real estate shall deny the 68228  
application of any person for a license as a salesperson and 68229

refuse to issue the license if the ~~commission~~ division finds that 68230  
any of the following is true of the applicant: 68231

(1) The applicant has made any false statement of a material 68232  
fact in the application. 68233

(2) The applicant has not complied with this chapter or the 68234  
rules adopted by the ~~commission~~ division of real estate under this 68235  
chapter. 68236

(3) The applicant is of bad business repute or has habitually 68237  
defaulted on financial obligations. 68238

(4) The applicant has been guilty of a fraudulent act in 68239  
connection with selling or otherwise dealing in manufactured 68240  
housing. 68241

(5) The applicant has not been designated to act as 68242  
salesperson for a manufactured housing dealer or manufactured 68243  
housing broker licensed to do business in this state under this 68244  
chapter, or intends to act as salesperson for more than one 68245  
licensed manufactured housing dealer or manufactured housing 68246  
broker at the same time, unless the licensed dealership is owned 68247  
or operated by the same corporation, regardless of the county in 68248  
which the dealership's facility is located. 68249

(6) The applicant holds a current manufactured housing 68250  
dealer's or manufactured housing broker's license issued under 68251  
this chapter, and intends to act as salesperson for another 68252  
licensed manufactured housing dealer or manufactured housing 68253  
broker. 68254

(7) Within less than twelve months prior to making 68255  
application, the applicant has been denied a salesperson's license 68256  
or had a salesperson's license revoked. 68257

(8) The applicant was salesperson for, or in the employ of, a 68258  
manufactured housing dealer or manufactured housing broker at the 68259

time the dealer's or broker's license was revoked. 68260

(C) If an applicant for a manufactured housing dealer or 68261  
manufactured housing broker's license is a corporation or 68262  
partnership, the ~~commission~~ division of real estate may refuse to 68263  
issue a license if any officer, director, or partner of the 68264  
applicant has been guilty of any act or omission that would be 68265  
cause for refusing or revoking a license issued to such officer, 68266  
director, or partner as an individual. The ~~commission's~~ division's 68267  
finding may be based upon facts contained in the application or 68268  
upon any other information the ~~commission~~ division of real estate 68269  
may have. 68270

(D) Notwithstanding division (A)(4) of this section, the 68271  
~~commission~~ division of real estate shall not deny the application 68272  
of any person and refuse to issue a license if the ~~commission~~ 68273  
division finds that the applicant is engaged or will engage in the 68274  
business of selling at retail any new manufactured homes and 68275  
demonstrates that the applicant has posted a bond, surety, or 68276  
certificate of deposit with the ~~commission~~ division of real estate 68277  
in an amount not less than one hundred thousand dollars for the 68278  
protection and benefit of the applicant's customers. 68279

(E) A decision made by the ~~commission~~ division of real estate 68280  
under this section may be based upon any statement contained in 68281  
the application or upon any facts within the ~~commission's~~ 68282  
division's knowledge. 68283

(F) Immediately upon denying an application for any of the 68284  
reasons in this section, the ~~commission~~ division of real estate 68285  
shall enter a final order together with the ~~commission's~~ 68286  
division's findings. If the application is denied by the ~~executive~~ 68287  
~~director of the commission under authority of section 4781.05 of~~ 68288  
~~the Revised Code~~ division of real estate, the ~~executive director~~ 68289  
division of real estate shall enter a final order ~~together with~~ 68290  
~~the director's findings and certify the same to the commission.~~ 68291

~~The commission and~~ shall issue to the applicant a written notice 68292  
of refusal to grant a license that shall disclose the reason for 68293  
refusal. 68294

**Sec. 4781.19.** (A) At the time the ~~manufactured homes~~ 68295  
~~commission division of real estate~~ grants the application of any 68296  
person for a license as a manufactured housing dealer, 68297  
manufactured housing broker, or manufactured housing salesperson, 68298  
the ~~commission division~~ shall issue to the person a license that 68299  
includes the name and ~~post-office business and mailing~~ address of 68300  
the person licensed. If a manufactured housing dealer or 68301  
manufactured housing broker has more than one place of business in 68302  
a county, the dealer or broker shall make application, in such 68303  
form as the ~~commission division~~ prescribes, for a certified copy 68304  
of the license issued to the dealer or broker for each place of 68305  
business in the county. 68306

(B) The ~~commission division of real estate~~ may require each 68307  
applicant for a manufactured housing dealer's license, 68308  
manufactured housing broker's license, and manufactured housing 68309  
salesperson's license issued under this chapter to pay an 68310  
additional fee, which shall be used by the ~~commission division~~ to 68311  
pay the costs of obtaining a record of any arrests and convictions 68312  
of the applicant from the bureau of identification and 68313  
investigation. The amount of the fee shall be equal to that paid 68314  
by the ~~commission division~~ to obtain such record. 68315

(C) In the event of the loss, mutilation, or destruction of a 68316  
manufactured housing dealer's license, manufactured housing 68317  
broker's license, or manufactured housing salesperson's license, 68318  
any licensee may make application to the ~~commission division of~~ 68319  
real estate, in the form prescribed by the ~~commission division~~, 68320  
for a duplicate copy thereof and pay a fee established by the 68321  
~~commission division of real estate~~. 68322

(D) All manufactured housing dealers' licenses, all 68323  
manufactured housing brokers' licenses, and all manufactured 68324  
housing salespersons' licenses issued or renewed shall expire 68325  
biennially on a day within the two-year cycle that is prescribed 68326  
by the ~~manufactured homes commission~~ division of real estate, 68327  
unless sooner suspended or revoked. Before the first day after the 68328  
day prescribed by the ~~commission~~ division in the year that the 68329  
license expires, each licensed manufactured housing dealer, 68330  
manufactured housing broker, and manufactured housing salesperson, 68331  
in the year in which the license will expire, shall file an 68332  
application, in such form as the ~~commission~~ division of real 68333  
estate prescribes, for the renewal of such license. The fee 68334  
required by this section for the original license shall accompany 68335  
the application. 68336

(E) Each manufactured housing dealer and manufactured housing 68337  
broker shall keep the license or a certified copy thereof and a 68338  
current list of the dealer's or the broker's licensed 68339  
salespersons, showing the names, addresses, and serial numbers of 68340  
their licenses, posted in a conspicuous place in each place of 68341  
business. Each salesperson shall carry the salesperson's license 68342  
or a certified copy thereof and shall exhibit such license or copy 68343  
upon demand to any inspector of the ~~commission~~ division of real 68344  
estate, state highway patrol trooper, police officer, or person 68345  
with whom the salesperson seeks to transact business as a 68346  
manufactured housing salesperson. 68347

**Sec. 4781.20.** The applications for licenses submitted under 68348  
section 4781.17 of the Revised Code are not part of the public 68349  
records but are confidential information for the use of the 68350  
~~manufactured homes commission~~ division of real estate. No person 68351  
shall divulge any information contained in such applications and 68352  
acquired by the person in the person's capacity as an official or 68353  
employee of the ~~manufactured homes commission~~ division of real 68354

estate, except in a report to the ~~commission~~ division, or when 68355  
called upon to testify in any court or proceeding. 68356

**Sec. 4781.21.** (A) The ~~manufactured homes commission~~ division 68357  
of real estate may make rules governing ~~its~~ actions relative to 68358  
the suspension and revocation of manufactured housing dealers', 68359  
manufactured housing brokers', and manufactured housing 68360  
salespersons' licenses, and may, upon its own motion, and shall, 68361  
upon the verified complaint in writing of any person, investigate 68362  
the conduct of any licensee under this chapter. The ~~commission~~ 68363  
division shall suspend, revoke, or refuse to renew any 68364  
manufactured housing dealer's, manufactured housing broker's, or 68365  
manufactured housing salesperson's license, if any ground existed 68366  
upon which the license might have been refused, or if a ground 68367  
exists that would be cause for refusal to issue a license. 68368

The ~~commission~~ division of real estate may suspend or revoke 68369  
any license if the licensee has in any manner violated the rules 68370  
adopted by the ~~commission~~ division under this chapter, or has been 68371  
convicted of committing a felony or violating any law that in any 68372  
way relates to the selling, taxing, licensing, or regulation of 68373  
sales of manufactured or mobile homes. 68374

(B) Any salesperson's license shall be suspended upon the 68375  
termination, suspension, or revocation of the license of the 68376  
manufactured housing dealer or manufactured housing broker for 68377  
whom the salesperson is acting, or upon the salesperson leaving 68378  
the service of the manufactured housing dealer or manufactured 68379  
housing broker. Upon the termination, suspension, or revocation of 68380  
the license of the manufactured housing dealer or manufactured 68381  
housing broker for whom the salesperson is acting, or upon the 68382  
salesperson leaving the service of a licensed manufactured housing 68383  
or manufactured housing broker, the licensed salesperson may make 68384  
application to the ~~commission~~ division of real estate, in such 68385

form as the ~~commission~~ division prescribes, to have the 68386  
salesperson's license reinstated, transferred, and registered as a 68387  
salesperson for another dealer or broker. If the information 68388  
contained in the application is satisfactory to the ~~commission~~ 68389  
division of real estate, the ~~commission~~ division shall reinstate, 68390  
transfer, or register the salesperson's license as a salesperson 68391  
for other dealer or broker. The ~~commission~~ division shall 68392  
establish the fee for the reinstatement and transfer of license. 68393  
No license issued to a dealer, broker, or salesperson under this 68394  
chapter may be transferred to any other person. 68395

(C) Any person whose manufactured housing dealer's license, 68396  
manufactured housing broker's license, or manufactured housing 68397  
salesperson's license is revoked, suspended, denied, or not 68398  
renewed may request an adjudication hearing on the matter within 68399  
thirty days after receipt of the notice of the action. If no 68400  
appeal is taken within thirty days after receipt of the order, the 68401  
order is final and conclusive. All appeals must be by petition in 68402  
writing and verified under oath by the applicant whose application 68403  
for license has been revoked, suspended, denied, or not renewed 68404  
and must set forth the reason for the appeal and the reason why, 68405  
in the petitioner's opinion, the order is not correct. ~~In such~~ 68406  
~~appeals the board may make investigation to determine the~~ 68407  
~~correctness and legality of the appealed order.~~ The hearing shall 68408  
be held in accordance with Chapter 119. of the Revised Code. 68409

**Sec. 4781.22.** No manufactured housing dealer licensed under 68410  
this chapter shall do any of the following: 68411

(A) Directly or indirectly, solicit the sale of a 68412  
manufactured home or mobile home through an interested person 68413  
other than a salesperson licensed in the employ of a licensed 68414  
dealer; 68415

(B) Pay any commission or compensation in any form to any 68416

person in connection with the sale of a manufactured home or 68417  
mobile home unless the person is licensed as a salesperson in the 68418  
employ of the dealer; 68419

(C) Fail to immediately notify the ~~manufactured homes~~ 68420  
~~commission~~ division of real estate upon termination of the 68421  
employment of any person licensed as a salesperson to sell, 68422  
display, offer for sale, or deal in manufactured homes or mobile 68423  
homes for the dealer. 68424

**Sec. 4781.23.** (A) Each licensed manufactured housing dealer 68425  
and manufactured housing broker shall notify the ~~manufactured~~ 68426  
~~homes commission~~ division of real estate of any change in status 68427  
as a manufactured housing dealer or manufactured housing broker 68428  
during the period for which the dealer or broker is licensed, if 68429  
the change of status concerns either of the following: 68430

(1) Personnel of owners, partners, officers, or directors; 68431

(2) Location of an office or principal place of business. 68432

(B) The notification required by division (A) of this section 68433  
shall be made by filing with the ~~commission~~ division of real 68434  
estate, within fifteen days after the change of status, a 68435  
supplemental statement in a form prescribed by the ~~commission~~ 68436  
division of real estate showing in what respect the status has 68437  
been changed. 68438

The ~~commission~~ division of real estate may adopt a rule 68439  
exempting from the notification requirement of division (A)(1) of 68440  
this section any dealer if stock in the dealer or its parent 68441  
company is publicly traded and if there are public records filed 68442  
with and in the possession of state or federal agencies that 68443  
provide the information required by division (A)(1) of this 68444  
section. 68445

**Sec. 4781.25.** The ~~manufactured homes commission~~ division of 68446

real estate shall adopt rules for the regulation of manufactured housing brokers in accordance with Chapter 119. of the Revised Code. The rules shall require that a manufactured housing broker maintain a bond of a surety company authorized to transact business in this state in an amount determined by the ~~commission~~ division of real estate. The rules also shall require each person licensed as a manufactured housing broker to maintain at all times a special or trust bank account that is noninterest-bearing, is separate and distinct from any personal or other account of the broker, and into which shall be deposited and maintained all escrow funds, security deposits, and other moneys received by the broker in a fiduciary capacity. In a form determined by the ~~commission~~ division, a manufactured housing broker shall submit written proof to the ~~commission~~ division of the continued maintenance of the special or trust account. A depository where special or trust accounts are maintained in accordance with this section shall be located in this state.

**Sec. 4781.26.** (A) The ~~manufactured homes commission~~ division of industrial compliance, subject to Chapter 119. of the Revised Code, shall adopt, and has the exclusive power to adopt, rules of uniform application throughout the state governing the review of plans, issuance of flood plain management permits, and issuance of licenses for manufactured home parks; the location, layout, density, construction, drainage, sanitation, safety, and operation of those parks; and notices of flood events concerning, and flood protection at, those parks. The rules pertaining to flood plain management shall be consistent with and not less stringent than the flood plain management criteria of the national flood insurance program adopted under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended. The rules shall not apply to the construction, erection, or manufacture of

any building to which section 3781.06 of the Revised Code is applicable. 68478  
68479

(B) The rules pertaining to manufactured home parks 68480  
constructed after June 30, 1971, shall specify that each home must 68481  
be placed on its lot to provide not less than fifteen feet between 68482  
the side of one home and the side of another home, ten feet 68483  
between the end of one home and the side of another home, and five 68484  
feet between the ends of two homes placed end to end. 68485

(C) The ~~manufactured homes commission~~ division of industrial 68486  
compliance shall determine compliance with the installation, 68487  
blocking, tiedown, foundation, and base support system standards 68488  
for manufactured housing located in manufactured home parks 68489  
adopted by the ~~commission~~ division pursuant to section 4781.04 of 68490  
the Revised Code. All inspections of the installation, blocking, 68491  
tiedown, foundation, and base support systems of manufactured 68492  
housing in a manufactured home park that the ~~commission~~ division 68493  
of industrial compliance conducts shall be conducted by a person 68494  
the ~~manufactured homes commission~~ division of industrial 68495  
compliance certifies pursuant to section 4781.07 of the Revised 68496  
Code. 68497

(D) The ~~manufactured homes commission~~ division of industrial 68498  
compliance may enter into contracts for the purpose of fulfilling 68499  
the ~~commission's~~ division of industrial compliance's annual 68500  
inspection responsibilities for manufactured home parks under this 68501  
chapter. Boards of health of city or general health districts 68502  
shall have the right of first refusal for those contracts. 68503

**Sec. 4781.27.** (A)(1) On or after the first day of December, 68504  
but before the first day of January of the next year, every person 68505  
who intends to operate a manufactured home park shall procure a 68506  
license to operate the park for the next year from the 68507  
~~manufactured homes commission~~ division of industrial compliance. 68508

If the applicable license fee prescribed under section 4781.28 of the Revised Code is not received by the ~~commission~~ division by the close of business on the last day of December, the applicant for the license shall pay a penalty equal to twenty-five per cent of the applicable license fee. The penalty shall accompany the license fee. If the last day of December is not a business day, the penalty attaches upon the close of business on the next business day.

(2) No manufactured home park shall be maintained or operated in this state without a license.

(3) No person who has received a license, upon the sale or disposition of the manufactured home park, may have the license transferred to the new operator. A person shall obtain a separate license to operate each manufactured home park.

(B) Before a license is initially issued and annually thereafter, or more often if necessary, the ~~commission~~ division of industrial compliance shall cause each manufactured home park to be inspected for compliance with sections 4781.26 to 4781.35 of the Revised Code and the rules adopted under those sections. A record shall be made of each inspection on a form prescribed by the ~~commission~~ division.

(C) Each person applying for an initial license to operate a manufactured home park shall provide acceptable proof to the ~~commission~~ division of industrial compliance that adequate fire protection will be provided and that applicable fire codes will be adhered to in the construction and operation of the park.

**Sec. 4781.28.** The ~~manufactured homes commission~~ division of industrial compliance may charge a fee for an annual license to operate a manufactured home park. The fee for a license shall be determined in accordance with section 4781.27 of the Revised Code and shall include the cost of licensing and all inspections.

Any fees collected shall be transmitted to the treasurer of 68540  
state and shall be credited to the ~~manufactured homes commission~~ 68541  
~~regulatory~~ industrial compliance operating fund created in section 68542  
~~4781.54~~ 121.084 of the Revised Code and used only for the purpose 68543  
of administering and enforcing sections 4781.26 to 4781.35 of the 68544  
Revised Code and the rules adopted thereunder. 68545

**Sec. 4781.29.** The ~~manufactured homes commission~~ division of 68546  
industrial compliance may refuse to grant, may suspend, or may 68547  
revoke any license granted to any person for failure to comply 68548  
with sections 4781.26 to 4781.35 of the Revised Code or with any 68549  
rule adopted under section 4781.26 of the Revised Code. 68550

**Sec. 4781.31.** (A) No person shall cause development to occur 68551  
within any portion of a manufactured home park until the plans for 68552  
the development have been submitted to and reviewed and approved 68553  
by the ~~manufactured homes commission~~ division of industrial 68554  
compliance. This division does not require that plans be submitted 68555  
to the ~~commission~~ division of industrial compliance for approval 68556  
for the replacement of manufactured or mobile homes on previously 68557  
approved lots in a manufactured home park when no development is 68558  
to occur in connection with the replacement. Within thirty days 68559  
after receipt of the plans, all supporting documents and materials 68560  
required to complete the review, and the applicable plan review 68561  
fee established under division (D) of this section, the ~~commission~~ 68562  
division of industrial compliance shall approve or disapprove the 68563  
plans. 68564

(B) Any person aggrieved by the ~~commission's~~ division's 68565  
disapproval of a set of plans under division (A) of this section 68566  
may request a hearing on the matter within thirty days after 68567  
receipt of the ~~commission's~~ division's notice of the disapproval. 68568  
The hearing shall be held in accordance with Chapter 119. of the 68569  
Revised Code. Thereafter, the disapproval may be appealed in the 68570

manner provided in section 119.12 of the Revised Code. 68571

(C) The ~~commission~~ division of industrial compliance shall 68572  
establish a system by which development occurring within a 68573  
manufactured home park is inspected or verified in accordance with 68574  
rules adopted under section 4781.26 of the Revised Code to ensure 68575  
that the development complies with the plans approved under 68576  
division (A) of this section. 68577

(D) The ~~commission~~ division of industrial compliance shall 68578  
establish fees for reviewing plans under division (A) of this 68579  
section and conducting inspections under division (C) of this 68580  
section. 68581

(E) The ~~commission~~ division of industrial compliance shall 68582  
charge the appropriate fees established under division (D) of this 68583  
section for reviewing plans under division (A) of this section and 68584  
conducting inspections under division (C) of this section. All 68585  
such plan review and inspection fees received by the ~~commission~~ 68586  
division shall be transmitted to the treasurer of state and shall 68587  
be credited to the ~~occupational licensing and regulatory~~ 68588  
industrial compliance operating fund created in section ~~4743.05~~ 68589  
121.084 of the Revised Code. Moneys so credited to the fund shall 68590  
be used only for the purpose of administering and enforcing 68591  
sections 4781.26 to 4781.35 of the Revised Code and rules adopted 68592  
under those sections. 68593

(F) Plan approvals issued under this section do not 68594  
constitute an exemption from the land use and building 68595  
requirements of the political subdivision in which the 68596  
manufactured home park is or is to be located. 68597

**Sec. 4781.32.** (A) No person shall cause development to occur 68598  
or cause the replacement of a mobile or manufactured home within 68599  
any portion of a manufactured home park that is located within a 68600  
one-hundred-year flood plain unless the person first obtains a 68601

permit from the ~~manufactured homes commission~~ division of 68602  
industrial compliance. If the development for which a permit is 68603  
required under this division is to occur on a lot where a mobile 68604  
or manufactured home is or is to be located, the owner of the home 68605  
and the operator of the manufactured home park shall jointly 68606  
obtain the permit. Each of the persons to whom a permit is jointly 68607  
issued is responsible for compliance with the provisions of the 68608  
approved permit that are applicable to that person. 68609

The ~~commission~~ division of industrial compliance shall 68610  
disapprove an application for a permit required under this 68611  
division unless the ~~commission~~ division finds that the proposed 68612  
development or replacement of a mobile or manufactured home 68613  
complies with the rules adopted under section 4781.26 of the 68614  
Revised Code. No permit is required under this division for the 68615  
construction, erection, or manufacture of any building to which 68616  
section 3781.06 of the Revised Code applies. 68617

The ~~commission~~ division of industrial compliance may suspend 68618  
or revoke a permit issued under this division for failure to 68619  
comply with the rules adopted under section 4781.26 of the Revised 68620  
Code pertaining to flood plain management or for failure to comply 68621  
with the approved permit. 68622

Any person aggrieved by the disapproval, suspension, or 68623  
revocation of a permit under this division by the ~~commission~~ 68624  
division of industrial compliance may request a hearing on the 68625  
matter within thirty days after receipt of the notice of the 68626  
disapproval, suspension, or revocation. The hearing shall be held 68627  
in accordance with Chapter 119. of the Revised Code. Thereafter, 68628  
an appeal of the disapproval, suspension, or revocation may be 68629  
taken in the manner provided in section 119.12 of the Revised 68630  
Code. 68631

(B) The ~~commission~~ division of industrial compliance shall 68632  
establish fees for the issuance of permits under division (A) of 68633

this section and for necessary inspections conducted to determine 68634  
compliance with those permits. 68635

(C) The ~~commission~~ division of industrial compliance shall 68636  
charge the appropriate fee established under division (B) of this 68637  
section for the issuance of a permit under division (A) of this 68638  
section or for conducting any necessary inspection to determine 68639  
compliance with the permit. If the ~~commission~~ division issues such 68640  
a permit or conducts such an inspection, the fee for the permit or 68641  
inspection shall be transmitted to the treasurer of state and 68642  
shall be credited to the ~~occupational licensing and regulatory~~ 68643  
industrial compliance operating fund created in section ~~4743.05~~ 68644  
121.084 of the Revised Code. Moneys so credited to the fund shall 68645  
be used only for the purpose of administering and enforcing 68646  
sections 4781.26 to 4781.35 of the Revised Code and rules adopted 68647  
under those sections. 68648

**Sec. 4781.33.** When a flood event affects a manufactured home 68649  
park, the operator of the manufactured home park, in accordance 68650  
with rules adopted under section 4781.26 of the Revised Code, 68651  
shall notify the ~~manufactured homes commission~~ division of 68652  
industrial compliance and the board of health having jurisdiction 68653  
where the flood event occurred within forty-eight hours after the 68654  
end of the flood event. The ~~commission~~ division, after receiving 68655  
notification, shall immediately notify the board of health. 68656

After being notified of such a flood event, the board of 68657  
health shall cause an inspection to be made of the manufactured 68658  
home park named in the notice. The board of health shall issue a 68659  
report of the inspection to the ~~commission~~ division of industrial 68660  
compliance within ten days after the inspection is completed. 68661

**Sec. 4781.34.** (A) If a mobile or manufactured home that is 68662  
located in a flood plain is substantially damaged, the owner of 68663

the home shall make all alterations, repairs, or changes to the 68664  
home, and the operator of the manufactured home park shall make 68665  
all alterations, repairs, or changes to the lot on which the home 68666  
is located, that are necessary to ensure compliance with the flood 68667  
plain management rules adopted under section 4781.26 of the 68668  
Revised Code. Such alterations, repairs, or changes may include, 68669  
without limitation, removal of the home or other structures. 68670

No person shall fail to comply with this division. 68671

(B) No person shall cause to be performed any alteration, 68672  
repair, or change required by division (A) of this section unless 68673  
the person first obtains a permit from the ~~manufactured homes~~ 68674  
~~commission~~ division of industrial compliance. 68675

The ~~commission~~ division of industrial compliance shall 68676  
disapprove an application for a permit required under this 68677  
division unless the ~~commission~~ division finds that the proposed 68678  
alteration, repair, or change complies with the rules adopted 68679  
under section 4781.26 of the Revised Code. No permit is required 68680  
under this division for the construction, erection, or manufacture 68681  
of any building to which section 3781.06 of the Revised Code 68682  
applies. 68683

The ~~commission~~ division of industrial compliance may suspend 68684  
or revoke a permit issued under this division for failure to 68685  
comply with the rules adopted under section 4781.26 of the Revised 68686  
Code pertaining to flood plain management or for failure to comply 68687  
with the approved permit for making alterations, repairs, or 68688  
changes to the lot on which the manufactured home is located. 68689

Any person aggrieved by the disapproval, suspension, or 68690  
revocation of a permit under this division by the ~~commission~~ 68691  
division of industrial compliance may request a hearing on the 68692  
matter within thirty days after receipt of the notice of the 68693  
disapproval, suspension, or revocation. The hearing shall be held 68694

in accordance with Chapter 119. of the Revised Code. Thereafter, 68695  
an appeal of the disapproval, suspension, or revocation may be 68696  
taken in the manner provided in section 119.12 of the Revised Code 68697  
and for necessary inspections conducted to determine compliance 68698  
with those permits. 68699

(C) The ~~commission~~ division of industrial compliance shall 68700  
establish fees for the issuance of permits under division (B) of 68701  
this section and for necessary inspections conducted to determine 68702  
compliance with those permits for making alterations, repairs, or 68703  
changes to the lot on which the manufactured home is located. 68704

(D) The ~~commission~~ division of industrial compliance shall 68705  
charge the appropriate fee established under division (C) of this 68706  
section for the issuance of a permit under division (B) of this 68707  
section or for conducting any necessary inspection to determine 68708  
compliance with the permit. If the ~~commission~~ division of 68709  
industrial compliance issues such a permit or conducts such an 68710  
inspection, the fee for the permit or inspection shall be 68711  
transmitted to the treasurer of state and shall be credited to the 68712  
~~occupational licensing and regulatory~~ industrial compliance 68713  
operating fund created in section ~~4743.05~~ 121.084 of the Revised 68714  
Code. Moneys so credited to the fund shall be used only for the 68715  
purpose of administering and enforcing sections 4781.26 to 4781.35 68716  
of the Revised Code and rules adopted under those sections. 68717

**Sec. 4781.35.** (A) No person shall violate sections 4781.26 to 68718  
4781.35 of the Revised Code or the rules adopted thereunder. 68719

(B) The prosecuting attorney of the county, the city director 68720  
of law, or the attorney general, upon complaint of the 68721  
~~manufactured homes commission~~ division of industrial compliance, 68722  
shall prosecute to termination or bring an action for injunction 68723  
against any person violating sections 4781.26 to 4781.35 of the 68724  
Revised Code or the rules adopted thereunder. 68725

**Sec. 4781.37.** (A) Notwithstanding section 4781.36 of the Revised Code, a park operator may bring an action under Chapter 1923. of the Revised Code for possession of the premises if any of the following applies:

(1) The resident is in default in the payment of rent.

(2) The violation of the applicable building, housing, health, or safety code that the resident complained of was primarily caused by any act or lack of reasonable care by the resident, by any other person in the resident's household, or by anyone on the premises with the consent of the resident.

(3) The resident is holding over the resident's term.

(4) The resident is in violation of rules of the ~~manufactured homes commission~~ division of industrial compliance adopted pursuant to section 4781.26 of the Revised Code or rules of the manufactured home park adopted pursuant to the rules of the ~~commission~~ division.

(5) The resident has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of the action, and the resident's manufactured home, mobile home, or recreational vehicle parked in the manufactured home park has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement.

(B) The maintenance of an action by the park operator under this section does not prevent the resident from recovering damages for any violation by the park operator of the rental agreement or of section 4781.38 of the Revised Code.

**Sec. 4781.38.** (A) A park operator who is a party to a rental agreement shall:

(1) Comply with the requirements of all applicable building, housing, health, and safety codes which materially affect health and safety, and comply with rules of the ~~manufactured homes~~ commission division of industrial compliance;

(2) Make all repairs and do whatever is reasonably necessary to put and keep the premises in a fit and habitable condition;

(3) Keep all common areas of the premises in a safe and sanitary condition;

(4) Maintain in good and safe working order and condition all electrical and plumbing fixtures and appliances, and septic systems, sanitary and storm sewers, refuse receptacles, and well and water systems that are supplied or required to be supplied by the park operator;

(5) Not abuse the right of access conferred by division (B) of section 4781.39 of the Revised Code;

(6) Except in the case of emergency or if it is impracticable to do so, give the resident reasonable notice of the park operator's intent to enter onto the residential premises and enter only at reasonable times. Twenty-four hours' notice shall be presumed to be a reasonable notice in the absence of evidence to the contrary.

(B) If the park operator violates any provision of this section, makes a lawful entry onto the residential premises in an unreasonable manner, or makes repeated demands for entry otherwise lawful which demands have the effect of harassing the resident, the resident may recover actual damages resulting from the violation, entry, or demands and injunctive relief to prevent the recurrence of the conduct, and if the resident obtains a judgment, reasonable attorneys' fees, or terminate the rental agreement.

**Sec. 4781.39.** (A) A resident who is a party to a rental

agreement shall: 68785

(1) Keep that part of the premises that the resident occupies 68786  
and uses safe and sanitary; 68787

(2) Dispose of all rubbish, garbage, and other waste in a 68788  
clean, safe, and sanitary manner; 68789

(3) Comply with the requirements imposed on residents by all 68790  
applicable state and local housing, health, and safety codes, 68791  
rules of the ~~manufactured homes commission~~ division of industrial 68792  
compliance, and rules of the manufactured home park; 68793

(4) Personally refrain, and forbid any other person who is on 68794  
the premises with the resident's permission, from intentionally or 68795  
negligently destroying, defacing, damaging, or removing any 68796  
fixture, appliance, or other part of the residential premises; 68797

(5) Conduct self and require other persons on the premises 68798  
with the resident's consent to conduct themselves in a manner that 68799  
will not disturb the resident's neighbors' peaceful enjoyment of 68800  
the manufactured home park. 68801

(B) The resident shall not unreasonably withhold consent for 68802  
the park operator to enter the home to inspect utility 68803  
connections, or enter onto the premises in order to inspect the 68804  
premises, make ordinary, necessary, or agreed repairs, 68805  
decorations, alterations, or improvements, deliver parcels which 68806  
are too large for the resident's mail facilities, or supply 68807  
necessary or agreed services. 68808

(C) If the resident violates any provision of this section, 68809  
the park operator may recover any actual damages which result from 68810  
the violation and reasonable attorneys' fees. This remedy is in 68811  
addition to any right of the park operator to terminate the rental 68812  
agreement, to maintain an action for the possession of the 68813  
premises, or injunctive relief to compel access under division (B) 68814  
of this section. 68815

Sec. 4781.45. If a resident commits a material violation of the rules of the manufactured home park, of the ~~manufactured homes commission~~ department of commerce division of industrial compliance, or of applicable state and local health and safety codes, the park operator may deliver a written notification of the violation to the resident. The notification shall contain all of the following:

(A) A description of the violation;

(B) A statement that the rental agreement will terminate upon a date specified in the written notice not less than thirty days after receipt of the notice unless the resident remedies the violation;

(C) A statement that the violation was material and that if a second material violation of any park or ~~commission~~ division rule, or any health and safety code, occurs within six months after the date of this notice, the rental agreement will terminate immediately;

(D) A statement that a defense available to termination of the rental agreement for two material violations of park or ~~commission~~ division rules, or of health and safety codes, is that the park rule is unreasonable, or that the park or ~~commission~~ division rule, or health or safety code, is not being enforced against other manufactured home park residents, or that the two violations were not willful and not committed in bad faith.

If the resident remedies the condition described in the notice, whether by repair, the payment of damages, or otherwise, the rental agreement shall not terminate. The park operator may terminate the rental agreement immediately if the resident commits a second material violation of the park or ~~commission~~ division rules, or of applicable state and local health and safety codes, subject to the defense that the park rule is unreasonable, that

the park or ~~commission~~ division rule, or health or safety code, is 68847  
not being enforced against other manufactured home park residents, 68848  
or that the two violations were not willful and not committed in 68849  
bad faith. 68850

Sec. 4781.54. (A) The division of real estate shall deposit 68851  
all the fees collected in the administration and enforcement 68852  
sections 4781.16 to 4781.25 of the Revised Code into the 68853  
manufactured homes regulatory fund, which is hereby created. All 68854  
money deposited into the fund shall be used to pay the operating 68855  
expenses of the division or as otherwise described in those 68856  
sections. 68857

(B) The division of industrial compliance shall deposit all 68858  
fees collected in the administration and enforcement sections of 68859  
4781.04 to 4781.14 and sections 4781.26 to 4781.35 of the Revised 68860  
Code into the industrial compliance operating fund created in 68861  
section 121.084 of the Revised Code. All money deposited into the 68862  
fund shall be used to pay the operating expenses of the division 68863  
or as otherwise described in those sections. 68864

Sec. 4783.03. (A) The state behavioral health and social work 68865  
board of ~~psychology~~ shall administer and enforce this chapter. The 68866  
board shall adopt rules under Chapter 119. of the Revised Code 68867  
establishing all of the following: 68868

(1) Procedures and requirements for applying for a 68869  
certificate issued under section 4783.04 of the Revised Code; 68870

(2) Fees for issuance of a certificate; 68871

(3) Reductions of the hours of continuing education required 68872  
by section 4783.05 of the Revised Code for persons in their first 68873  
certificate period. 68874

(B) The board may adopt additional rules in accordance with 68875  
Chapter 119. of the Revised Code as the board determines are 68876

necessary to implement and enforce this chapter. 68877

**Sec. 4783.04.** (A) An individual seeking a certificate to 68878  
practice as a certified Ohio behavior analyst shall file with the 68879  
state behavioral health and social work board ~~of psychology~~ a 68880  
~~written~~ an application on a form prescribed and supplied by the 68881  
board. To be eligible for a certificate, the individual shall do 68882  
all of the following: 68883

(1) Demonstrate that the applicant is of good moral character 68884  
and conducts the applicant's professional activities in accordance 68885  
with accepted professional and ethical standards; 68886

(2) Comply with sections 4776.01 to 4776.04 of the Revised 68887  
Code; 68888

(3) Demonstrate an understanding of the law regarding 68889  
behavioral health practice; 68890

(4) Demonstrate current certification as a board certified 68891  
behavior analyst by the behavior analyst certification board or 68892  
its successor organization or demonstrate completion of equivalent 68893  
requirements and passage of a psychometrically valid examination 68894  
administered by a nationally accredited credentialing 68895  
organization; 68896

(5) Pay the fee established by the state behavioral health 68897  
and social work board ~~of psychology~~. 68898

(B) The state behavioral health and social work board ~~of~~ 68899  
~~psychology~~ shall review all applications received under this 68900  
section. The state behavioral health and social work board ~~of~~ 68901  
~~psychology~~ shall not grant a certificate to an applicant for an 68902  
initial certificate unless the applicant complies with sections 68903  
4776.01 to 4776.04 of the Revised Code and the state behavioral 68904  
health and social work board ~~of psychology~~, in its discretion, 68905  
decides that the results of the criminal records check do not make 68906

the applicant ineligible for a certificate issued pursuant to 68907  
section 4783.09 of the Revised Code. If the state behavioral 68908  
health and social work board of ~~psychology~~ determines that an 68909  
applicant satisfies the requirements for a certificate to practice 68910  
as a certified Ohio behavior analyst, the state behavioral health 68911  
and social work board of ~~psychology~~ shall issue the applicant a 68912  
certificate. 68913

**Sec. 4783.05.** (A)(1) Except as otherwise provided in this 68914  
division, a certificate issued under this chapter is valid for a 68915  
period of two years. On or before the thirty-first day of August 68916  
of each even-numbered year, each certified Ohio behavior analyst 68917  
shall do both of the following: 68918

(a) Register with the state behavioral health and social work 68919  
board of ~~psychology~~ on a form prescribed by the board, giving the 68920  
certified Ohio behavior analyst's name, address, certificate 68921  
number, the continuing education information required under 68922  
division (B) of this section, and any other reasonable information 68923  
as the board requires; 68924

(b) Pay to the board secretary a biennial registration fee in 68925  
an amount of one hundred fifty dollars. 68926

(2) An individual who is issued a certificate under section 68927  
4783.04 of the Revised Code for the first time on or before the 68928  
thirty-first day of August of an even-numbered year shall next be 68929  
required to register on or before the thirty-first day of August 68930  
of the next even-numbered year. 68931

(B) Every two years a certified Ohio behavior analyst who 68932  
wishes to renew the certified Ohio behavior analyst's certificate 68933  
issued under this chapter shall produce proof of not less than 68934  
twenty-three hours of continuing education, including not less 68935  
than four hours in ethics, professional conduct, or cultural 68936  
competency. Continuing education hours may be earned through 68937

providers of continuing education approved by the behavior analyst 68938  
certification board or its successor organization or other 68939  
organizations approved by the state behavioral health and social 68940  
work board ~~of psychology~~ as providers of continuing education. 68941

**Sec. 4783.09.** (A) The state behavioral health and social work 68942  
board ~~of psychology~~ may refuse to issue a certificate to any 68943  
applicant, may issue a reprimand, or suspend or revoke the 68944  
certificate of any certified Ohio behavior analyst, on any of the 68945  
following grounds: 68946

(1) Conviction of a felony, or of any offense involving moral 68947  
turpitude, in a court of this or any other state or in a federal 68948  
court; 68949

(2) Using fraud or deceit in the procurement of the 68950  
certificate to practice applied behavior analysis or knowingly 68951  
assisting another in the procurement of such a certificate through 68952  
fraud or deceit; 68953

(3) Accepting commissions or rebates or other forms of 68954  
remuneration for referring persons to other professionals; 68955

(4) Willful, unauthorized communication of information 68956  
received in professional confidence; 68957

(5) Being negligent in the practice of applied behavior 68958  
analysis; 68959

(6) Using any controlled substance or alcoholic beverage to 68960  
an extent that such use impairs the person's ability to perform 68961  
the work of a certified Ohio behavior analyst with safety to the 68962  
public; 68963

(7) Violating any rule of professional conduct promulgated by 68964  
the board; 68965

(8) Practicing in an area of applied behavior analysis for 68966  
which the person is clearly untrained or incompetent; 68967

(9) An adjudication by a court, as provided in section 68968  
5122.301 of the Revised Code, that the person is incompetent for 68969  
the purpose of holding the certificate; 68970

(10) Waiving the payment of all or any part of a deductible 68971  
or copayment that a patient, pursuant to a health insurance or 68972  
health care policy, contract, or plan that covers applied behavior 68973  
analysis services, would otherwise be required to pay if the 68974  
waiver is used as an enticement to a patient or group of patients 68975  
to receive health care services from that provider; 68976

(11) Advertising that the person will waive the payment of 68977  
all or any part of a deductible or copayment that a patient, 68978  
pursuant to a health insurance or health care policy, contract, or 68979  
plan that covers applied behavior analysis services, would 68980  
otherwise be required to pay. 68981

(B) For purposes of division (A)(9) of this section, a person 68982  
may have the person's certificate issued or restored only upon 68983  
determination by a court that the person is competent for the 68984  
purpose of holding the certificate and upon the decision by the 68985  
board that the certificate be issued or restored. The board may 68986  
require an examination prior to such issuance or restoration. 68987

(C) Notwithstanding divisions (A)(10) and (11) of this 68988  
section, sanctions shall not be imposed against any certificate 68989  
holder who waives deductibles and copayments: 68990

(1) In compliance with the health benefit plan that expressly 68991  
allows such a practice. Waiver of the deductibles or copays shall 68992  
be made only with the full knowledge and consent of the plan 68993  
purchaser, payer, and third-party administrator. Such consent 68994  
shall be made available to the board upon request. 68995

(2) For professional services rendered to any other person 68996  
holding a certificate issued pursuant to this chapter to the 68997  
extent allowed by this chapter and the rules of the board. 68998

(D) Except as provided in section 4783.10 of the Revised Code, before the board may deny, suspend, or revoke a certificate under this section, or otherwise discipline the holder of a certificate, written charges shall be filed with the board by the secretary and a hearing shall be had thereon in accordance with Chapter 119. of the Revised Code.

**Sec. 4783.10.** On receipt of a complaint that any of the grounds listed in division (A) of section 4783.09 of the Revised Code exist, the state behavioral health and social work board ~~of psychology~~ may suspend the certificate of the certified Ohio behavior analyst prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that an immediate threat to the public exists.

After suspending a certificate pursuant to this section, the board shall notify the certified Ohio behavior analyst of the suspension in accordance with section 119.07 of the Revised Code. If the individual whose certificate is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate.

**Sec. 4783.11.** (A) Except as provided in division (B) of this section, if, at the conclusion of a hearing required by section 4783.09 of the Revised Code, the state behavioral health and social work board ~~of psychology~~ determines that a certified Ohio behavior analyst has engaged in sexual conduct or had sexual contact with the certified Ohio behavior analyst's patient or client in violation of any prohibition contained in Chapter 2907. of the Revised Code, the board shall do one of the following:

(1) Suspend the certified Ohio behavior analyst's certificate;

(2) Permanently revoke the certified Ohio behavior analyst's certificate. 69029  
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(B) If the board determines at the conclusion of the hearing that neither of the sanctions described in division (A) of this section is appropriate, the board shall impose another sanction it considers appropriate and issue a written finding setting forth the reasons for the sanction imposed and the reason that neither of the sanctions described in division (A) of this section is appropriate. 69031  
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**Sec. 4783.12.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state behavioral health and social work board of ~~psychology~~ shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate issued pursuant to this chapter. 69038  
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**Sec. 4783.13.** The state behavioral health and social work board of ~~psychology~~ shall comply with section 4776.20 of the Revised Code. 69044  
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**Sec. 4905.02.** (A) As used in this chapter, "public utility" includes every corporation, company, copartnership, person, or association, the lessees, trustees, or receivers of the foregoing, defined in section 4905.03 of the Revised Code, including any public utility that operates its utility not for profit, except the following: 69047  
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(1) An electric light company that operates its utility not for profit; 69053  
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(2) A public utility, other than a telephone company, that is owned and operated exclusively by and solely for the utility's customers, including any consumer or group of consumers 69055  
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purchasing, delivering, storing, or transporting, or seeking to 69058  
purchase, deliver, store, or transport, natural gas exclusively by 69059  
and solely for the consumer's or consumers' own intended use as 69060  
the end user or end users and not for profit; 69061

(3) A public utility that is owned or operated by any 69062  
municipal corporation; 69063

(4) A railroad as defined in sections 4907.02 and 4907.03 of 69064  
the Revised Code; 69065

(5) Any provider, including a telephone company, with respect 69066  
to its provision of any of the following: 69067

(a) Advanced services as defined in 47 C.F.R. 51.5; 69068

(b) Broadband service, however defined or classified by the 69069  
federal communications commission; 69070

(c) Information service as defined in the "Telecommunications 69071  
Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20); 69072

(d) Subject to division (A) of section 4927.03 of the Revised 69073  
Code, internet protocol-enabled services as defined in section 69074  
4927.01 of the Revised Code; 69075

(e) Subject to division (A) of section 4927.03 of the Revised 69076  
Code, any telecommunications service as defined in section 4927.01 69077  
of the Revised Code to which both of the following apply: 69078

(i) The service was not commercially available on September 69079  
13, 2010, the effective date of the amendment of this section by 69080  
S.B. 162 of the 128th general assembly. 69081

(ii) The service employs technology that became available for 69082  
commercial use only after September 13, 2010, the effective date 69083  
of the amendment of this section by S.B. 162 of the 128th general 69084  
assembly. 69085

(B)(1) "Public utility" includes a for-hire motor carrier 69086  
even if the carrier is operated in connection with an entity 69087

described in division (A)(1), (2), (4), or (5) of this section. 69088

(2) Division (A) of this section shall not be construed to 69089  
relieve a private motor carrier, operated in connection with an 69090  
entity described in division (A)(1), (2), (4), or (5) of this 69091  
section, from compliance with ~~any~~ either of the following: 69092

(a) Chapter 4923. of the Revised Code; 69093

(b) ~~Hazardous material regulation under section 4921.15 of 69094  
the Revised Code and division (H) of section 4921.19 of the 69095  
Revised Code, or rules adopted thereunder;~~ 69096

~~(c)~~ Rules governing unified carrier registration adopted 69097  
under section 4921.11 of the Revised Code. 69098

**Sec. 4906.01.** As used in Chapter 4906. of the Revised Code: 69099

(A) "Person" means an individual, corporation, business 69100  
trust, association, estate, trust, or partnership or any officer, 69101  
board, commission, department, division, or bureau of the state or 69102  
a political subdivision of the state, or any other entity. 69103

(B)(1) "Major utility facility" means: 69104

(a) Electric generating plant and associated facilities 69105  
designed for, or capable of, operation at a capacity of fifty 69106  
megawatts or more; 69107

(b) An electric transmission line and associated facilities 69108  
of a design capacity of one hundred ~~twenty-five~~ kilovolts or more; 69109

(c) A gas pipeline that is greater than five hundred feet in 69110  
length, and its associated facilities, is more than nine inches in 69111  
outside diameter and is designed for transporting gas at a maximum 69112  
allowable operating pressure in excess of one hundred twenty-five 69113  
pounds per square inch. 69114

(2) "Major utility facility" does not include any of the 69115  
following: 69116

|   |                                  |
|---|----------------------------------|
| (a) Gas transmission lines over which an agency of the United States has exclusive jurisdiction;  | 69117<br>69118                   |
| (b) Any solid waste facilities as defined in section 6123.01 of the Revised Code;   | 69119<br>69120                   |
| (c) Electric distributing lines and associated facilities as defined by the power siting board;   | 69121<br>69122                   |
| (d) Any manufacturing facility that creates byproducts that may be used in the generation of electricity as defined by the power siting board;  | 69123<br>69124<br>69125          |
| (e) Gathering lines, gas gathering pipelines, and processing plant gas stub pipelines as those terms are defined in section 4905.90 of the Revised Code and associated facilities;  | 69126<br>69127<br>69128          |
| (f) Any gas processing plant as defined in section 4905.90 of the Revised Code;   | 69129<br>69130                   |
| (g) Natural gas liquids finished product pipelines;   | 69131                            |
| (h) Pipelines from a gas processing plant as defined in section 4905.90 of the Revised Code to a natural gas liquids fractionation plant, including a raw natural gas liquids pipeline, or to an interstate or intrastate gas pipeline; | 69132<br>69133<br>69134<br>69135 |
| (i) Any natural gas liquids fractionation plant;  | 69136                            |
| (j) A production operation as defined in section 1509.01 of the Revised Code, including all pipelines upstream of any gathering lines;  | 69137<br>69138<br>69139          |
| (k) Any compressor stations used by the following:  | 69140                            |
| (i) A gathering line, a gas gathering pipeline, a processing plant gas stub pipeline, or a gas processing plant as those terms are defined in section 4905.90 of the Revised Code;  | 69141<br>69142<br>69143          |
| (ii) A natural gas liquids finished product pipeline, a natural gas liquids fractionation plant, or any pipeline upstream   | 69144<br>69145                   |

of a natural gas liquids fractionation plant; or 69146

(iii) A production operation as defined in section 1509.01 of 69147  
the Revised Code. 69148

(C) "Commence to construct" means any clearing of land, 69149  
excavation, or other action that would adversely affect the 69150  
natural environment of the site or route of a major utility 69151  
facility, but does not include surveying changes needed for 69152  
temporary use of sites or routes for nonutility purposes, or uses 69153  
in securing geological data, including necessary borings to 69154  
ascertain foundation conditions. 69155

(D) "Certificate" means a certificate of environmental 69156  
compatibility and public need issued by the power siting board 69157  
under section 4906.10 of the Revised Code or a construction 69158  
certificate issued by the board under rules adopted under division 69159  
(E) or (F) of section 4906.03 of the Revised Code. 69160

(E) "Gas" means natural gas, flammable gas, or gas that is 69161  
toxic or corrosive. 69162

(F) "Natural gas liquids finished product pipeline" means a 69163  
pipeline that carries finished product natural gas liquids to the 69164  
inlet of an interstate or intrastate finished product natural gas 69165  
liquid transmission pipeline, rail loading facility, or other 69166  
petrochemical or refinery facility. 69167

(G) "Natural gas liquids fractionation plant" means a 69168  
facility that takes a feed of raw natural gas liquids and produces 69169  
finished product natural gas liquids. 69170

(H) "Raw natural gas" means hydrocarbons that are produced in 69171  
a gaseous state from gas wells and that generally include methane, 69172  
ethane, propane, butanes, pentanes, hexanes, heptanes, octanes, 69173  
nonanes, and decanes, plus other naturally occurring impurities 69174  
like water, carbon dioxide, hydrogen sulfide, nitrogen, oxygen, 69175  
and helium. 69176

(I) "Raw natural gas liquids" means naturally occurring hydrocarbons contained in raw natural gas that are extracted in a gas processing plant and liquefied and generally include mixtures of ethane, propane, butanes, and natural gasoline.

(J) "Finished product natural gas liquids" means an individual finished product produced by a natural gas liquids fractionation plant as a liquid that meets the specifications for commercial products as defined by the gas processors association. Those products include ethane, propane, iso-butane, normal butane, and natural gasoline.

**Sec. 4906.10.** (A) The power siting board shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, or modifications of the construction, operation, or maintenance of the major utility facility as the board considers appropriate. The certificate shall be conditioned upon the facility being in compliance with standards and rules adopted under sections 1501.33, 1501.34, and 4561.32 and Chapters 3704., 3734., and 6111. of the Revised Code. An applicant may withdraw an application if the board grants a certificate on terms, conditions, or modifications other than those proposed by the applicant in the application. ~~The period of initial operation under a certificate shall expire two years after the date on which electric power is first generated by the facility. During the period of initial operation, the facility shall be subject to the enforcement and monitoring powers of the director of environmental protection under Chapters 3704., 3734., and 6111. of the Revised Code and to the emergency provisions under those chapters. If a major utility facility constructed in accordance with the terms and conditions of its certificate is unable to operate in compliance with all applicable requirements of state laws, rules, and standards pertaining to air pollution, the facility may apply to the~~

~~director of environmental protection for a conditional operating permit under division (G) of section 3704.03 of the Revised Code and the rules adopted thereunder. The operation of a major utility facility in compliance with a conditional operating permit is not in violation of its certificate. After the expiration of the period of initial operation of a major utility facility, the facility shall be under the jurisdiction of the environmental protection agency and shall comply with all laws, rules, and standards pertaining to air pollution, water pollution, and solid and hazardous waste disposal.~~

The board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following:

(1) The basis of the need for the facility if the facility is an electric transmission line or gas pipeline;

(2) The nature of the probable environmental impact;

(3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;

(4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;

(5) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility

will comply with all rules and standards adopted under section 69240  
4561.32 of the Revised Code, the board shall consult with the 69241  
office of aviation ~~of the division of multi-modal planning and~~ 69242  
~~programs~~ of the department of transportation under section 69243  
4561.341 of the Revised Code. 69244

(6) That the facility will serve the public interest, 69245  
convenience, and necessity; 69246

(7) In addition to the provisions contained in divisions 69247  
(A)(1) to (6) of this section and rules adopted under those 69248  
divisions, what its impact will be on the viability as 69249  
agricultural land of any land in an existing agricultural district 69250  
established under Chapter 929. of the Revised Code that is located 69251  
within the site and alternative site of the proposed major utility 69252  
facility. Rules adopted to evaluate impact under division (A)(7) 69253  
of this section shall not require the compilation, creation, 69254  
submission, or production of any information, document, or other 69255  
data pertaining to land not located within the site and 69256  
alternative site. 69257

(8) That the facility incorporates maximum feasible water 69258  
conservation practices as determined by the board, considering 69259  
available technology and the nature and economics of the various 69260  
alternatives. 69261

(B) If the board determines that the location of all or a 69262  
part of the proposed facility should be modified, it may condition 69263  
its certificate upon that modification, provided that the 69264  
municipal corporations and counties, and persons residing therein, 69265  
affected by the modification shall have been given reasonable 69266  
notice thereof. 69267

(C) A copy of the decision and any opinion issued therewith 69268  
shall be served upon each party. 69269

**Sec. 4906.13.** (A) As used in this section and sections 69270  
4906.20 and 4906.98 of the Revised Code, "economically significant 69271  
wind farm" means wind turbines and associated facilities with a 69272  
single interconnection to the electrical grid and designed for, or 69273  
capable of, operation at an aggregate capacity of five or more 69274  
megawatts but less than fifty megawatts. The term excludes any 69275  
such wind farm in operation on ~~the effective date of this section~~ 69276  
June 24, 2008. 69277

(B) No public agency or political subdivision of this state 69278  
may require any approval, consent, permit, certificate, or other 69279  
condition for the construction or ~~initial~~ operation of a major 69280  
utility facility or economically significant wind farm authorized 69281  
by a certificate issued pursuant to Chapter 4906. of the Revised 69282  
Code. Nothing herein shall prevent the application of state laws 69283  
for the protection of employees engaged in the construction of 69284  
such facility or wind farm nor of municipal regulations that do 69285  
not pertain to the location or design of, or pollution control and 69286  
abatement standards for, a major utility facility or economically 69287  
significant wind farm for which a certificate has been granted 69288  
under this chapter. 69289

**Sec. 4921.01.** As used in this chapter: 69290

(A) "Ambulance" has the same meaning as in section 4766.01 of 69291  
the Revised Code. 69292

(B) "For-hire motor carrier" means a person engaged in the 69293  
business of transporting persons or property by motor vehicle for 69294  
compensation, except when engaged in any of the following in 69295  
intrastate commerce: 69296

(1) The transportation of persons in taxicabs in the usual 69297  
taxicab service; 69298

(2) The transportation of pupils in school ~~busses~~ buses 69299

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|--|---|
| operating to or from school sessions or school events;   | 69300   |
| (3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;  | 69301<br>69302  |
| (4) The distribution of newspapers;  | 69303   |
| (5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by <del>pipe-line</del> <u>pipeline</u> ;   | 69304<br>69305<br>69306                                     |
| (6) The transportation of injured, ill, or deceased persons by hearse or ambulance;  | 69307<br>69308  |
| (7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;  | 69309<br>69310  |
| (8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose;   | 69311<br>69312<br>69313<br>69314                            |
| (9) The operation of motor vehicles for contractors on public road work.   | 69315<br>69316  |
| "For-hire motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories.  | 69317<br>69318<br>69319<br>69320<br>69321                   |
| Divisions (B)(1) to (9) of this section shall not be construed to relieve a person from compliance with <del>hazardous material regulation under section 4921.15 of the Revised Code and division (H) of section 4921.19 of the Revised Code, or rules adopted thereunder, or from compliance with rules governing unified carrier registration adopted under section 4921.11 of the Revised Code.</del> | 69322<br>69323<br>69324<br>69325<br>69326<br>69327<br>69328 |
| (C) "Household goods" means personal effects and property  | 69329   |

used or to be used in a dwelling, excluding property moving from a factory or store.

(D) "Interstate commerce" means trade, traffic, or transportation in the United States that is any of the following:

(1) Between a place in a state and a place outside of that state (including a place outside of the United States);

(2) Between two places in a state through another state or a place outside of the United States;

(3) Between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States.

(E) "Intrastate commerce" means any trade, traffic, or transportation in any state which is not described in the term "interstate commerce."

(F) "Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of persons or property, or any combination thereof, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

(G) "Public highway" means any public street, road, or highway in this state, whether within or without the corporate limits of a municipal corporation.

(H) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver, and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(I) "School bus" has the same meaning as in section 4511.01

of the Revised Code. 69360

(J) "Trailer" means any vehicle without motive power designed 69361  
or used for carrying persons or property and for being drawn by a 69362  
separate motor vehicle, including any vehicle of the trailer type, 69363  
whether designed or used for carrying persons or property wholly 69364  
on its own structure, or so designed or used that a part of its 69365  
own weight or the weight of its load rests upon and is carried by 69366  
such motor vehicle. 69367

**Sec. 4921.19.** (A) Every for-hire motor carrier operating in 69368  
this state shall, at the time of the issuance of a certificate of 69369  
public convenience and necessity under section 4921.03 of the 69370  
Revised Code, pay to the public utilities commission, for and on 69371  
behalf of the treasurer of state, the following taxes: 69372

(1) For each motor vehicle used for transporting persons, 69373  
thirty dollars; 69374

(2) For each commercial tractor, as defined in section 69375  
4501.01 of the Revised Code, used for transporting property, 69376  
thirty dollars; 69377

(3) For each other motor vehicle transporting property, 69378  
twenty dollars. 69379

(B) Every for-hire motor carrier operating in this state 69380  
solely in intrastate commerce shall, annually between the first 69381  
day of May and the thirtieth day of June, pay to the commission, 69382  
for and on behalf of the treasurer of state, the following taxes: 69383

(1) For each motor vehicle used for transporting persons, 69384  
thirty dollars; 69385

(2) For each commercial tractor, as defined in section 69386  
4501.01 of the Revised Code, used for transporting property, 69387  
thirty dollars; 69388

(3) For each other motor vehicle transporting property, 69389

twenty dollars. 69390

(C) After a for-hire motor carrier has paid the applicable 69391  
taxes under division (A) or (B) of this section and met all 69392  
applicable requirements under section 4921.03 or division (C) of 69393  
section 4921.13 of the Revised Code, the commission shall issue 69394  
the carrier a tax receipt for each motor vehicle for which a tax 69395  
has been paid under this section. The carrier shall keep the 69396  
appropriate tax receipt in each motor vehicle operated by the 69397  
carrier. The carrier shall maintain tax receipt records that 69398  
specify to which motor vehicle each tax receipt is assigned. 69399

(D) A trailer used by a for-hire motor carrier shall not be 69400  
taxed under this section. 69401

(E) The annual tax levied by division (B) of this section 69402  
does not apply in those cases where the commission finds that the 69403  
movement of agricultural commodities or foodstuffs produced 69404  
therefrom requires a temporary and seasonal use of vehicular 69405  
equipment for a period of not more than ninety days. In such 69406  
event, the tax on the vehicular equipment shall be twenty-five per 69407  
cent of the annual tax levied by division (B) of this section. If 69408  
any vehicular equipment is used in excess of the ninety-day 69409  
period, the annual tax levied by this section shall be paid. 69410

(F) All taxes levied by division (B) of this section shall be 69411  
reckoned as from the beginning of the quarter in which the tax 69412  
receipt is issued or as from when the use of equipment under any 69413  
existing tax receipt began. 69414

(G) The fees for unified carrier registration pursuant to 69415  
section 4921.11 of the Revised Code shall be identical to those 69416  
established by the unified carrier registration act board as 69417  
approved by the federal motor carrier safety administration for 69418  
each year. 69419

~~(H)(1) The fees for uniform registration and a uniform permit 69420~~

~~as a carrier of hazardous materials pursuant to section 4921.15 of the Revised Code shall consist of the following:~~ 69421  
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~~(a) A processing fee of fifty dollars;~~ 69423

~~(b) An apportioned per truck registration fee, which shall be calculated by multiplying the percentage of a registrant's activity in this state times the percentage of the registrant's business that is hazardous materials related, times the number of vehicles owned or operated by the registrant, times a per truck fee determined by order of the commission following public notice and an opportunity for comment.~~ 69424  
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~~(i) The percentage of a registrant's activity in this state shall be calculated by dividing the number of miles that the registrant travels in this state under the international registration plan, pursuant to section 4503.61 of the Revised Code, by the number of miles that the registrant travels nationwide under the international registration plan. Registrants that operate solely within this state shall use one hundred percent as their percentage of activity. Registrants that do not register their vehicles through the international registration plan shall calculate activity in the state in the same manner as that required by the international registration plan.~~ 69431  
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~~(ii) The percentage of a registrant's business that is hazardous materials related shall be calculated, for less than truckload shipments, by dividing the weight of all the registrant's hazardous materials shipments by the total weight of all shipments in the previous year. The percentage of a registrant's business that is hazardous materials related shall be calculated, for truckload shipments, by dividing the number of shipments for which placarding, marking of the vehicle, or manifesting, as appropriate, was required by regulations adopted under sections 4 to 6 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C. App. 1804,~~ 69442  
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~~by the total number of the registrant's shipments that transported any kind of goods in the previous year. A registrant that transports both less than truckload and truckload shipments of hazardous materials shall calculate the percentage of business that is hazardous materials related on a proportional basis.~~

~~(iii) A registrant may utilize fiscal year, or calendar year, or other current company accounting data, or other publicly available information, in calculating the percentages required by divisions (H)(1)(b)(i) and (ii) of this section.~~

~~(2) The commission, after notice and opportunity for a hearing, may assess each carrier a fee for any background investigation required for the issuance, for the purpose of section 3734.15 of the Revised Code, of a uniform permit as a carrier of hazardous wastes and fees related to investigations and proceedings for the denial, suspension, or revocation of a uniform permit as a carrier of hazardous materials. The fees shall not exceed the reasonable costs of the investigations and proceedings. The fee for a background investigation for a uniform permit as a carrier of hazardous wastes shall be six hundred dollars plus the costs of obtaining any necessary information not included in the permit application, to be calculated at the rate of thirty dollars per hour, not exceeding six hundred dollars, plus any fees payable to obtain necessary information.~~

~~(I) The application fee for a certificate for the transportation of household goods issued pursuant to sections 4921.30 to 4921.38 of the Revised Code shall be based on the certificate holder's gross revenue, in the prior year, for the intrastate transportation of household goods. The commission shall establish, by order, ranges of gross revenue and the fee for each range. The fees shall be set in amounts sufficient to carry out the purposes of sections 4921.30 to 4921.38 and 4923.99 of the Revised Code and, to the extent necessary, the commission shall~~

~~make changes to the fee structure to ensure that neither over nor 69485  
under collection of the fees occurs. The fees shall also take into 69486  
consideration the revenue generated from the assessment of 69487  
forfeitures under section 4923.99 of the Revised Code regarding 69488  
the consumer protection provisions applicable to for hire motor 69489  
carriers engaged in the transportation of household goods. 69490~~

~~(J)~~(I) The fees and taxes provided under this section shall 69491  
be in addition to taxes, fees, and charges fixed and exacted by 69492  
other sections of the Revised Code, except the assessments 69493  
required by section 4905.10 of the Revised Code, but all fees, 69494  
license fees, annual payments, license taxes, or taxes or other 69495  
money exactions, except the general property tax, assessed, 69496  
charged, fixed, or exacted by local authorities such as municipal 69497  
corporations, townships, counties, or other local boards, or the 69498  
officers of such subdivisions are illegal and, are superseded by 69499  
sections 4503.04 and 4905.03 and Chapter 4921. of the Revised 69500  
Code. On compliance with sections 4503.04 and 4905.03 and Chapter 69501  
4921. of the Revised Code, all local ordinances, resolutions, 69502  
bylaws, and rules in force shall cease to be operative as to the 69503  
persons in compliance, except that such local subdivisions may 69504  
make reasonable local police regulations within their respective 69505  
boundaries not inconsistent with sections 4503.04 and 4905.03 and 69506  
Chapter 4921. of the Revised Code. 69507

**Sec. 4921.21.** (A) As used in this section, "adjusted credit 69508  
amount" means the aggregate amount credited to the public 69509  
utilities transportation safety fund, less the sum of ~~all~~ both of 69510  
the following: 69511

(1) The fees collected by the public utilities commission, in 69512  
accordance with the unified carrier registration plan under 69513  
section 4921.11 of the Revised Code, that exceed the federal 69514  
certification of revenue for each year of the plan; 69515

~~(2) The fees collected by the commission on behalf of other states under division (C) of section 4921.15 of the Revised Code;~~ 69516  
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~~(3) The forfeitures collected by the commission under section 4923.99 of the Revised Code for violations of rules adopted under division (A)(2) of section 4923.04 of the Revised Code.~~ 69518  
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(B)(1) There is hereby created in the state treasury the public utilities transportation safety fund. The fees collected in accordance with the unified carrier registration plan under section 4921.11 of the Revised Code, ~~the fees collected under section 4921.15 of the Revised Code,~~ the taxes and fees remitted under section 4921.19 of the Revised Code, the forfeitures imposed under section 4923.99 of the Revised Code, except as provided in division (B)(2) of this section, and the fines collected under section 4163.07 of the Revised Code shall be deposited into the state treasury to the credit of the public utilities transportation safety fund, until the adjusted credit amount in a fiscal year is equal to the total amount appropriated from the fund for the fiscal year. Once this point of parity is reached, any additional fees, taxes, forfeitures, or fines received during the fiscal year shall be credited to the general revenue fund, except as provided in division (B)(2) of this section, and except for ~~both of the following:~~

~~(a) The fees collected in accordance with the unified carrier registration plan under section 4921.11 of the Revised Code, that exceed the federal certification of revenue for each year of the plan;~~ 69538  
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~~(b) The fees collected on behalf of other states under division (C) of section 4921.15 of the Revised Code.~~ 69542  
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(2) The first eight hundred thousand dollars of forfeitures collected under section 4923.99 of the Revised Code, for violations of rules adopted under division (A)(2) of section 69544  
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4923.04 of the Revised Code, during each fiscal year shall be 69547  
credited to the public utilities transportation safety fund. Any 69548  
forfeitures in excess of that amount shall be deposited into the 69549  
general revenue fund. In each fiscal year, the commission shall 69550  
distribute moneys from these forfeitures credited to the public 69551  
utilities transportation safety fund for the purposes of emergency 69552  
response planning and the training of safety, enforcement, and 69553  
emergency services personnel in proper techniques for the 69554  
management of hazardous materials releases that occur during 69555  
transportation or otherwise. For these purposes, fifty per cent of 69556  
all such moneys credited to the public utilities transportation 69557  
safety fund shall be distributed to Cleveland state university, 69558  
forty-five per cent shall be distributed to other educational 69559  
institutions, state agencies, regional planning commissions, and 69560  
political subdivisions, and five per cent shall be retained by the 69561  
commission for the administration of this section and for training 69562  
employees. However, if, in any such period, moneys from these 69563  
forfeitures credited to the public utilities transportation safety 69564  
fund equal an amount less than four hundred thousand dollars, the 69565  
commission shall distribute, to the extent of the aggregate amount 69566  
of those moneys, two hundred thousand dollars to Cleveland state 69567  
university and the remainder to other educational institutions, 69568  
state agencies, regional planning commissions, and political 69569  
subdivisions. 69570

(C) The purpose of the public utilities transportation safety 69571  
fund shall be for defraying all expenses incident to maintaining 69572  
the nonrailroad transportation activities of the commission. 69573

(D) There is hereby created in the state treasury the federal 69574  
commercial vehicle transportation systems fund. The fund shall 69575  
consist of money received from the United States department of 69576  
transportation's commercial vehicle intelligent transportation 69577  
systems infrastructure deployment program. The public utilities 69578

commission shall use the fund to deploy the Ohio commercial 69579  
vehicle information systems networks project and to improve safety 69580  
of motor carrier operations through electronic exchange of data. 69581

(E) There is hereby created in the state treasury the motor 69582  
carrier safety fund. The fund shall consist of money received from 69583  
the United States department of transportation for motor carrier 69584  
safety. The commission shall use the fund to administer the 69585  
state's motor carrier safety assistance program and associated 69586  
grants, including the motor carrier safety assistance program 69587  
basic grant, the incentive grant, the high priority grants, the 69588  
new entrant safety assurance grant, the safety data improvement 69589  
grant, or their equivalents. 69590

(F) If the director of budget and management determines there 69591  
is not sufficient money in the public utilities transportation 69592  
safety fund, the director shall transfer money from the general 69593  
revenue fund to the public utilities transportation safety fund in 69594  
an amount up to the difference between the balance of the public 69595  
utilities transportation safety fund and the appropriations from 69596  
that fund. If the director subsequently determines during the 69597  
fiscal year that the balance of the public utilities 69598  
transportation safety fund exceeds the amount needed to support 69599  
the appropriations from the fund, the director shall transfer the 69600  
excess money, up to the amount of the original transfer, to the 69601  
general revenue fund. 69602

**Sec. 4923.02.** (A) As used in this chapter, "private motor 69603  
carrier" does not include a person when engaged in any of the 69604  
following in intrastate commerce: 69605

(1) The transportation of persons in taxicabs in the usual 69606  
taxicab service; 69607

(2) The transportation of pupils in school busses operating 69608  
to or from school sessions or school events; 69609

|   |   |
|---|---|
| (3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;   | 69610<br>69611                            |
| (4) The distribution of newspapers;   | 69612                                     |
| (5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;  | 69613<br>69614                            |
| (6) The transportation of injured, ill, or deceased persons by hearse or ambulance;   | 69615<br>69616                            |
| (7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;   | 69617<br>69618                            |
| (8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose;                                    | 69619<br>69620<br>69621<br>69622          |
| (9) The operation of motor vehicles for contractors on public road work.  | 69623<br>69624                            |
| (B) The public utilities commission may grant a motor carrier operating in intrastate commerce a temporary exemption from some or all of the provisions of this chapter and the rules adopted under it, when either of the following applies:                           | 69625<br>69626<br>69627<br>69628          |
| (1) The governor of this state has declared an emergency.   | 69629                                     |
| (2) The chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency.   | 69630<br>69631                            |
| (C) The commission may adopt rules not incompatible with the requirements of the United States department of transportation to provide exemptions to motor carriers operating in intrastate commerce not otherwise identified in divisions (A) and (B) of this section. | 69632<br>69633<br>69634<br>69635<br>69636 |
| (D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with the following:   | 69637<br>69638                            |

(1) Rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the Revised Code;

(2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code;

~~(3) Rules adopted under section 4921.15 of the Revised Code regarding uniform registration and permitting of carriers of hazardous materials and other applicable provisions of that section and division (H) of section 4921.19 of the Revised Code.~~

**Sec. 4923.99.** (A)(1) Whoever violates Chapter 4921. or 4923. of the Revised Code, or rules adopted thereunder, is liable to the state for a forfeiture of not more than twenty-five thousand dollars for each day of each violation. The public utilities commission, after providing reasonable notice and the opportunity for a hearing in accordance with the procedural rules adopted under section 4901.13 of the Revised Code, shall assess, by order, a forfeiture upon a person whom the commission determines, by a preponderance of the evidence, committed the violation. In determining the amount of the forfeiture for a violation discovered during a driver or motor-vehicle inspection under section 4923.06 of the Revised Code, or discovered during a compliance review under section 4923.07 of the Revised Code, the commission shall, ~~to the extent practicable,~~ not act in a manner incompatible with the applicable requirements of the United States department of transportation, ~~and, to the extent practicable,~~ shall utilize a system comparable to the recommended civil penalty procedure adopted by the commercial vehicle safety alliance. In determining the amount of the forfeiture for a violation discovered during a compliance review of a motor carrier under section 4923.07 of the Revised Code, the commission shall, to the

~~extent practicable, not act in a manner incompatible with the 69670  
civil penalty guidelines of the United States department of 69671  
transportation. 69672~~

The attorney general, upon the written request of the 69673  
commission, shall bring a civil action in the court of common 69674  
pleas of Franklin county to collect a forfeiture assessed under 69675  
this section. The commission shall account for the forfeitures 69676  
collected under this section and pay them to the treasurer of 69677  
state under section 4921.21 of the Revised Code. 69678

(2) The attorney general, upon the written request of the 69679  
commission, shall bring an action for injunctive relief in the 69680  
court of common pleas of Franklin county against any person who 69681  
has violated or is violating any order issued by the commission to 69682  
secure compliance with any provision of Chapter 4921. or 4923. of 69683  
the Revised Code. The court of common pleas of Franklin county has 69684  
jurisdiction to and may grant preliminary and permanent injunctive 69685  
relief upon a showing that the person against whom the action is 69686  
brought has violated or is violating any such order. The court 69687  
shall give precedence to such an action over all other cases. 69688

(B) The amount of any forfeiture may be compromised at any 69689  
time prior to collection of the forfeiture. The commission shall 69690  
adopt rules governing the manner in which the amount of a 69691  
forfeiture may be established by agreement prior to the hearing on 69692  
the forfeiture before the commission. 69693

(C) The proceedings of the commission specified in division 69694  
(A) of this section are subject to and governed by Chapter 4903. 69695  
of the Revised Code, except as otherwise specifically provided in 69696  
this section. The court of appeals of Franklin county has 69697  
exclusive, original jurisdiction to review, modify, or vacate an 69698  
order of the commission issued to secure compliance with any 69699  
provision of Chapter 4921. or 4923. of the Revised Code. The court 69700  
of appeals shall hear and determine those appeals in the same 69701

manner, and under the same standards, as the supreme court hears 69702  
and determines appeals under Chapter 4903. of the Revised Code. 69703  
The judgment of the court of appeals is final and conclusive 69704  
unless reversed, vacated, or modified on appeal. Such appeals may 69705  
be taken either by the commission or the person to whom the 69706  
compliance order or forfeiture assessment was issued and shall 69707  
proceed as in the case of appeals in civil actions as provided in 69708  
the rules of appellate procedure and Chapter 2505. of the Revised 69709  
Code. 69710

(D) Section 4903.11 of the Revised Code does not apply to an 69711  
appeal of an order issued to secure compliance with Chapter 4921. 69712  
or 4923. of the Revised Code or an order issued under division 69713  
(A)(1) of this section assessing a forfeiture. Any person to whom 69714  
any such order is issued who wishes to contest a compliance order, 69715  
the fact of the violation, or the amount of the forfeiture shall 69716  
file a notice of appeal, setting forth the order appealed from and 69717  
the errors complained of, within sixty days after the entry of the 69718  
order upon the journal of the commission. The notice of appeal 69719  
shall be served, unless waived, upon the chairperson of the 69720  
commission or, in the event of the chairperson's absence, upon any 69721  
public utilities commissioner, or by leaving a copy at the office 69722  
of the commission at Columbus. An order issued by the commission 69723  
to secure compliance with Chapter 4921. or 4923. of the Revised 69724  
Code or an order issued under division (A)(1) of this section 69725  
assessing a forfeiture shall be reversed, vacated, or modified on 69726  
appeal if, upon consideration of the record, the court is of the 69727  
opinion that the order was unlawful or unreasonable. 69728

(E) Only for such violations that constitute violations of 69729  
the "Hazardous Materials Transportation Uniform Safety Act of 69730  
1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804 and 1805, or 69731  
regulations adopted under the act, the commission, in determining 69732  
liability, shall use the same standard of culpability for civil 69733

forfeitures under this section as that set forth for civil 69734  
penalties under section 12 of the "Hazardous Materials 69735  
Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 69736  
U.S.C.A. App. 1809. The commission shall consider the assessment 69737  
considerations for civil penalties specified in regulations 69738  
adopted under the "Hazardous Materials Transportation Act," 88 69739  
Stat. 2156 (1975), 49 U.S.C. 1801. 69740

**Sec. 4927.13.** (A) An incumbent local exchange carrier that is 69741  
an eligible telecommunications carrier under 47 C.F.R. 54.201 69742  
shall implement lifeline service throughout the carrier's 69743  
traditional service area for its eligible residential customers. 69744

(1) Lifeline service shall consist of all of the following: 69745

(a) ~~Flat rate, monthly, primary~~ Monthly access line service 69746  
~~with touch-tone service,~~ at a recurring discount to the monthly 69747  
basic local exchange service rate that provides for the maximum 69748  
contribution of federally available assistance; 69749

(b) Not more than once per customer at a single address in a 69750  
twelve-month period, a waiver of all nonrecurring service order 69751  
charges for establishing service; 69752

(c) Free blocking of toll service, 900 service, and 976 69753  
service. 69754

The carrier may offer to lifeline service customers any other 69755  
services and bundles or packages of services at the prevailing 69756  
prices, less the lifeline discount. 69757

(2) The carrier also shall offer special payment arrangements 69758  
to lifeline service customers that have past due bills for 69759  
regulated local service charges, with the initial payment not to 69760  
exceed twenty-five dollars before service is installed, and the 69761  
balance for regulated local service charges to be paid over six, 69762  
equal, monthly payments. Lifeline service customers with past due 69763

bills for toll service charges shall have toll restricted service 69764  
until the past due toll service charges have been paid or until 69765  
the customer establishes service with another toll service 69766  
provider. 69767

(3)(a) Every incumbent local exchange carrier required to 69768  
implement lifeline service under division (A) of this section 69769  
shall establish an annual marketing budget for promoting lifeline 69770  
service and performing outreach regarding lifeline service. All 69771  
funds allocated to this budget shall be spent for the promotion 69772  
and marketing of lifeline service and outreach regarding lifeline 69773  
service and only for those purposes and not for any administrative 69774  
costs of implementing lifeline service. All activities relating to 69775  
the promotion of, marketing of, and outreach regarding lifeline 69776  
service shall be coordinated through a single advisory board 69777  
composed of staff of the public utilities commission, the office 69778  
of the consumers' counsel, consumer groups representing low-income 69779  
constituents, two representatives from the Ohio association of 69780  
community action agencies, and, except as provided in division 69781  
(A)(3)(b) of this section, every incumbent local exchange carrier 69782  
required to implement lifeline service under division (A) of this 69783  
section. The public utilities commission may review and approve 69784  
decisions of the advisory board in accordance with commission 69785  
rules, including decisions on how the lifeline marketing, 69786  
promotion, and outreach activities are implemented. 69787

(b) Division (A)(3)(a) of this section does not apply to an 69788  
incumbent local exchange carrier with fewer than fifty thousand 69789  
access lines. 69790

(4) All other aspects of the carrier's state-specific 69791  
lifeline service shall be consistent with federal requirements. 69792

(B) The rates, terms, and conditions for the carrier's 69793  
lifeline service shall be tariffed in the manner prescribed by 69794  
rule adopted by the public utilities commission. 69795

(C)(1) Eligibility for lifeline service under division (A) of this section shall be based on either of the following criteria: 69796  
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(a) An individual's verifiable participation in any federal or state low-income assistance program, specified in rules adopted by the commission, that limits assistance based on household income; 69798  
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(b) Other verification that an individual's household income is ~~at or below one hundred fifty per cent of the federal poverty level~~ consistent with the income eligibility threshold in 47 C.F.R. 409(a)(1). 69802  
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The public utilities commission shall adopt rules establishing requirements for the implementation of automatic enrollment of eligible individuals for lifeline assistance. The public utilities commission shall work with the appropriate state agencies that administer federal or state low-income assistance programs and with carriers to negotiate and acquire information necessary to verify an individual's eligibility and the data necessary to automatically enroll eligible individuals for lifeline service. Every incumbent local exchange carrier required to implement lifeline service under division (A) of this section shall implement automatic enrollment in accordance with the applicable rules of the public utilities commission and to the extent that appropriate state agencies are able to accommodate the automatic enrollment. 69806  
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(2) The carrier shall provide written notification if the carrier determines that an individual is not eligible for lifeline service and shall provide the individual an additional thirty days to prove eligibility. 69820  
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(3) The carrier shall provide written customer notification if a customer's lifeline service is to be terminated due to failure to submit acceptable documentation for continued 69824  
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eligibility for that assistance and shall provide the customer an 69827  
additional ~~sixty~~ thirty days to submit acceptable documentation of 69828  
continued eligibility or dispute the carrier's findings regarding 69829  
termination of the lifeline service. 69830

(D) An incumbent local exchange carrier required to implement 69831  
lifeline service under division (A) of this section may recover 69832  
from end users of the carrier's telecommunications service other 69833  
than lifeline service customers, by a method approved by the 69834  
public utilities commission, any lifeline service discounts and 69835  
any other lifeline service expenses that the public utilities 69836  
commission prescribes by rule and that are not recovered through 69837  
federal or state funding, except for expenses incurred under 69838  
division (A)(3)(a) of this section. A carrier seeking recovery of 69839  
discounts or expenses shall, in accordance with rules adopted by 69840  
the public utilities commission, apply to the public utilities 69841  
commission for approval of the method of recovery. If the method 69842  
of recovery includes a customer billing surcharge, the public 69843  
utilities commission shall prescribe by rule how the surcharge is 69844  
to be identified on customer bills. 69845

(E) Every incumbent local exchange carrier required to 69846  
implement lifeline service under division (A) of this section 69847  
shall annually file with the public utilities commission a report 69848  
that identifies the number of its customers who receive, at the 69849  
time of the filing of the report, lifeline service. 69850

**Sec. 4928.02.** It is the policy of this state to do the 69851  
following throughout this state: 69852

(A) Ensure the availability to consumers of adequate, 69853  
reliable, safe, efficient, nondiscriminatory, and reasonably 69854  
priced retail electric service; 69855

(B) Ensure the availability of unbundled and comparable 69856  
retail electric service that provides consumers with the supplier, 69857

price, terms, conditions, and quality options they elect to meet 69858  
their respective needs; 69859

(C) Ensure diversity of electricity supplies and suppliers, 69860  
by giving consumers effective choices over the selection of those 69861  
supplies and suppliers and by encouraging the development of 69862  
distributed and small generation facilities; 69863

(D) Encourage innovation and market access for cost-effective 69864  
supply- and demand-side retail electric service including, but not 69865  
limited to, demand-side management, time-differentiated pricing, 69866  
waste energy recovery systems, smart grid programs, and 69867  
implementation of advanced metering infrastructure; 69868

(E) Encourage cost-effective and efficient access to 69869  
information regarding the operation of the transmission and 69870  
distribution systems of electric utilities in order to promote 69871  
both effective customer choice of retail electric service and the 69872  
development of performance standards and targets for service 69873  
quality for all consumers, including annual achievement reports 69874  
written in plain language; 69875

(F) Ensure that an electric utility's transmission and 69876  
distribution systems are available to a customer-generator or 69877  
owner of distributed generation, so that the customer-generator or 69878  
owner can market and deliver the electricity it produces; 69879

(G) Recognize the continuing emergence of competitive 69880  
electricity markets through the development and implementation of 69881  
flexible regulatory treatment; 69882

(H) Ensure effective competition in the provision of retail 69883  
electric service by avoiding anticompetitive subsidies flowing 69884  
from a noncompetitive retail electric service to a competitive 69885  
retail electric service or to a product or service other than 69886  
retail electric service, and vice versa, including by prohibiting 69887  
the recovery of any generation-related costs through distribution 69888

or transmission rates; 69889

(I) Ensure retail electric service consumers protection 69890  
against unreasonable sales practices, market deficiencies, and 69891  
market power; 69892

(J) Provide coherent, transparent means of giving appropriate 69893  
incentives to technologies that can adapt successfully to 69894  
potential environmental mandates; 69895

(K) Encourage implementation of distributed generation across 69896  
customer classes through regular review and updating of 69897  
administrative rules governing critical issues such as, but not 69898  
limited to, interconnection standards, standby charges, and net 69899  
metering; 69900

(L) Protect at-risk populations, including, but not limited 69901  
to, when considering the implementation of any new advanced energy 69902  
or renewable energy resource; 69903

(M) Research and implement technological and regulatory 69904  
innovations in the electric distribution system, which may include 69905  
distributed energy resources, such as battery storage; advanced 69906  
metering infrastructure; distribution automation; sensors; 69907  
controls; data exchange and use; and associated electric rate 69908  
design; 69909

(N) Encourage the education of small business owners in this 69910  
state regarding the use of, and encourage the use of, energy 69911  
efficiency programs and alternative energy resources in their 69912  
businesses; 69913

~~(N)~~(O) Facilitate the state's effectiveness in the global 69914  
economy. 69915

In carrying out this policy, the commission shall consider 69916  
rules as they apply to the costs of electric distribution 69917  
infrastructure, including, but not limited to, line extensions, 69918

for the purpose of development in this state. 69919

Sec. 5101.074. If the department of job and family services receives money from a refund or reconciliation related to the medicaid program, the department shall transfer the money to the department of medicaid for deposit into the refunds and reconciliation fund created under section 5162.65 of the Revised Code. 69920  
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**Sec. 5101.09.** (A) When the director of job and family services is authorized by the Revised Code to adopt a rule, the director shall adopt the rule in accordance with the following: 69926  
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(1) Chapter 119. of the Revised Code if any of the following apply: 69929  
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(a) The rule concerns the administration or enforcement of Chapter 4141. of the Revised Code; 69931  
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(b) The rule concerns a program administered by the department of job and family services, unless the statute authorizing the rule requires that it be adopted in accordance with section 111.15 of the Revised Code; 69933  
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(c) The statute authorizing the rule requires that the rule be adopted in accordance with Chapter 119. of the Revised Code. 69937  
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(2) Section 111.15 of the Revised Code, excluding division (D) of that section, if either of the following apply: 69939  
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(a) The rule concerns the day-to-day staff procedures and operations of the department or financial and operational matters between the department and another government entity or a private entity receiving a grant from the department, unless the statute authorizing the rule requires that it be adopted in accordance with Chapter 119. of the Revised Code; 69941  
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(b) The statute authorizing the rule requires that the rule 69947

be adopted in accordance with section 111.15 of the Revised Code 69948  
and, by the terms of division (D) of that section, division (D) of 69949  
that section does not apply to the rule. 69950

(3) Section 111.15 of the Revised Code, including division 69951  
(D) of that section, if the statute authorizing the rule requires 69952  
that the rule be adopted in accordance with that section and the 69953  
rule is not exempt from the application of division (D) of that 69954  
section. 69955

(B) Except as otherwise required by the Revised Code, the 69956  
adoption of a rule in accordance with Chapter 119. of the Revised 69957  
Code does not make the department of job and family services, a 69958  
county family services agency, or a ~~workforce development agency~~ 69959  
local board subject to the notice, hearing, or other requirements 69960  
of sections 119.06 to 119.13 of the Revised Code. As used in this 69961  
division, "~~workforce development agency~~ local board" has the same 69962  
meaning as in section 6301.01 of the Revised Code. 69963

**Sec. 5101.16.** (A) As used in this section and sections 69964  
5101.161 and 5101.162 of the Revised Code: 69965

(1) "Disability financial assistance" means the financial 69966  
assistance program established under former Chapter 5115. of the 69967  
Revised Code. 69968

(2) "Supplemental nutrition assistance program" means the 69969  
program administered by the department of job and family services 69970  
pursuant to section 5101.54 of the Revised Code. 69971

(3) "Ohio works first" means the program established by 69972  
Chapter 5107. of the Revised Code. 69973

(4) "Prevention, retention, and contingency" means the 69974  
program established by Chapter 5108. of the Revised Code. 69975

(5) "Public assistance expenditures" means expenditures for 69976  
all of the following: 69977

|   |  |
|---|--|
| (a) Ohio works first;   | 69978  |
| (b) County administration of Ohio works first;  | 69979  |
| (c) Prevention, retention, and contingency;   | 69980  |
| (d) County administration of prevention, retention, and<br>contingency;   | 69981<br>69982                                     |
| (e) Disability financial assistance;  | 69983  |
| (f) County administration of disability financial assistance;   | 69984  |
| (g) County administration of the supplemental nutrition<br>assistance program;  | 69985<br>69986                                     |
| (h) County administration of medicaid, excluding<br>administrative expenditures for transportation services covered by<br>the medicaid program.   | 69987<br>69988<br>69989                            |
| <del>(7)</del> (6) "Title IV-A program" has the same meaning as in<br>section 5101.80 of the Revised Code.  | 69990<br>69991                                     |
| (B) Each board of county commissioners shall pay the county<br>share of public assistance expenditures in accordance with section<br>5101.161 of the Revised Code. Except as provided in division (C)<br>of this section, a county's share of public assistance<br>expenditures is the sum of all of the following for state fiscal<br>year 1998 and each state fiscal year thereafter: | 69992<br>69993<br>69994<br>69995<br>69996<br>69997 |
| (1) The amount that is twenty-five per cent of the county's<br>total expenditures for disability financial assistance and county<br>administration of that program during the state fiscal year ending<br>in the previous calendar year that the department of job and<br>family services determines are allowable.   | 69998<br>69999<br>70000<br>70001<br>70002          |
| (2) The amount that is ten per cent, or other percentage<br>determined under division (D) of this section, of the county's<br>total expenditures for county administration of the supplemental<br>nutrition assistance program and medicaid (excluding<br>administrative expenditures for transportation services covered by  | 70003<br>70004<br>70005<br>70006<br>70007          |

the medicaid program) during the state fiscal year ending in the 70008  
previous calendar year that the department determines are 70009  
allowable, less the amount of federal reimbursement credited to 70010  
the county under division (E) of this section for the state fiscal 70011  
year ending in the previous calendar year; 70012

(3) A percentage of the actual amount of the county share of 70013  
program and administrative expenditures during federal fiscal year 70014  
1994 for assistance and services, other than child care, provided 70015  
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 70016  
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 70017  
enactment of the "Personal Responsibility and Work Opportunity 70018  
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 70019  
and family services shall determine the actual amount of the 70020  
county share from expenditure reports submitted to the United 70021  
States department of health and human services. The percentage 70022  
shall be the percentage established in rules adopted under 70023  
division (F) of this section. 70024

(C)(1) If a county's share of public assistance expenditures 70025  
determined under division (B) of this section for a state fiscal 70026  
year exceeds one hundred five per cent of the county's share for 70027  
those expenditures for the immediately preceding state fiscal 70028  
year, the department of job and family services shall reduce the 70029  
county's share for expenditures under divisions (B)(1) and (2) of 70030  
this section so that the total of the county's share for 70031  
expenditures under division (B) of this section equals one hundred 70032  
five per cent of the county's share of those expenditures for the 70033  
immediately preceding state fiscal year. 70034

(2) A county's share of public assistance expenditures 70035  
determined under division (B) of this section may be increased 70036  
pursuant to section 5101.163 of the Revised Code and a sanction 70037  
under section 5101.24 of the Revised Code. An increase made 70038  
pursuant to section 5101.163 of the Revised Code may cause the 70039

county's share to exceed the limit established by division (C)(1) 70040  
of this section. 70041

(D)(1) If the per capita tax duplicate of a county is less 70042  
than the per capita tax duplicate of the state as a whole and 70043  
division (D)(2) of this section does not apply to the county, the 70044  
percentage to be used for the purpose of division (B)(2) of this 70045  
section is the product of ten multiplied by a fraction of which 70046  
the numerator is the per capita tax duplicate of the county and 70047  
the denominator is the per capita tax duplicate of the state as a 70048  
whole. The department of job and family services shall compute the 70049  
per capita tax duplicate for the state and for each county by 70050  
dividing the tax duplicate for the most recent available year by 70051  
the current estimate of population prepared by the development 70052  
services agency. 70053

(2) If the percentage of families in a county with an annual 70054  
income of less than three thousand dollars is greater than the 70055  
percentage of such families in the state and division (D)(1) of 70056  
this section does not apply to the county, the percentage to be 70057  
used for the purpose of division (B)(2) of this section is the 70058  
product of ten multiplied by a fraction of which the numerator is 70059  
the percentage of families in the state with an annual income of 70060  
less than three thousand dollars a year and the denominator is the 70061  
percentage of such families in the county. The department of job 70062  
and family services shall compute the percentage of families with 70063  
an annual income of less than three thousand dollars for the state 70064  
and for each county by multiplying the most recent estimate of 70065  
such families published by the development services agency, by a 70066  
fraction, the numerator of which is the estimate of average annual 70067  
personal income published by the bureau of economic analysis of 70068  
the United States department of commerce for the year on which the 70069  
census estimate is based and the denominator of which is the most 70070  
recent such estimate published by the bureau. 70071

(3) If the per capita tax duplicate of a county is less than 70072  
the per capita tax duplicate of the state as a whole and the 70073  
percentage of families in the county with an annual income of less 70074  
than three thousand dollars is greater than the percentage of such 70075  
families in the state, the percentage to be used for the purpose 70076  
of division (B)(2) of this section shall be determined as follows: 70077

(a) Multiply ten by the fraction determined under division 70078  
(D)(1) of this section; 70079

(b) Multiply the product determined under division (D)(3)(a) 70080  
of this section by the fraction determined under division (D)(2) 70081  
of this section. 70082

(4) The department of job and family services shall 70083  
determine, for each county, the percentage to be used for the 70084  
purpose of division (B)(2) of this section not later than the 70085  
first day of July of the year preceding the state fiscal year for 70086  
which the percentage is used. 70087

(E) The department of job and family services shall credit to 70088  
a county the amount of federal reimbursement the department 70089  
receives from the United States departments of agriculture and 70090  
health and human services for the county's expenditures for 70091  
administration of the supplemental nutrition assistance program 70092  
and medicaid (excluding administrative expenditures for 70093  
transportation services covered by the medicaid program) that the 70094  
department determines are allowable administrative expenditures. 70095

(F)(1) The director of job and family services shall adopt 70096  
rules in accordance with section 111.15 of the Revised Code to 70097  
establish all of the following: 70098

(a) The method the department is to use to change a county's 70099  
share of public assistance expenditures determined under division 70100  
(B) of this section as provided in division (C) of this section; 70101

(b) The allocation methodology and formula the department 70102

will use to determine the amount of funds to credit to a county 70103  
under this section; 70104

(c) The method the department will use to change the payment 70105  
of the county share of public assistance expenditures from a 70106  
calendar-year basis to a state fiscal year basis; 70107

(d) The percentage to be used for the purpose of division 70108  
(B)(3) of this section, which shall, except as provided in section 70109  
5101.163 of the Revised Code, meet both of the following 70110  
requirements: 70111

(i) The percentage shall not be less than seventy-five per 70112  
cent nor more than eighty-two per cent; 70113

(ii) The percentage shall not exceed the percentage that the 70114  
state's qualified state expenditures is of the state's historic 70115  
state expenditures as those terms are defined in 42 U.S.C. 70116  
609(a)(7). 70117

(e) Other procedures and requirements necessary to implement 70118  
this section. 70119

(2) The director of job and family services may amend the 70120  
rule adopted under division (F)(1)(d) of this section to modify 70121  
the percentage on determination that the amount the general 70122  
assembly appropriates for Title IV-A programs makes the 70123  
modification necessary. The rule shall be adopted and amended as 70124  
if an internal management rule and in consultation with the 70125  
director of budget and management. 70126

**Sec. 5101.17.** In determining the need of any person under 70127  
Chapter 5107. ~~or 5115.~~ of the Revised Code, the first eighty-five 70128  
dollars plus one-half of the excess over eighty-five dollars of 70129  
payments made to or in behalf of any person for or with respect to 70130  
any month under Title I or II of the "Economic Opportunity Act of 70131  
1964," 78 Stat. 508, 42 U.S.C.A. 2701, as amended, shall not be 70132

regarded as income or resources. No payments made under such 70133  
titles shall be regarded as income or resources of another 70134  
individual except to the extent that they are made available to 70135  
the other individual. No grant made to any family under Title III 70136  
of such act shall be regarded as income or resources in 70137  
determining the need of any member of such family under Chapter 70138  
5107. ~~or 5115.~~ of the Revised Code. 70139

**Sec. 5101.18.** When the director of job and family services 70140  
adopts rules under section 5107.05 of the Revised Code regarding 70141  
income requirements for the Ohio works first program ~~and under~~ 70142  
~~section 5115.03 of the Revised Code regarding income and resource~~ 70143  
~~requirements for the disability financial assistance program,~~ the 70144  
director shall determine what payments shall be regarded or 70145  
disregarded. In making this determination, the director shall 70146  
consider: 70147

(A) The source of the payment; 70148

(B) The amount of the payment; 70149

(C) The purpose for which the payment was made; 70150

(D) Whether regarding the payment as income would be in the 70151  
public interest; 70152

(E) Whether treating the payment as income would be 70153  
detrimental to any of the programs administered in whole or in 70154  
part by the department of job and family services and whether such 70155  
determination would jeopardize the receipt of any federal grant or 70156  
payment by the state or any receipt of aid under Chapter 5107. of 70157  
the Revised Code. 70158

**Sec. 5101.181.** (A) As used in this section and section 70159  
5101.182 of the Revised Code, "public assistance" means any or all 70160  
of the following: 70161

|   |       |
|---|-------|
| (1) Ohio works first;   | 70162 |
| (2) Prevention, retention, and contingency;                               | 70163 |
| (3) Disability financial assistance <u>provided prior to</u>              | 70164 |
| <u>December 31, 2017, under former Chapter 5115. of the Revised Code;</u> | 70165 |
| (4) General assistance provided prior to July 17, 1995, under             | 70166 |
| former Chapter 5113. of the Revised Code.                                 | 70167 |
| (B) As part of the procedure for the determination of                     | 70168 |
| overpayment to a recipient of public assistance under Chapter             | 70169 |
| 5107. or 5108., or <u>former Chapter</u> 5115. of the Revised Code, the   | 70170 |
| director of job and family services may furnish quarterly the name        | 70171 |
| and social security number of each individual who receives public         | 70172 |
| assistance to the director of administrative services, the                | 70173 |
| administrator of the bureau of workers' compensation, and each of         | 70174 |
| the state's retirement boards. Within fourteen days after                 | 70175 |
| receiving the name and social security number of an individual who        | 70176 |
| receives public assistance, the director of administrative                | 70177 |
| services, administrator, or board shall inform the auditor of             | 70178 |
| state as to whether such individual is receiving wages or                 | 70179 |
| benefits, the amount of any wages or benefits being received, the         | 70180 |
| social security number, and the address of the individual. The            | 70181 |
| director of administrative services, administrator, boards, and           | 70182 |
| any agent or employee of those officials and boards shall comply          | 70183 |
| with the rules of the director of job and family services                 | 70184 |
| restricting the disclosure of information regarding recipients of         | 70185 |
| public assistance. Any person who violates this provision shall           | 70186 |
| thereafter be disqualified from acting as an agent or employee or         | 70187 |
| in any other capacity under appointment or employment of any state        | 70188 |
| board, commission, or agency.   | 70189 |
| (C) The auditor of state may enter into a reciprocal                      | 70190 |
| agreement with the director of job and family services or                 | 70191 |
| comparable officer of any other state for the exchange of names,          | 70192 |

current or most recent addresses, or social security numbers of 70193  
persons receiving public assistance under Title IV-A of the 70194  
"Social Security Act," 42 U.S.C. 601 et seq. 70195

(D) The auditor of state shall retain, for not less than two 70196  
years, at least one copy of all information received under this 70197  
section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27, 70198  
5101.182, and 5505.04 of the Revised Code. 70199

(E) The auditor shall review the information described in 70200  
division (D) of this section to determine whether overpayments 70201  
were made to recipients of public assistance under Chapters 5107.7 70202  
or 5108.7 and former Chapter 5115. of the Revised Code. The 70203  
auditor of state shall initiate action leading to prosecution, 70204  
where warranted, of recipients who received overpayments by 70205  
forwarding the name of each recipient who received overpayment, 70206  
together with other pertinent information, to the director of job 70207  
and family services, the attorney general, and the county director 70208  
of job and family services and county prosecutor of the county 70209  
through which public assistance was received. 70210

(F) The auditor of state and the attorney general or their 70211  
designees may examine any records, whether in computer or printed 70212  
format, in the possession of the director of job and family 70213  
services or any county director of job and family services. They 70214  
shall provide safeguards which restrict access to such records to 70215  
purposes directly connected with an audit or investigation, 70216  
prosecution, or criminal or civil proceeding conducted in 70217  
connection with the administration of the programs and shall 70218  
comply with section 5101.27 of the Revised Code and rules adopted 70219  
by the director of job and family services restricting the 70220  
disclosure of information regarding recipients of public 70221  
assistance. Any person who violates this provision shall 70222  
thereafter be disqualified from acting as an agent or employee or 70223  
in any other capacity under appointment or employment of any state 70224

board, commission, or agency. 70225

(G) Costs incurred by the auditor of state in carrying out 70226  
the auditor of state's duties under this section shall be borne by 70227  
the auditor of state. 70228

**Sec. 5101.184.** (A) The director of job and family services 70229  
shall work with the tax commissioner to collect overpayments of 70230  
assistance under Chapter 5107. ~~or, former Chapter~~ 5115., former 70231  
Chapter 5113., or section 5101.54 of the Revised Code from refunds 70232  
of state income taxes for taxable year 1992 and thereafter that 70233  
are payable to the recipients of such overpayments. 70234

Any overpayment of assistance, whether obtained by fraud or 70235  
misrepresentation, as the result of an error by the recipient or 70236  
by the agency making the payment, or in any other manner, may be 70237  
collected under this section. Any reduction under section 5747.12 70238  
or 5747.121 of the Revised Code to an income tax refund shall be 70239  
made before a reduction under this section. No reduction shall be 70240  
made under this section if the amount of the refund is less than 70241  
twenty-five dollars after any reduction under section 5747.12 of 70242  
the Revised Code. A reduction under this section shall be made 70243  
before any part of the refund is contributed under section 70244  
5747.113 of the Revised Code, or is credited under section 5747.12 70245  
of the Revised Code against tax due in any subsequent year. 70246

The director and the tax commissioner, by rules adopted in 70247  
accordance with Chapter 119. of the Revised Code, shall establish 70248  
procedures to implement this division. The procedures shall 70249  
provide for notice to a recipient of assistance and an opportunity 70250  
for the recipient to be heard before the recipient's income tax 70251  
refund is reduced. 70252

(B) The director of job and family services may enter into 70253  
agreements with the federal government to collect overpayments of 70254  
assistance from refunds of federal income taxes that are payable 70255

to recipients of the overpayments. 70256

**Sec. 5101.20.** (A) As used in this section of the Revised 70257  
Code: 70258

(1) "Local area" has the same meaning as in section ~~101 of~~ 70259  
~~the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.~~ 70260  
~~2801, as amended, and division (A) of section~~ 6301.01 of the 70261  
Revised Code~~;~~. 70262

(2) "Chief elected official" has the same meaning as ~~in~~ 70263  
~~section 101 of the "Workforce Investment Act of 1998," 112 Stat.~~ 70264  
~~936, 29 U.S.C. 2801, as amended, and division (F) of~~ "chief 70265  
elected official or officials" as defined in section 6301.01 of 70266  
the Revised Code~~;~~. 70267

(3) "Grantee" means the chief elected officials of a local 70268  
area. 70269

(4) "Local board" has the same meaning as in section 6301.01 70270  
of the Revised Code. 70271

(5) "Planning region" has the same meaning as in section 70272  
6301.01 of the Revised Code. 70273

(B) The director of job and family services shall enter into 70274  
one or more written grant agreements with each local area under 70275  
which ~~financial assistance is~~ allocated funds are awarded for 70276  
workforce development activities included in the agreements. A 70277  
grant agreement shall establish the terms and conditions governing 70278  
the accountability for and use of grants provided by the 70279  
department of job and family services to the grantee for the 70280  
administration of workforce development activities funded under 70281  
the ~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.~~ 70282  
~~2801, as amended~~ "Workforce Innovation and Opportunity Act," 29 70283  
U.S.C. 3101 et seq. 70284

(C) The director may award grants to local areas only through 70285

grant agreements entered into under this section. 70286

(D) In the case of a local area comprised of multiple 70287  
political subdivisions, nothing in this section shall preclude the 70288  
chief elected officials of a local area from entering into an 70289  
agreement among themselves to distribute any liability for 70290  
activities of the local area, but such an agreement shall not be 70291  
binding on the department of job and family services. 70292

~~(D)~~(E) The written grant agreement entered into under 70293  
division (B) of this section shall comply with all applicable 70294  
federal and state laws governing workforce development activities 70295  
and related funding. ~~All~~ Each local area is subject to all federal 70296  
conditions and restrictions that apply to the use of ~~grants~~ 70297  
~~received by~~ funds allotted to the department of job and family 70298  
services ~~shall apply to the use of the grants received by the~~ and 70299  
allocated to local areas from the department for workforce 70300  
development activities. 70301

~~(E)~~(F) A written grant agreement entered into under division 70302  
(B) of this section shall: 70303

(1) Identify as parties to the agreement the ~~chief elected~~ 70304  
~~officials~~ representatives for the local area, including the chief 70305  
elected official or officials, the local board, and the fiscal 70306  
agent; 70307

(2) Provide for the incorporation of the planning region and 70308  
local ~~workforce development~~ plan; 70309

(3) Include the chief elected official's or officials' 70310  
assurance that the local area and any subgrantee or contractor of 70311  
the local area will do all of the following: 70312

(a) Ensure that the ~~financial assistance awarded~~ funds 70313  
allocated under the grant agreement ~~is~~ are used, and the workforce 70314  
development duties included in the agreement are performed, in 70315  
accordance with ~~requirements established by the department or any~~ 70316

~~of the following:~~ federal ~~or~~ and state law, the state plan for 70317  
receipt of federal financial participation, grant agreements 70318  
between the department and a federal agency, ~~or~~ executive orders, ~~and~~ 70319  
and policies and guidance issued by the department; 70320

(b) ~~Ensure that the chief elected officials and any~~ 70321  
~~subgrantee or contractor of the local area utilize~~ that the 70322  
implementation and use of a financial management system and other 70323  
accountability mechanisms ~~that~~ meet the requirements of federal 70324  
and state law and are in accordance with the policies and 70325  
procedures that the department establishes; 70326

(c) Require the chief elected officials and any subgrantee or 70327  
contractor of the local area to do both of the following: 70328

(i) Monitor all private and government entities that receive 70329  
~~a payment from financial assistance awarded~~ funds allocated under 70330  
the grant agreement to ensure that ~~each entity uses the payment~~ 70331  
funds are utilized in accordance with ~~requirements for the~~ 70332  
~~workforce development duties included in the~~ all applicable 70333  
federal and state laws, policies, and guidance, and with the terms 70334  
and conditions of the grant agreement; 70335

(ii) Take action to recover ~~payments that are not used in~~ 70336  
~~accordance with the requirements for the workforce development~~ 70337  
~~duties that are included in the~~ funds for expenditures that are 70338  
unallowable under federal or state law or under the terms of the 70339  
grant agreement. 70340

(d) ~~Require the chief elected officials of a local area to~~ 70341  
~~promptly reimburse the department the amount that represents the~~ 70342  
~~amount a local area is responsible for of funds the department~~ 70343  
~~pays to any entity~~ Promptly remit funds to the department that are 70344  
payable to the state or federal government because of an adverse 70345  
audit finding, adverse quality control finding, final disallowance 70346  
of federal financial participation, or other sanction or penalty; 70347

(e) ~~Require chief elected officials of a local area to take~~ 70348  
Take prompt corrective action if the department, auditor of state, 70349  
~~federal agency, or other entity authorized by federal or state law~~ 70350  
~~to determine compliance with requirements for a workforce~~ 70351  
~~development duty included in the agreement~~ state or a federal 70352  
agency determines compliance has not been achieved; noncompliance 70353  
with state or federal law. 70354

(4) Provide that the ~~award of financial assistance~~ allocation 70355  
is subject to the availability of federal funds and appropriations 70356  
made by the general assembly; 70357

(5) Provide for annual financial, administrative, or other 70358  
incentive awards, if any, to be provided in accordance with 70359  
section 5101.23 of the Revised Code. 70360

(6) Establish the ~~method of~~ terms and conditions for amending 70361  
or terminating the grant agreement and an expedited process for 70362  
correcting terms or conditions of the agreement that the director 70363  
and the chief elected officials agree are erroneous. 70364

(7) ~~Provide for~~ Permit the department of job and family 70365  
services to ~~award financial assistance~~ allocate funds for the 70366  
workforce development duties included in the agreement in 70367  
accordance with a methodology for determining the amount of the 70368  
award established by rules adopted under division ~~(F)~~(G) of this 70369  
section. 70370

(8) Determine the dates that the grant agreement begins and 70371  
ends. 70372

~~(F)~~(G)(1) The director shall adopt rules in accordance with 70373  
section 111.15 of the Revised Code governing grant agreements. The 70374  
director shall adopt the rules as if they were internal management 70375  
rules. The rules shall establish methodologies to be used to 70376  
determine the amount of ~~financial assistance~~ funds to be awarded 70377  
under the agreements and may do any of the following: 70378

(a) Govern the establishment of consolidated funding allocations and other allocations; 70379  
70380

(b) Specify allowable uses of ~~financial assistance awarded funds allocated~~ under the agreements; 70381  
70382

(c) Establish reporting, cash management, audit, and other requirements the director determines are necessary to provide accountability for the use of ~~financial assistance awarded funds allocated~~ under the agreements and determine compliance with requirements established by the department or any of the following: a federal or state law, state plan for receipt of federal financial participation, grant agreement between the department and a federal entity, or executive order. 70383  
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(2) A requirement of a grant agreement established by a rule adopted under this division is applicable to a grant agreement without having to be restated in the grant agreement. 70391  
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**Sec. 5101.201.** ~~The~~ As the director of the state agency for the implementation of several workforce programs, the director of job and family services may enter into agreements with ~~one-stop operators~~ local boards, as defined in section 6301.01 of the Revised Code, and ~~one-stop~~ other OhioMeansJobs center partners for the purpose of implementing the requirements of section 121 of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801 "Workforce Innovation and Opportunity Act," 29 U.S.C. 3151. 70394  
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**Sec. 5101.214.** The director of job and family services may enter into a written agreement with one or more state agencies, as defined in section 117.01 of the Revised Code, and state universities and colleges to assist in the coordination, provision, or enhancement of the family services duties of a county family services agency or the workforce development activities of a ~~workforce development agency~~ local board, as 70402  
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defined in section 6301.01 of the Revised Code. The director also 70409  
may enter into written agreements or contracts with, or issue 70410  
grants to, private and government entities under which funds are 70411  
provided for the enhancement or innovation of family services 70412  
duties or workforce development activities on the state or local 70413  
level. 70414

The director may adopt internal management rules in 70415  
accordance with section 111.15 of the Revised Code to implement 70416  
this section. 70417

**Sec. 5101.23.** Subject to the availability of funds, the 70418  
department of job and family services may provide annual 70419  
financial, administrative, or other incentive awards to county 70420  
family services agencies and ~~workforce development agencies~~ local 70421  
areas as defined in section 6301.01 of the Revised Code. A county 70422  
family services agency or ~~workforce development agency~~ local area 70423  
may spend ~~funds provided as a financial~~ an incentive award awarded 70424  
under this section only for the purpose for which the funds are 70425  
appropriated. The department may adopt internal management rules 70426  
in accordance with section 111.15 of the Revised Code to establish 70427  
the amounts of awards, methodology for distributing the awards, 70428  
types of awards, and standards for administration ~~by the~~ 70429  
~~department~~. 70430

There is hereby created in the state treasury the social 70431  
services incentive fund. The director of job and family services 70432  
may request that the director of budget and management transfer 70433  
funds in the Title IV-A reserve fund created under section 5101.82 70434  
of the Revised Code and other funds appropriated for family 70435  
services duties or workforce investment activities into the fund. 70436  
If the director of budget and management determines that the funds 70437  
identified by the director of job and family services are 70438  
available and appropriate for transfer, the director of budget and 70439

management shall make the transfer. Money in the fund shall be 70440  
used to provide incentive awards under this section. 70441

**Sec. 5101.241.** (A) As used in this section: 70442

(1) "Local area" and "chief elected official" have the same 70443  
meaning as in section 5101.20 of the Revised Code. 70444

(2) "Responsible entity" means the chief elected officials of 70445  
a local area. 70446

(B) The department of job and family services may take action 70447  
under division (C) of this section against the responsible entity, 70448  
regardless of who performs the workforce development activity, if 70449  
the department determines any of the following are the case: 70450

(1) ~~A requirement~~ An entity has failed to comply with the 70451  
terms and conditions of a grant agreement ~~entered into~~ executed 70452  
between the department and a local area under section 5101.20 of 70453  
the Revised Code ~~that includes the workforce development activity,~~ 70454  
~~including a requirement for grant agreements established by rules~~ 70455  
~~adopted under that section, is not complied with;.~~ 70456

(2) A performance standard for the workforce development 70457  
activity established by the federal government or the department 70458  
is not met;.

(3) ~~A~~ An entity has failed to comply with a workforce 70460  
development activity requirement ~~for the workforce development~~ 70461  
~~activity~~ established by the department ~~or any of the following is~~ 70462  
~~not complied with;.~~ a federal or state law, a state plan for 70463  
receipt of federal financial participation, a grant agreement 70464  
between the department and a federal agency, or an executive 70465  
order;.

(4) The responsible entity is solely or partially 70467  
responsible, as determined by the director of job and family 70468  
services, for an adverse audit finding, adverse quality control 70469

finding, final disallowance of federal financial participation, or 70470  
other sanction or penalty regarding the workforce development 70471  
activity. 70472

(C) The department may take one or more of the following 70473  
actions against the responsible entity when authorized by division 70474  
(B)(1), (2), (3), or (4) of this section: 70475

(1) Require the responsible entity to submit to and comply 70476  
with a corrective action plan, established or approved by the 70477  
department, pursuant to a time schedule specified by the 70478  
department; 70479

(2) Require the responsible entity to do one of the 70480  
following: 70481

(a) Share with the department a final disallowance of federal 70482  
financial participation or other sanction or penalty; 70483

(b) Reimburse the department the amount the department pays 70484  
to the federal government or another entity that represents the 70485  
amount the responsible entity is responsible for of an adverse 70486  
audit finding, adverse quality control finding, final disallowance 70487  
of federal financial participation, or other sanction or penalty 70488  
issued by the federal government, auditor of state, or other 70489  
entity; 70490

(c) Pay the federal government or another entity the amount 70491  
that represents the amount the responsible entity is responsible 70492  
for of an adverse audit finding, adverse quality control finding, 70493  
final disallowance of federal financial participation, or other 70494  
sanction or penalty issued by the federal government, auditor of 70495  
state, or other entity; 70496

(d) Pay the department the amount that represents the amount 70497  
the responsible entity is responsible for of an adverse audit 70498  
finding, adverse quality control finding, or other sanction or 70499  
penalty issued by the department. 70500

(3) Impose a financial or administrative sanction or adverse  
audit finding issued by the department against the responsible  
entity, which may be increased with each subsequent action taken  
against the responsible entity;

(4) Perform or contract with a government or private entity  
for the entity to perform the workforce development activity until  
the department is satisfied that the responsible entity ensures  
that the activity will be performed to the department's  
satisfaction. If the department performs or contracts with an  
entity to perform the workforce development activity under  
division (C)(4) of this section, the department may withhold funds  
allocated to or reimbursements due to the responsible entity for  
the activity and use those funds to implement division (C)(4) of  
this section.

(5) Request the attorney general to bring mandamus  
proceedings to compel the responsible entity to take or cease the  
actions listed in division (B) of this section. The attorney  
general shall bring any mandamus proceedings in the Franklin  
county court of appeals at the department's request.

(6) If the department takes action under this division  
because of division (B)(3) of this section, withhold funds  
allocated or reimbursement due to the responsible entity until the  
department determines that the responsible entity is in compliance  
with the requirement. The department shall release the funds when  
the department determines that compliance has been achieved.

(7) Issue a notice of intent to revoke approval of all or  
part of the local plan effected that conflicts with state or  
federal law and effectuate the revocation.

(D) The department shall notify the responsible entity and  
the appropriate county auditor ~~when the department proposes to~~  
~~take~~ before taking action under division (C) of this section. The

notice shall be in writing and specify the proposed action ~~the~~ 70532  
~~department proposes to take~~. The department shall send the notice 70533  
by regular United States mail. Except as provided in division (E) 70534  
of this section, the responsible entity may request an 70535  
administrative review of a proposed action in accordance with 70536  
administrative review procedures the department shall establish. 70537  
The administrative review procedures shall comply with all of the 70538  
following: 70539

(1) A request for an administrative review shall state 70540  
specifically all of the following: 70541

(a) The proposed action specified in the notice from the 70542  
department for which the review is requested; 70543

(b) The reason why the responsible entity believes the 70544  
proposed action is inappropriate; 70545

(c) All facts and legal arguments that the responsible entity 70546  
wants the department to consider; 70547

(d) The name of the person who will serve as the responsible 70548  
entity's representative in the review. 70549

(2) If the department's notice specifies more than one 70550  
proposed action and the responsible entity does not specify all of 70551  
the proposed actions in its request pursuant to division (D)(1)(a) 70552  
of this section, the proposed actions not specified in the request 70553  
shall not be subject to administrative review and the parts of the 70554  
notice regarding those proposed actions shall be final and binding 70555  
on the responsible entity. 70556

(3) The responsible entity shall have fifteen calendar days 70557  
after the department mails the notice to the responsible entity to 70558  
send a written request to the department for an administrative 70559  
review. The responsible entity and the department shall attempt to 70560  
resolve informally any dispute and may develop a written 70561  
resolution to the dispute at any time prior to submitting the 70562

written report described in division (D)(7) of this section to the 70563  
director. 70564

(4) In the case of a proposed action under division (C)(2) of 70565  
this section, the responsible entity may not include in its 70566  
request disputes over a finding, final disallowance of federal 70567  
financial participation, or other sanction or penalty issued by 70568  
the federal government, auditor of state, or other entity other 70569  
than the department. 70570

(5) If the responsible entity fails to request an 70571  
administrative review within the required time, the responsible 70572  
entity loses the right to request an administrative review of the 70573  
proposed actions specified in the notice and the notice becomes 70574  
final and binding on the responsible entity. 70575

(6) The director of job and family services shall appoint an 70576  
administrative review panel to conduct the administrative review. 70577  
The review panel shall consist of department employees who are not 70578  
involved in the department's proposal to take action against the 70579  
responsible entity. The review panel shall review the responsible 70580  
entity's request. The review panel may require that the department 70581  
or responsible entity submit additional information and schedule 70582  
and conduct an informal hearing to obtain testimony or additional 70583  
evidence. A review of a proposal to take action under division 70584  
(C)(2) of this section shall be limited solely to the issue of the 70585  
amount the responsible entity shall share with the department, 70586  
reimburse the department, or pay to the federal government, 70587  
department, or other entity under division (C)(2) of this section. 70588  
The review panel is not required to make a stenographic record of 70589  
its hearing or other proceedings. 70590

(7) After finishing an administrative review, an 70591  
administrative review panel appointed under division (D)(6) of 70592  
this section shall submit a written report to the director setting 70593  
forth its findings of fact, conclusions of law, and 70594

recommendations for action. The director may approve, modify, or disapprove the recommendations. 70595  
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(8) The director's approval, modification, or disapproval under division (D)(7) of this section shall be final and binding on the responsible entity and shall not be subject to further review. 70597  
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(E) The responsible entity is not entitled to an administrative review under division (D) of this section for any of the following: 70601  
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(1) An action taken under division (C)(5) or (6) of this section; 70604  
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(2) An action taken under section 5101.242 of the Revised Code; 70606  
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(3) An action taken under division (C)(2) of this section if the federal government, auditor of state, or entity other than the department has identified the responsible entity as being solely or partially responsible for an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty; 70608  
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(4) An adjustment to an allocation, cash draw, advance, or reimbursement to the responsible entity's local area that the department determines necessary for budgetary reasons; 70614  
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(5) Withholding of a cash draw or reimbursement due to noncompliance with a reporting requirement established in rules adopted under section 5101.243 of the Revised Code. 70617  
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(F) This section does not apply to other actions the department takes against the responsible entity pursuant to authority granted by another state law unless the other state law requires the department to take the action in accordance with this section. 70620  
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(G) The director of job and family services may adopt rules 70625  
in accordance with Chapter 119. of the Revised Code as necessary 70626  
to implement this section. 70627

(H) The governor may decertify a local ~~workforce development~~ 70628  
board for any of the following reasons in accordance with 70629  
subsection ~~(e) of section 117 of the "Workforce Investment Act of~~ 70630  
~~1998" 112 Stat. 936, 29 U.S.C. 2801, as amended (c)(3) of section~~ 70631  
107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 70632  
3122: 70633

(1) Fraud or abuse; 70634

(2) Failure to carry out the requirements of the federal 70635  
~~"Workforce Investment Act," 112 Stat. 936, 29 U.S.C. 2801, as~~ 70636  
~~amended, including failure to meet performance standards~~ 70637  
~~established by the federal government for two consecutive years~~ 70638  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 70639  
seq.; 70640

(3) Failure to meet local performance accountability measures 70641  
for the local area for two consecutive program years, as specified 70642  
in subsection (c)(3)(B) of section 107 of the "Workforce 70643  
Innovation and Opportunity Act," 29 U.S.C. 3122. 70644

(I)(1) If the governor finds that access to basic "Workforce 70645  
Investment Act" services is not being provided in a local area, 70646  
the governor may declare an emergency and, in consultation with 70647  
the chief elected officials of the local area affected, arrange 70648  
for provision of these services through an alternative entity 70649  
during the time period in which resolution of the problem 70650  
preventing service delivery in the local area is pending 70651  
determines that there has been a substantial violation of a 70652  
specific provision of the "Workforce Innovation and Opportunity 70653  
Act," 29 U.S.C. 3101 et seq., and that corrective action has not 70654  
been taken, the governor shall take one of the following actions: 70655

(a) Issue a notice of intent to revoke approval of all or part of a local plan affected by the violation; 70656  
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(b) Impose a reorganization plan. 70658

(2) A reorganization plan imposed under division (I)(1) of this section may include any of the following: 70659  
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(a) Decertifying the local board involved in the violation; 70661

(b) Prohibiting the use of eligible providers; 70662

(c) Selecting an alternate entity to administer the program for the local area involved in the violation; 70663  
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(d) Merging the local area with one or more other local areas; 70665  
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(e) Making other changes that the governor determines to be necessary to secure compliance with the specific provision. An 70667  
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An action taken by the governor pursuant to this section is not subject to appeal under this section may be appealed and shall not become effective until the time for appeal has expired or a final decision has been issued on the appeal. 70669  
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**Sec. 5101.26.** As used in this section and in sections 5101.27 to 5101.30 of the Revised Code: 70673  
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(A) "County agency" means a county department of job and family services or a public children services agency. 70675  
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(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence. 70677  
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(C) "Information" means records as defined in section 149.011 70685  
of the Revised Code, any other documents in any format, and data 70686  
derived from records and documents that are generated, acquired, 70687  
or maintained by the department of job and family services, a 70688  
county agency, or an entity performing duties on behalf of the 70689  
department or a county agency. 70690

(D) "Law enforcement agency" means the state highway patrol, 70691  
an agency that employs peace officers as defined in section 109.71 70692  
of the Revised Code, the adult parole authority, a county 70693  
department of probation, a prosecuting attorney, the attorney 70694  
general, similar agencies of other states, federal law enforcement 70695  
agencies, and postal inspectors. "Law enforcement agency" includes 70696  
the peace officers and other law enforcement officers employed by 70697  
the agency. 70698

(E) "Public assistance" means financial assistance or social 70699  
services that are provided under a program administered by the 70700  
department of job and family services or a county agency pursuant 70701  
to Chapter 329., 5101., 5104., 5107., or 5108., ~~or 5115.~~ of the 70702  
Revised Code or an executive order issued under section 107.17 of 70703  
the Revised Code. "Public assistance" does not mean medical 70704  
assistance provided under a medical assistance program, as defined 70705  
in section 5160.01 of the Revised Code. 70706

(F) "Public assistance recipient" means an applicant for or 70707  
recipient or former recipient of public assistance. 70708

**Sec. 5101.27.** (A) Except as permitted by this section, 70709  
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 70710  
rules adopted under section 5101.30 of the Revised Code, or when 70711  
required by federal law, no person or government entity shall 70712  
solicit, disclose, receive, use, or knowingly permit, or 70713  
participate in the use of any information regarding a public 70714  
assistance recipient for any purpose not directly connected with 70715

the administration of a public assistance program. 70716

(B) To the extent permitted by federal law, the department of 70717  
job and family services and county agencies shall do all of the 70718  
following: 70719

(1) Release information regarding a public assistance 70720  
recipient for purposes directly connected to the administration of 70721  
the program to a government entity responsible for administering 70722  
that public assistance program; 70723

(2) Provide information regarding a public assistance 70724  
recipient to a law enforcement agency for the purpose of any 70725  
investigation, prosecution, or criminal or civil proceeding 70726  
relating to the administration of that public assistance program; 70727

(3) Provide, for purposes directly connected to the 70728  
administration of a program that assists needy individuals with 70729  
the costs of public utility services, information regarding a 70730  
recipient of financial assistance provided under a program 70731  
administered by the department or a county agency pursuant to 70732  
Chapter 5107. or 5108. of the Revised Code ~~or sections 5115.01 to~~ 70733  
~~5115.07 of the Revised Code~~ to an entity administering the public 70734  
utility services program. 70735

(C) To the extent permitted by federal law and section 70736  
1347.08 of the Revised Code, the department and county agencies 70737  
shall provide access to information regarding a public assistance 70738  
recipient to all of the following: 70739

(1) The recipient; 70740

(2) The authorized representative; 70741

(3) The legal guardian of the recipient; 70742

(4) The attorney of the recipient, if the attorney has 70743  
written authorization that complies with section 5101.272 of the 70744  
Revised Code from the recipient. 70745

(D) To the extent permitted by federal law and subject to 70746  
division (E) of this section, the department and county agencies 70747  
may do both of the following: 70748

(1) Release information about a public assistance recipient 70749  
if the recipient gives voluntary, written authorization that 70750  
complies with section 5101.272 of the Revised Code; 70751

(2) Release information regarding a public assistance 70752  
recipient to a state, federal, or federally assisted program that 70753  
provides cash or in-kind assistance or services directly to 70754  
individuals based on need or for the purpose of protecting 70755  
children to a government entity responsible for administering a 70756  
children's protective services program. 70757

(E) Except when the release is required by division (B), (C), 70758  
or (D)(2) of this section, the department or county agency shall 70759  
release the information only in accordance with the authorization. 70760  
The department or county agency shall provide, at no cost, a copy 70761  
of each written authorization to the individual who signed it. 70762

(F) The department of job and family services may adopt rules 70763  
defining "authorized representative" for purposes of division 70764  
(C)(2) of this section. 70765

**Sec. 5101.28.** (A)(1) On request of the department of job and 70766  
family services or a county agency, a law enforcement agency shall 70767  
provide information regarding public assistance recipients to 70768  
enable the department or county agency to determine, for 70769  
eligibility purposes, whether a recipient or a member of a 70770  
recipient's assistance group is a fugitive felon or violating a 70771  
condition of probation, a community control sanction, parole, or a 70772  
post-release control sanction imposed under state or federal law. 70773

(2) A county agency may enter into a written agreement with a 70774  
local law enforcement agency establishing procedures concerning 70775

access to information and providing for compliance with division 70776  
(F) of this section. 70777

(B) To the extent permitted by federal law, the department 70778  
and county agencies shall provide information regarding recipients 70779  
of public assistance under a program administered by the state 70780  
department or a county agency pursuant to Chapter 5107.7 or 5108.7 70781  
~~or 5115.~~ of the Revised Code to law enforcement agencies on 70782  
request for the purposes of investigations, prosecutions, and 70783  
criminal and civil proceedings that are within the scope of the 70784  
law enforcement agencies' official duties. 70785

(C) Information about a public assistance recipient shall be 70786  
exchanged, obtained, or shared only if the department, county 70787  
agency, or law enforcement agency requesting the information gives 70788  
sufficient information to specifically identify the recipient. In 70789  
addition to the recipient's name, identifying information may 70790  
include the recipient's current or last known address, social 70791  
security number, other identifying number, age, gender, physical 70792  
characteristics, any information specified in an agreement entered 70793  
into under division (A) of this section, or any information 70794  
considered appropriate by the department or agency. 70795

(D)(1) The department and its officers and employees are not 70796  
liable in damages in a civil action for any injury, death, or loss 70797  
to person or property that allegedly arises from the release of 70798  
information in accordance with divisions (A), (B), and (C) of this 70799  
section. This section does not affect any immunity or defense that 70800  
the department and its officers and employees may be entitled to 70801  
under another section of the Revised Code or the common law of 70802  
this state, including section 9.86 of the Revised Code. 70803

(2) The county agencies and their employees are not liable in 70804  
damages in a civil action for any injury, death, or loss to person 70805  
or property that allegedly arises from the release of information 70806  
in accordance with divisions (A), (B), and (C) of this section. 70807

"Employee" has the same meaning as in division (B) of section 70808  
2744.01 of the Revised Code. This section does not affect any 70809  
immunity or defense that the county agencies and their employees 70810  
may be entitled to under another section of the Revised Code or 70811  
the common law of this state, including section 2744.02 and 70812  
division (A)(6) of section 2744.03 of the Revised Code. 70813

(E) To the extent permitted by federal law, the department 70814  
and county agencies shall provide access to information to the 70815  
auditor of state acting pursuant to Chapter 117. or sections 70816  
5101.181 and 5101.182 of the Revised Code and to any other 70817  
government entity authorized by federal law to conduct an audit 70818  
of, or similar activity involving, a public assistance program. 70819

(F) The auditor of state shall prepare an annual report on 70820  
the outcome of the agreements required under division (A) of this 70821  
section. The report shall include the number of fugitive felons, 70822  
probation and parole violators, and violators of community control 70823  
sanctions and post-release control sanctions apprehended during 70824  
the immediately preceding year as a result of the exchange of 70825  
information pursuant to that division. The auditor of state shall 70826  
file the report with the governor, the president and minority 70827  
leader of the senate, and the speaker and minority leader of the 70828  
house of representatives. The state department, county agencies, 70829  
and law enforcement agencies shall cooperate with the auditor of 70830  
state's office in gathering the information required under this 70831  
division. 70832

(G) To the extent permitted by federal law, the department of 70833  
job and family services, county departments of job and family 70834  
services, and employees of the departments may report to a public 70835  
children services agency or other appropriate agency information 70836  
on known or suspected physical or mental injury, sexual abuse or 70837  
exploitation, or negligent treatment or maltreatment, of a child 70838  
receiving public assistance, if circumstances indicate that the 70839

child's health or welfare is threatened. 70840

(H) As used in this section: 70841

(1) "Community control sanction" has the same meaning as in 70842  
section 2929.01 of the Revised Code. 70843

(2) "Post-release control sanction" has the same meaning as 70844  
in section 2967.01 of the Revised Code. 70845

**Sec. 5101.32.** (A) The department of job and family services 70846  
shall work with the superintendent of the bureau of criminal 70847  
identification and investigation to develop procedures and formats 70848  
necessary to produce the notices described in division ~~(C)~~(D) of 70849  
section 109.5721 of the Revised Code in a format that is 70850  
acceptable for use by the department. The department may adopt 70851  
rules in accordance with section 111.15 of the Revised Code, as if 70852  
they were internal management rules, necessary for such 70853  
collaboration. 70854

(B) The department of job and family services may adopt rules 70855  
in accordance with Chapter 119. of the Revised Code necessary for 70856  
utilizing the information received pursuant to section 109.5721 of 70857  
the Revised Code, with a final effective date that is not later 70858  
than December 31, 2008. 70859

**Sec. 5101.33.** (A) As used in this section, "benefits" means 70860  
any of the following: 70861

(1) Cash assistance paid under Chapter 5107. ~~or 5115.~~ of the 70862  
Revised Code; 70863

(2) Supplemental nutrition assistance program benefits 70864  
provided under section 5101.54 of the Revised Code; 70865

(3) Any other program administered by the department of job 70866  
and family services under which assistance is provided or service 70867  
rendered; 70868

(4) Any other program, service, or assistance administered by a person or government entity that the department determines may be delivered through the medium of electronic benefit transfer.

(B) The department of job and family services may make any payment or delivery of benefits to eligible individuals through the medium of electronic benefit transfer by doing all of the following:

(1) Contracting with an agent to supply debit cards to the department of job and family services for use by such individuals in accessing their benefits and to credit such cards electronically with the amounts specified by the director of job and family services pursuant to law;

(2) Informing such individuals about the use of the electronic benefit transfer system and furnishing them with debit cards and information that will enable them to access their benefits through the system;

(3) Arranging with specific financial institutions or vendors, county departments of job and family services, or persons or government entities for individuals to have their cards credited electronically with the proper amounts at their facilities;

(4) Periodically preparing vouchers for the payment of such benefits by electronic benefit transfer;

(5) Satisfying any applicable requirements of federal and state law.

(C) The department may enter into a written agreement with any person or government entity to provide benefits administered by that person or entity through the medium of electronic benefit transfer. A written agreement may require the person or government entity to pay to the department either or both of the following:

(1) A charge that reimburses the department for all costs the department incurs in having the benefits administered by the person or entity provided through the electronic benefit transfer system; 70899  
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(2) A fee for having the benefits provided through the electronic benefit transfer system. 70903  
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(D) The department may designate which counties will participate in the medium of electronic benefit transfer, specify the date a designated county will begin participation, and specify which benefits will be provided through the medium of electronic benefit transfer in a designated county. 70905  
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(E) The department may adopt rules in accordance with Chapter 119. of the Revised Code for the efficient administration of this section. 70910  
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**Sec. 5101.35.** (A) As used in this section: 70913

(1)(a) "Agency" means the following entities that administer a family services program: 70914  
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(i) The department of job and family services; 70916

(ii) A county department of job and family services; 70917

(iii) A public children services agency; 70918

(iv) A private or government entity administering, in whole or in part, a family services program for or on behalf of the department of job and family services or a county department of job and family services or public children services agency. 70919  
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(b) If the department of medicaid contracts with the department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "agency" includes the department of medicaid. 70923  
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(2) "Appellant" means an applicant, participant, former 70927

participant, recipient, or former recipient of a family services program who is entitled by federal or state law to a hearing regarding a decision or order of the agency that administers the program.

(3)(a) "Family services program" means all of the following:

(i) A Title IV-A program as defined in section 5101.80 of the Revised Code;

(ii) Programs that provide assistance under Chapter 5104. ~~or~~ 5115 of the Revised Code;

(iii) Programs that provide assistance under section 5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the Revised Code;

(iv) Title XX social services provided under section 5101.46 of the Revised Code, other than such services provided by the department of mental health and addiction services, the department of developmental disabilities, a board of alcohol, drug addiction, and mental health services, or a county board of developmental disabilities.

(b) If the department of medicaid contracts with the department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "family services program" includes medical assistance programs.

(4) "Medical assistance program" has the same meaning as in section 5160.01 of the Revised Code.

(B) Except as provided by divisions (G) and (H) of this section, an appellant who appeals under federal or state law a decision or order of an agency administering a family services program shall, at the appellant's request, be granted a state hearing by the department of job and family services. This state

hearing shall be conducted in accordance with rules adopted under 70958  
this section. The state hearing shall be recorded, but neither the 70959  
recording nor a transcript of the recording shall be part of the 70960  
official record of the proceeding. Except as provided in section 70961  
5160.31 of the Revised Code, a state hearing decision is binding 70962  
upon the agency and department, unless it is reversed or modified 70963  
on appeal to the director of job and family services or a court of 70964  
common pleas. 70965

(C) Except as provided by division (G) of this section, an 70966  
appellant who disagrees with a state hearing decision may make an 70967  
administrative appeal to the director of job and family services 70968  
in accordance with rules adopted under this section. This 70969  
administrative appeal does not require a hearing, but the director 70970  
or the director's designee shall review the state hearing decision 70971  
and previous administrative action and may affirm, modify, remand, 70972  
or reverse the state hearing decision. An administrative appeal 70973  
decision is the final decision of the department and, except as 70974  
provided in section 5160.31 of the Revised Code, is binding upon 70975  
the department and agency, unless it is reversed or modified on 70976  
appeal to the court of common pleas. 70977

(D) An agency shall comply with a decision issued pursuant to 70978  
division (B) or (C) of this section within the time limits 70979  
established by rules adopted under this section. If a county 70980  
department of job and family services or a public children 70981  
services agency fails to comply within these time limits, the 70982  
department may take action pursuant to section 5101.24 of the 70983  
Revised Code. If another agency, other than the department of 70984  
medicaid, fails to comply within the time limits, the department 70985  
may force compliance by withholding funds due the agency or 70986  
imposing another sanction established by rules adopted under this 70987  
section. 70988

(E) An appellant who disagrees with an administrative appeal 70989

decision of the director of job and family services or the 70990  
director's designee issued under division (C) of this section may 70991  
appeal from the decision to the court of common pleas pursuant to 70992  
section 119.12 of the Revised Code. The appeal shall be governed 70993  
by section 119.12 of the Revised Code except that: 70994

(1) The person may appeal to the court of common pleas of the 70995  
county in which the person resides, or to the court of common 70996  
pleas of Franklin county if the person does not reside in this 70997  
state. 70998

(2) The person may apply to the court for designation as an 70999  
indigent and, if the court grants this application, the appellant 71000  
shall not be required to furnish the costs of the appeal. 71001

(3) The appellant shall mail the notice of appeal to the 71002  
department of job and family services and file notice of appeal 71003  
with the court within thirty days after the department mails the 71004  
administrative appeal decision to the appellant. For good cause 71005  
shown, the court may extend the time for mailing and filing notice 71006  
of appeal, but such time shall not exceed six months from the date 71007  
the department mails the administrative appeal decision. Filing 71008  
notice of appeal with the court shall be the only act necessary to 71009  
vest jurisdiction in the court. 71010

(4) The department shall be required to file a transcript of 71011  
the testimony of the state hearing with the court only if the 71012  
court orders the department to file the transcript. The court 71013  
shall make such an order only if it finds that the department and 71014  
the appellant are unable to stipulate to the facts of the case and 71015  
that the transcript is essential to a determination of the appeal. 71016  
The department shall file the transcript not later than thirty 71017  
days after the day such an order is issued. 71018

(F) The department of job and family services shall adopt 71019  
rules in accordance with Chapter 119. of the Revised Code to 71020

implement this section, including rules governing the following: 71021

(1) State hearings under division (B) of this section. The 71022  
rules shall include provisions regarding notice of eligibility 71023  
termination and the opportunity of an appellant appealing a 71024  
decision or order of a county department of job and family 71025  
services to request a county conference with the county department 71026  
before the state hearing is held. 71027

(2) Administrative appeals under division (C) of this 71028  
section; 71029

(3) Time limits for complying with a decision issued under 71030  
division (B) or (C) of this section; 71031

(4) Sanctions that may be applied against an agency under 71032  
division (D) of this section. 71033

(G) The department of job and family services may adopt rules 71034  
in accordance with Chapter 119. of the Revised Code establishing 71035  
an appeals process for an appellant who appeals a decision or 71036  
order regarding a Title IV-A program identified under division 71037  
(A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised 71038  
Code that is different from the appeals process established by 71039  
this section. The different appeals process may include having a 71040  
state agency that administers the Title IV-A program pursuant to 71041  
an interagency agreement entered into under section 5101.801 of 71042  
the Revised Code administer the appeals process. 71043

(H) If an appellant receiving medicaid through a health 71044  
insuring corporation that holds a certificate of authority under 71045  
Chapter 1751. of the Revised Code is appealing a denial of 71046  
medicaid services based on lack of medical necessity or other 71047  
clinical issues regarding coverage by the health insuring 71048  
corporation, the person hearing the appeal may order an 71049  
independent medical review if that person determines that a review 71050  
is necessary. The review shall be performed by a health care 71051

professional with appropriate clinical expertise in treating the 71052  
recipient's condition or disease. The department shall pay the 71053  
costs associated with the review. 71054

A review ordered under this division shall be part of the 71055  
record of the hearing and shall be given appropriate evidentiary 71056  
consideration by the person hearing the appeal. 71057

(I) The requirements of Chapter 119. of the Revised Code 71058  
apply to a state hearing or administrative appeal under this 71059  
section only to the extent, if any, specifically provided by rules 71060  
adopted under this section. 71061

**Sec. 5101.36.** Any application for public assistance gives a 71062  
right of subrogation to the department of job and family services 71063  
for any workers' compensation benefits payable to a person who is 71064  
subject to a support order, as defined in section 3119.01 of the 71065  
Revised Code, on behalf of the applicant, to the extent of any 71066  
public assistance payments made on the applicant's behalf. If the 71067  
director of job and family services, in consultation with a child 71068  
support enforcement agency and the administrator of the bureau of 71069  
workers' compensation, determines that a person responsible for 71070  
support payments to a recipient of public assistance is receiving 71071  
workers' compensation, the director shall notify the administrator 71072  
of the amount of the benefit to be paid to the department of job 71073  
and family services. 71074

For purposes of this section, "public assistance" means Ohio 71075  
works first provided under Chapter 5107. of the Revised Code; or 71076  
prevention, retention, and contingency benefits and services 71077  
provided under Chapter 5108. of the Revised Code; ~~or disability~~ 71078  
~~financial assistance provided under Chapter 5115. of the Revised~~ 71079  
~~Code.~~ 71080

**Sec. 5101.61.** (A) As used in this section: 71081

(1) "Senior service provider" means any person who provides care or services to a person who is an adult as defined in division (B) of section 5101.60 of the Revised Code.

(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that:

(a) Provides preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient or ambulatory patient, by or under the direction of a physician or dentist in a facility which is not a part of a hospital, but which is organized and operated to provide medical care to outpatients;

(b) Has health and medical care policies which are developed with the advice of, and with the provision of review of such policies, an advisory committee of professional personnel, including one or more physicians, one or more dentists, if dental care is provided, and one or more registered nurses;

(c) Has a medical director, a dental director, if dental care is provided, and a nursing director responsible for the execution of such policies, and has physicians, dentists, nursing, and ancillary staff appropriate to the scope of services provided;

(d) Requires that the health care and medical care of every patient be under the supervision of a physician, provides for medical care in a case of emergency, has in effect a written agreement with one or more hospitals and other centers or clinics, and has an established patient referral system to other resources, and a utilization review plan and program;

(e) Maintains clinical records on all patients;

(f) Provides nursing services and other therapeutic services in accordance with programs and policies, with such services supervised by a registered professional nurse, and has a

registered professional nurse on duty at all times of clinical operations; 71113  
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(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals; 71115  
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(h) Has established an accounting and record keeping system to determine reasonable and allowable costs; 71117  
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(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of mental health and addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification. 71119  
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(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located. 71126  
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(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility. 71130  
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(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which: 71133  
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(a) Is primarily engaged in providing home health services; 71135

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy; 71136  
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(c) Is under the supervision of a duly licensed doctor of 71143  
medicine or doctor of osteopathy or a registered professional 71144  
nurse who is responsible for the execution of such home health 71145  
policies; 71146

(d) Maintains comprehensive records on all patients; 71147

(e) Is operated by the state, a political subdivision, or an 71148  
agency of either, or is operated not for profit in this state and 71149  
is licensed or registered, if required, pursuant to law by the 71150  
appropriate department of the state, county, or municipality in 71151  
which it furnishes services; or is operated for profit in this 71152  
state, meets all the requirements specified in divisions (A)(5)(a) 71153  
to (d) of this section, and is certified under Title XVIII of the 71154  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 71155  
amended. 71156

(6) "Home health service" means the following items and 71157  
services, provided, except as provided in division (A)(6)(g) of 71158  
this section, on a visiting basis in a place of residence used as 71159  
the patient's home: 71160

(a) Nursing care provided by or under the supervision of a 71161  
registered professional nurse; 71162

(b) Physical, occupational, or speech therapy ordered by the 71163  
patient's attending physician; 71164

(c) Medical social services performed by or under the 71165  
supervision of a qualified medical or psychiatric social worker 71166  
and under the direction of the patient's attending physician; 71167

(d) Personal health care of the patient performed by aides in 71168  
accordance with the orders of a doctor of medicine or osteopathy 71169  
and under the supervision of a registered professional nurse; 71170

(e) Medical supplies and the use of medical appliances; 71171

(f) Medical services of interns and residents-in-training 71172

under an approved teaching program of a nonprofit hospital and 71173  
under the direction and supervision of the patient's attending 71174  
physician; 71175

(g) Any of the foregoing items and services which: 71176

(i) Are provided on an outpatient basis under arrangements 71177  
made by the home health agency at a hospital or skilled nursing 71178  
facility; 71179

(ii) Involve the use of equipment of such a nature that the 71180  
items and services cannot readily be made available to the patient 71181  
in the patient's place of residence, or which are furnished at the 71182  
hospital or skilled nursing facility while the patient is there to 71183  
receive any item or service involving the use of such equipment. 71184

(7) "Representative of the office of the state long-term care 71185  
program" has the same meaning as in section 173.14 of the Revised 71186  
Code. 71187

Any attorney, physician, osteopath, podiatrist, chiropractor, 71188  
dentist, psychologist, any employee of a hospital as defined in 71189  
section 3701.01 of the Revised Code, any nurse licensed under 71190  
Chapter 4723. of the Revised Code, any employee of an ambulatory 71191  
health facility, any employee of a home health agency, any 71192  
employee of a residential facility licensed under section 5119.34 71193  
of the Revised Code that provides accommodations, supervision, and 71194  
personal care services for three to sixteen unrelated adults, any 71195  
employee of a nursing home, residential care facility, or home for 71196  
the aging, as defined in section 3721.01 of the Revised Code, any 71197  
senior service provider other than a representative of the office 71198  
of the state long-term care program, any peace officer, coroner, 71199  
member of the clergy, any employee of a community mental health 71200  
facility, and any person engaged in professional counseling, 71201  
social work, or marriage and family therapy having reasonable 71202  
cause to believe that an adult is being abused, neglected, or 71203

exploited, or is in a condition which is the result of abuse, 71204  
neglect, or exploitation shall immediately report such belief to 71205  
the county department of job and family services. ~~This~~ 71206

This section does not apply to employees of any hospital or 71207  
public hospital as defined in section 5122.01 of the Revised Code. 71208

(B) Any person having reasonable cause to believe that an 71209  
adult has suffered abuse, neglect, or exploitation may report, or 71210  
cause reports to be made of such belief to the department. 71211

This division applies to a representative of the office of 71212  
the state long-term care program only to the extent permitted by 71213  
federal law. 71214

(C) The reports made under this section shall be made orally 71215  
or in writing except that oral reports shall be followed by a 71216  
written report if a written report is requested by the department. 71217  
Written reports shall include: 71218

(1) The name, address, and approximate age of the adult who 71219  
is the subject of the report; 71220

(2) The name and address of the individual responsible for 71221  
the adult's care, if any individual is, and if the individual is 71222  
known; 71223

(3) The nature and extent of the alleged abuse, neglect, or 71224  
exploitation of the adult; 71225

(4) The basis of the reporter's belief that the adult has 71226  
been abused, neglected, or exploited. 71227

(D) Any person with reasonable cause to believe that an adult 71228  
is suffering abuse, neglect, or exploitation who makes a report 71229  
pursuant to this section or who testifies in any administrative or 71230  
judicial proceeding arising from such a report, or any employee of 71231  
the state or any of its subdivisions who is discharging 71232  
responsibilities under section 5101.62 of the Revised Code shall 71233

be immune from civil or criminal liability on account of such 71234  
investigation, report, or testimony, except liability for perjury, 71235  
unless the person has acted in bad faith or with malicious 71236  
purpose. 71237

(E) No employer or any other person with the authority to do 71238  
so shall discharge, demote, transfer, prepare a negative work 71239  
performance evaluation, or reduce benefits, pay, or work 71240  
privileges, or take any other action detrimental to an employee or 71241  
in any way retaliate against an employee as a result of the 71242  
employee's having filed a report under this section. 71243

(F) The written or oral report provided for in this section 71244  
and the investigatory report provided for in section 5101.62 of 71245  
the Revised Code are confidential and are not public records, as 71246  
defined in section 149.43 of the Revised Code. In accordance with 71247  
rules adopted by the department of job and family services, 71248  
information contained in the report shall upon request be made 71249  
available to the adult who is the subject of the report and to 71250  
legal counsel for the adult. 71251

(G) The county department of job and family services shall be 71252  
available to receive the written or oral report provided for in 71253  
this section twenty-four hours a day and seven days a week. 71254

**Sec. 5101.802.** (A) As used in this section: 71255

(1) "Custodian," "guardian," and "minor child" have the same 71256  
meanings as in section 5107.02 of the Revised Code. 71257

(2) "Federal poverty guidelines" has the same meaning as in 71258  
section 5101.46 of the Revised Code. 71259

(3) "Kinship caregiver" has the same meaning as in section 71260  
5101.85 of the Revised Code. 71261

(B) Subject to division (E) of section 5101.801 of the 71262  
Revised Code, there is hereby created the kinship permanency 71263

incentive program to promote permanency for a minor child in the 71264  
legal and physical custody of a kinship caregiver. The program 71265  
shall provide an initial one-time incentive payment to the kinship 71266  
caregiver to defray the costs of initial placement of the minor 71267  
child in the kinship caregiver's home. The program may provide 71268  
additional permanency incentive payments for the minor child at 71269  
six month intervals ~~for a total period not to exceed forty eight~~ 71270  
~~months~~, based on the availability of funds. An eligible caregiver 71271  
may receive a maximum of eight incentive payments per minor child. 71272

(C) A kinship caregiver may participate in the program if all 71273  
of the following requirements are met: 71274

(1) The kinship caregiver applies to a public children 71275  
services agency in accordance with the application process 71276  
established in rules authorized by division (E) of this section; 71277

(2) Not earlier than July 1, 2005, a juvenile court issues an 71278  
order granting legal custody to the kinship caregiver, or a 71279  
probate court grants guardianship to the kinship caregiver, except 71280  
that a temporary court order is not sufficient to meet this 71281  
requirement; 71282

(3) The kinship caregiver is either the minor child's 71283  
custodian or guardian; 71284

(4) The minor child resides with the kinship caregiver 71285  
pursuant to a placement approval process established in rules 71286  
authorized by division (E) of this section; 71287

(5) Excluding any income excluded under rules adopted under 71288  
division (E) of this section, the gross income of the kinship 71289  
caregiver's family, including the minor child, does not exceed 71290  
three hundred per cent of the federal poverty guidelines. 71291

(D) Public children services agencies shall make initial and 71292  
ongoing eligibility determinations for the kinship permanency 71293  
incentive program in accordance with rules authorized by division 71294

(E) of this section. The director of job and family services shall supervise public children services agencies' duties under this section.

(E) The director of job and family services shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the kinship permanency incentive program. The rules shall establish all of the following:

(1) The application process for the program;

(2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program;

(3) The initial and ongoing eligibility determination process for the program, including the computation of income eligibility;

(4) The amount of the incentive payments provided under the program;

(5) The method by which the incentive payments are provided to a kinship caregiver.

(F) The amendments made to this section by Am. Sub. H.B. 119 of the 127th general assembly shall not affect the eligibility of any kinship caregiver whose eligibility was established before June 30, 2007.

**Sec. 5107.05.** The director of job and family services shall adopt rules to implement this chapter. The rules shall be consistent with Title IV-A, Title IV-D, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the plan, and waivers granted by the United States secretary. Rules governing eligibility, program participation, and other applicant and participant requirements shall be adopted in accordance with Chapter 119. of the Revised

Code. Rules governing financial and other administrative 71325  
requirements applicable to the department of job and family 71326  
services and county departments of job and family services shall 71327  
be adopted in accordance with section 111.15 of the Revised Code. 71328

(A) The rules shall specify, establish, or govern all of the 71329  
following: 71330

(1) A payment standard for Ohio works first based on federal 71331  
and state appropriations that is increased in accordance with 71332  
section 5107.04 of the Revised Code; 71333

(2) For the purpose of section 5107.04 of the Revised Code, 71334  
the method of determining the amount of cash assistance an 71335  
assistance group receives under Ohio works first; 71336

(3) Requirements for initial and continued eligibility for 71337  
Ohio works first, including requirements regarding income, 71338  
citizenship, age, residence, and assistance group composition; 71339

(4) For the purpose of section 5107.12 of the Revised Code, 71340  
application and verification procedures, including the minimum 71341  
information an application must contain; 71342

(5) The extent to which a participant of Ohio works first 71343  
must notify, pursuant to section 5107.12 of the Revised Code, a 71344  
county department of job and family services of additional income 71345  
not previously reported to the county department; 71346

(6) For the purpose of section 5107.16 of the Revised Code, 71347  
both of the following: 71348

(a) Standards for the determination of good cause for failure 71349  
or refusal to comply in full with a provision of a 71350  
self-sufficiency contract; 71351

(b) The compliance activities a member of an assistance group 71352  
must complete for the member to be considered to have ceased to 71353  
fail or refuse to comply in full with a provision of a 71354

self-sufficiency contract. 71355

(7) The department of job and family services providing 71356  
written notice of a sanction under section 5107.161 of the Revised 71357  
Code; 71358

(8) For the purpose of division (B) of section 5107.17 of the 71359  
Revised Code, the circumstances under which the adult member of an 71360  
assistance group or an assistance group's minor head of household 71361  
whose failure or refusal, without good cause, to comply in full 71362  
with a provision of a self-sufficiency contract causes a sanction 71363  
under section 5107.16 of the Revised Code must enter into a new, 71364  
or amend an existing, self-sufficiency contract before the 71365  
assistance group may resume participation in Ohio works first 71366  
following the sanction; 71367

(9) Requirements for the collection and distribution of 71368  
support payments owed participants of Ohio works first pursuant to 71369  
section 5107.20 of the Revised Code; 71370

(10) For the purpose of section 5107.22 of the Revised Code, 71371  
what constitutes cooperating in establishing a minor child's 71372  
paternity or establishing, modifying, or enforcing a child support 71373  
order and good cause for failure or refusal to cooperate; 71374

(11) The requirements governing the LEAP program, including 71375  
the definitions of "equivalent of a high school diploma" and "good 71376  
cause," and the incentives provided under the LEAP program; 71377

(12) If the director implements section 5107.301 of the 71378  
Revised Code, the requirements governing the award provided under 71379  
that section, including the form that the award is to take and 71380  
requirements an individual must satisfy to receive the award; 71381

(13) Circumstances under which a county department of job and 71382  
family services may exempt a minor head of household or adult from 71383  
participating in a work activity or developmental activity for all 71384  
or some of the weekly hours otherwise required by section 5107.43 71385

of the Revised Code. 71386

(14) The maximum amount of time the department will subsidize 71387  
positions created by state agencies and political subdivisions 71388  
under division (C) of section 5107.52 of the Revised Code; 71389

(15) The implementation of sections 5107.71 to 5107.717 of 71390  
the Revised Code by county departments of job and family services; 71391

(16) A domestic violence screening process to be used for the 71392  
purpose of division (A) of section 5107.71 of the Revised Code; 71393

(17) The minimum frequency with which county departments of 71394  
job and family services must redetermine a member of an assistance 71395  
group's need for a waiver issued under section 5107.714 of the 71396  
Revised Code; 71397

(18) Requirements for work activities, developmental 71398  
activities, and alternative work activities for Ohio works first 71399  
participants. 71400

(B) The rules adopted under division (A)(3) of this section 71401  
regarding income shall specify what is countable income, gross 71402  
earned income, and gross unearned income for the purpose of 71403  
section 5107.10 of the Revised Code. The rules also shall specify 71404  
the amount of an assistance group's gross earned income that is to 71405  
be disregarded for the purpose of division (D)(3) of section 71406  
5107.10 of the Revised Code. 71407

The rules adopted under division (A)(10) of this section 71408  
shall be consistent with 42 U.S.C. 654(29). 71409

The rules adopted under division (A)(13) of this section 71410  
shall specify that the circumstances include that a school or 71411  
place of work is closed due to a holiday or weather or other 71412  
emergency and that an employer grants the minor head of household 71413  
or adult leave for illness or earned vacation. 71414

(C) The rules may provide that a county department of job and 71415

family services is not required to take action under section 71416  
5107.76 of the Revised Code to recover an erroneous payment under 71417  
circumstances the rules specify. 71418

**Sec. 5107.10.** (A) As used in this section: 71419

(1) "Countable income," "gross earned income," and "gross 71420  
unearned income" have the meanings established in rules adopted 71421  
under section 5107.05 of the Revised Code. 71422

(2) "Federal poverty guidelines" has the same meaning as in 71423  
section 5101.46 of the Revised Code, except that references to a 71424  
person's family in the definition shall be deemed to be references 71425  
to the person's assistance group. 71426

(3) "Gross income" means gross earned income and gross 71427  
unearned income. 71428

(4) "Strike" means continuous concerted action in failing to 71429  
report to duty; willful absence from one's position; or stoppage 71430  
of work in whole from the full, faithful, and proper performance 71431  
of the duties of employment, for the purpose of inducing, 71432  
influencing, or coercing a change in wages, hours, terms, and 71433  
other conditions of employment. "Strike" does not include a 71434  
stoppage of work by employees in good faith because of dangerous 71435  
or unhealthful working conditions at the place of employment that 71436  
are abnormal to the place of employment. 71437

(B) Under the Ohio works first program, an assistance group 71438  
shall receive, except as otherwise provided by this chapter, 71439  
time-limited cash assistance. In the case of an assistance group 71440  
that includes a minor head of household or adult, assistance shall 71441  
be provided in accordance with the self-sufficiency contract 71442  
entered into under section 5107.14 of the Revised Code. 71443

(C)(1) To be eligible to participate in Ohio works first, an 71444  
assistance group must meet all of the following requirements: 71445

~~(1)~~(a) The assistance group, except as provided in division 71446  
(E) of this section, must include at least one of the following: 71447

~~(a)~~(i) A minor child who, except as provided in section 71448  
5107.24 of the Revised Code, resides with a parent, or specified 71449  
relative caring for the child, or, to the extent permitted by 71450  
Title IV-A and federal regulations adopted until Title IV-A, 71451  
resides with a guardian or custodian caring for the child; 71452

~~(b)~~(ii) A parent residing with and caring for the parent's 71453  
minor child who receives supplemental security income under Title 71454  
XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 71455  
U.S.C.A. 1383, as amended, or federal, state, or local adoption 71456  
assistance; 71457

~~(c)~~(iii) A specified relative residing with and caring for a 71458  
minor child who is related to the specified relative in a manner 71459  
that makes the specified relative a specified relative and 71460  
receives supplemental security income or federal, state, or local 71461  
foster care or adoption assistance; 71462

~~(d)~~(iv) A woman at least six months pregnant. 71463

~~(2)~~(b) The assistance group must meet the income requirements 71464  
established by division (D) of this section. 71465

~~(3)~~(c) No member of the assistance group may be involved in a 71466  
strike. 71467

~~(4)~~(d) The assistance group must satisfy the requirements for 71468  
Ohio works first established by this chapter and section 5101.83 71469  
of the Revised Code. 71470

~~(5)~~(e) The assistance group must meet requirements for Ohio 71471  
works first established by rules adopted under section 5107.05 of 71472  
the Revised Code. 71473

(2) In addition to meeting the requirements specified in 71474  
division (C)(1) of this section, a member of an assistance group 71475

who is required by section 5116.10 of the Revised Code to 71476  
participate in the comprehensive case management and employment 71477  
program must participate in that program to be eligible to 71478  
participate in Ohio works first. 71479

(D)(1) Except as provided in division (D)(4) of this section, 71480  
to determine whether an assistance group is initially eligible to 71481  
participate in Ohio works first, a county department of job and 71482  
family services shall do the following: 71483

(a) Determine whether the assistance group's gross income 71484  
exceeds fifty per cent of the federal poverty guidelines. In 71485  
making this determination, the county department shall disregard 71486  
amounts that federal statutes or regulations and sections 5101.17 71487  
and 5117.10 of the Revised Code require be disregarded. The 71488  
assistance group is ineligible to participate in Ohio works first 71489  
if the assistance group's gross income, less the amounts 71490  
disregarded, exceeds fifty per cent of the federal poverty 71491  
guidelines. 71492

(b) If the assistance group's gross income, less the amounts 71493  
disregarded pursuant to division (D)(1)(a) of this section, does 71494  
not exceed fifty per cent of the federal poverty guidelines, 71495  
determine whether the assistance group's countable income is less 71496  
than the payment standard. The assistance group is ineligible to 71497  
participate in Ohio works first if the assistance group's 71498  
countable income equals or exceeds the payment standard. 71499

(2) For the purpose of determining whether an assistance 71500  
group meets the income requirement established by division 71501  
(D)(1)(a) of this section, the annual revision that the United 71502  
States department of health and human services makes to the 71503  
federal poverty guidelines shall go into effect on the first day 71504  
of July of the year for which the revision is made. 71505

(3) To determine whether an assistance group participating in 71506

Ohio works first continues to be eligible to participate, a county 71507  
department of job and family services shall determine whether the 71508  
assistance group's countable income continues to be less than the 71509  
payment standard. In making this determination, the county 71510  
department shall disregard ~~the first two hundred fifty dollars~~ an 71511  
amount specified in rules adopted under section 5107.05 of the 71512  
Revised Code and fifty per cent of the remainder of the assistance 71513  
group's gross earned income. No amounts shall be disregarded from 71514  
the assistance group's gross unearned income. The assistance group 71515  
ceases to be eligible to participate in Ohio works first if its 71516  
countable income, less the amounts disregarded, equals or exceeds 71517  
the payment standard. 71518

(4) If an assistance group reapplies to participate in Ohio 71519  
works first not more than four months after ceasing to 71520  
participate, a county department of job and family services shall 71521  
use the income requirement established by division (D)(3) of this 71522  
section to determine eligibility for resumed participation rather 71523  
than the income requirement established by division (D)(1) of this 71524  
section. 71525

(E)(1) An assistance group may continue to participate in 71526  
Ohio works first even though a public children services agency 71527  
removes the assistance group's minor children from the assistance 71528  
group's home due to abuse, neglect, or dependency if the agency 71529  
does both of the following: 71530

(a) Notifies the county department of job and family services 71531  
at the time the agency removes the children that it believes the 71532  
children will be able to return to the assistance group within six 71533  
months; 71534

(b) Informs the county department at the end of each of the 71535  
first five months after the agency removes the children that the 71536  
parent, guardian, custodian, or specified relative of the children 71537  
is cooperating with the case plans prepared for the children under 71538

section 2151.412 of the Revised Code and that the agency is making 71539  
reasonable efforts to return the children to the assistance group. 71540

(2) An assistance group may continue to participate in Ohio 71541  
works first pursuant to division (E)(1) of this section for not 71542  
more than six payment months. This division does not affect the 71543  
eligibility of an assistance group that includes a woman at least 71544  
six months pregnant. 71545

**Sec. 5108.01.** As used in this chapter: 71546

(A) "County family services planning committee" means the 71547  
county family services planning committee established under 71548  
section 329.06 of the Revised Code ~~or the board created by~~ 71549  
~~consolidation under division (C) of section 6301.06 of the Revised~~ 71550  
~~Code.~~ 71551

(B) "Prevention, retention, and contingency program" means 71552  
the program established by this chapter and funded in part with 71553  
federal funds provided under Title IV-A. 71554

(C) "Title IV-A" means Title IV-A of the "Social Security 71555  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 71556

**Sec. 5116.01.** As used in this chapter: 71557

(A) "Certificate of high school equivalence" has the same 71558  
meaning as in section 5107.40 of the Revised Code. 71559

(B) "Fiscal biennial period" means a two-year period 71560  
beginning on the first day of July of an odd-numbered year and 71561  
ending on the last day of June of the next odd-numbered year. 71562

(C) "In-school youth" has the same meaning as in section 71563  
129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 71564  
U.S.C. 3164(a)(1)(C). 71565

(D) "Lead agency" means the local participating agency 71566  
designated under section 5116.22 of the Revised Code to serve for 71567

a fiscal biennial period, or part thereof, as a county's lead agency for the purpose of the comprehensive case management and employment program. 71568  
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(E) "Local participating agencies" means the county department of job and family services and workforce development agency that serve the same county. 71571  
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(F) "Local workforce development board" means a local workforce development board established under section 107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3122. 71574  
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(G) "Ohio works first" has the same meaning as in section 5107.02 of the Revised Code. 71577  
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(H) "Out-of-school youth" has the same meaning as in section 129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164(a)(1)(B). 71579  
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(I) "Prevention, retention, and contingency program" has the same meaning as in section 5108.01 of the Revised Code. 71582  
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(J) "Subcontractor" means an entity with which a local participating agency contracts to perform, on behalf of the local participating agency, one or more of the local participating agency's duties regarding the comprehensive case management and employment program. 71584  
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(K) "TANF block grant" means the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq. 71589  
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(L) "Work-eligible individual" has the same meaning as in 45 C.F.R. 261.2(n). 71592  
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(M) "Workforce development activity" has the same meaning as in section 6301.01 of the Revised Code. 71594  
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(N) "Workforce development agency" means a public or private entity designated or certified by a local workforce development 71596  
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board to coordinate the delivery of workforce services for a 71598  
county. 71599

(O) "Workforce Innovation and Opportunity Act" means Public 71600  
Law 113-128, 29 U.S.C. 3101 et seq. 71601

(P) "Youth workforce investment activity funds" means funds 71602  
allocated or granted under Title I, Subtitle B, Chapter 2 of the 71603  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 1361 et 71604  
seq., for youth workforce investment activities. 71605

**Sec. 5116.02.** There is hereby established the comprehensive 71606  
case management and employment program. The department of job and 71607  
family services shall coordinate and supervise the administration 71608  
of the program to the extent funds are available for this purpose 71609  
under the TANF block grant and the Workforce Innovation and 71610  
Opportunity Act. 71611

**Sec. 5116.03.** The comprehensive case management and 71612  
employment program is all of the following: 71613

(A) A Title IV-A program for the purpose of division 71614  
(A)(4)(c) of section 5101.80 of the Revised Code and, therefore, 71615  
subject to all statutes applicable to such a program, including 71616  
sections 5101.16, 5101.35, 5101.80, and 5101.801 of the Revised 71617  
Code; 71618

(B) A workforce development activity and, therefore, subject 71619  
to all statutes applicable to workforce development activities, 71620  
including sections 5101.20, 5101.214, 5101.241, and 5101.243 of 71621  
the Revised Code and Chapter 6301. of the Revised Code; 71622

(C) A family services duty, notwithstanding the second 71623  
sentence of division (A)(1)(b) of section 307.981 of the Revised 71624  
Code, and, therefore, subject to all statutes applicable to family 71625  
services duties, including sections 5101.183, 5101.21, 5101.212, 71626  
5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, and 71627

5101.243 of the Revised Code. 71628

Sec. 5116.06. (A) The director of job and family services shall adopt rules that are necessary to implement the comprehensive case management and employment program, including rules that do all of the following: 71629  
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(1) Provide for the program to do both of the following: 71633

(a) Help a work-eligible individual satisfy the work requirements of section 407 of the "Social Security Act," 42 U.S.C. 607; 71634  
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(b) Help an Ohio works first participant who participates in the program do both of the following: 71637  
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(i) Satisfy other Ohio works first requirements, including requirements included in the participant's self-sufficiency contract entered into under section 5107.14 of the Revised Code; 71639  
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(ii) Obtain assistance or services the participant needs according to an assessment conducted under section 5107.70 of the Revised Code. 71642  
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(2) For the purpose of section 5116.11 of the Revised Code, establish procedures for both of the following: 71645  
71646

(a) Assessing the employment and training needs of individuals participating in the comprehensive case management and employment program; 71647  
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(b) Creating, reviewing, revising, and terminating individual opportunity plans. 71650  
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(3) For the purpose of section 5116.20 of the Revised Code, establish procedures, including procedures regarding timing, for a local workforce development board to decide whether to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program; 71652  
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(4) Establish requirements for the plans required by division (A)(1) of section 5116.23 of the Revised Code; 71657  
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(5) For the purpose of division (A)(3) of section 5116.23 of the Revised Code, establish procedures for a lead agency to partner with the other local participating agency and subcontractors. 71659  
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(B) For the purposes of divisions (C) and (F) of section 5116.10 of the Revised Code, the rules adopted under this section may do either or both of the following: 71663  
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(1) Specify one or more additional mandatory participation groups that are required to participate in the comprehensive case management and employment program; 71666  
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(2) Specify one or more additional voluntary participation groups that may volunteer to participate in the program. 71669  
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(C) The rules adopted under this section shall be consistent with all of the following: 71671  
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(1) The Title IV-A state plan prepared under section 5101.80 of the Revised Code, amendments to the plan, and any waivers regarding the plan granted by the United States secretary of health and human services; 71673  
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(2) The combined state plan authorized by section 103 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3113, amendments to the plan, and any waivers regarding the plan granted by the United States secretary of labor. 71677  
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(D) The rules adopted under division (A)(1)(a) of this section may deviate from Chapter 5107. of the Revised Code. 71681  
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**Sec. 5116.10.** (A) Each work-eligible individual shall participate in the comprehensive case management and employment program as a condition of participating in Ohio works first if the individual is at least fourteen but not more than twenty-four 71683  
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years of age. 71687

(B) Each individual who is an in-school youth or 71688  
out-of-school youth shall participate in the comprehensive case 71689  
management and employment program as a condition of enrollment in 71690  
workforce development activities funded by the Workforce 71691  
Innovation and Opportunity Act. 71692

(C) Each individual who is a member of a group, if any, 71693  
specified in rules adopted under section 5116.06 of the Revised 71694  
Code as an additional mandatory participation group shall 71695  
participate in the comprehensive case management and employment 71696  
program if funds are available for the group under the TANF block 71697  
grant and the Workforce Innovation and Opportunity Act. 71698

(D) Any Ohio works first participant who is not a 71699  
work-eligible individual may volunteer to participate in the 71700  
comprehensive case management and employment program if the 71701  
participant is at least fourteen but not more than twenty-four 71702  
years of age. 71703

(E) Any individual receiving benefits and services under the 71704  
prevention, retention, and contingency program may volunteer to 71705  
participate in the comprehensive case management and employment 71706  
program if the individual is at least fourteen but not more than 71707  
twenty-four years of age. 71708

(F) Any individual who is a member of a group, if any, 71709  
specified in rules adopted under section 5116.06 of the Revised 71710  
Code as a voluntary participation group may volunteer to 71711  
participate in the comprehensive case management and employment 71712  
program if funds are available for the group under the TANF block 71713  
grant and the Workforce Innovation and Opportunity Act. 71714

**Sec. 5116.11.** In accordance with rules adopted under section 71715  
5116.06 of the Revised Code, a lead agency shall provide for all 71716

of the following to occur: 71717

(A) An individual participating in the comprehensive case management and employment program undergoing an assessment of the individual's employment and training needs; 71718  
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(B) An individual opportunity plan being created for the individual as part of the assessment; 71721  
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(C) The individual opportunity plan being reviewed, revised, and terminated as appropriate. 71723  
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**Sec. 5116.12.** (A) An individual opportunity plan created under section 5116.11 of the Revised Code shall specify which of the following services, if any, an individual participating in the comprehensive case management and employment program needs: 71725  
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(1) Support for the individual to obtain a high school diploma or a certificate of high school equivalence; 71729  
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(2) Job placement; 71731

(3) Job retention support; 71732

(4) Other services that aid the individual in achieving the plan's goals. 71733  
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(B) The services an individual receives in accordance with an individual opportunity plan are inalienable by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other similar processes. 71735  
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**Sec. 5116.20.** In accordance with rules adopted under section 5116.06 of the Revised Code, each local workforce development board shall decide whether to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program. The decision shall be made for each fiscal biennial period. A board's decision applies to all of 71739  
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the counties the board serves. 71745

Sec. 5116.21. If a local workforce development board decides 71746  
under section 5116.20 of the Revised Code not to authorize the use 71747  
of its youth workforce investment activity funds for the 71748  
comprehensive case management and employment program for a fiscal 71749  
biennial period, all of the following shall apply to that fiscal 71750  
biennial period: 71751

(A) The board shall use its youth workforce investment 71752  
activity funds in accordance with Section 129 of the "Workforce 71753  
Innovation and Opportunity Act," 29 U.S.C. 3164. 71754

(B) No TANF block grant funds shall be made available to the 71755  
board or any county the board serves for the comprehensive case 71756  
management and employment program. 71757

(C) The department of job and family services shall use 71758  
available TANF block grant funds to administer, or to contract 71759  
with a government or private entity to administer, the 71760  
comprehensive case management and employment program in the 71761  
counties the board serves. 71762

Sec. 5116.22. (A) If a local workforce development board 71763  
decides under section 5116.20 of the Revised Code to authorize the 71764  
use of its youth workforce investment activity funds for the 71765  
comprehensive case management and employment program for a fiscal 71766  
biennial period, all of the following shall apply to that fiscal 71767  
biennial period: 71768

(1) Before the beginning of the fiscal biennial period, the 71769  
board shall enter into a written agreement with department of job 71770  
and family services that, to the extent permitted by federal law, 71771  
requires the board and the counties the board serves to operate 71772  
the comprehensive case management and employment program in 71773

accordance with the program's requirements, including the 71774  
requirements established by this chapter, rules adopted under 71775  
section 5116.06 of the Revised Code, and any other rules 71776  
applicable to the program. 71777

(2) Before the beginning of the fiscal biennial period, the 71778  
board of county commissioners of each of the counties the local 71779  
workforce development board serves shall designate either of the 71780  
local participating agencies to serve as the county's lead agency 71781  
for the purpose of the comprehensive case management and 71782  
employment program. 71783

(B) After a board of county commissioners designates a local 71784  
participating agency to serve as the county's lead agency for a 71785  
fiscal biennial period, the board may designate the other local 71786  
participating agency to take over as the county's lead agency for 71787  
the remainder of the fiscal biennial period. 71788

(C) A board of county commissioners shall inform the 71789  
department of job and family services of its designation of the 71790  
lead agency under division (A)(2) of this section before the 71791  
beginning of the fiscal biennial period for which the designation 71792  
is made. A board shall notify the department of any redesignation 71793  
of a lead agency under division (B) of this section not later than 71794  
sixty days after the redesignation takes effect. 71795

**Sec. 5116.23.** (A) Each lead agency, in consultation with the 71796  
local workforce development board that serves the same county for 71797  
which the lead agency has been designated to serve as lead agency, 71798  
shall, in accordance with rules adopted under section 5116.06 of 71799  
the Revised Code, do all of the following for the fiscal biennial 71800  
period, or part thereof, for which it is so designated: 71801

(1) Prepare and submit to the department of job and family 71802  
services a plan containing standing procedures for determining and 71803  
maintaining individuals' eligibility to participate in the 71804

comprehensive case management and employment program; 71805

(2) Administer the program in the county for which it is 71806  
designated to serve as lead agency; 71807

(3) Partner with the other local participating agency and 71808  
subcontractors to do both of the following: 71809

(a) Actively coordinate activities regarding the program with 71810  
the other local participating agency and any subcontractors; 71811

(b) Help both local participating agencies and any 71812  
subcontractors to use their expertise in administering the 71813  
program. 71814

(B) If a board of county commissioners redesignates the lead 71815  
agency under division (B) of section 5116.22 of the Revised Code 71816  
during a fiscal biennial period, the new lead agency shall prepare 71817  
and submit to the department of job and family services a new plan 71818  
under division (A)(1) of this section not later than sixty days 71819  
after the redesignation takes effect. 71820

(C) Each local workforce development board shall ensure that 71821  
the plans prepared under division (A)(1) of this section by the 71822  
lead agencies serving the same counties the board serves are 71823  
included in the board's workforce development plan prepared under 71824  
section 6301.07 of the Revised Code. 71825

**Sec. 5116.24.** A lead agency is responsible for all of the 71826  
funds received for the comprehensive case management and 71827  
employment program by the county for which the lead agency is 71828  
designated to be the lead agency and shall use the funds in a 71829  
manner consistent with federal and state law. The lead agency 71830  
shall coordinate this responsibility with any entity that has been 71831  
designated to serve as a local grant subrecipient or a local 71832  
fiscal agent under section 107(d)(12)(B)(i)(II) of the "Workforce 71833  
Innovation and Opportunity Act," 29 U.S.C. 3122(d)(12)(B)(i)(II). 71834

Sec. 5116.25. If a lead agency fails to enroll in the 71835  
comprehensive case management and employment program an individual 71836  
who is required by section 5116.10 of the Revised Code to 71837  
participate in the program and to take corrective action that the 71838  
department of job and family services requires the lead agency to 71839  
take as a consequence of that failure, the department may take the 71840  
action authorized by division (C)(5) of section 5101.24 of the 71841  
Revised Code, including withholding and spending TANF block grant 71842  
funds. 71843

**Sec. 5117.10.** (A) On or before the fifteenth day of January, 71844  
the director of development services shall pay each applicant 71845  
determined eligible for a payment under divisions (A) and (B) of 71846  
section 5117.07 of the Revised Code one hundred twenty-five 71847  
dollars. 71848

(B) The director may withhold from any payment to which a 71849  
person would otherwise be entitled under division (A) of this 71850  
section any amount that the director determines was erroneously 71851  
received by such person in a preceding year under this or the 71852  
program established under Am. Sub. H.B. 230, as amended by Am. 71853  
H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 71854  
523 of the 112th general assembly, provided the director has 71855  
employed all other legal methods reasonably available to obtain 71856  
reimbursement for the erroneous payment or credit prior to the 71857  
commencement of the current program year. 71858

(C) Payments made under this section and credits granted 71859  
under section 5117.09 of the Revised Code shall not be considered 71860  
income for the purpose of determining eligibility or the level of 71861  
benefits or assistance under section 329.042 or ~~Chapters~~ Chapter 71862  
5107. ~~and 5115.~~ of the Revised Code; the medicaid program; 71863  
supplemental security income payments under Title XVI of the 71864  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 71865

amended; or any other program under which eligibility or the level of benefits or assistance is based upon need measured by income.

**Sec. 5119.01.** (A) As used in this chapter:

(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.

(3) "Alcohol and drug addiction services" means services, including intervention, for the treatment of alcoholics or persons who abuse drugs of abuse and for the prevention of alcoholism and drug addiction.

(4) "Alcoholic" means a person suffering from alcoholism.

(5) "Alcoholism" means the chronic and habitual use of alcoholic beverages by an individual to the extent that the individual no longer can control the individual's use of alcohol or endangers the health, safety, or welfare of the individual or others.

(6) "Certifiable services and supports" means all of the following:

(a) Alcohol and drug addiction services;

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| (b) Mental health services;   | 71896                                     |
| (c) The types of recovery supports that are specified in rules adopted under section 5119.36 of the Revised Code as requiring certification under that section.   | 71897<br>71898<br>71899                   |
| (7) "Community addiction services provider" means an agency, association, corporation, individual, or program that provides one or more of the following:   | 71900<br>71901<br>71902                   |
| (a) Alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;   | 71903<br>71904<br>71905                   |
| (b) Gambling addiction services;  | 71906                                     |
| (c) Recovery supports that are related to alcohol and drug addiction services or gambling addiction services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services. | 71907<br>71908<br>71909<br>71910<br>71911 |
| (8) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides either of the following:  | 71912<br>71913<br>71914                   |
| (a) Mental health services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;  | 71915<br>71916<br>71917                   |
| (b) Recovery supports that are related to mental health services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.   | 71918<br>71919<br>71920<br>71921<br>71922 |
| (9) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or   | 71923<br>71924<br>71925                   |

psychologically dependent on the drug or endangers the health, 71926  
safety, or welfare of the individual or others. 71927

(10) "Gambling addiction" means the use of gambling by an 71928  
individual to the extent that it causes psychological, financial, 71929  
emotional, marital, legal, or other difficulties endangering the 71930  
health, safety, or welfare of the individual or others. 71931

(11) "Gambling addiction services" means services for the 71932  
treatment of persons who have a gambling addiction and for the 71933  
prevention of gambling addiction. 71934

(12) "Hospital" means a hospital or inpatient unit licensed 71935  
by the department of mental health and addiction services under 71936  
section 5119.33 of the Revised Code, and any institution, 71937  
hospital, or other place established, controlled, or supervised by 71938  
the department under Chapter 5119. of the Revised Code. 71939

(13) "Included opioid and co-occurring drug addiction 71940  
services and recovery supports" means the addiction services and 71941  
recovery supports that, pursuant to section 340.033 of the Revised 71942  
Code, are included in the array of services and recovery supports 71943  
for all levels of opioid and co-occurring drug addiction required, 71944  
~~except as otherwise authorized by a time limited waiver issued~~ 71945  
~~under division (A)(1) of section 5119.221 of the Revised Code,~~ to 71946  
be included in the community-based continuum of care established 71947  
under section 340.032 of the Revised Code. 71948

(14) "Mental illness" means a substantial disorder of 71949  
thought, mood, perception, orientation, or memory that grossly 71950  
impairs judgment, behavior, capacity to recognize reality, or 71951  
ability to meet the ordinary demands of life. 71952

(15) "Mental health services" means services for the 71953  
assessment, care, or treatment of persons who have a mental 71954  
illness and for the prevention of mental illness. 71955

(16) "Recovery supports" means assistance that is intended to 71956

help an individual who is an alcoholic or has a drug addiction or 71957  
mental illness, or a member of such an individual's family, 71958  
initiate and sustain the individual's recovery from alcoholism, 71959  
drug addiction, or mental illness. "Recovery supports" does not 71960  
mean alcohol and drug addiction services or mental health 71961  
services. 71962

(17)(a) "Residence" means a person's physical presence in a 71963  
county with intent to remain there, except in either of the 71964  
following circumstances: 71965

(i) If a person is receiving a mental health treatment 71966  
service at a facility that includes nighttime sleeping 71967  
accommodations, "residence" means that county in which the person 71968  
maintained the person's primary place of residence at the time the 71969  
person entered the facility; 71970

(ii) If a person is committed pursuant to section 2945.38, 71971  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 71972  
"residence" means the county where the criminal charges were 71973  
filed. 71974

(b) When the residence of a person is disputed, the matter of 71975  
residence shall be referred to the department of mental health and 71976  
addiction services for investigation and determination. Residence 71977  
shall not be a basis for a board of alcohol, drug addiction, and 71978  
mental health services to deny services to any person present in 71979  
the board's service district, and the board shall provide services 71980  
for a person whose residence is in dispute while residence is 71981  
being determined and for a person in an emergency situation. 71982

(B) Any reference in this chapter to a board of alcohol, drug 71983  
addiction, and mental health services also refers to an alcohol 71984  
and drug addiction services board or a community mental health 71985  
board in a service district in which an alcohol and drug addiction 71986  
services board or a community mental health board has been 71987

established under section 340.021 or former section 340.02 of the Revised Code. 71988  
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Sec. 5119.011. (A) Whenever the term "department of mental health," the term "Ohio department of mental health," the "department of alcohol and drug addiction services," or the term "Ohio department of alcohol and drug addiction services" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the department of mental health and addiction services. 71990  
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(B) Whenever the term "director of mental health" or the term "director of alcohol and drug addiction services" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the director of mental health and addiction services. 71998  
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**Sec. 5119.22.** The director of mental health and addiction services, with respect to all mental health and addiction facilities, addiction services, mental health services, and recovery supports established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following: 72004  
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(A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code. 72009  
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(B) Review and evaluate the community-based continuum of care required by section 340.032 of the Revised Code to be established in each service district, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district submitted under division (A)(4) of section 340.03 of the Revised Code and the priorities 72012  
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and plans of the department of mental health and addiction 72018  
services, including the needs of residents of the district 72019  
currently receiving services in state-operated hospitals, and make 72020  
recommendations for needed improvements to boards of alcohol, drug 72021  
addiction, and mental health services; 72022

(C) At the director's discretion, provide to boards of 72023  
alcohol, drug addiction, and mental health services state or 72024  
federal funds, in addition to those allocated under section 72025  
5119.23 of the Revised Code, for special programs or projects the 72026  
director considers necessary but for which local funds are not 72027  
available; 72028

(D) Establish criteria by which each board of alcohol, drug 72029  
addiction, and mental health services reviews and evaluates the 72030  
quality, effectiveness, and efficiency of the facility services, 72031  
addiction services, mental health services, and recovery supports 72032  
for which it contracts under section 340.036 of the Revised Code. 72033  
The criteria shall include requirements ensuring appropriate 72034  
utilization of the services and supports. The department shall 72035  
assess each board's evaluation of the services and supports and 72036  
the compliance of each board with this section, Chapter 340. of 72037  
the Revised Code, and other state or federal law and regulations. 72038  
The department, in cooperation with the board, periodically shall 72039  
review and evaluate the quality, effectiveness, and efficiency of 72040  
the facility services, addiction services, mental health services, 72041  
and recovery supports for which each board contracts under section 72042  
340.036 of the Revised Code and the facilities, addiction 72043  
services, and mental health services that each board operates or 72044  
provides under section 340.037 of the Revised Code. The department 72045  
shall collect information that is necessary to perform these 72046  
functions. 72047

(E) To the extent the director determines necessary and after 72048  
consulting with boards of alcohol, drug addiction, and mental 72049

health services, community addiction services providers, and 72050  
community mental health services providers, develop and operate, 72051  
or contract for the operation of, a community behavioral health 72052  
information system or systems. The department shall specify the 72053  
information that must be provided by the boards and providers for 72054  
inclusion in the system or systems. 72055

Boards of alcohol, drug addiction, and mental health 72056  
services, community addiction services providers, and community 72057  
mental health services providers shall submit information 72058  
requested by the department in the form and manner and in 72059  
accordance with time frames prescribed by the department. 72060  
Information collected by the department may include all of the 72061  
following: 72062

(1) Information on addiction services, mental health 72063  
services, and recovery supports provided; 72064

(2) Financial information regarding expenditures of federal, 72065  
state, or local funds; 72066

(3) Information about persons served. 72067

The department shall not collect any personal information 72068  
from the boards or providers except as required or permitted by 72069  
state or federal law for purposes related to payment, health care 72070  
operations, program and service evaluation, reporting activities, 72071  
research, system administration, and oversight. 72072

(F) In consultation with representatives of boards of 72073  
alcohol, drug addiction, and mental health services and after 72074  
consideration of recommendations made by the medical director 72075  
appointed under section 5119.11 of the Revised Code, establish all 72076  
of the following: 72077

(1) Guidelines, including a timetable, for the boards' 72078  
development and submission of proposed community addiction and 72079  
mental health plans, budgets, and lists of addiction services, 72080

mental health services, and recovery supports under sections 72081  
340.03 and 340.08 of the Revised Code; 72082

(2) Procedures, including a timetable, for the director's 72083  
review and approval or disapproval of the plans, budgets, and 72084  
lists; 72085

(3) Procedures for corrective action regarding the plans, 72086  
budgets, and lists, including submission of revised or new plans, 72087  
budgets, and lists; 72088

(4) Procedures for the director to follow in offering 72089  
technical assistance to boards to assist them in making the plans, 72090  
budgets, and lists acceptable or in making proposed amendments to 72091  
approved plans, budgets, and lists meet criteria for approval; 72092

(5) Procedures for issuing time-limited waivers under 72093  
~~division (A)(1) of section 5119.221 of the Revised Code and~~ 72094  
~~wavers under division (A)(2) of that section.~~ 72095

(G) Review each board's proposed community addiction and 72096  
mental health plan, budget, and list of addiction services, mental 72097  
health services, and recovery supports submitted pursuant to 72098  
sections 340.03 and 340.08 of the Revised Code and approve or 72099  
disapprove the plan, the budget, and the list in whole or in part. 72100  
~~Except as otherwise authorized by a time limited waiver issued~~ 72101  
~~under division (A)(1) of section 5119.221 of the Revised Code, the~~ 72102  
The director shall disapprove a board's proposed budget in whole 72103  
or in part if the proposed budget would not make available in the 72104  
board's service district the essential elements of the 72105  
community-based continuum of care required by section 340.032 of 72106  
the Revised Code, including, except as otherwise authorized by a 72107  
time-limited waiver issued under section 5119.221 of the Revised 72108  
Code, an array of addiction services and recovery supports for all 72109  
levels of opioid and co-occurring drug addiction. 72110

Prior to a final decision to disapprove a plan, budget, or 72111

list in whole or in part, a representative of the director shall 72112  
meet with the board and discuss the reason for the action the 72113  
director proposes to take and any corrective action that should be 72114  
taken to make the plan, budget, or list acceptable to the 72115  
director. In addition, the director shall offer technical 72116  
assistance to the board to assist it to make the plan, budget, or 72117  
list acceptable. The director shall give the board a reasonable 72118  
time in which to revise the plan, budget, or list. The board 72119  
thereafter shall submit a revised plan, budget, or list or a new 72120  
plan, budget, or list. 72121

(H) Approve or disapprove all or part of proposed amendments 72122  
that a board of alcohol, drug addiction, or mental health services 72123  
submits under section 340.03 or 340.08 of the Revised Code to an 72124  
approved community addiction and mental health plan, budget, or 72125  
list of addiction services, mental health services, and recovery 72126  
supports. 72127

If the director disapproves of all or part of any proposed 72128  
amendment, the director shall provide the board an opportunity to 72129  
present its position. The director shall inform the board of the 72130  
reasons for the disapproval and of the criteria that must be met 72131  
before the proposed amendment may be approved. The director shall 72132  
give the board a reasonable time within which to meet the criteria 72133  
and shall offer technical assistance to the board to help it meet 72134  
the criteria. 72135

**Sec. 5119.221.** (A) The director of mental health and 72136  
addiction services, in accordance with procedures established 72137  
under division (F)(5) of section 5119.22 of the Revised Code, may 72138  
~~do either or both of the following:~~ 72139

~~(1) Subject to division (B) of this section,~~ issue to a board 72140  
of alcohol, drug addiction, and mental health services a 72141  
time-limited waiver of the requirement of section ~~340.032 of the~~ 72142

~~Revised Code that a community based continuum of care include all  
of the essential elements specified in that section;~~ 72143  
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~~(2) Subject to division (C) of this section, issue to a board  
a waiver of the requirement of section 340.033 of the Revised Code  
that ambulatory detoxification and medication-assisted treatment  
be included in the array of addiction services and recovery  
supports for all levels of opioid and co-occurring drug addiction.~~ 72145  
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~~(B) The director may not issue a time limited waiver under  
division (A)(1) of this section unless the director determines  
that the board seeking the waiver has made reasonable efforts to  
include in the community based continuum of care the essential  
elements being waived. The waiver shall specify the amount of time  
for which it is issued and which of the essential elements are  
waived.~~ 72150  
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~~(C) The director may not issue a waiver under division (A)(2)  
of this section unless made available within the borders of the  
board's service district if the director determines that both of  
the following apply:~~ 72157  
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~~(1) The board seeking the waiver has made reasonable efforts  
to make ambulatory detoxification and medication-assisted  
treatment available within the borders of the board's service  
district;~~ 72161  
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~~(2) Ambulatory detoxification and medication-assisted  
treatment can be made available through one or more contracts  
between the board seeking the waiver and community addiction  
services providers that are located not more than thirty miles  
beyond the borders of the board's service district ~~the board  
serves;~~~~ 72165  
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~~(2) The amount of time it takes for residents of the service  
district the board serves to travel to a community addiction  
services provider that provides ambulatory detoxification and~~ 72171  
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~~medication-assisted treatment does not impose a significant barrier to successful treatment.~~ 72174  
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(B) Each waiver issued under this section shall specify the amount of time for which it is in effect and whether it applies to ambulatory detoxification, medication-assisted treatment, or both. 72176  
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**Sec. 5119.27.** (A) Records or information, other than court journal entries or court docket entries, pertaining to the identity, diagnosis, or treatment of any person seeking or receiving services that are maintained in connection with the performance of any drug treatment program or services licensed by, or certified by, the director of mental health and addiction services under this chapter shall be kept confidential, may be disclosed only for the purposes and under the circumstances expressly authorized under this section, and may not otherwise be divulged in any civil, criminal, administrative, or legislative proceeding. 72179  
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(B) When the person, with respect to whom any record or information referred to in division (A) of this section is maintained, gives consent in the form of a written release signed by the person, the content of the record or information may be disclosed if the written release conforms to all of the following: 72190  
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(1) Specifically identifies the person, official, or entity to whom the information is to be provided; 72195  
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(2) Describes with reasonable specificity the record, records, or information to be disclosed; and 72197  
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(3) Describes with reasonable specificity the purposes of the disclosure and the intended use of the disclosed information. 72199  
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(C) A person who is subject to a community control sanction, parole, or a post-release control sanction or who is ordered to rehabilitation in lieu of conviction, and who has agreed to 72201  
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participate in a drug treatment or rehabilitation program as a 72204  
condition of the community control sanction, post-release control 72205  
sanction, parole, or order to rehabilitation, shall be considered 72206  
to have consented to the release of records and information 72207  
relating to the progress of treatment, frequency of treatment, 72208  
adherence to treatment requirements, and probable outcome of 72209  
treatment. Release of information and records under this division 72210  
shall be limited to the court or governmental personnel having the 72211  
responsibility for supervising the person's community control 72212  
sanction, post-release control sanction, parole, or order to 72213  
rehabilitation. A person, described in this division, who refuses 72214  
to allow disclosure may be considered in violation of the 72215  
conditions of the person's community control sanction, 72216  
post-release control sanction, parole, or order to rehabilitation. 72217

(D) Disclosure of a person's record may be made without the 72218  
person's consent ~~to~~ in the following circumstances: 72219

(1) To any physician, advanced practice registered nurse, or 72220  
physician assistant who treats the person; 72221

(2) To qualified personnel for the purpose of conducting 72222  
scientific research, management, financial audits, or program 72223  
evaluation, but these personnel may not identify, directly or 72224  
indirectly, any individual person in any report of the research, 72225  
audit, or evaluation, or otherwise disclose a person's identity in 72226  
any manner. 72227

(E) Upon the request of a prosecuting attorney or the 72228  
director of mental health and addiction services, a court of 72229  
competent jurisdiction may order the disclosure of records or 72230  
information referred to in division (A) of this section if the 72231  
court has reason to believe that a treatment program or facility 72232  
is being operated or used in a manner contrary to law. The use of 72233  
any information or record so disclosed shall be limited to the 72234  
prosecution of persons who are or may be charged with any offense 72235

related to the illegal operation or use of the drug treatment 72236  
program or facility, or to the decision to withdraw the authority 72237  
of a drug treatment program or facility to continue operation. For 72238  
purposes of this division the court shall: 72239

(1) Limit disclosure to those parts of the person's record 72240  
considered essential to fulfill the objective for which the order 72241  
was granted; 72242

(2) Require, where appropriate, that all information be 72243  
disclosed in chambers; 72244

(3) Include any other appropriate measures to keep disclosure 72245  
to a minimum, consistent with the protection of the persons 72246  
seeking or receiving services, the physician-patient relationship, 72247  
and the administration of the drug treatment and rehabilitation 72248  
program. 72249

(F) As used in this section: 72250

(1) "Advanced practice registered nurse" has the same meaning 72251  
as in section 4723.01 of the Revised Code. 72252

(2) "Community control sanction" has the same meaning as in 72253  
section 2929.01 of the Revised Code. 72254

~~(2)~~(3) "Physician" means an individual authorized under 72255  
Chapter 4731. of the Revised Code to practice medicine and surgery 72256  
or osteopathic medicine and surgery. 72257

(4) "Physician assistant" means any person who is licensed as 72258  
a physician assistant under Chapter 4730. of the Revised Code. 72259

(5) "Post-release control sanction" has the same meaning as 72260  
in section 2967.01 of the Revised Code. 72261

**Sec. 5119.34.** (A) As used in this section and sections 72262  
5119.341 and 5119.342 of the Revised Code: 72263

(1) "Accommodations" means housing, daily meal preparation, 72264

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| laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care.  | 72265<br>72266<br>72267<br>72268          |
| (2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services.   | 72269<br>72270                            |
| (3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age.  | 72271<br>72272<br>72273                   |
| (4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age.   | 72274<br>72275<br>72276                   |
| (5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.   | 72277<br>72278<br>72279                   |
| (6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.   | 72280<br>72281<br>72282                   |
| (7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license. | 72283<br>72284<br>72285<br>72286<br>72287 |
| (8) "Personal care services" means services including, but not limited to, the following:  | 72288<br>72289                            |
| (a) Assisting residents with activities of daily living;   | 72290                                     |
| (b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;  | 72291<br>72292                            |
| (c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician   | 72293<br>72294                            |

or a licensed dietitian, in accordance with rules adopted under 72295  
this section. 72296

"Personal care services" does not include "skilled nursing 72297  
care" as defined in section 3721.01 of the Revised Code. A 72298  
facility need not provide more than one of the services listed in 72299  
division (A)(8) of this section to be considered to be providing 72300  
personal care services. 72301

(9) "Room and board" means the provision of sleeping and 72302  
living space, meals or meal preparation, laundry services, 72303  
housekeeping services, or any combination thereof. 72304

(10) "Residential state supplement program" means the program 72305  
~~administered established~~ under section 5119.41 of the Revised Code 72306  
~~and related provisions of the Administrative Code under which the~~ 72307  
~~state supplements the supplemental security income payments~~ 72308  
~~received by aged, blind, or disabled adults under Title XVI of the~~ 72309  
~~Social Security Act. Residential state supplement payments are~~ 72310  
~~used for the provision of accommodations, supervision, and~~ 72311  
~~personal care services to supplemental security income recipients~~ 72312  
~~the department of mental health and addition services determines~~ 72313  
~~are at risk of needing institutional care.~~ 72314

(11) "Supervision" means any of the following: 72315

(a) Observing a resident to ensure the resident's health, 72316  
safety, and welfare while the resident engages in activities of 72317  
daily living or other activities; 72318

(b) Reminding a resident to perform or complete an activity, 72319  
such as reminding a resident to engage in personal hygiene or 72320  
other self-care activities; 72321

(c) Assisting a resident in making or keeping an appointment. 72322

(12) "Unrelated" means that a resident is not related to the 72323  
owner or operator of a residential facility or to the owner's or 72324

operator's spouse as a parent, grandparent, child, stepchild, 72325  
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 72326  
the child of an aunt or uncle. 72327

(B)(1) A "residential facility" is a publicly or privately 72328  
operated home or facility that falls into one of the following 72329  
categories: 72330

(a) Class one facilities provide accommodations, supervision, 72331  
personal care services, and mental health services for one or more 72332  
unrelated adults with mental illness or one or more unrelated 72333  
children or adolescents with severe emotional disturbances; 72334

(b) Class two facilities provide accommodations, supervision, 72335  
and personal care services to any of the following: 72336

(i) One or two unrelated persons with mental illness; 72337

(ii) One or two unrelated adults who are receiving payments 72338  
under the residential state supplement ~~payments~~ program; 72339

(iii) Three to sixteen unrelated adults. 72340

(c) Class three facilities provide room and board for five or 72341  
more unrelated adults with mental illness. 72342

(2) "Residential facility" does not include any of the 72343  
following: 72344

(a) A hospital subject to licensure under section 5119.33 of 72345  
the Revised Code or an institution maintained, operated, managed, 72346  
and governed by the department of mental health and addiction 72347  
services for the hospitalization of mentally ill persons pursuant 72348  
to section 5119.14 of the Revised Code; 72349

(b) A residential facility licensed under section 5123.19 of 72350  
the Revised Code or otherwise regulated by the department of 72351  
developmental disabilities; 72352

(c) An institution or association subject to certification 72353  
under section 5103.03 of the Revised Code; 72354

(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients; 72355  
72356  
72357

(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code; 72358  
72359

(f) A facility licensed to provide methadone treatment under section 5119.391 of the Revised Code; 72360  
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(g) Any facility that receives funding for operating costs from the development services agency under any program established to provide emergency shelter housing or transitional housing for the homeless; 72362  
72363  
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(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code; 72366  
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(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans; 72369  
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(j) The residence of a relative or guardian of a person with mental illness. 72373  
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(C) Nothing in division (B) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance. 72375  
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(D) Except in the case of a residential facility described in division (B)(1)(a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following: 72379  
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72382

(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container; 72383  
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(2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(3) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(E)(1) Except as provided in division (E)(2) of this section, a person operating or seeking to operate a residential facility shall apply for licensure of the facility to the department of mental health and addiction services. The application shall be submitted by the operator. When applying for the license, the applicant shall pay to the department the application fee specified in rules adopted under division (L) of this section. The fee is nonrefundable.

The department shall send a copy of an application to the ADAMHS board serving the county in which the person operates or seeks to operate the facility. The ADAMHS board shall review the application and provide to the department any information about the applicant or the facility that the board would like the department to consider in reviewing the application.

(2) A person may not apply for a license to operate a residential facility if the person is or has been the owner, operator, or manager of a residential facility for which a license to operate was revoked or for which renewal of a license was

refused for any reason other than nonpayment of the license 72417  
renewal fee, unless both of the following conditions are met: 72418

(a) A period of not less than two years has elapsed since the 72419  
date the director of mental health and addiction services issued 72420  
the order revoking or refusing to renew the facility's license. 72421

(b) The director's revocation or refusal to renew the license 72422  
was not based on an act or omission at the facility that violated 72423  
a resident's right to be free from abuse, neglect, or 72424  
exploitation. 72425

(F)(1) The department of mental health and addiction services 72426  
shall inspect and license the operation of residential facilities. 72427  
The department shall consider the past record of the facility and 72428  
the applicant or licensee in arriving at its licensure decision. 72429

The department may issue full, probationary, and interim 72430  
licenses. A full license shall expire up to three years after the 72431  
date of issuance, a probationary license shall expire in a shorter 72432  
period of time as specified in rules adopted by the director of 72433  
mental health and addiction services under division (L) of this 72434  
section, and an interim license shall expire ninety days after the 72435  
date of issuance. A license may be renewed in accordance with 72436  
rules adopted by the director under division (L) of this section. 72437  
The renewal application shall be submitted by the operator. When 72438  
applying for renewal of a license, the applicant shall pay to the 72439  
department the renewal fee specified in rules adopted under 72440  
division (L) of this section. The fee is nonrefundable. 72441

(2) The department may issue an order suspending the 72442  
admission of residents to the facility or refuse to issue or renew 72443  
and may revoke a license if it finds any of the following: 72444

(a) The facility is not in compliance with rules adopted by 72445  
the director pursuant to division (L) of this section; 72446

(b) Any facility operated by the applicant or licensee has 72447

been cited for a pattern of serious noncompliance or repeated 72448  
violations of statutes or rules during the period of current or 72449  
previous licenses; 72450

(c) The applicant or licensee submits false or misleading 72451  
information as part of a license application, renewal, or 72452  
investigation. 72453

Proceedings initiated to deny applications for full or 72454  
probationary licenses or to revoke such licenses are governed by 72455  
Chapter 119. of the Revised Code. An order issued pursuant to this 72456  
division remains in effect during the pendency of those 72457  
proceedings. 72458

(G) The department may issue an interim license to operate a 72459  
residential facility if both of the following conditions are met: 72460

(1) The department determines that the closing of or the need 72461  
to remove residents from another residential facility has created 72462  
an emergency situation requiring immediate removal of residents 72463  
and an insufficient number of licensed beds are available. 72464

(2) The residential facility applying for an interim license 72465  
meets standards established for interim licenses in rules adopted 72466  
by the director under division (L) of this section. 72467

An interim license shall be valid for ninety days and may be 72468  
renewed by the director no more than twice. Proceedings initiated 72469  
to deny applications for or to revoke interim licenses under this 72470  
division are not subject to Chapter 119. of the Revised Code. 72471

(H)(1) The department of mental health and addiction services 72472  
may conduct an inspection of a residential facility as follows: 72473

(a) Prior to issuance of a license for the facility; 72474

(b) Prior to renewal of the license; 72475

(c) To determine whether the facility has completed a plan of 72476  
correction required pursuant to division (H)(2) of this section 72477

and corrected deficiencies to the satisfaction of the department 72478  
and in compliance with this section and rules adopted pursuant to 72479  
it; 72480

(d) Upon complaint by any individual or agency; 72481

(e) At any time the director considers an inspection to be 72482  
necessary in order to determine whether the facility is in 72483  
compliance with this section and rules adopted pursuant to this 72484  
section. 72485

(2) In conducting inspections the department may conduct an 72486  
on-site examination and evaluation of the residential facility and 72487  
its personnel, activities, and services. The department shall have 72488  
access to examine and copy all records, accounts, and any other 72489  
documents relating to the operation of the residential facility, 72490  
including records pertaining to residents, and shall have access 72491  
to the facility in order to conduct interviews with the operator, 72492  
staff, and residents. Following each inspection and review, the 72493  
department shall complete a report listing any deficiencies, and 72494  
including, when appropriate, a time table within which the 72495  
operator shall correct the deficiencies. The department may 72496  
require the operator to submit a plan of correction describing how 72497  
the deficiencies will be corrected. 72498

(I) No person shall do any of the following: 72499

(1) Operate a residential facility unless the facility holds 72500  
a valid license; 72501

(2) Violate any of the conditions of licensure after having 72502  
been granted a license; 72503

(3) Interfere with a state or local official's inspection or 72504  
investigation of a residential facility; 72505

(4) Violate any of the provisions of this section or any 72506  
rules adopted pursuant to this section. 72507

(J) The following may enter a residential facility at any time: 72508  
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(1) Employees designated by the director of mental health and addiction services; 72510  
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(2) Employees of an ADAMHS board under either of the following circumstances: 72512  
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(a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board; 72514  
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(b) When authorized by section 340.05 of the Revised Code. 72517

(3) Employees of a community mental health services provider under either of the following circumstances: 72518  
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(a) When the provider has a person receiving services residing in the facility; 72520  
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(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract. 72522  
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(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are ~~recipients~~ receiving payments under the residential state supplement program. 72524  
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The persons specified in division (J) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents. 72529  
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(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential 72533  
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facility without a valid license. 72538

(L) The director shall adopt and may amend and rescind rules 72539  
pursuant to Chapter 119. of the Revised Code governing the 72540  
licensing and operation of residential facilities. The rules shall 72541  
establish all of the following: 72542

(1) Minimum standards for the health, safety, adequacy, and 72543  
cultural competency of treatment of and services for persons in 72544  
residential facilities; 72545

(2) Procedures for the issuance, renewal, or revocation of 72546  
the licenses of residential facilities; 72547

(3) Procedures for conducting background investigations for 72548  
prospective or current operators, employees, volunteers, and other 72549  
non-resident occupants who may have direct access to facility 72550  
residents; 72551

(4) The fee to be paid when applying for a new residential 72552  
facility license or renewing the license; 72553

(5) Procedures for the operator of a residential facility to 72554  
follow when notifying the ADAMHS board serving the county in which 72555  
the facility is located when the facility is serving residents 72556  
with mental illness or severe mental disability, including the 72557  
circumstances under which the operator is required to make such a 72558  
notification; 72559

(6) Procedures for the issuance and termination of orders of 72560  
suspension of admission of residents to a residential facility; 72561

(7) Measures to be taken by residential facilities relative 72562  
to residents' medication; 72563

(8) Requirements relating to preparation of special diets; 72564

(9) The maximum number of residents who may be served in a 72565  
residential facility; 72566

(10) The rights of residents of residential facilities and 72567

procedures to protect such rights; 72568

(11) Standards and procedures under which the director may 72569  
waive the requirements of any of the rules adopted. 72570

(M)(1) The department may withhold the source of any 72571  
complaint reported as a violation of this section when the 72572  
department determines that disclosure could be detrimental to the 72573  
department's purposes or could jeopardize the investigation. The 72574  
department may disclose the source of any complaint if the 72575  
complainant agrees in writing to such disclosure and shall 72576  
disclose the source upon order by a court of competent 72577  
jurisdiction. 72578

(2) Any person who makes a complaint under division (M)(1) of 72579  
this section, or any person who participates in an administrative 72580  
or judicial proceeding resulting from such a complaint, is immune 72581  
from civil liability and is not subject to criminal prosecution, 72582  
other than for perjury, unless the person has acted in bad faith 72583  
or with malicious purpose. 72584

(N)(1) The director of mental health and addiction services 72585  
may petition the court of common pleas of the county in which a 72586  
residential facility is located for an order enjoining any person 72587  
from operating a residential facility without a license or from 72588  
operating a licensed facility when, in the director's judgment, 72589  
there is a present danger to the health or safety of any of the 72590  
occupants of the facility. The court shall have jurisdiction to 72591  
grant such injunctive relief upon a showing that the respondent 72592  
named in the petition is operating a facility without a license or 72593  
there is a present danger to the health or safety of any residents 72594  
of the facility. 72595

(2) When the court grants injunctive relief in the case of a 72596  
facility operating without a license, the court shall issue, at a 72597  
minimum, an order enjoining the facility from admitting new 72598

residents to the facility and an order requiring the facility to 72599  
assist with the safe and orderly relocation of the facility's 72600  
residents. 72601

(3) If injunctive relief is granted against a facility for 72602  
operating without a license and the facility continues to operate 72603  
without a license, the director shall refer the case to the 72604  
attorney general for further action. 72605

(O) The director may fine a person for violating division (I) 72606  
of this section. The fine shall be five hundred dollars for a 72607  
first offense; for each subsequent offense, the fine shall be one 72608  
thousand dollars. The director's actions in imposing a fine shall 72609  
be taken in accordance with Chapter 119. of the Revised Code. 72610

**Sec. 5119.41.** (A) ~~As used in this section:~~ 72611

~~(1) "Nursing facility" has the same meaning as in section 72612  
5165.01 of the Revised Code. 72613~~

~~(2) "Residential state supplement administrative agency" 72614  
means the department of mental health and addiction services or, 72615  
if the department designates an entity under division (C) of this 72616  
section for a particular area, the designated entity. 72617~~

~~(3) "Residential state supplement program" means the program 72618  
administered pursuant to this section. 72619~~

~~(B)~~ The department of mental health and addiction services 72620  
shall implement the residential state supplement program under 72621  
which the state supplements the amounts received by aged, blind, 72622  
or disabled adults as supplemental security income payments 72623  
~~received by aged, blind, or disabled adults~~ under Title XVI of the 72624  
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 72625  
security benefits or social security disability insurance benefits 72626  
under Title II of the "Social Security Act," 42 U.S.C. 401 et seq. 72627  
Residential state supplement payments shall be used for the 72628

provision of accommodations, supervision, and personal care 72629  
services to ~~social security~~, recipients of supplemental security 72630  
income payments, social security benefits, and social security 72631  
disability insurance ~~recipients~~ benefits who the department 72632  
determines are at risk of needing institutional care. 72633

~~(C)~~ In implementing the program, the department may designate 72634  
one or more entities to be responsible for providing 72635  
administrative services regarding the program. The department may 72636  
designate an entity ~~to be a residential state supplement~~ 72637  
~~administrative agency under this division~~ either by entering into 72638  
a contract with the entity to ~~serve in that capacity~~ provided the 72639  
services or by otherwise delegating to the entity the 72640  
responsibility to ~~serve in that capacity~~ provide the services. 72641

~~(D) For an individual to~~ (B) To be eligible for residential 72642  
state supplement payments, ~~all of the following must be the case:~~ 72643

~~(1) Except as provided by division (C) of this section, the~~ 72644  
~~individual must reside in one of the following living~~ 72645  
~~arrangements:~~ 72646

~~(a) A residential care facility licensed by the department of~~ 72647  
~~health under Chapter 3721. of the Revised Code or an assisted~~ 72648  
~~living program as defined in section 173.51 of the Revised Code:~~ 72649

~~(b) A class two residential facility licensed by the~~ 72650  
~~department of mental health and addiction services under section~~ 72651  
~~5119.34 of the Revised Code.~~ 72652

~~(2) If a residential state supplement administrative agency~~ 72653  
~~is aware that an individual enrolled in the program has mental~~ 72654  
~~health needs, the agency shall refer the individual for an~~ 72655  
~~assessment pursuant to division (A) of section 340.091 of the~~ 72656  
~~Revised Code.~~ 72657

~~(3) The~~ an individual satisfies must satisfy all eligibility 72658  
requirements established by rules adopted under ~~division (E) of~~ 72659

this section. 72660

~~(4) An individual residing in a living arrangement housing more than sixteen individuals shall not be eligible for inclusion in the program unless the director of mental health and addiction services specifically waives this size limitation with respect to that individual in that living arrangement. An individual with such a waiver as of October 1, 2015, shall remain eligible for the program as long as the individual remains in that living arrangement.~~ 72661  
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~~(E)(C) The director of mental health and addiction services and the medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the residential state supplement program, including the requirements that an individual must satisfy to be eligible for payments under the program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.~~ 72669  
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The rules adopted by the director of mental health and addiction services may establish the method to be used to determine the payment an eligible individual will receive under the program. The amount the general assembly appropriates for the program may be a factor included in the method that director establishes. 72676  
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To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the rules adopted by the medicaid director may adopt rules establishing establish standards for adjusting the eligibility requirements concerning the level of impairment ~~a person~~ an individual must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of individuals who are ~~disabled persons~~ solely on a basis classifying disabilities as physical or mental. ~~The medicaid director also may adopt rules that establish~~ 72682  
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~~eligibility standards for aged, blind, or disabled individuals who 72692  
reside in one of the homes or facilities specified in division 72693  
(D)(1) of this section but who, because of their income, do not 72694  
receive supplemental security income payments. The rules may 72695  
provide that these individuals may include individuals who receive 72696  
other types of benefits, including, social security payments or 72697  
social security disability insurance benefits provided under Title 72698  
II of the "Social Security Act," 42 U.S.C. 401, et seq. 72699  
Notwithstanding division (B) of this section, such payments may be 72700  
made if funds are available for them. 72701~~

~~The director of mental health and addiction services may 72702  
adopt rules establishing the method to be used to determine the 72703  
amount an eligible individual will receive under the program. The 72704  
amount the general assembly appropriates for the program may be a 72705  
factor included in the method that director establishes. 72706~~

~~(F)(D) The county department of job and family services of 72707  
the county in which an applicant for the residential state 72708  
supplement program resides or the department of medicaid shall 72709  
determine whether the applicant meets income and resource 72710  
requirements for the program. 72711~~

~~The county department of job and family services or the 72712  
department of medicaid shall notify each individual who is denied 72713  
approval for payments under the program of the individual's right 72714  
to a hearing. On request, the hearing shall be provided in 72715  
accordance with section 5101.35 of the Revised Code. 72716~~

~~(G)(E) An individual in a licensed or certified living 72717  
arrangement receiving state supplementation on November 15, 1990, 72718  
under former section 5101.531 of the Revised Code shall not become 72719  
ineligible for payments under this ~~section~~ program solely by 72720  
reason of the individual's living arrangement as long as the 72721  
individual remains in the living arrangement in which the 72722  
individual resided on November 15, 1990. 72723~~

~~(H) The county department of job and family services from 72724  
which the person is receiving benefits or the department of 72725  
medicaid shall notify each person denied approval for payments 72726  
under this section of the person's right to a hearing. On request, 72727  
the hearing shall be provided in accordance with section 5101.35 72728  
of the Revised Code. 72729~~

**Sec. 5119.94.** (A) Upon receipt of a petition filed under 72730  
section 5119.93 of the Revised Code and the payment of the 72731  
appropriate filing fee, if any, the probate court shall examine 72732  
the petitioner under oath as to the contents of the petition. 72733

(B) If, after reviewing the allegations contained in the 72734  
petition and examining the petitioner under oath, it appears to 72735  
the probate court that there is probable cause to believe the 72736  
respondent may reasonably benefit from treatment, the court shall 72737  
do all of the following: 72738

(1) Schedule a hearing to be held within seven days to 72739  
determine if there is clear and convincing evidence that the 72740  
respondent may reasonably benefit from treatment for alcohol and 72741  
other drug abuse; 72742

(2) Notify the respondent, the legal guardian, if any and if 72743  
known, and the spouse, parents, or nearest relative or friend of 72744  
the respondent concerning the allegations and contents of the 72745  
petition and of the date and purpose of the hearing; 72746

(3) Notify the respondent that the respondent may retain 72747  
counsel and, if the person is unable to obtain an attorney, that 72748  
the respondent may be represented by court-appointed counsel at 72749  
public expense if the person is indigent. Upon the appointment of 72750  
an attorney to represent an indigent respondent, the court shall 72751  
notify the respondent of the name, address, and telephone number 72752  
of the attorney appointed to represent the respondent. 72753

(4) Notify the respondent that the court shall cause the respondent to be examined not later than twenty-four hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis. In addition, the court shall notify the respondent that the respondent may have an independent expert evaluation of the person's physical and mental condition conducted at the respondent's own expense.

(5) Cause the respondent to be examined not later than twenty-four hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis;

(6) Conduct the hearing.

(C) The physician and qualified health professional who examine the respondent pursuant to division (B)(5) of this section or who are obtained by the respondent at the respondent's own expense shall certify their findings to the court within twenty-four hours of the examinations. The findings of each qualified health professional shall include a recommendation for treatment if the qualified health professional determines that treatment is necessary.

(D)(1) If upon completion of the hearing held under this section the probate court finds by clear and convincing evidence that the respondent may reasonably benefit from treatment, the court may order the treatment after considering the qualified health professionals' recommendations for treatment that have been submitted to the court under division (C) of this section. If the court orders the treatment under this division, the court shall order the treatment to be provided through a community addiction services provider or by an individual licensed or certified by the

state medical board under Chapter 4731. of the Revised Code, ~~the~~ 72786  
~~chemical dependency professionals board under Chapter 4758. of the~~ 72787  
~~Revised Code, the counselor, social worker, and marriage and~~ 72788  
~~family therapist~~ state behavioral health and social work board 72789  
under Chapter 4757. or 4758. of the Revised Code, or a similar 72790  
board of another state authorized to provide substance abuse 72791  
treatment. 72792

(2) Failure of a respondent to undergo and complete any 72793  
treatment ordered pursuant to this division is contempt of court. 72794  
Any community addiction services provider or person providing 72795  
treatment under this division shall notify the probate court of a 72796  
respondent's failure to undergo or complete the ordered treatment. 72797

(E) If, at any time after a petition is filed under section 72798  
5119.93 of the Revised Code, the probate court finds that there is 72799  
not probable cause to continue treatment or if the petitioner 72800  
withdraws the petition, then the court shall dismiss the 72801  
proceedings against the respondent. 72802

**Sec. 5120.22.** (A) The division of business administration 72803  
shall examine the conditions of all buildings, grounds, and other 72804  
property connected with the institutions under the control of the 72805  
department of rehabilitation and correction, the methods of 72806  
bookkeeping and storekeeping, and all matters relating to the 72807  
management of such property. The division shall study and become 72808  
familiar with the advantages and disadvantages of each as to 72809  
location, freight rates, and efficiency of farm and equipment, for 72810  
the purpose of aiding in the determination of the local and 72811  
general requirements both for maintenance and improvements. 72812

(B) The division, with respect to the various types of 72813  
state-owned housing under jurisdiction of the department, shall 72814  
adopt, in accordance with section 111.15 of the Revised Code, 72815  
rules governing maintenance of the housing and its usage by 72816

department personnel. The rules shall include a procedure for 72817  
determining charges for rent and utilities, which the division 72818  
shall assess against and collect from department personnel using 72819  
the housing. All money collected for rent and utilities pursuant 72820  
to the rules shall be deposited into the property receipts fund, 72821  
which is hereby created in the state treasury. Money in the fund 72822  
shall be used for any expenses necessary to provide housing of 72823  
department employees, including but not limited to expenses for 72824  
the acquisition, construction, operation, maintenance, repair, 72825  
reconstruction, or demolition of land and buildings. 72826

(C) The division may enter into a lease or agreement with a 72827  
state agency, political subdivision of the state, or private 72828  
entity to use facilities or other property under the jurisdiction 72829  
of the department that is not being utilized by the department. 72830  
All money collected for leasing and services performed in 72831  
accordance with the lease or agreement shall be deposited into the 72832  
property receipts fund created under division (B) of this section. 72833  
Money in the fund shall be used for any expenses resulting from 72834  
the lease or agreement, including, but not limited to, expenses 72835  
for services performed, construction, maintenance, repair, 72836  
reconstruction, or demolition of the facilities or other property. 72837

(D) If, after meeting the expenditure obligations required by 72838  
divisions (B) and (C) of this section, the division determines 72839  
that the property receipts fund has excess funds, the division may 72840  
use money in the fund for services performed, construction, 72841  
maintenance, repair, reconstruction, or demolition of any other 72842  
facilities or property owned by the department. 72843

**Sec. 5120.55.** (A) As used in this section, "licensed health 72844  
professional" means any or all of the following: 72845

(1) A dentist who holds a current, valid license issued under 72846  
Chapter 4715. of the Revised Code to practice dentistry; 72847

(2) A licensed practical nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a licensed practical nurse; 72848  
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(3) An optometrist who holds a current, valid certificate of licensure issued under Chapter 4725. of the Revised Code that authorizes the holder to engage in the practice of optometry; 72851  
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(4) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 72854  
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(5) A psychologist who holds a current, valid license issued under Chapter 4732. of the Revised Code that authorizes the practice of psychology as a licensed psychologist; 72857  
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(6) A registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a registered nurse, including such a nurse who is also licensed to practice as an advanced practice registered nurse as defined in section 4723.01 of the Revised Code. 72860  
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(B)(1) The department of rehabilitation and correction may establish a recruitment program under which the department, by means of a contract entered into under division (C) of this section, agrees to repay all or part of the principal and interest of a government or other educational loan incurred by a licensed health professional who agrees to provide services to inmates of correctional institutions under the department's administration. 72866  
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(2)(a) For a physician to be eligible to participate in the program, the physician must have attended a school that was, during the time of attendance, a medical school or osteopathic medical school in this country accredited by the liaison committee on medical education or the American osteopathic association, a college of podiatry in this country recognized as being in good 72873  
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standing under section 4731.53 of the Revised Code, or a medical 72879  
school, osteopathic medical school, or college of podiatry located 72880  
outside this country that was acknowledged by the world health 72881  
organization and verified by a member state of that organization 72882  
as operating within that state's jurisdiction. 72883

(b) For a nurse to be eligible to participate in the program, 72884  
the nurse must have attended a school that was, during the time of 72885  
attendance, a nursing school in this country accredited by the 72886  
commission on collegiate nursing education or the national league 72887  
for nursing accrediting commission or a nursing school located 72888  
outside this country that was acknowledged by the world health 72889  
organization and verified by a member state of that organization 72890  
as operating within that state's jurisdiction. 72891

(c) For a dentist to be eligible to participate in the 72892  
program, the dentist must have attended a school that was, during 72893  
the time of attendance, a dental college that enabled the dentist 72894  
to meet the requirements specified in section 4715.10 of the 72895  
Revised Code to be granted a license to practice dentistry. 72896

(d) For an optometrist to be eligible to participate in the 72897  
program, the optometrist must have attended a school of optometry 72898  
that was, during the time of attendance, approved by the state 72899  
~~board of optometry~~ vision and hearing professionals board. 72900

(e) For a psychologist to be eligible to participate in the 72901  
program, the psychologist must have attended an educational 72902  
institution that, during the time of attendance, maintained a 72903  
specific degree program recognized by the state ~~board of~~ 72904  
~~psychology~~ behavioral health and social work board as acceptable 72905  
for fulfilling the requirement of division (B)(3) of section 72906  
4732.10 of the Revised Code. 72907

(C) The department shall enter into a contract with each 72908  
licensed health professional it recruits under this section. Each 72909

contract shall include at least the following terms: 72910

(1) The licensed health professional agrees to provide a 72911  
specified scope of medical, osteopathic medical, podiatric, 72912  
optometric, psychological, nursing, or dental services to inmates 72913  
of one or more specified state correctional institutions for a 72914  
specified number of hours per week for a specified number of 72915  
years. 72916

(2) The department agrees to repay all or a specified portion 72917  
of the principal and interest of a government or other educational 72918  
loan taken by the licensed health professional for the following 72919  
expenses to attend, for up to a maximum of four years, a school 72920  
that qualifies the licensed health professional to participate in 72921  
the program: 72922

(a) Tuition; 72923

(b) Other educational expenses for specific purposes, 72924  
including fees, books, and laboratory expenses, in amounts 72925  
determined to be reasonable in accordance with rules adopted under 72926  
division (D) of this section; 72927

(c) Room and board, in an amount determined to be reasonable 72928  
in accordance with rules adopted under division (D) of this 72929  
section. 72930

(3) The licensed health professional agrees to pay the 72931  
department a specified amount, which shall be no less than the 72932  
amount already paid by the department pursuant to its agreement, 72933  
as damages if the licensed health professional fails to complete 72934  
the service obligation agreed to or fails to comply with other 72935  
specified terms of the contract. The contract may vary the amount 72936  
of damages based on the portion of the service obligation that 72937  
remains uncompleted. 72938

(4) Other terms agreed upon by the parties. 72939

The licensed health professional's lending institution or the Ohio board of regents, may be a party to the contract. The contract may include an assignment to the department of the licensed health professional's duty to repay the principal and interest of the loan.

(D) If the department elects to implement the recruitment program, it shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) Criteria for designating institutions for which licensed health professionals will be recruited;

(2) Criteria for selecting licensed health professionals for participation in the program;

(3) Criteria for determining the portion of a loan which the department will agree to repay;

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;

(5) Procedures for monitoring compliance by a licensed health professional with the terms of the contract the licensed health professional enters into under this section;

(6) Any other criteria or procedures necessary to implement the program.

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of the Revised Code:

(A) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(B) "Mentally ill person subject to court order" means a mentally ill person who, because of the person's illness:

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|--|---|
| (1) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;   | 72969<br>72970<br>72971                                     |
| (2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;  | 72972<br>72973<br>72974<br>72975<br>72976                   |
| (3) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community;  | 72977<br>72978<br>72979<br>72980<br>72981<br>72982          |
| (4) Would benefit from treatment for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person;  | 72983<br>72984<br>72985<br>72986                            |
| (5)(a) Would benefit from treatment as manifested by evidence of behavior that indicates all of the following:   | 72987<br>72988  |
| (i) The person is unlikely to survive safely in the community without supervision, based on a clinical determination.  | 72989<br>72990  |
| (ii) The person has a history of lack of compliance with treatment for mental illness and one of the following applies:  | 72991<br>72992  |
| (I) At least twice within the thirty-six months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance has been a significant factor in necessitating hospitalization in a hospital or receipt of services in a forensic or other mental health unit of a correctional facility, provided that the thirty-six-month period shall be extended by the length | 72993<br>72994<br>72995<br>72996<br>72997<br>72998<br>72999 |

of any hospitalization or incarceration of the person that 73000  
occurred within the thirty-six-month period. 73001

(II) Within the forty-eight months prior to the filing of an 73002  
affidavit seeking court-ordered treatment of the person under 73003  
section 5122.111 of the Revised Code, the lack of compliance 73004  
resulted in one or more acts of serious violent behavior toward 73005  
self or others or threats of, or attempts at, serious physical 73006  
harm to self or others, provided that the forty-eight-month period 73007  
shall be extended by the length of any hospitalization or 73008  
incarceration of the person that occurred within the 73009  
forty-eight-month period. 73010

(iii) The person, as a result of the person's mental illness, 73011  
is unlikely to voluntarily participate in necessary treatment. 73012

(iv) In view of the person's treatment history and current 73013  
behavior, the person is in need of treatment in order to prevent a 73014  
relapse or deterioration that would be likely to result in 73015  
substantial risk of serious harm to the person or others. 73016

(b) An individual who meets only the criteria described in 73017  
division (B)(5)(a) of this section is not subject to 73018  
hospitalization. 73019

(C)(1) "Patient" means, subject to division (C)(2) of this 73020  
section, a person who is admitted either voluntarily or 73021  
involuntarily to a hospital or other place under section 2945.39, 73022  
2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a 73023  
finding of not guilty by reason of insanity or incompetence to 73024  
stand trial or under this chapter, who is under observation or 73025  
receiving treatment in such place. 73026

(2) "Patient" does not include a person admitted to a 73027  
hospital or other place under section 2945.39, 2945.40, 2945.401, 73028  
or 2945.402 of the Revised Code to the extent that the reference 73029  
in this chapter to patient, or the context in which the reference 73030

occurs, is in conflict with any provision of sections 2945.37 to 73031  
2945.402 of the Revised Code. 73032

(D) "Licensed physician" means a person licensed under the 73033  
laws of this state to practice medicine or a medical officer of 73034  
the government of the United States while in this state in the 73035  
performance of the person's official duties. 73036

(E) "Psychiatrist" means a licensed physician who has 73037  
satisfactorily completed a residency training program in 73038  
psychiatry, as approved by the residency review committee of the 73039  
American medical association, the committee on post-graduate 73040  
education of the American osteopathic association, or the American 73041  
osteopathic board of neurology and psychiatry, or who on July 1, 73042  
1989, has been recognized as a psychiatrist by the Ohio state 73043  
medical association or the Ohio osteopathic association on the 73044  
basis of formal training and five or more years of medical 73045  
practice limited to psychiatry. 73046

(F) "Hospital" means a hospital or inpatient unit licensed by 73047  
the department of mental health and addiction services under 73048  
section 5119.33 of the Revised Code, and any institution, 73049  
hospital, or other place established, controlled, or supervised by 73050  
the department under Chapter 5119. of the Revised Code. 73051

(G) "Public hospital" means a facility that is tax-supported 73052  
and under the jurisdiction of the department of mental health and 73053  
addiction services. 73054

(H) "Community mental health services provider" means an 73055  
agency, association, corporation, individual, or program that 73056  
provides community mental health services that are certified by 73057  
the director of mental health and addiction services under section 73058  
5119.36 of the Revised Code. 73059

(I) "Licensed clinical psychologist" means a person who holds 73060  
a current, valid psychologist license issued under section 4732.12 73061

of the Revised Code, and in addition, meets the educational 73062  
requirements set forth in division (B) of section 4732.10 of the 73063  
Revised Code and has a minimum of two years' full-time 73064  
professional experience, or the equivalent as determined by rule 73065  
of the state behavioral health and social work board ~~of~~ 73066  
~~psychology~~, at least one year of which shall be a predoctoral 73067  
internship, in clinical psychological work in a public or private 73068  
hospital or clinic or in private practice, diagnosing and treating 73069  
problems of mental illness or intellectual disability under the 73070  
supervision of a psychologist who is licensed or who holds a 73071  
diploma issued by the American board of professional psychology, 73072  
or whose qualifications are substantially similar to those 73073  
required for licensure by the state behavioral health and social 73074  
work board ~~of psychology~~ when the supervision has occurred prior 73075  
to enactment of laws governing the practice of psychology. 73076

(J) "Health officer" means any public health physician; 73077  
public health nurse; or other person authorized or designated by a 73078  
city or general health district or a board of alcohol, drug 73079  
addiction, and mental health services to perform the duties of a 73080  
health officer under this chapter. 73081

(K) "Chief clinical officer" means the medical director of a 73082  
hospital, community mental health services provider, or board of 73083  
alcohol, drug addiction, and mental health services, or, if there 73084  
is no medical director, the licensed physician responsible for the 73085  
treatment provided by a hospital or community mental health 73086  
services provider. The chief clinical officer may delegate to the 73087  
attending physician responsible for a patient's care the duties 73088  
imposed on the chief clinical officer by this chapter. Within a 73089  
community mental health services provider, the chief clinical 73090  
officer shall be designated by the governing body of the services 73091  
provider and shall be a licensed physician or licensed clinical 73092  
psychologist who supervises diagnostic and treatment services. A 73093

licensed physician or licensed clinical psychologist designated by 73094  
the chief clinical officer may perform the duties and accept the 73095  
responsibilities of the chief clinical officer in the chief 73096  
clinical officer's absence. 73097

(L) "Working day" or "court day" means Monday, Tuesday, 73098  
Wednesday, Thursday, and Friday, except when such day is a 73099  
holiday. 73100

(M) "Indigent" means unable without deprivation of 73101  
satisfaction of basic needs to provide for the payment of an 73102  
attorney and other necessary expenses of legal representation, 73103  
including expert testimony. 73104

(N) "Respondent" means the person whose detention, 73105  
commitment, hospitalization, continued hospitalization or 73106  
commitment, or discharge is being sought in any proceeding under 73107  
this chapter. 73108

(O) "Ohio protection and advocacy system" has the same 73109  
meaning as in section 5123.60 of the Revised Code. 73110

(P) "Independent expert evaluation" means an evaluation 73111  
conducted by a licensed clinical psychologist, psychiatrist, or 73112  
licensed physician who has been selected by the respondent or the 73113  
respondent's counsel and who consents to conducting the 73114  
evaluation. 73115

(Q) "Court" means the probate division of the court of common 73116  
pleas. 73117

(R) "Expunge" means: 73118

(1) The removal and destruction of court files and records, 73119  
originals and copies, and the deletion of all index references; 73120

(2) The reporting to the person of the nature and extent of 73121  
any information about the person transmitted to any other person 73122  
by the court; 73123

(3) Otherwise insuring that any examination of court files 73124  
and records in question shall show no record whatever with respect 73125  
to the person; 73126

(4) That all rights and privileges are restored, and that the 73127  
person, the court, and any other person may properly reply that no 73128  
such record exists, as to any matter expunged. 73129

(S) "Residence" means a person's physical presence in a 73130  
county with intent to remain there, except that: 73131

(1) If a person is receiving a mental health service at a 73132  
facility that includes nighttime sleeping accommodations, 73133  
residence means that county in which the person maintained the 73134  
person's primary place of residence at the time the person entered 73135  
the facility; 73136

(2) If a person is committed pursuant to section 2945.38, 73137  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 73138  
residence means the county where the criminal charges were filed. 73139

When the residence of a person is disputed, the matter of 73140  
residence shall be referred to the department of mental health and 73141  
addiction services for investigation and determination. Residence 73142  
shall not be a basis for a board's denying services to any person 73143  
present in the board's service district, and the board shall 73144  
provide services for a person whose residence is in dispute while 73145  
residence is being determined and for a person in an emergency 73146  
situation. 73147

(T) "Admission" to a hospital or other place means that a 73148  
patient is accepted for and stays at least one night at the 73149  
hospital or other place. 73150

(U) "Prosecutor" means the prosecuting attorney, village 73151  
solicitor, city director of law, or similar chief legal officer 73152  
who prosecuted a criminal case in which a person was found not 73153  
guilty by reason of insanity, who would have had the authority to 73154

prosecute a criminal case against a person if the person had not  
been found incompetent to stand trial, or who prosecuted a case in  
which a person was found guilty.

(V)(1) "Treatment plan" means a written statement of  
reasonable objectives and goals for an individual established by  
the treatment team, with specific criteria to evaluate progress  
towards achieving those objectives.

(2) The active participation of the patient in establishing  
the objectives and goals shall be documented. The treatment plan  
shall be based on patient needs and include services to be  
provided to the patient while the patient is hospitalized, after  
the patient is discharged, or in an outpatient setting. The  
treatment plan shall address services to be provided. In the  
establishment of the treatment plan, consideration should be given  
to the availability of services, which may include but are not  
limited to all of the following:

- (a) Community psychiatric supportive treatment;
- (b) Assertive community treatment;
- (c) Medications;
- (d) Individual or group therapy;
- (e) Peer support services;
- (f) Financial services;
- (g) Housing or supervised living services;
- (h) Alcohol or substance abuse treatment;
- (i) Any other services prescribed to treat the patient's  
mental illness and to either assist the patient in living and  
functioning in the community or to help prevent a relapse or a  
deterioration of the patient's current condition.

(3) If the person subject to the treatment plan has executed

an advanced directive for mental health treatment, the treatment 73184  
team shall consider any directions included in such advanced 73185  
directive in developing the treatment plan. 73186

(W) "Community control sanction" has the same meaning as in 73187  
section 2929.01 of the Revised Code. 73188

(X) "Post-release control sanction" has the same meaning as 73189  
in section 2967.01 of the Revised Code. 73190

(Y) "Local correctional facility" has the same meaning as in 73191  
section 2903.13 of the Revised Code. 73192

**Sec. 5122.32.** (A) As used in this section: 73193

(1) "Quality assurance committee" means a committee that is 73194  
appointed in the central office of the department of mental health 73195  
and addiction services by the director of mental health and 73196  
addiction services, a committee of a hospital or community setting 73197  
program, or a duly authorized subcommittee of a committee of that 73198  
nature and that is designated to carry out quality assurance 73199  
program activities. 73200

(2) "Quality assurance program" means a comprehensive program 73201  
within the department of mental health and addiction services to 73202  
systematically review and improve the quality of medical and 73203  
mental health services within the department and its hospitals and 73204  
community setting programs, the safety and security of persons 73205  
receiving or administering medical and mental health services 73206  
within the department and its hospitals and community setting 73207  
programs, and the efficiency and effectiveness of the utilization 73208  
of staff and resources in the delivery of medical and mental 73209  
health services within the department and its hospitals and 73210  
community setting programs. "Quality assurance program" includes 73211  
the central office quality assurance committees, morbidity and 73212  
mortality review committees, quality assurance programs of 73213

community setting programs, quality assurance committees of 73214  
hospitals operated by the department of mental health and 73215  
addiction services, and the office of licensure and certification 73216  
of the department. 73217

(3) "Quality assurance program activities" include collecting 73218  
or compiling information and reports required by a quality 73219  
assurance committee, receiving, reviewing, or implementing the 73220  
recommendations made by a quality assurance committee, and 73221  
credentialing, privileging, infection control, tissue review, peer 73222  
review, utilization review including access to patient care 73223  
records, patient care assessment records, and medical and mental 73224  
health records, medical and mental health resource management, 73225  
mortality and morbidity review, and identification and prevention 73226  
of medical or mental health incidents and risks, whether performed 73227  
by a quality assurance committee or by persons who are directed by 73228  
a quality assurance committee. 73229

(4) "Quality assurance records" means the proceedings, 73230  
discussion, records, findings, recommendations, evaluations, 73231  
opinions, minutes, reports, and other documents or actions that 73232  
emanate from quality assurance committees, quality assurance 73233  
programs, or quality assurance program activities. "Quality 73234  
assurance records" does not include aggregate statistical 73235  
information that does not disclose the identity of persons 73236  
receiving or providing medical or mental health services in 73237  
department of mental health and addiction services hospitals or 73238  
community setting programs. 73239

(B)(1) Except as provided in division (E) of this section, 73240  
quality assurance records are confidential and are not public 73241  
records under section 149.43 of the Revised Code, and shall be 73242  
used only in the course of the proper functions of a quality 73243  
assurance program. 73244

(2) Except as provided in division (E) of this section, no 73245

person who possesses or has access to quality assurance records 73246  
and who knows that the records are quality assurance records shall 73247  
willfully disclose the contents of the records to any person or 73248  
entity. 73249

(C)(1) Except as provided in division (E) of this section, no 73250  
quality assurance record shall be subject to discovery, and is not 73251  
admissible in evidence, in any judicial or administrative 73252  
proceeding. 73253

(2) Except as provided in division (E) of this section, no 73254  
member of a quality assurance committee or a person who is 73255  
performing a function that is part of a quality assurance program 73256  
shall be permitted or required to testify in a judicial or 73257  
administrative proceeding with respect to quality assurance 73258  
records or with respect to any finding, recommendation, 73259  
evaluation, opinion, or other action taken by the committee, 73260  
member, or person. 73261

(3) Information, documents, or records otherwise available 73262  
from original sources are not to be construed as being unavailable 73263  
for discovery or admission in evidence in a judicial or 73264  
administrative proceeding merely because they were presented to a 73265  
quality assurance committee. No person testifying before a quality 73266  
assurance committee or person who is a member of a quality 73267  
assurance committee shall be prevented from testifying as to 73268  
matters within the person's knowledge, but the witness cannot be 73269  
asked about the witness' testimony before the quality assurance 73270  
committee or about an opinion formed by the person as a result of 73271  
the quality assurance committee proceedings. 73272

(D)(1) A person who, without malice and in the reasonable 73273  
belief that the information is warranted by the facts known to the 73274  
person, provides information to a person engaged in quality 73275  
assurance program activities is not liable for damages in a civil 73276  
action for injury, death, or loss to person or property to any 73277

person as a result of providing the information. 73278

(2) A member of a quality assurance committee, a person 73279  
engaged in quality assurance program activities, and an employee 73280  
of the department of mental health and addiction services shall 73281  
not be liable in damages in a civil action for injury, death, or 73282  
loss to person or property to any person for any acts, omissions, 73283  
decisions, or other conduct within the scope of the functions of 73284  
the quality assurance program. 73285

(3) Nothing in this section shall relieve any institution or 73286  
individual from liability arising from the treatment of a patient. 73287

(E) Quality assurance records may be disclosed, and testimony 73288  
may be provided concerning quality assurance records, only to the 73289  
following persons or entities: 73290

(1) Persons who are employed or retained by the department of 73291  
mental health and addiction services and who have authority to 73292  
evaluate or implement the recommendations of a state-operated 73293  
hospital, community setting program, or central office quality 73294  
assurance committee; 73295

(2) Public or private agencies or organizations if needed to 73296  
perform a licensing or accreditation function related to 73297  
department of mental health and addiction services hospitals or 73298  
community setting programs, or to perform monitoring of a hospital 73299  
or program of that nature as required by law. 73300

(F) A disclosure of quality assurance records pursuant to 73301  
division (E) of this section does not otherwise waive the 73302  
confidential and privileged status of the disclosed quality 73303  
assurance records. 73304

(G) Nothing in this section shall limit the access of the 73305  
Ohio protection and advocacy system to records or personnel as 73306  
required under section 5123.601 of the Revised Code. Nothing in 73307  
this section shall limit the admissibility of documentary or 73308

testimonial evidence in an action brought by the Ohio protection 73309  
and advocacy system in its own name or on behalf of a client. 73310

**Sec. 5123.01.** As used in this chapter: 73311

(A) "Chief medical officer" means the licensed physician 73312  
appointed by the managing officer of an institution for persons 73313  
with intellectual disabilities with the approval of the director 73314  
of developmental disabilities to provide medical treatment for 73315  
residents of the institution. 73316

(B) "Chief program director" means a person with special 73317  
training and experience in the diagnosis and management of persons 73318  
with developmental disabilities, certified according to division 73319  
(C) of this section in at least one of the designated fields, and 73320  
appointed by the managing officer of an institution for persons 73321  
with intellectual disabilities with the approval of the director 73322  
to provide habilitation and care for residents of the institution. 73323

(C) "Comprehensive evaluation" means a study, including a 73324  
sequence of observations and examinations, of a person leading to 73325  
conclusions and recommendations formulated jointly, with 73326  
dissenting opinions if any, by a group of persons with special 73327  
training and experience in the diagnosis and management of persons 73328  
with developmental disabilities, which group shall include 73329  
individuals who are professionally qualified in the fields of 73330  
medicine, psychology, and social work, together with such other 73331  
specialists as the individual case may require. 73332

(D) "Education" means the process of formal training and 73333  
instruction to facilitate the intellectual and emotional 73334  
development of residents. 73335

(E) "Habilitation" means the process by which the staff of 73336  
the institution assists the resident in acquiring and maintaining 73337  
those life skills that enable the resident to cope more 73338

effectively with the demands of the resident's own person and of 73339  
the resident's environment and in raising the level of the 73340  
resident's physical, mental, social, and vocational efficiency. 73341  
Habilitation includes but is not limited to programs of formal, 73342  
structured education and training. 73343

(F) "Health officer" means any public health physician, 73344  
public health nurse, or other person authorized or designated by a 73345  
city or general health district. 73346

(G) "Home and community-based services" means medicaid-funded 73347  
home and community-based services specified in division (A)(1) of 73348  
section 5166.20 of the Revised Code provided under the medicaid 73349  
waiver components the department of developmental disabilities 73350  
administers pursuant to section 5166.21 of the Revised Code. 73351  
Except as provided in section 5123.0412 of the Revised Code, home 73352  
and community-based services provided under the medicaid waiver 73353  
component known as the transitions developmental disabilities 73354  
waiver are to be considered to be home and community-based 73355  
services for the purposes of this chapter, and Chapters 5124. and 73356  
5126. of the Revised Code, only to the extent, if any, provided by 73357  
the contract required by section 5166.21 of the Revised Code 73358  
regarding the waiver. 73359

(H) "ICF/IID" has the same meaning as in section 5124.01 of 73360  
the Revised Code. 73361

(I) "Indigent person" means a person who is unable, without 73362  
substantial financial hardship, to provide for the payment of an 73363  
attorney and for other necessary expenses of legal representation, 73364  
including expert testimony. 73365

(J) "Institution" means a public or private facility, or a 73366  
part of a public or private facility, that is licensed by the 73367  
appropriate state department and is equipped to provide 73368  
residential habilitation, care, and treatment for persons with 73369

intellectual disabilities. 73370

(K) "Licensed physician" means a person who holds a valid 73371  
certificate issued under Chapter 4731. of the Revised Code 73372  
authorizing the person to practice medicine and surgery or 73373  
osteopathic medicine and surgery, or a medical officer of the 73374  
government of the United States while in the performance of the 73375  
officer's official duties. 73376

(L) "Managing officer" means a person who is appointed by the 73377  
director of developmental disabilities to be in executive control 73378  
of an institution under the jurisdiction of the department of 73379  
developmental disabilities. 73380

(M) "Medicaid case management services" means case management 73381  
services provided to an individual with a developmental disability 73382  
that the state medicaid plan requires. 73383

(N) "Intellectual disability" means a disability 73384  
characterized by having significantly subaverage general 73385  
intellectual functioning existing concurrently with deficiencies 73386  
in adaptive behavior, manifested during the developmental period. 73387

(O) "Person with an intellectual disability subject to 73388  
institutionalization by court order" means a person eighteen years 73389  
of age or older with at least a moderate level of intellectual 73390  
disability and in relation to whom, because of the person's 73391  
disability, either of the following conditions exists: 73392

(1) The person represents a very substantial risk of physical 73393  
impairment or injury to self as manifested by evidence that the 73394  
person is unable to provide for and is not providing for the 73395  
person's most basic physical needs and that provision for those 73396  
needs is not available in the community; 73397

(2) The person needs and is susceptible to significant 73398  
habilitation in an institution. 73399

(P) "Moderate level of intellectual disability" means the condition in which a person, following a comprehensive evaluation, is found to have at least moderate deficits in overall intellectual functioning, as indicated by a full-scale intelligence quotient test score of fifty-five or below, and at least moderate deficits in adaptive behavior, as determined in accordance with the criteria established in the fifth edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association.

(Q) "Developmental disability" means a severe, chronic disability that is characterized by all of the following:

(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness, as defined in division (A) of section 5122.01 of the Revised Code.

(2) It is manifested before age twenty-two.

(3) It is likely to continue indefinitely.

(4) It results in one of the following:

(a) In the case of a person under three years of age, at least one developmental delay, as defined in rules adopted under section 5123.011 of the Revised Code, or a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay, as defined in those rules;

(b) In the case of a person at least three years of age but under six years of age, at least two developmental delays, as defined in rules adopted under section 5123.011 of the Revised Code;

(c) In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the

person's age: self-care, receptive and expressive language, 73430  
learning, mobility, self-direction, capacity for independent 73431  
living, and, if the person is at least sixteen years of age, 73432  
capacity for economic self-sufficiency. 73433

(5) It causes the person to need a combination and sequence 73434  
of special, interdisciplinary, or other type of care, treatment, 73435  
or provision of services for an extended period of time that is 73436  
individually planned and coordinated for the person. 73437

"Developmental disability" includes intellectual disability. 73438

(R) "State institution" means an institution that is 73439  
tax-supported and under the jurisdiction of the department of 73440  
developmental disabilities. 73441

(S) "Residence" and "legal residence" have the same meaning 73442  
as "legal settlement," which is acquired by residing in Ohio for a 73443  
period of one year without receiving general assistance prior to 73444  
July 17, 1995, under former Chapter 5113. of the Revised Code, 73445  
without receiving financial assistance prior to December 31, 2017, 73446  
under former Chapter 5115. of the Revised Code, or assistance from 73447  
a private agency that maintains records of assistance given. A 73448  
person having a legal settlement in the state shall be considered 73449  
as having legal settlement in the assistance area in which the 73450  
person resides. No adult person coming into this state and having 73451  
a spouse or minor children residing in another state shall obtain 73452  
a legal settlement in this state as long as the spouse or minor 73453  
children are receiving public assistance, care, or support at the 73454  
expense of the other state or its subdivisions. For the purpose of 73455  
determining the legal settlement of a person who is living in a 73456  
public or private institution or in a home subject to licensing by 73457  
the department of job and family services, the department of 73458  
mental health and addiction services, or the department of 73459  
developmental disabilities, the residence of the person shall be 73460  
considered as though the person were residing in the county in 73461

which the person was living prior to the person's entrance into 73462  
the institution or home. Settlement once acquired shall continue 73463  
until a person has been continuously absent from Ohio for a period 73464  
of one year or has acquired a legal residence in another state. A 73465  
woman who marries a man with legal settlement in any county 73466  
immediately acquires the settlement of her husband. The legal 73467  
settlement of a minor is that of the parents, surviving parent, 73468  
sole parent, parent who is designated the residential parent and 73469  
legal custodian by a court, other adult having permanent custody 73470  
awarded by a court, or guardian of the person of the minor, 73471  
provided that: 73472

(1) A minor female who marries shall be considered to have 73473  
the legal settlement of her husband and, in the case of death of 73474  
her husband or divorce, she shall not thereby lose her legal 73475  
settlement obtained by the marriage. 73476

(2) A minor male who marries, establishes a home, and who has 73477  
resided in this state for one year without receiving general 73478  
assistance prior to July 17, 1995, under former Chapter 5113. of 73479  
the Revised Code, ~~financial assistance under Chapter 5115. of the~~ 73480  
~~Revised Code,~~ or assistance from a private agency that maintains 73481  
records of assistance given shall be considered to have obtained a 73482  
legal settlement in this state. 73483

(3) The legal settlement of a child under eighteen years of 73484  
age who is in the care or custody of a public or private child 73485  
caring agency shall not change if the legal settlement of the 73486  
parent changes until after the child has been in the home of the 73487  
parent for a period of one year. 73488

No person, adult or minor, may establish a legal settlement 73489  
in this state for the purpose of gaining admission to any state 73490  
institution. 73491

(T)(1) "Resident" means, subject to division (T)(2) of this 73492

section, a person who is admitted either voluntarily or 73493  
involuntarily to an institution or other facility pursuant to 73494  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 73495  
Code subsequent to a finding of not guilty by reason of insanity 73496  
or incompetence to stand trial or under this chapter who is under 73497  
observation or receiving habilitation and care in an institution. 73498

(2) "Resident" does not include a person admitted to an 73499  
institution or other facility under section 2945.39, 2945.40, 73500  
2945.401, or 2945.402 of the Revised Code to the extent that the 73501  
reference in this chapter to resident, or the context in which the 73502  
reference occurs, is in conflict with any provision of sections 73503  
2945.37 to 2945.402 of the Revised Code. 73504

(U) "Respondent" means the person whose detention, 73505  
commitment, or continued commitment is being sought in any 73506  
proceeding under this chapter. 73507

(V) "Working day" and "court day" mean Monday, Tuesday, 73508  
Wednesday, Thursday, and Friday, except when such day is a legal 73509  
holiday. 73510

(W) "Prosecutor" means the prosecuting attorney, village 73511  
solicitor, city director of law, or similar chief legal officer 73512  
who prosecuted a criminal case in which a person was found not 73513  
guilty by reason of insanity, who would have had the authority to 73514  
prosecute a criminal case against a person if the person had not 73515  
been found incompetent to stand trial, or who prosecuted a case in 73516  
which a person was found guilty. 73517

(X) "Court" means the probate division of the court of common 73518  
pleas. 73519

(Y) "Supported living" and "residential services" have the 73520  
same meanings as in section 5126.01 of the Revised Code. 73521

**Sec. 5123.377.** (A) As used in this section: 73522

(1) "Adult services" has the same meaning as in section 73523  
5126.01 of the Revised Code. 73524

(2) "Community adult facility" means a facility in which 73525  
adult services are provided or a facility associated with the 73526  
provision of adult services. 73527

(3) "Renovation" means work done to a building to restore it 73528  
to an acceptable condition and to make it functional for use by 73529  
individuals with developmental disabilities. "Renovation" includes 73530  
architectural and structural changes and the modernization of 73531  
mechanical and electrical systems. "Renovation" does not include 73532  
work that consists primarily of maintenance repairs and 73533  
replacements necessary due to normal use, wear and tear, or 73534  
deterioration. 73535

(B) The director of developmental disabilities may change the 73536  
terms of an agreement entered into with a county board of 73537  
developmental disabilities or a board of county commissioners 73538  
pursuant to section 5123.36 of the Revised Code or other statutory 73539  
authority in effect before July 1, 1980, regarding the 73540  
construction, acquisition, or renovation of a community adult 73541  
facility if all of the following apply: 73542

(1) The agreement was entered into ~~during the period~~ 73543  
~~beginning January 1, 1976, and ending on or before~~ December 31, 73544  
1999. 73545

(2) The agreement requires the county board or board of 73546  
county commissioners to use the community adult facility for at 73547  
least forty years. 73548

(3) The county board or board of county commissioners submits 73549  
to the director an application for a change in the agreement's 73550  
terms that includes all of the following: 73551

(a) A statement of intent to close the facility and the 73552  
anticipated date of closure; 73553

(b) The number of individuals with developmental disabilities served in the facility at the time of application; 73554  
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(c) Identification of alternative providers of services to be offered to those individuals; 73556  
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(d) A commitment and demonstration that those individuals will receive services from the alternative providers; 73558  
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(e) A resolution from the county board or board of county commissioners authorizing the application, including a commitment that if the facility is sold, the county board or board of county commissioners will do either of the following: 73560  
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(i) Reimburse the department of developmental disabilities the proceeds of the sale up to the outstanding balance owed under the agreement; 73564  
73565  
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(ii) Use the proceeds of the sale for the acquisition, renovation, or accessibility modification of housing for individuals with developmental disabilities that complies with the requirements established by the director. 73567  
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(4) The director may establish a deadline by which the county board or board of county commissioners shall use the proceeds of a sale pursuant to division (B)(3)(e)(ii) of this section. The director may extend the deadline as many times as the director determines necessary. 73571  
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(C) Agreement terms that may be changed pursuant to division (B) of this section include terms regarding the length of time the facility must be used as a community adult facility. 73576  
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**Sec. 5123.378.** (A) As used in this section: 73579

(1) "Community early childhood facility" means a facility in which early childhood services are provided. 73580  
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(2) "Early childhood services" has the same meaning as in 73582

section 5126.01 of the Revised Code. 73583

(3) "Renovation" means work done to a building to restore it to an acceptable condition and to make it functional for use by individuals with developmental disabilities. "Renovation" includes architectural and structural changes and the modernization of mechanical and electrical systems. "Renovation" does not include work that consists primarily of maintenance repairs and replacements necessary due to normal use, wear and tear, or deterioration. 73584  
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(B) The director of developmental disabilities may change the terms of an agreement entered into with a county board of developmental disabilities or a board of county commissioners pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a community early childhood facility if all of the following apply: 73592  
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(1) The agreement was entered into ~~during the period beginning January 1, 1976, and ending on or before~~ December 31, 1999. 73599  
73600  
73601

(2) The agreement requires the county board or board of county commissioners to use the community early childhood facility for at least fifteen years. 73602  
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(3) The county board or board of county commissioners submits to the director an application for a change in the agreement's terms that includes all of the following: 73605  
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73607

(a) A statement of intent to close the facility and the anticipated date of closure; 73608  
73609

(b) The number of individuals with developmental disabilities served in the facility at the time of application; 73610  
73611

(c) A commitment and demonstration that those individuals 73612

will continue to receive services; 73613

(d) A resolution from the county board or board of county 73614  
commissioners authorizing the application, including a commitment 73615  
that if the facility is sold, the county board or board of county 73616  
commissioners will do either of the following: 73617

(i) Reimburse the department of developmental disabilities 73618  
the proceeds of the sale up to the outstanding balance owed under 73619  
the agreement; 73620

(ii) Use the proceeds of the sale for the acquisition, 73621  
renovation, or accessibility modification of housing for 73622  
individuals with developmental disabilities that complies with the 73623  
requirements established by the director. 73624

(4) The director may establish a deadline by which the county 73625  
board or board of county commissioners shall use the proceeds of a 73626  
sale pursuant to division (B)(3)(d)(ii) of this section. The 73627  
director may extend the deadline as many times as the director 73628  
determines necessary. 73629

(C) Agreement terms that may be changed pursuant to division 73630  
(B) of this section include terms regarding the length of time the 73631  
facility must be used as a community early childhood facility. 73632

**Sec. 5123.38.** (A) Except as provided in division (B) of this 73633  
section, if an individual ~~receiving supported living or home and~~ 73634  
~~community based services funded by a county board of developmental~~ 73635  
~~disabilities~~ is committed to a state-operated ICF/IID pursuant to 73636  
sections 5123.71 to 5123.76 of the Revised Code, the county board 73637  
of developmental disabilities of the county from which the 73638  
individual was ordered institutionalized is responsible for the 73639  
nonfederal share of medicaid expenditures for the individual's 73640  
care in the state-operated ICF/IID. The department of 73641  
developmental disabilities shall collect the amount of the 73642

nonfederal share from the county board by either withholding that 73643  
amount from funds the department has otherwise allocated to the 73644  
county board or submitting an invoice for payment of that amount 73645  
to the county board. 73646

(B) Division (A) of this section does not apply under ~~any~~ 73647  
either of the following circumstances: 73648

(1) ~~The county board, not~~ Not later than ~~ninety one hundred~~ 73649  
~~eighty~~ days after the date of the commitment of a ~~person receiving~~ 73650  
~~supported living an individual, commences funding of supported~~ 73651  
~~living for an individual who resides in a state operated ICF/IID~~ 73652  
~~on the date of the commitment or another eligible individual~~ 73653  
~~designated by the department~~ the county board arranges for the 73654  
provision of alternative services for the individual, and the 73655  
individual is discharged from the ICF/IID. 73656

(2) ~~The county board, not later than ninety days after the~~ 73657  
~~date of the commitment of a person receiving home and~~ 73658  
~~community based services, commences funding of home and~~ 73659  
~~community based services for an individual who resides in a~~ 73660  
~~state operated ICF/IID on the date of the commitment or another~~ 73661  
~~eligible individual designated by the department.~~ 73662

~~(3)~~ The director of developmental disabilities, after 73663  
determining that circumstances warrant granting a waiver in an 73664  
individual's case, grants the county board a waiver that exempts 73665  
the county board from responsibility for the nonfederal share for 73666  
that case. 73667

**Sec. 5123.46.** All rules adopted under sections 5123.41 to 73668  
5123.45 and section 5123.452 of the Revised Code shall be adopted 73669  
in consultation with the board of nursing, the Ohio nurses 73670  
association, the ~~Ohio respiratory care~~ state medical board, and 73671  
the Ohio society for respiratory care. The rules shall be adopted 73672  
in accordance with Chapter 119. of the Revised Code. 73673

Sec. 5123.47. (A) As used in this section: 73674

(1) "In-home care" means the supportive services provided 73675  
within the home of an individual with a developmental disability 73676  
who receives funding for the services through a county board of 73677  
developmental disabilities, including any recipient of residential 73678  
services funded as home and community-based services, family 73679  
support services provided under section 5126.11 of the Revised 73680  
Code, or supported living provided in accordance with sections 73681  
5126.41 to 5126.47 of the Revised Code. "In-home care" includes 73682  
care that is provided outside an individual's home in places 73683  
incidental to the home, and while traveling to places incidental 73684  
to the home, except that "in-home care" does not include care 73685  
provided in the facilities of a county board of developmental 73686  
disabilities or care provided in schools. 73687

(2) "Parent" means either parent of a child, including an 73688  
adoptive parent but not a foster parent. 73689

(3) "Unlicensed in-home care worker" means an individual who 73690  
provides in-home care but is not a health care professional. 73691

(4) "Family member" means a parent, sibling, spouse, son, 73692  
daughter, grandparent, aunt, uncle, cousin, or guardian of the 73693  
individual with a developmental disability if the individual with 73694  
a developmental disability lives with the person and is dependent 73695  
on the person to the extent that, if the supports were withdrawn, 73696  
another living arrangement would have to be found. 73697

(5) "Health care professional" means any of the following: 73698

(a) A dentist who holds a valid license issued under Chapter 73699  
4715. of the Revised Code; 73700

(b) A registered or licensed practical nurse who holds a 73701  
valid license issued under Chapter 4723. of the Revised Code; 73702

(c) An optometrist who holds a valid license issued under 73703

|   |   |
|---|---|
| Chapter 4725. of the Revised Code;  | 73704   |
| (d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;  | 73705<br>73706  |
| (e) A person who holds a valid <u>license or</u> certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine;   | 73707<br>73708<br>73709<br>73710  |
| (f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;   | 73711<br>73712  |
| (g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code;   | 73713<br>73714<br>73715<br>73716  |
| (h) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code.   | 73717<br>73718  |
| (6) "Health care task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through subcutaneous injections, inhalation, and insulin pumps; and administration of prescribed medications for the treatment of metabolic glycemc disorders through subcutaneous injections. | 73719<br>73720<br>73721<br>73722<br>73723<br>73724<br>73725<br>73726<br>73727<br>73728<br>73729 |
| (B) Except as provided in division (E) of this section, a family member of an individual with a developmental disability may authorize an unlicensed in-home care worker to perform health care tasks as part of the in-home care the worker provides to the individual, if all of the following apply:   | 73730<br>73731<br>73732<br>73733<br>73734   |

- (1) The family member is the primary supervisor of the care. 73735
- (2) The unlicensed in-home care worker has been selected by 73736  
the family member or the individual receiving care and is under 73737  
the direct supervision of the family member. 73738
- (3) The unlicensed in-home care worker is providing the care 73739  
through an employment or other arrangement entered into directly 73740  
with the family member and is not otherwise employed by or under 73741  
contract with a person or government entity to provide services to 73742  
individuals with developmental disabilities. 73743
- (4) The health care task is completed in accordance with 73744  
standard, written instructions. 73745
- (5) Performance of the health care task requires no judgment 73746  
based on specialized health care knowledge or expertise. 73747
- (6) The outcome of the health care task is reasonably 73748  
predictable. 73749
- (7) Performance of the health care task requires no complex 73750  
observation of the individual receiving the care. 73751
- (8) Improper performance of the health care task will result 73752  
in only minimal complications that are not life-threatening. 73753
- (C) A family member shall obtain a prescription, if 73754  
applicable, and written instructions from a health care 73755  
professional for the care to be provided to the individual. The 73756  
family member shall authorize the unlicensed in-home care worker 73757  
to provide the care by preparing a written document granting the 73758  
authority. The family member shall provide the unlicensed in-home 73759  
care worker with appropriate training and written instructions in 73760  
accordance with the instructions obtained from the health care 73761  
professional. The family member or a health care professional 73762  
shall be available to communicate with the unlicensed in-home care 73763  
worker either in person or by telecommunication while the in-home 73764

care worker performs a health care task. 73765

(D) A family member who authorizes an unlicensed in-home care 73766  
worker to administer oral and topical prescribed medications or 73767  
perform other health care tasks retains full responsibility for 73768  
the health and safety of the individual receiving the care and for 73769  
ensuring that the worker provides the care appropriately and 73770  
safely. No entity that funds or monitors the provision of in-home 73771  
care may be held liable for the results of the care provided under 73772  
this section by an unlicensed in-home care worker, including such 73773  
entities as the county board of developmental disabilities and the 73774  
department of developmental disabilities. 73775

An unlicensed in-home care worker who is authorized under 73776  
this section by a family member to provide care to an individual 73777  
may not be held liable for any injury caused in providing the 73778  
care, unless the worker provides the care in a manner that is not 73779  
in accordance with the training and instructions received or the 73780  
worker acts in a manner that constitutes willful or wanton 73781  
misconduct. 73782

(E) A county board of developmental disabilities may evaluate 73783  
the authority granted by a family member under this section to an 73784  
unlicensed in-home care worker at any time it considers necessary 73785  
and shall evaluate the authority on receipt of a complaint. If the 73786  
board determines that a family member has acted in a manner that 73787  
is inappropriate for the health and safety of the individual 73788  
receiving the care, the authorization granted by the family member 73789  
to an unlicensed in-home care worker is void, and the family 73790  
member may not authorize other unlicensed in-home care workers to 73791  
provide the care. In making such a determination, the board shall 73792  
use appropriately licensed health care professionals and shall 73793  
provide the family member an opportunity to file a complaint under 73794  
section 5126.06 of the Revised Code. 73795

**Sec. 5123.60.** (A) As used in this section and section 73796  
5123.601 of the Revised Code, "Ohio protection and advocacy 73797  
system" means the nonprofit entity designated by the governor in 73798  
accordance with Am. Sub. H.B. 153 of the 129th general assembly to 73799  
serve as the state's protection and advocacy system and client 73800  
assistance program. 73801

(B) The Ohio protection and advocacy system shall provide 73802  
both of the following: 73803

(1) Advocacy services for people with disabilities, as 73804  
provided under section 101 of the "Developmental Disabilities 73805  
Assistance and Bill of Rights Act of 2000," 114 Stat. 1678 (2000), 73806  
42 U.S.C. 15001; 73807

(2) A client assistance program, as provided under section 73808  
112 of the ~~"Workforce Investment Act of 1998," 112 Stat. 1163~~ 73809  
~~(1998), 29 U.S.C. 732, as amended~~ "Rehabilitation Act of 1973," 29 73810  
U.S.C. 732. 73811

(C) The Ohio protection and advocacy system may establish any 73812  
guidelines necessary for its operation. 73813

**Sec. 5124.01.** As used in this chapter: 73814

(A) "Affiliated operator" means an operator affiliated with 73815  
either of the following: 73816

(1) The exiting operator for whom the affiliated operator is 73817  
to assume liability for the entire amount of the exiting 73818  
operator's debt under the medicaid program or the portion of the 73819  
debt that represents the franchise permit fee the exiting operator 73820  
owes; 73821

(2) The entering operator involved in the change of operator 73822  
with the exiting operator specified in division (A)(1) of this 73823  
section. 73824

(B) "Allowable costs" means an ICF/IID's costs that the department of developmental disabilities determines are reasonable. Fines paid under section 5124.99 of the Revised Code are not allowable costs.

(C) "Capital ~~costs~~" means an ICF/IID's ~~costs of ownership and costs of nonextensive renovation~~ fair rental value determined under section 5124.17 of the Revised Code.

(D) "Case-mix score" means the measure determined under section 5124.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to an ICF/IID resident.

(E) "Change of operator" means an entering operator becoming the operator of an ICF/IID in the place of the exiting operator.

(1) Actions that constitute a change of operator include the following:

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(b) A transfer of all the exiting operator's ownership interest in the operation of the ICF/IID to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the ICF/IID is also transferred;

(c) A lease of the ICF/IID to the entering operator or the exiting operator's termination of the exiting operator's lease;

(d) If the exiting operator is a partnership, dissolution of the partnership;

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:

(i) The change in composition does not cause the

partnership's dissolution under state law. 73855

(ii) The partners agree that the change in composition does 73856  
not constitute a change in operator. 73857

(f) If the operator is a corporation, dissolution of the 73858  
corporation, a merger of the corporation into another corporation 73859  
that is the survivor of the merger, or a consolidation of one or 73860  
more other corporations to form a new corporation. 73861

(2) The following, alone, do not constitute a change of 73862  
operator: 73863

(a) A contract for an entity to manage an ICF/IID as the 73864  
operator's agent, subject to the operator's approval of daily 73865  
operating and management decisions; 73866

(b) A change of ownership, lease, or termination of a lease 73867  
of real property or personal property associated with an ICF/IID 73868  
if an entering operator does not become the operator in place of 73869  
an exiting operator; 73870

(c) If the operator is a corporation, a change of one or more 73871  
members of the corporation's governing body or transfer of 73872  
ownership of one or more shares of the corporation's stock, if the 73873  
same corporation continues to be the operator. 73874

(F) "Cost center" means the following: 73875

(1) Capital ~~costs~~; 73876

(2) Direct care costs; 73877

(3) Indirect care costs; 73878

(4) Other protected costs. 73879

(G) ~~"Costs of nonextensive renovations" means the actual~~ 73880  
~~expense incurred by an ICF/IID for depreciation or amortization~~ 73881  
~~and interest on renovations that are not extensive renovations.~~ 73882

~~(H)(1) "Costs of ownership" means the actual expenses~~ 73883

|  |       |
|--|-------|
| <del>incurred by an ICF/IID for all of the following:</del>                  | 73884 |
| <del>(a) Subject to division (H)(2) of this section, depreciation</del>      | 73885 |
| <del>and interest on any capital assets that cost five hundred dollars</del> | 73886 |
| <del>or more per item, including the following:</del>                        | 73887 |
| <del>(i) Buildings;</del>  | 73888 |
| <del>(ii) Building improvements that are not approved as</del>               | 73889 |
| <del>nonextensive renovations under section 5124.17 of the Revised</del>     | 73890 |
| <del>Code;</del>   | 73891 |
| <del>(iii) Equipment;</del>  | 73892 |
| <del>(iv) Extensive renovations;</del>                                       | 73893 |
| <del>(v) Transportation equipment.</del>                                     | 73894 |
| <del>(b) Amortization and interest on land improvements and</del>            | 73895 |
| <del>leasehold improvements;</del>   | 73896 |
| <del>(c) Amortization of financing costs;</del>                              | 73897 |
| <del>(d) Except as provided in division (Z) of this section, lease</del>     | 73898 |
| <del>and rent of land, building, and equipment.</del>                        | 73899 |
| <del>(2) The costs of capital assets of less than five hundred</del>         | 73900 |
| <del>dollars per item may be considered costs of ownership in</del>          | 73901 |
| <del>accordance with an ICF/IID provider's practice.</del>                   | 73902 |
| <del>(I)(1) "Date of licensure" means the following:</del>                   | 73903 |
| <del>(a) In the case of an ICF/IID that was originally licensed as</del>     | 73904 |
| <del>a nursing home under Chapter 3721. of the Revised Code, the date</del>  | 73905 |
| <del>that it was originally so licensed, regardless that it was</del>        | 73906 |
| <del>subsequently licensed as a residential facility under section</del>     | 73907 |
| <del>5123.19 of the Revised Code;</del>                                      | 73908 |
| <del>(b) In the case of an ICF/IID that was originally licensed as</del>     | 73909 |
| <del>a residential facility under section 5123.19 of the Revised Code,</del> | 73910 |
| <del>the date it was originally so licensed;</del>                           | 73911 |
| <del>(c) In the case of an ICF/IID that was not required by law to</del>     | 73912 |

be licensed as a nursing home or residential facility when it was 73913  
originally operated as a residential facility, the date it first 73914  
was operated as a residential facility, regardless of the date the 73915  
ICF/IID was first licensed as a nursing home or residential 73916  
facility. 73917

(2) If, after an ICF/IID's original date of licensure, more 73918  
residential facility beds are added to the ICF/IID or all or part 73919  
of the ICF/IID undergoes ~~an extensive~~ a renovation, the ICF/IID 73920  
has a different date of licensure for the additional beds or 73921  
~~extensively~~ renovated portion of the ICF/IID. This does not apply, 73922  
however, to additional beds when both of the following apply: 73923

(a) The additional beds are located in a part of the ICF/IID 73924  
that was constructed at the same time as the continuing beds 73925  
already located in that part of the ICF/IID. 73926

(b) The part of the ICF/IID in which the additional beds are 73927  
located was constructed as part of the ICF/IID at a time when the 73928  
ICF/IID was not required by law to be licensed as a nursing home 73929  
or residential facility. 73930

(3) The definition of "date of licensure" in this section 73931  
applies in determinations of ICFs/IID's medicaid payment rates but 73932  
does not apply in determinations of ICFs/IID's franchise permit 73933  
fees under sections 5168.60 to 5168.71 of the Revised Code. 73934

~~(J)~~(H) "Desk-reviewed" means that an ICF/IID's costs as 73935  
reported on a cost report filed under section 5124.10 or 5124.101 73936  
of the Revised Code have been subjected to a desk review under 73937  
section 5124.108 of the Revised Code and preliminarily determined 73938  
to be allowable costs. 73939

~~(K)~~(I) "Developmental center" means a residential facility 73940  
that is maintained and operated by the department of developmental 73941  
disabilities. 73942

~~(L)~~(J) "Direct care costs" means all of the following costs 73943

|   |  |
|---|--|
| incurred by an ICF/IID:   | 73944  |
| (1) Costs for registered nurses, licensed practical nurses,<br>and nurse aides employed by the ICF/IID;   | 73945<br>73946   |
| (2) Costs for direct care staff, administrative nursing<br>staff, medical directors, respiratory therapists, physical<br>therapists, physical therapy assistants, occupational therapists,<br>occupational therapy assistants, speech therapists, audiologists,<br>habilitation staff (including habilitation supervisors), qualified<br>intellectual disability professionals, program directors, social<br>services staff, activities staff, off-site day programming,<br>psychologists, psychology assistants, social workers, counselors,<br>and other persons holding degrees qualifying them to provide<br>therapy; | 73947<br>73948<br>73949<br>73950<br>73951<br>73952<br>73953<br>73954<br>73955<br>73956 |
| (3) Costs of purchased nursing services;  | 73957  |
| (4) Costs of training and staff development, employee<br>benefits, payroll taxes, and workers' compensation premiums or<br>costs for self-insurance claims and related costs as specified in<br>rules adopted under section 5124.03 of the Revised Code, for<br>personnel listed in divisions <del>(L)</del> (J)(1), (2), and (3) of this<br>section;   | 73958<br>73959<br>73960<br>73961<br>73962<br>73963                                     |
| (5) Costs of quality assurance;   | 73964  |
| (6) Costs of consulting and management fees related to direct<br>care;  | 73965<br>73966   |
| (7) Allocated direct care home office costs;  | 73967  |
| (8) Costs of other direct-care resources that are specified<br>as direct care costs in rules adopted under section 5124.03 of the<br>Revised Code.  | 73968<br>73969<br>73970  |
| <del>(M)</del> (K) "Downsized ICF/IID" means an ICF/IID that permanently<br>reduced its medicaid-certified capacity pursuant to a plan<br>approved by the department of developmental disabilities under  | 73971<br>73972<br>73973  |

section 5123.042 of the Revised Code. 73974

~~(N)~~(L) "Effective date of a change of operator" means the day 73975  
the entering operator becomes the operator of the ICF/IID. 73976

~~(O)~~(M) "Effective date of a facility closure" means the last 73977  
day that the last of the residents of the ICF/IID resides in the 73978  
ICF/IID. 73979

~~(P)~~(N) "Effective date of an involuntary termination" means 73980  
the date the department of medicaid terminates the operator's 73981  
provider agreement for the ICF/IID or the last day that such a 73982  
provider agreement is in effect when the department cancels or 73983  
refuses to revalidate it. 73984

~~(Q)~~(O) "Effective date of a voluntary termination" means the 73985  
day the ICF/IID ceases to accept medicaid recipients. 73986

~~(R)~~(P) "Entering operator" means the person or government 73987  
entity that will become the operator of an ICF/IID when a change 73988  
of operator occurs or following an involuntary termination. 73989

~~(S)~~(O) "Exiting operator" means any of the following: 73990

(1) An operator that will cease to be the operator of an 73991  
ICF/IID on the effective date of a change of operator; 73992

(2) An operator that will cease to be the operator of an 73993  
ICF/IID on the effective date of a facility closure; 73994

(3) An operator of an ICF/IID that is undergoing or has 73995  
undergone a voluntary termination; 73996

(4) An operator of an ICF/IID that is undergoing or has 73997  
undergone an involuntary termination. 73998

~~(T)~~(1) "~~Extensive renovation~~" means the following: 73999

~~(a) An ICF/IID's betterment, improvement, or restoration to 74000  
which both of the following apply: 74001~~

~~(i) It was started before July 1, 1993. 74002~~

~~(ii) It meets the definition of "extensive renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.~~ 74003  
74004  
74005

~~(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply:~~ 74006  
74007

~~(i) It was started on or after July 1, 1993.~~ 74008

~~(ii) Except as provided in division (T)(2) of this section, it costs more than sixty five per cent and not more than eighty five per cent of the cost of constructing a new bed.~~ 74009  
74010  
74011

~~(iii) It extends the useful life of the assets for at least ten years.~~ 74012  
74013

~~(2) The department of developmental disabilities may treat a renovation that costs more than eighty five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.~~ 74014  
74015  
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~~(3) For the purpose of division (T)(1)(b)(ii) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the extensive renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.~~ 74019  
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~~(U)(R)(1) Subject to divisions (U)(R)(2) and (3) of this section, "facility closure" means either of the following:~~ 74027  
74028

~~(a) Discontinuance of the use of the building, or part of the building, that houses the facility as an ICF/IID that results in the relocation of all of the facility's residents;~~ 74029  
74030  
74031

~~(b) Conversion of the building, or part of the building, that~~ 74032

houses an ICF/IID to a different use with any necessary license or 74033  
other approval needed for that use being obtained and one or more 74034  
of the facility's residents remaining in the facility to receive 74035  
services under the new use. 74036

(2) A facility closure occurs regardless of any of the 74037  
following: 74038

(a) The operator completely or partially replacing the 74039  
ICF/IID by constructing a new ICF/IID or transferring the 74040  
ICF/IID's license to another ICF/IID; 74041

(b) The ICF/IID's residents relocating to another of the 74042  
operator's ICFs/IID; 74043

(c) Any action the department of health takes regarding the 74044  
ICF/IID's medicaid certification that may result in the transfer 74045  
of part of the ICF/IID's survey findings to another of the 74046  
operator's ICFs/IID; 74047

(d) Any action the department of developmental disabilities 74048  
takes regarding the ICF/IID's license under section 5123.19 of the 74049  
Revised Code. 74050

(3) A facility closure does not occur if all of the ICF/IID's 74051  
residents are relocated due to an emergency evacuation and one or 74052  
more of the residents return to a medicaid-certified bed in the 74053  
ICF/IID not later than thirty days after the evacuation occurs. 74054

~~(V)~~(S) "Fiscal year" means the fiscal year of this state, as 74055  
specified in section 9.34 of the Revised Code. 74056

~~(W)~~(T) "Franchise permit fee" means the fee imposed by 74057  
sections 5168.60 to 5168.71 of the Revised Code. 74058

~~(X)~~(U) "Home and community-based services" has the same 74059  
meaning as in section 5123.01 of the Revised Code. 74060

~~(Y)~~(V) "ICF/IID services" has the same meaning as in 42 74061  
C.F.R. 440.150. 74062

~~(Z)~~(W)(1) "Indirect care costs" means all reasonable costs 74063  
incurred by an ICF/IID other than ~~capital costs~~, direct care 74064  
costs, ~~and~~ other protected costs, ownership costs, and renovation 74065  
costs. "Indirect care costs" includes costs of habilitation 74066  
supplies, pharmacy consultants, medical and habilitation records, 74067  
program supplies, incontinence supplies, food, enterals, dietary 74068  
supplies and personnel, laundry, housekeeping, security, 74069  
administration, liability insurance, bookkeeping, purchasing 74070  
department, human resources, communications, travel, dues, license 74071  
fees, subscriptions, home office costs not otherwise allocated, 74072  
legal services, accounting services, minor equipment, maintenance 74073  
and repair expenses, help-wanted advertising, informational 74074  
advertising, start-up costs, organizational expenses, other 74075  
interest, property insurance, employee training and staff 74076  
development, employee benefits, payroll taxes, and workers' 74077  
compensation premiums or costs for self-insurance claims and 74078  
related costs, as specified in rules adopted under section 5124.03 74079  
of the Revised Code, for personnel listed in this division. 74080  
~~Notwithstanding division (H) of this section, "indirect~~ Indirect 74081  
care costs" also means the cost of equipment, including vehicles, 74082  
acquired by operating lease executed before December 1, 1992, if 74083  
the costs are reported as administrative and general costs on the 74084  
ICF/IID's cost report for the cost reporting period ending 74085  
December 31, 1992. 74086

(2) For the purpose of division ~~(Z)~~(W)(1) of this section, an 74087  
operating lease shall be construed in accordance with generally 74088  
accepted accounting principles. 74089

~~(AA)~~(X) "Inpatient days" means both of the following: 74090

(1) All days during which a resident, regardless of payment 74091  
source, occupies a bed in an ICF/IID that is included in the 74092  
ICF/IID's medicaid-certified capacity; 74093

(2) All days for which payment is made under section 5124.34 74094

of the Revised Code. 74095

~~(BB)~~(Y) "Intermediate care facility for individuals with 74096  
intellectual disabilities" and "ICF/IID" mean an intermediate care 74097  
facility for the mentally retarded as defined in the "Social 74098  
Security Act," section 1905(d), 42 U.S.C. 1396d(d). 74099

~~(CC)~~(Z) "Involuntary termination" means the department of 74100  
medicaid's termination of, cancellation of, or refusal to 74101  
revalidate the operator's provider agreement for the ICF/IID when 74102  
such action is not taken at the operator's request. 74103

~~(DD)~~(AA) "Maintenance and repair expenses" means, except as 74104  
provided in division (WW)(2)(b) of this section, expenditures that 74105  
are necessary and proper to maintain an asset in a normally 74106  
efficient working condition and that do not extend the useful life 74107  
of the asset two years or more. "Maintenance and repair expenses" 74108  
includes the costs of ordinary repairs such as painting and 74109  
wallpapering. 74110

~~(EE)~~(BB) "Medicaid-certified capacity" means the number of an 74111  
ICF/IID's beds that are certified for participation in medicaid as 74112  
ICF/IID beds. 74113

~~(FF)~~(CC) "Medicaid days" means both of the following: 74114

(1) All days during which a resident who is a medicaid 74115  
recipient eligible for ICF/IID services occupies a bed in an 74116  
ICF/IID that is included in the ICF/IID's medicaid-certified 74117  
capacity; 74118

(2) All days for which payment is made under section 5124.34 74119  
of the Revised Code. 74120

~~(GG)~~(DD)(1) "New ICF/IID" means an ICF/IID for which the 74121  
provider obtains an initial provider agreement following the 74122  
director of health's medicaid certification of the ICF/IID, 74123  
including such an ICF/IID that replaces one or more ICFs/IID for 74124

which a provider previously held a provider agreement. 74125

(2) "New ICF/IID" does not mean either of the following: 74126

(a) An ICF/IID for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or (pursuant to section 5124.515) section 5124.07 of the Revised Code; 74127  
74128  
74129  
74130

(b) A downsized ICF/IID or partially converted ICF/IID. 74131

~~(HH)~~(EE) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 74132  
74133

~~(II)~~(FF) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID. 74134  
74135  
74136

~~(JJ)~~(GG) "Other protected costs" means costs incurred by an ICF/IID for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code. 74137  
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74143

~~(KK)~~(HH)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID: 74144  
74145  
74146  
74147

(a) The land on which the ICF/IID is located; 74148

(b) The structure in which the ICF/IID is located; 74149

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/IID is located; 74150  
74151  
74152

(d) Any lease or sublease of the land or structure on or in which the ICF/IID is located. 74153  
74154

(2) "Owner" does not mean a holder of a debenture or bond related to an ICF/IID and purchased at public issue or a regulated lender that has made a loan related to the ICF/IID unless the holder or lender operates the ICF/IID directly or through a subsidiary.

~~(LL)~~(II)(1) "Ownership costs" means the actual expenses incurred by an ICF/IID for all of the following:

(a) Subject to division (II)(2) of this section, depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:

(i) Buildings;

(ii) Equipment;

(iii) Transportation equipment.

(b) Amortization and interest on land improvements and leasehold improvements;

(c) Amortization of financing costs;

(d) Except as provided in division (W) of this section, lease and rent of land, building, and equipment.

(2) The costs of capital assets of less than five hundred dollars per item may be considered ownership costs in accordance with an ICF/IID provider's practice.

(JJ) "Partially converted ICF/IID" means an ICF/IID that converted some, but not all, of its beds to providing home and community-based services under the individual options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.

~~(MM)~~(KK) "Peer group 1" means each ICF/IID with a medicaid-certified capacity exceeding ~~eight~~ sixteen.

~~(NN)~~(LL) "Peer group 2" means each ICF/IID with a medicaid-certified capacity ~~not~~ exceeding eight, ~~other than an~~

~~ICF/IID that is in peer group 3 but not exceeding sixteen.~~ 74184

~~(MM) "Peer group 3" means each ICF/IID with a~~ 74185  
~~medicaid-certified capacity of eight.~~ 74186

~~(NN) "Peer group 4" means each ICF/IID with a~~ 74187  
~~medicaid-certified capacity not exceeding seven, other than an~~ 74188  
~~ICF/IID that is in peer group 5.~~ 74189

~~(OO) "Peer group 5" means each ICF/IID to which all of the~~ 74190  
~~following apply:~~ 74191

~~(1) The ICF/IID is first certified as an ICF/IID after July~~ 74192  
~~1, 2014;~~ 74193

~~(2) The ICF/IID has a medicaid-certified capacity not~~ 74194  
~~exceeding six;~~ 74195

~~(3) The ICF/IID has a contract with the department of~~ 74196  
~~developmental disabilities that is for fifteen years and includes~~ 74197  
~~a provision for the department to approve all admissions to, and~~ 74198  
~~discharges from, the ICF/IID;~~ 74199

~~(4) The ICF/IID's residents are admitted to the ICF/IID~~ 74200  
~~directly from a developmental center or have been determined by~~ 74201  
~~the department to be at risk of admission to a developmental~~ 74202  
~~center.~~ 74203

~~(PP)(1) Except as provided in divisions (PP)(2) and (3) of~~ 74204  
~~this section, "per "Per diem" means an the following:~~ 74205

~~(1) In the case of an ICF/IID's direct care costs and other~~ 74206  
~~protected costs, the ICF/IID's desk-reviewed, actual, allowable~~ 74207  
~~direct care costs and other protected costs in a given cost center~~ 74208  
~~in a cost reporting period, divided by the facility's inpatient~~ 74209  
~~days for that cost reporting period.~~ 74210

~~(2) When determining capital costs for the purpose of section~~ 74211  
~~5124.17 of the Revised Code, "per diem" means an ICF/IID's actual,~~ 74212  
~~allowable capital costs in a cost reporting period divided by the~~ 74213

~~greater of the facility's inpatient days for that period or the  
number of inpatient days the ICF/IID would have had during that  
period if its occupancy rate had been ninety five per cent.~~

~~(3) When determining In the case of an ICF/IID's indirect  
care costs for the purpose of section 5124.21 of the Revised Code,  
"per diem" means an the ICF/IID's actual, allowable indirect care  
costs in a cost reporting period divided by the greater of the  
ICF/IID's inpatient days for that period or the number of  
inpatient days the ICF/IID would have had during that period if  
its occupancy rate had been eighty-five per cent.~~

(QQ) "Provider" means an operator with a valid provider  
agreement.

(RR) "Provider agreement" means a provider agreement, as  
defined in section 5164.01 of the Revised Code, that is between  
the department of medicaid and the operator of an ICF/IID for the  
provision of ICF/IID services under the medicaid program.

(SS) "Purchased nursing services" means services that are  
provided in an ICF/IID by registered nurses, licensed practical  
nurses, or nurse aides who are not employees of the ICF/IID.

(TT) "Reasonable" means that a cost is an actual cost that is  
appropriate and helpful to develop and maintain the operation of  
resident care facilities and activities, including normal standby  
costs, and that does not exceed what a prudent buyer pays for a  
given item or services. Reasonable costs may vary from provider to  
provider and from time to time for the same provider.

(UU) "Related party" means an individual or organization  
that, to a significant extent, has common ownership with, is  
associated or affiliated with, has control of, or is controlled  
by, a provider.

(1) An individual who is a relative of an owner is a related  
party.

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.

(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.

(c) The types of goods or services are commonly obtained by other ICFs/IID from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/IID.

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

(VV) "Relative of owner" means an individual who is related to an owner of an ICF/IID by one of the following relationships:

|   |                         |
|---|-------------------------|
| (1) Spouse;   | 74275                   |
| (2) Natural parent, child, or sibling;  | 74276                   |
| (3) Adopted parent, child, or sibling;  | 74277                   |
| (4) Stepparent, stepchild, stepbrother, or stepsister;  | 74278                   |
| (5) Father-in-law, mother-in-law, son-in-law,<br>daughter-in-law, brother-in-law, or sister-in-law;   | 74279<br>74280          |
| (6) Grandparent or grandchild;  | 74281                   |
| (7) Foster caregiver, foster child, foster brother, or foster<br>sister.  | 74282<br>74283          |
| (WW)(1) "Renovation" means the following:   | 74284                   |
| (a) An ICF/IID's betterment, improvement, or restoration to<br>which both of the following apply:   | 74285<br>74286          |
| (i) It was started before July 1, 1993.   | 74287                   |
| (ii) It meets the definition of "renovation" established in<br>rules that were adopted by the director of job and family services<br>and in effect on December 22, 1992.                  | 74288<br>74289<br>74290 |
| (b) An ICF/IID's betterment, improvement, or restoration to<br>which both of the following apply:   | 74291<br>74292          |
| (i) It was started on or after July 1, 1993.  | 74293                   |
| (ii) It betters, improves, or restores the ICF/IID beyond its<br>current functional capacity through a structural change that costs<br>at least five hundred dollars <del>per bed</del> . | 74294<br>74295<br>74296 |
| (2) A renovation started on or after July 1, 1993, may<br>include both of the following:  | 74297<br>74298          |
| (a) A betterment, improvement, restoration, or replacement of<br>assets that are affixed to a building and have a useful life of at<br>least five years;                                  | 74299<br>74300<br>74301 |
| (b) Costs that otherwise would be considered maintenance and  | 74302                   |

repair expenses if they are an integral part of the structural 74303  
change that makes up the renovation project. 74304

~~(3) "Renovation" does not mean construction of additional 74305  
space for beds that will be added to an ICF/IID's licensed 74306  
capacity or medicaid certified capacity. 74307~~

(XX) "Renovation costs" means the actual expenses incurred by 74308  
an ICF/IID for depreciation or amortization and interest on 74309  
renovations. 74310

(YY) "Residential facility" has the same meaning as in 74311  
section 5123.19 of the Revised Code. 74312

~~(YY)(ZZ)~~ "Sponsor" means an adult relative, friend, or 74313  
guardian of an ICF/IID resident who has an interest or 74314  
responsibility in the resident's welfare. 74315

~~(ZZ)(AAA)~~ "Title XIX" means Title XIX of the "Social Security 74316  
Act," 42 U.S.C. 1396, et seq. 74317

~~(AAA)(BBB)~~ "Title XVIII" means Title XVIII of the "Social 74318  
Security Act," 42 U.S.C. 1395, et seq. 74319

~~(BBB)(CCC)~~ "Voluntary termination" means an operator's 74320  
voluntary election to terminate the participation of an ICF/IID in 74321  
the medicaid program but to continue to provide service of the 74322  
type provided by a residential facility as defined in section 74323  
5123.19 of the Revised Code. 74324

**Sec. 5124.101.** (A) The provider of an ICF/IID in peer group 1 74325  
~~or,~~ peer group 2, peer group 3, or peer group 4 that becomes a 74326  
downsized ICF/IID or partially converted ICF/IID on or after July 74327  
1, 2013, or becomes a new ICF/IID on or after that date, may file 74328  
with the department of developmental disabilities a cost report 74329  
covering the period specified in division (B) of this section if 74330  
the following applies to the ICF/IID: 74331

(1) In the case of an ICF/IID that becomes a downsized 74332

ICF/IID or partially converted ICF/IID, the ICF/IID has either of 74333  
the following on the day it becomes a downsized ICF/IID or 74334  
partially converted ICF/IID: 74335

(a) A medicaid-certified capacity that is at least ten per 74336  
cent less than its medicaid-certified capacity on the day 74337  
immediately preceding the day it becomes a downsized ICF/IID or 74338  
partially converted ICF/IID; 74339

(b) At least five fewer beds certified as ICF/IID beds than 74340  
it has on the day immediately preceding the day it becomes a 74341  
downsized ICF/IID or partially converted ICF/IID. 74342

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 74343  
a downsized ICF/IID and the downsized ICF/IID has either of the 74344  
following on the day it becomes a downsized ICF/IID: 74345

(a) A medicaid-certified capacity that is at least ten per 74346  
cent less than its medicaid-certified capacity on the day 74347  
immediately preceding the day it becomes a downsized ICF/IID; 74348

(b) At least five fewer beds certified as ICF/IID beds than 74349  
it has on the day immediately preceding the day it becomes a 74350  
downsized ICF/IID. 74351

(B) A cost report filed under division (A) of this section 74352  
shall cover the period that begins and ends as follows: 74353

(1) In the case of an ICF/IID that becomes a downsized 74354  
ICF/IID or partially converted ICF/IID: 74355

(a) The period begins with the day that the ICF/IID becomes a 74356  
downsized ICF/IID or partially converted ICF/IID. 74357

(b) The period ends on the last day of the last month of the 74358  
first three full months of operation as a downsized ICF/IID or 74359  
partially converted ICF/IID. 74360

(2) In the case of a new ICF/IID: 74361

(a) The period begins with the day that the provider 74362

agreement for the ICF/IID takes effect. 74363

(b) The period ends on the last day of the last month of the 74364  
first three full months that the provider agreement is in effect. 74365

(C)(1) If the department accepts a cost report filed under 74366  
division (A) of this section for an ICF/IID that becomes a 74367  
downsized ICF/IID or partially converted ICF/IID on or before the 74368  
first day of October of a calendar year, the provider also shall 74369  
do both of the following: 74370

(a) File with the department a cost report for the ICF/IID in 74371  
accordance with division (A) of section 5124.10 of the Revised 74372  
Code; 74373

(b) File with the department another cost report for the 74374  
ICF/IID that covers the portion of the initial calendar year that 74375  
the ICF/IID operated as a downsized ICF/IID or partially converted 74376  
ICF/IID. 74377

(2) If the department accepts a cost report filed under 74378  
division (A) of this section for an ICF/IID that becomes a 74379  
downsized ICF/IID or partially converted ICF/IID after the first 74380  
day of October of a calendar year, the provider is not required to 74381  
file a cost report that covers that calendar year in accordance 74382  
with division (A) of section 5124.10 of the Revised Code. Instead, 74383  
the provider shall file a cost report for the ICF/IID in 74384  
accordance with division (A) of section 5124.10 of the Revised 74385  
Code covering the immediately following calendar year. 74386

(3) If the department accepts a cost report filed under 74387  
division (A) of this section for a new ICF/IID that has a provider 74388  
agreement that takes effect on or before the first day of October 74389  
of a calendar year, the provider also shall file a cost report for 74390  
the ICF/IID in accordance with division (A) of section 5124.10 of 74391  
the Revised Code covering the portion of that calendar year that 74392  
the provider agreement was in effect. 74393

(4) If the department accepts a cost report filed under 74394  
division (A) of this section for a new ICF/IID that has a provider 74395  
agreement that takes effect after the first day of October of a 74396  
calendar year, the provider is not required to file a cost report 74397  
that covers that calendar year in accordance with division (A) of 74398  
section 5124.10 of the Revised Code. The provider shall file a 74399  
cost report for the ICF/IID in accordance with division (A) of 74400  
section 5124.10 of the Revised Code covering the immediately 74401  
following calendar year. 74402

(D) The department shall refuse to accept a cost report filed 74403  
under division (A) or (C)(1)(b) of this section if either of the 74404  
following apply: 74405

(1) Except as provided in division (E) of section 5124.10 of 74406  
the Revised Code, the provider fails to file the cost report with 74407  
the department not later than ninety days after the last day of 74408  
the period the cost report covers; 74409

(2) The cost report is incomplete or inadequate. 74410

(E) If the department accepts a cost report filed under 74411  
division (A) or (C)(1)(b) of this section, the department shall 74412  
use that cost report, rather than the cost report that otherwise 74413  
would be used pursuant to section 5124.17, 5124.19, 5124.21, or 74414  
5124.23 of the Revised Code, to determine the ICF/IID's medicaid 74415  
payment rate in accordance with this chapter for ICF/IID services 74416  
the ICF/IID provides during the period that begins and ends as 74417  
follows: 74418

(1) For a cost report filed under division (A) of this 74419  
section, the period begins on the following: 74420

(a) In the case of an ICF/IID that becomes a downsized 74421  
ICF/IID or partially converted ICF/IID: 74422

(i) The day that the ICF/IID becomes a downsized ICF/IID or 74423  
partially converted ICF/IID if that day is the first day of a 74424

month; 74425

(ii) The first day of the month immediately following the 74426  
month that the ICF/IID becomes a downsized ICF/IID or partially 74427  
converted ICF/IID if division (E)(1)(a)(i) of this section does 74428  
not apply. 74429

(b) In the case of a new ICF/IID, the day that the ICF/IID's 74430  
provider agreement takes effect. 74431

(2) For a cost report filed under division (A) of this 74432  
section, the period ends on the following: 74433

(a) In the case of an ICF/IID that becomes a downsized 74434  
ICF/IID or partially converted ICF/IID: 74435

(i) The last day of the fiscal year that immediately precedes 74436  
the fiscal year for which the ICF/IID is paid a rate determined 74437  
using a cost report filed under division (C)(1)(b) of this section 74438  
if the ICF/IID became a downsized ICF/IID or partially converted 74439  
ICF/IID on or before the first day of October of a calendar year; 74440

(ii) The last day of the fiscal year that immediately 74441  
precedes the fiscal year for which the ICF/IID begins to be paid a 74442  
rate determined using a cost report that division (C)(2) of this 74443  
section requires be filed in accordance with division (A) of 74444  
section 5124.10 of the Revised Code if the ICF/IID became a 74445  
downsized ICF/IID or partially converted ICF/IID after the first 74446  
day of October of a calendar year. 74447

(b) In the case of a new ICF/IID, the last day of the fiscal 74448  
year that immediately precedes the fiscal year for which the 74449  
ICF/IID begins to be paid a rate determined using a cost report 74450  
that division (C)(3) or (4) of this section requires be filed in 74451  
accordance with division (A) of section 5124.10 of the Revised 74452  
Code. 74453

(3) For a cost report filed under division (C)(1)(b) of this 74454

section, the period begins on the day immediately following the 74455  
day specified in division (E)(2)(a)(i) of this section. 74456

(4) For a cost report filed under division (C)(1)(b) of this 74457  
section, the period ends on the last day of the fiscal year that 74458  
immediately precedes the fiscal year for which the ICF/IID begins 74459  
to be paid a rate determined using the cost report filed with the 74460  
department in accordance with division (A) of section 5124.10 of 74461  
the Revised Code that covers the calendar year that immediately 74462  
follows the initial calendar year that the ICF/IID operated as a 74463  
downsized ICF/IID or partially converted ICF/IID. 74464

(F) If the department accepts a cost report filed under 74465  
division (A) or (C)(1)(b) of this section, ~~the following~~ 74466  
~~modifications shall be made for the purpose of determining the~~ 74467  
~~medicaid payment rate for ICF/IID services the ICF/IID provides~~ 74468  
~~during the period specified in division (E) of this section:~~ 74469

~~(1) In place of the annual average case mix score otherwise~~ 74470  
~~used in determining the ICF/IID's per medicaid day payment rate~~ 74471  
~~for direct care costs under division (A) of section 5124.19 of the~~ 74472  
Revised Code, the ICF/IID's case mix score in effect on the last 74473  
day of the calendar quarter that ends during the period the cost 74474  
report covers (or, if more than one calendar quarter ends during 74475  
that period, the last of those calendar quarters) shall be used to 74476  
determine the ICF/IID's per medicaid day payment rate for direct 74477  
care costs under division (A) of section 5124.19 of the Revised 74478  
Code in place of the annual average case mix score otherwise used 74479  
in determining the ICF/IID's per medicaid day payment rate for 74480  
direct care costs. 74481

~~(2) If the ICF/IID becomes a downsized ICF/IID or partially~~ 74482  
~~converted ICF/IID:~~ 74483

~~(a) The ICF/IID shall not be subject to the limit on the~~ 74484  
~~costs of ownership per diem payment rate specified in divisions~~ 74485

~~(B) and (C) of section 5124.17 of the Revised Code.~~ 74486

~~(b) The ICF/IID shall not be subject to the limit on the payment rate for per diem capitalized costs of nonextensive renovations specified in division (E)(1) of section 5124.17 of the Revised Code.~~ 74487  
74488  
74489  
74490

~~(c) The ICF/IID shall be subject to the limit on the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive specified in division (H) of section 5124.17 of the Revised Code regardless of whether the ICF/IID is in peer group 1 or peer group 2.~~ 74491  
74492  
74493  
74494  
74495

**Sec. 5124.15.** (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.155 of the Revised Code, and divisions (B) and (C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following: 74496  
74497  
74498  
74499  
74500  
74501  
74502

(1) The per medicaid day payment rate for capital ~~costs~~ determined for the ICF/IID under section 5124.17 of the Revised Code; 74503  
74504  
74505

(2) The per medicaid day payment rate for direct care costs determined for the ICF/IID under section 5124.19 of the Revised Code; 74506  
74507  
74508

(3) The per medicaid day payment rate for indirect care costs determined for the ICF/IID under section 5124.21 of the Revised Code; 74509  
74510  
74511

(4) The per medicaid day payment rate for other protected costs determined for the ICF/IID under section 5124.23 of the Revised Code; 74512  
74513  
74514

(5) Beginning with fiscal year 2020, the per medicaid day 74515

quality incentive payment rate add on determined for the ICF/IID 74516  
under section 5124.25 of the Revised Code. 74517

(B) The total per medicaid day payment rate for an ICF/IID in 74518  
peer group ~~3~~ 5 shall not exceed the average total per medicaid day 74519  
payment rate in effect on July 1, 2013, for developmental centers. 74520

(C) The department shall adjust the total rate otherwise 74521  
determined under division (A) of this section as directed by the 74522  
general assembly through the enactment of law governing medicaid 74523  
payments to ICF/IID providers. 74524

(D) In addition to paying an ICF/IID provider the total rate 74525  
determined for the provider's ICF/IID under divisions (A), (B), 74526  
and (C) of this section for a fiscal year, the department, in 74527  
accordance with section ~~5124.25~~ 5124.26 of the Revised Code, may 74528  
pay the provider a rate add-on for ~~pediatric~~ ventilator-dependent 74529  
outlier ICF/IID services if the rate add-on is to be paid under 74530  
that section and the department approves the provider's 74531  
application for the rate add-on. The rate add-on is not to be part 74532  
of the ICF/IID's total rate. 74533

**Sec. 5124.151.** (A) The total per medicaid day payment rate 74534  
determined under section 5124.15 of the Revised Code shall not be 74535  
the initial rate for ICF/IID services provided by a new ICF/IID. 74536  
Instead, the initial total per medicaid day payment rate for 74537  
ICF/IID services provided by a new ICF/IID shall be determined in 74538  
accordance with this section. 74539

(B) The initial total medicaid day payment rate for ICF/IID 74540  
services provided by a new ICF/IID in peer group 1 ~~or~~, peer group 74541  
2, peer group 3, or peer group 4 shall be determined in the 74542  
following manner: 74543

(1) The initial rate for capital ~~costs~~ shall be the median 74544  
rate for the new ICF/IID's peer group determined for the fiscal 74545

~~year under section 5124.17 of the Revised Code using the greater 74546  
of the new ICF/IID's actual inpatient days or an imputed occupancy 74547  
rate of eighty per cent. 74548~~

(2) The initial rate for direct care costs shall be 74549  
determined as follows: 74550

(a) If there are no cost or resident assessment data for the 74551  
new ICF/IID as necessary to determine a rate under section 5124.19 74552  
of the Revised Code, the rate shall be determined as follows: 74553

(i) Determine the median cost per case-mix unit under 74554  
division (B) of section 5124.19 of the Revised Code for the new 74555  
ICF/IID's peer group for the calendar year immediately preceding 74556  
the fiscal year in which the rate will be paid; 74557

(ii) Multiply the amount determined under division 74558  
(B)(2)(a)(i) of this section by the median annual average case-mix 74559  
score for the new ICF/IID's peer group for that period; 74560

(iii) Adjust the product determined under division 74561  
(B)(2)(a)(ii) of this section by the rate of inflation estimated 74562  
under division (D) of section 5124.19 of the Revised Code. 74563

(b) If the new ICF/IID is a replacement ICF/IID and the 74564  
ICF/IID or ICFs/IID that are being replaced are in operation 74565  
immediately before the new ICF/IID opens, the rate shall be the 74566  
same as the rate for the replaced ICF/IID or ICFs/IID, 74567  
proportionate to the number of ICF/IID beds in each replaced 74568  
ICF/IID. 74569

(c) If the new ICF/IID is a replacement ICF/IID and the 74570  
ICF/IID or ICFs/IID that are being replaced are not in operation 74571  
immediately before the new ICF/IID opens, the rate shall be 74572  
determined under division (B)(2)(a) of this section. 74573

(3) The initial rate for indirect care costs shall be the 74574  
maximum rate for the new ICF/IID's peer group as determined for 74575

the fiscal year in accordance with division (C) of section 5124.21 74576  
of the Revised Code. 74577

(4) The initial rate for other protected costs shall be one 74578  
hundred fifteen per cent of the median rate for ICFs/IID 74579  
determined for the fiscal year under section 5124.23 of the 74580  
Revised Code. 74581

(C) The initial total medicaid day payment rate for ICF/IID 74582  
services provided by a new ICF/IID in peer group ~~3~~ 5 shall be 74583  
determined in the following manner: 74584

(1) The initial rate for capital ~~costs~~ shall be ~~\$29.61~~ the 74585  
median rate for the peer group as determined under section 5124.17 74586  
of the Revised Code. 74587

(2) The initial rate for direct care costs shall be ~~\$264.89~~ 74588  
the median rate for the peer group as determined under section 74589  
5124.19 of the Revised Code. 74590

(3) The initial rate for indirect care costs shall be ~~\$59.85~~ 74591  
the median rate for the peer group as determined under section 74592  
5124.21 of the Revised Code. 74593

(4) The initial rate for other protected costs shall be 74594  
~~\$25.99~~ the median rate for the peer group as determined under 74595  
section 5124.23 of the Revised Code. 74596

(D)(1) Except as provided in division (D)(2) of this section, 74597  
the department shall adjust a new ICF/IID's initial total per 74598  
medicaid day payment rate determined under this section effective 74599  
the first day of July, to reflect new rate determinations for all 74600  
ICFs/IID under this chapter. 74601

(2) If the department accepts, under division (A) of section 74602  
5124.101 of the Revised Code, a cost report filed by the provider 74603  
of a new ICF/IID, the department shall adjust the ICF/IID's 74604  
initial total per medicaid day payment rate in accordance with 74605

divisions (E) and (F) of that section rather than division (D)(1) 74606  
of this section. 74607

**Sec. 5124.155.** The total per medicaid day payment rate for 74608  
ICF/IID services an ICF/IID in peer group 1 or peer group 2 74609  
provides to a medicaid recipient who is admitted as a resident to 74610  
the ICF/IID on or after July 1, 2015, and is placed in the ~~chronic~~ 74611  
~~behaviors and typical adaptive needs classification or the typical~~ 74612  
~~adaptive needs and non-significant behaviors~~ infrequent need for 74613  
assistance classification established for the grouper methodology 74614  
prescribed in rules authorized by section 5124.192 of the Revised 74615  
Code shall be the lesser of the following: 74616

(A) The rate determined for the ICF/IID under section 5124.15 74617  
of the Revised Code; 74618

(B) ~~The following rate:~~ 74619

~~(1) \$206.90 for ICF/IID services the ICF/IID provides to a 74620  
medicaid recipient in the chronic behaviors and typical adaptive 74621  
needs classification;~~ 74622

~~(2) \$174.88 for ICF/IID services the ICF/IID provides to a 74623  
medicaid recipient in the typical adaptive needs and 74624  
non-significant behaviors classification \$179.06.~~ 74625

**Sec. 5124.17.** (A) For each fiscal year, the department of 74626  
developmental disabilities shall determine each ICF/IID's per 74627  
medicaid day payment rate for reasonable capital costs. Except as 74628  
otherwise provided in this chapter, an ICF/IID's rate shall be 74629  
determined prospectively and based on the ICF/IID's capital costs 74630  
for the calendar year preceding the fiscal year in which the rate 74631  
will be paid. ~~Subject to section 5124.28 of the Revised Code, an~~ 74632  
An ICF/IID's rate shall equal the sum of the following: 74633

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 74634  
costs of ownership for the immediately preceding cost reporting 74635

period, limited as provided in divisions (B), (C), and (D) of this section; 74636  
74637

(2) The ICF/IID's per medicaid day payment for the ICF/IID's per diem capitalized costs of nonextensive renovations determined under division (E)(1) of this section if the ICF/IID qualifies for a payment for such costs as specified in division (E)(2) of this section; 74638  
74639  
74640  
74641  
74642

(3) The ICF/IID's per medicaid day efficiency incentive determined under division (F) of this section. 74643  
74644

(B) The costs of ownership per diem payment rates for ICFs/IID in peer group 1 shall not exceed the following limits as adjusted for inflation in accordance with division (G) of this section: 74645  
74646  
74647  
74648

(1) For ICFs/IID with dates of licensure prior to January 1, 1958, not exceeding two dollars and fifty cents; 74649  
74650

(2) For ICFs/IID with dates of licensure after December 31, 1957, but prior to January 1, 1968, not exceeding: 74651  
74652

(a) Three dollars and fifty cents if the cost of construction was three thousand five hundred dollars or more per bed; 74653  
74654

(b) Two dollars and fifty cents if the cost of construction was less than three thousand five hundred dollars per bed. 74655  
74656

(3) For ICFs/IID with dates of licensure after December 31, 1967, but prior to January 1, 1976, not exceeding: 74657  
74658

(a) Four dollars and fifty cents if the cost of construction was five thousand one hundred fifty dollars or more per bed; 74659  
74660

(b) Three dollars and fifty cents if the cost of construction was less than five thousand one hundred fifty dollars per bed, but exceeds three thousand five hundred dollars per bed; 74661  
74662  
74663

(c) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed. 74664  
74665

|   |       |
|---|-------|
| (4) For ICFs/IID with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding:  | 74666 |
|   | 74667 |
| (a) Five dollars and fifty cents if the cost of construction was six thousand eight hundred dollars or more per bed;  | 74668 |
|   | 74669 |
| (b) Four dollars and fifty cents if the cost of construction was less than six thousand eight hundred dollars per bed but exceeds five thousand one hundred fifty dollars per bed;        | 74670 |
|   | 74671 |
|   | 74672 |
| (c) Three dollars and fifty cents if the cost of construction was five thousand one hundred fifty dollars or less per bed, but exceeds three thousand five hundred dollars per bed;       | 74673 |
|   | 74674 |
|   | 74675 |
| (d) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed.  | 74676 |
|   | 74677 |
| (5) For ICFs/IID with dates of licensure after December 31, 1978, but prior to January 1, 1980, not exceeding:  | 74678 |
|   | 74679 |
| (a) Six dollars if the cost of construction was seven thousand six hundred twenty-five dollars or more per bed;   | 74680 |
|   | 74681 |
| (b) Five dollars and fifty cents if the cost of construction was less than seven thousand six hundred twenty-five dollars per bed but exceeds six thousand eight hundred dollars per bed; | 74682 |
|   | 74683 |
|   | 74684 |
| (c) Four dollars and fifty cents if the cost of construction was six thousand eight hundred dollars or less per bed but exceeds five thousand one hundred fifty dollars per bed;          | 74685 |
|   | 74686 |
|   | 74687 |
| (d) Three dollars and fifty cents if the cost of construction was five thousand one hundred fifty dollars or less but exceeds three thousand five hundred dollars per bed;                | 74688 |
|   | 74689 |
|   | 74690 |
| (e) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed.  | 74691 |
|   | 74692 |
| (6) For ICFs/IID with dates of licensure after December 31, 1979, but prior to January 1, 1981, not exceeding:  | 74693 |
|   | 74694 |

|   |                         |
|---|-------------------------|
| (a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities; | 74695<br>74696<br>74697 |
| (b) Six dollars if the beds were originally licensed as nursing home beds by the department of health.                                | 74698<br>74699          |
| (7) For ICFs/IID with dates of licensure after December 31, 1980, but prior to January 1, 1982, not exceeding:                        | 74700<br>74701          |
| (a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities; | 74702<br>74703<br>74704 |
| (b) Six dollars and forty-five cents if the beds were originally licensed as nursing home beds by the department of health.           | 74705<br>74706<br>74707 |
| (8) For ICFs/IID with dates of licensure after December 31, 1981, but prior to January 1, 1983, not exceeding:                        | 74708<br>74709          |
| (a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities; | 74710<br>74711<br>74712 |
| (b) Six dollars and seventy-nine cents if the beds were originally licensed as nursing home beds by the department of health.         | 74713<br>74714<br>74715 |
| (9) For ICFs/IID with dates of licensure after December 31, 1982, but prior to January 1, 1984, not exceeding:                        | 74716<br>74717          |
| (a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities; | 74718<br>74719<br>74720 |
| (b) Seven dollars and nine cents if the beds were originally licensed as nursing home beds by the department of health.               | 74721<br>74722          |
| (10) For ICFs/IID with dates of licensure after December 31, 1983, but prior to January 1, 1985, not exceeding:                       | 74723<br>74724          |

|   |                         |
|---|-------------------------|
| (a) Twelve dollars and twenty-four cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities; | 74725<br>74726<br>74727 |
| (b) Seven dollars and twenty-three cents if the beds were originally licensed as nursing home beds by the department of health.                             | 74728<br>74729<br>74730 |
| (11) For ICFs/IID with dates of licensure after December 31, 1984, but prior to January 1, 1986, not exceeding:   | 74731<br>74732          |
| (a) Twelve dollars and fifty-three cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities; | 74733<br>74734<br>74735 |
| (b) Seven dollars and forty cents if the beds were originally licensed as nursing home beds by the department of health.                                    | 74736<br>74737          |
| (12) For ICFs/IID with dates of licensure after December 31, 1985, but prior to January 1, 1987, not exceeding:   | 74738<br>74739          |
| (a) Twelve dollars and seventy cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;     | 74740<br>74741<br>74742 |
| (b) Seven dollars and fifty cents if the beds were originally licensed as nursing home beds by the department of health.                                    | 74743<br>74744          |
| (13) For ICFs/IID with dates of licensure after December 31, 1986, but prior to January 1, 1988, not exceeding:   | 74745<br>74746          |
| (a) Twelve dollars and ninety-nine cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities; | 74747<br>74748<br>74749 |
| (b) Seven dollars and sixty-seven cents if the beds were originally licensed as nursing home beds by the department of health.                              | 74750<br>74751<br>74752 |
| (14) For ICFs/IID with dates of licensure after December 31, 1987, but prior to January 1, 1989, not exceeding thirteen dollars                             | 74753<br>74754          |

and twenty-six cents; 74755

(15) For ICFs/IID with dates of licensure after December 31, 74756  
1988, but prior to January 1, 1990, not exceeding thirteen dollars 74757  
and forty-six cents; 74758

(16) For ICFs/IID with dates of licensure after December 31, 74759  
1989, but prior to January 1, 1991, not exceeding thirteen dollars 74760  
and sixty cents; 74761

(17) For ICFs/IID with dates of licensure after December 31, 74762  
1990, but prior to January 1, 1992, not exceeding thirteen dollars 74763  
and forty-nine cents; 74764

(18) For ICFs/IID with dates of licensure after December 31, 74765  
1991, but prior to January 1, 1993, not exceeding thirteen dollars 74766  
and sixty-seven cents; 74767

(19) For ICFs/IID with dates of licensure after December 31, 74768  
1992, not exceeding fourteen dollars and twenty-eight cents. 74769

(C)(1) The costs of ownership per diem payment rate for an 74770  
ICF/IID in peer group 2 shall not exceed the following limits: 74771

(a) Eighteen dollars and thirty cents as adjusted for 74772  
inflation pursuant to division (C)(2) of this section if any of 74773  
the following apply to the ICF/IID: 74774

(i) The ICF/IID has a date of licensure, or was granted 74775  
project authorization by the department of developmental 74776  
disabilities, before July 1, 1993. 74777

(ii) The ICF/IID has a date of licensure, or was granted 74778  
project authorization by the department, on or after July 1, 1993, 74779  
and the provider demonstrates that the provider made substantial 74780  
commitments of funds for the ICF/IID before that date. 74781

(iii) The ICF/IID has a date of licensure, or was granted 74782  
project authorization by the department, on or after July 1, 1993, 74783  
the provider made no substantial commitment of funds for the 74784

ICF/IID before that date, and the department of job and family 74785  
services or department of developmental disabilities gave prior 74786  
approval for the ICF/IID's construction. 74787

(b) If division (C)(1)(a) of this section does not apply to 74788  
the ICF/IID, the amount that would apply to the ICF/IID under 74789  
division (B) of this section if it were in peer group 1. 74790

(2) The eighteen-dollar and thirty-cent payment rate 74791  
specified in division (C)(1)(a) of this section shall be increased 74792  
as follows: 74793

(a) For the period beginning June 30, 1990, and ending July 74794  
1, 1993, by the change in the "Dodge building cost indexes, 74795  
northeastern and north central states," published by Marshall and 74796  
Swift; 74797

(b) For each fiscal year thereafter, in accordance with 74798  
division (G) of this section. 74799

(D) The costs of ownership per diem payment rate for an 74800  
ICF/IID in peer group 3 shall not exceed the amount that is used 74801  
for the purpose of division (C)(1)(a) of this section and is in 74802  
effect on July 1, 2014. That rate shall be increased each fiscal 74803  
year that begins after ~~the effective date of this section~~ 74804  
September 15, 2014, in accordance with division (G) of this 74805  
section. 74806

(E)(1) Beginning January 1, 1981, regardless of the original 74807  
date of licensure, the payment rate for the per diem capitalized 74808  
costs of nonextensive renovations made after January 1, 1981, to a 74809  
qualifying ICF/IID, shall not exceed six dollars per medicaid day 74810  
using 1980 as the base year and adjusting the amount annually 74811  
until June 30, 1993, for fluctuations in construction costs 74812  
calculated by the department using the "Dodge building cost 74813  
indexes, northeastern and north central states," published by 74814  
Marshall and Swift. The payment rate shall be further adjusted in 74815

accordance with division (G) of this section. The payment provided 74816  
for in this division is the only payment that shall be made for an 74817  
ICF/IID's capitalized costs of nonextensive renovations. Costs of 74818  
nonextensive renovations shall not be included in costs of 74819  
ownership and shall not affect the date of licensure for purposes 74820  
of division (B) or (C) of this section. This division applies to 74821  
nonextensive renovations regardless of whether they are made by an 74822  
owner or a lessee. If the tenancy of a lessee that has made 74823  
nonextensive renovations ends before the depreciation expense for 74824  
the costs of nonextensive renovations has been fully reported, the 74825  
former lessee shall not report the undepreciated balance as an 74826  
expense. 74827

(2) An ICF/IID qualifies for a payment for costs of 74828  
nonextensive renovations if all of the following apply: 74829

(a) Either of the following applies: 74830

(i) The ICF/IID is in peer group 1 and either the department 74831  
approved the nonextensive renovation before July 1, 2013, or the 74832  
nonextensive renovation is part of a project that results in the 74833  
ICF/IID becoming a downsized ICF/IID or partially converted 74834  
ICF/IID. 74835

(ii) The ICF/IID is in peer group 2 or peer group 3. 74836

(b) At least five years have elapsed since the ICF/IID's date 74837  
of licensure or date of an extensive renovation of the portion of 74838  
the ICF/IID that is proposed to be nonextensively renovated, 74839  
unless the nonextensive renovation is necessary to meet the 74840  
requirements of federal, state, or local statutes, ordinances, 74841  
rules, or policies. 74842

(c) The provider of the ICF/IID does both of the following: 74843

(i) Submits to the department a plan that describes in detail 74844  
the changes in capital assets to be accomplished by means of the 74845  
nonextensive renovation and the timetable for completing the 74846

project, which shall be not more than eighteen months after the nonextensive renovation begins; 74847  
74848

(ii) Obtains prior approval from the department for the nonextensive renovation. 74849  
74850

(3) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code that specify criteria and procedures for prior approval of nonextensive renovation and extensive renovation projects. No provider shall separate a project with the intent to evade the characterization of the project as a nonextensive renovation or as an extensive renovation. No provider shall increase the scope of a project after it is approved by the department unless the increase in scope is approved by the department. 74851  
74852  
74853  
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74855  
74856  
74857  
74858  
74859

(F)(1) Subject to division (F)(2) of this section, an ICF/IID's per medicaid day efficiency incentive payment rate shall equal the following percentage of the difference between the ICF/IID's desk-reviewed, actual, allowable per diem costs of ownership and the applicable limit on costs of ownership payment rates established by division (B) of this section: 74860  
74861  
74862  
74863  
74864  
74865

(a) In the case of an ICF/IID in peer group 1, the following percentage: 74866  
74867

(i) Fifty per cent if the provider of the ICF/IID obtains the department's approval to become a downsized ICF/IID and the approval is conditioned on the downsizing being completed not later than July 1, 2018; 74868  
74869  
74870  
74871

(ii) Twenty-five per cent if division (F)(1)(a)(i) of this section does not apply; 74872  
74873

(b) In the case of an ICF/IID in peer group 2 or peer group 3, fifty per cent. 74874  
74875

(2) The efficiency incentive payment rate for an ICF/IID in 74876

peer group 2 or peer group 3 shall not exceed three dollars per 74877  
medicaid day, adjusted annually in accordance with division (G) of 74878  
this section. For the purpose of determining an ICF/IID's 74879  
efficiency incentive payment rate, both of the following apply: 74880

(a) Depreciation for costs paid or reimbursed by any 74881  
government agency shall be considered as a cost of ownership; 74882

(b) The applicable limit under division (B) of this section 74883  
shall apply to all ICFs/IID regardless of which peer group they 74884  
are in. 74885

(G) The amounts specified in divisions (B), (C), (D), (E), 74886  
and (F) of this section shall be adjusted beginning on the first 74887  
day of each fiscal year for the estimated inflation rate for the 74888  
twelve-month period beginning on the first day of July of the 74889  
calendar year immediately preceding the calendar year that 74890  
immediately precedes the fiscal year for which rate will be paid 74891  
and ending on the thirtieth day of the following June, using the 74892  
consumer price index for shelter costs for all urban consumers for 74893  
the midwest region, as published by the United States bureau of 74894  
labor statistics. 74895

(H) Notwithstanding divisions (C) and (E) of this section, 74896  
the total payment rate for costs of ownership, capitalized costs 74897  
of nonextensive renovations, and the efficiency incentive for an 74898  
ICF/IID in peer group 2 shall not exceed the sum of the 74899  
limitations specified in divisions (C) and (E) of this section. 74900  
Notwithstanding divisions (D) and (E) of this section, the total 74901  
payment rate for costs of ownership, capitalized costs of 74902  
nonextensive renovations, and the efficiency incentive for an 74903  
ICF/IID in peer group 3 shall not exceed the sum of the 74904  
limitations specified in divisions (D) and (E) of this section. 74905

(I)(1) For the purpose of determining ICFs/IID's medicaid 74906  
payment rates for capital costs: 74907

(a) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department.

(b) Components and equipment shall be depreciated using the straight line method over a period designated by the director of developmental disabilities in rules adopted under section 5124.03 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department.

(2) Any rules authorized by division (I)(1) of this section that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in costs of ownership or costs of nonextensive renovations unless that part of the payment under this chapter is used to reimburse the government agency.

(J)(1) Except as provided in division (J)(2) of this section, if a provider leases or transfers an interest in an ICF/IID to another provider who is a related party, the related party's allowable costs of ownership shall include the lesser of the following:

(a) The annual lease expense or actual cost of ownership, whichever is applicable;

(b) The reasonable cost to the lessor or provider making the transfer.

(2) If a provider leases or transfers an interest in an ICF/IID to another provider who is a related party, regardless of the date of the lease or transfer, the related party's allowable cost of ownership shall include the annual lease expense or actual cost of ownership, whichever is applicable, subject to the limitations specified in divisions (B) to (I) of this section, if

all of the following conditions are met: 74939

(a) The related party is a relative of owner; 74940

(b) In the case of a lease, if the lessor retains any 74941  
ownership interest, it is, except as provided in division 74942  
(J)(2)(d)(ii) of this section, in only the real property and any 74943  
improvements on the real property; 74944

(c) In the case of a transfer, the provider making the 74945  
transfer retains, except as provided in division (J)(2)(d)(iv) of 74946  
this section, no ownership interest in the ICF/IID; 74947

(d) The department determines that the lease or transfer is 74948  
an arm's length transaction pursuant to rules adopted under 74949  
section 5124.03 of the Revised Code. The rules shall provide that 74950  
a lease or transfer is an arm's length transaction if all of the 74951  
following, as applicable, apply: 74952

(i) In the case of a lease, once the lease goes into effect, 74953  
the lessor has no direct or indirect interest in the lessee or, 74954  
except as provided in division (J)(2)(b) of this section, the 74955  
ICF/IID itself, including interest as an owner, officer, director, 74956  
employee, independent contractor, or consultant, but excluding 74957  
interest as a lessor. 74958

(ii) In the case of a lease, the lessor does not reacquire an 74959  
interest in the ICF/IID except through the exercise of a lessor's 74960  
rights in the event of a default. If the lessor reacquires an 74961  
interest in the ICF/IID in this manner, the department shall treat 74962  
the ICF/IID as if the lease never occurred when the department 74963  
determines its payment rate for capital costs. 74964

(iii) In the case of a transfer, once the transfer goes into 74965  
effect, the provider that made the transfer has no direct or 74966  
indirect interest in the provider that acquires the ICF/IID or the 74967  
ICF/IID itself, including interest as an owner, officer, director, 74968  
employee, independent contractor, or consultant, but excluding 74969

interest as a creditor. 74970

(iv) In the case of a transfer, the provider that made the 74971  
transfer does not reacquire an interest in the ICF/IID except 74972  
through the exercise of a creditor's rights in the event of a 74973  
default. If the provider reacquires an interest in the ICF/IID in 74974  
this manner, the department shall treat the ICF/IID as if the 74975  
transfer never occurred when the department determines its payment 74976  
rate for capital costs. 74977

(v) The lease or transfer satisfies any other criteria 74978  
specified in the rules. 74979

(e) Except in the case of hardship caused by a catastrophic 74980  
event, as determined by the department, or in the case of a lessor 74981  
or provider making the transfer who is at least sixty-five years 74982  
of age, not less than twenty years have elapsed since, for the 74983  
same ICF/IID, allowable cost of ownership was determined most 74984  
recently under this division. 74985

**Sec. 5124.19.** (A)(1) For each fiscal year, the department of 74986  
developmental disabilities shall determine each ICF/IID's per 74987  
medicaid day payment rate for direct care costs as follows: 74988

(a) Multiply the lesser of the following by the ICF/IID's 74989  
annual average case-mix score determined or assigned under section 74990  
5124.192 of the Revised Code for the calendar year immediately 74991  
preceding the fiscal year for which the rate will be paid: 74992

(i) The ICF/IID's cost per case-mix unit for the calendar 74993  
year immediately preceding the fiscal year for which the rate will 74994  
be paid, as determined under division (B) of this section; 74995

(ii) The maximum cost per case-mix unit for the ICF/IID's 74996  
peer group for the fiscal year for which the rate will be paid, as 74997  
set under division (C) of this section; 74998

(b) Adjust the product determined under division (A)(1)(a) of 74999

this section by the inflation rate estimated under division (D)(1) 75000  
of this section and modified under division (D)(2) of this 75001  
section. 75002

(2) Except as otherwise directed by law enacted by the 75003  
general assembly, the department shall determine each ICF/IID's 75004  
rate for direct care costs prospectively. 75005

(B) To determine an ICF/IID's cost per case-mix unit for the 75006  
calendar year immediately preceding the fiscal year in which the 75007  
rate will be paid, the department shall divide the ICF/IID's 75008  
desk-reviewed, actual, allowable, per diem direct care costs for 75009  
that calendar year by its annual average case-mix score determined 75010  
under section 5124.192 of the Revised Code for the same calendar 75011  
year. 75012

(C)(1) For each fiscal year for which a rate will be paid, 75013  
~~the department shall set~~ the maximum cost per case-mix unit for 75014  
~~ICFs/IID~~ an ICF/IID in peer group 1 at a percentage, peer group 2, 75015  
peer group 3, or peer group 4 shall be seven per cent above the 75016  
cost per case-mix unit determined under division (B) of this 75017  
section ~~for the ICF/IID in peer group 1 that has the peer group's~~ 75018  
that is the median number of medicaid days cost per case-mix unit 75019  
for the ICF/IID's peer group for the calendar year immediately 75020  
preceding the fiscal year in which the rate will be paid. ~~The~~ 75021  
~~percentage shall be no less than twenty two and forty six~~ 75022  
~~hundredths per cent.~~ 75023

(2) ~~For each fiscal year for which a rate will be paid, the~~ 75024  
~~department shall set the maximum cost per case mix unit for~~ 75025  
~~ICFs/IID in peer group 2 at a percentage above the cost per~~ 75026  
~~case mix unit determined under division (B) of this section for~~ 75027  
~~the ICF/IID in peer group 2 that has the peer group's median~~ 75028  
~~number of medicaid days for the calendar year immediately~~ 75029  
~~preceding the fiscal year in which the rate will be paid. The~~ 75030  
~~percentage shall be no less than eighteen and eight tenths per~~ 75031

cent. 75032

~~(3)~~ For each fiscal year for which a rate will be paid, the 75033  
department shall set the maximum cost per case-mix unit for 75034  
ICFs/IID in peer group ~~3~~ 5 at the ninety-fifth percentile of all 75035  
ICFs/IID in peer group ~~3~~ 5 for the calendar year immediately 75036  
preceding the fiscal year in which the rate will be paid. 75037

~~(4)~~(3) In determining the maximum cost per case-mix unit 75038  
under ~~divisions~~ division (C)(1) and ~~(2)~~ of this section ~~for peer~~ 75039  
~~group 1 and peer group 2~~, the department shall exclude from its 75040  
determinations the cost per case-mix unit of any ICF/IID ~~in peer~~ 75041  
~~group 1 or peer group 2~~ that participated in the medicaid program 75042  
under the same provider for less than twelve months during the 75043  
calendar year immediately preceding the fiscal year in which the 75044  
rate will be paid. 75045

~~(5)~~(4) The department shall not reset a peer group's maximum 75046  
cost per case-mix unit for a fiscal year under division (C)(1)~~,~~ 75047  
~~(2), or (3)~~ of this section based on additional information that 75048  
it receives after it sets the maximum for that fiscal year. The 75049  
department shall reset a peer group's maximum cost per case-mix 75050  
unit for a fiscal year only if it made an error in setting the 75051  
maximum for that fiscal year based on information available to the 75052  
department at the time it originally sets the maximum for that 75053  
fiscal year. 75054

(D)(1) The department shall estimate the rate of inflation 75055  
for the eighteen-month period beginning on the first day of July 75056  
of the calendar year preceding the fiscal year in which a rate 75057  
will be paid and ending on the thirty-first day of December of the 75058  
fiscal year in which the rate will be paid, using the following: 75059

(a) Subject to division (D)(1)(b) of this section, the 75060  
employment cost index for total compensation, health care and 75061  
social assistance component, published by the United States bureau 75062

of labor statistics; 75063

(b) If the United States bureau of labor statistics ceases to 75064  
publish the index specified in division (D)(1)(a) of this section, 75065  
the index that is subsequently published by the bureau and covers 75066  
the staff costs of ICFs/IID. 75067

(2) If the estimated inflation rate for the eighteen-month 75068  
period specified in division (D)(1) of this section is different 75069  
from the actual inflation rate for that period, as measured using 75070  
the same index, the difference shall be added to or subtracted 75071  
from the inflation rate estimated under division (D)(1) of this 75072  
section for the following fiscal year. 75073

**Sec. 5124.191.** Each calendar quarter, each ICF/IID provider 75074  
shall ~~compile~~ ensure complete assessment data is compiled for each 75075  
resident of each of the provider's ICFs/IID, regardless of payment 75076  
source, who is in the ICF/IID, or on ~~hospital or therapeutic leave~~ 75077  
a temporary absence from the ICF/IID that qualifies for payments 75078  
under section 5124.34 of the Revised Code, on the last day of the 75079  
quarter. A resident assessment instrument specified in rules 75080  
adopted under section 5124.03 of the Revised Code shall be used to 75081  
compile the resident assessment data. Each provider shall submit 75082  
the resident assessment data to the department of developmental 75083  
disabilities not later than fifteen days after the end of the 75084  
calendar quarter for which the data is compiled, unless the most 75085  
recently submitted resident assessment data remains accurate for 75086  
each resident. The resident assessment data shall be submitted to 75087  
the department through the medium or media specified in rules 75088  
adopted under section 5124.03 of the Revised Code. 75089

**Sec. 5124.21.** (A) For each fiscal year, the department of 75090  
developmental disabilities shall determine each ICF/IID's per 75091  
medicaid day payment rate for indirect care costs. Except as 75092

otherwise provided in this chapter, an ICF/IID's rate shall be 75093  
determined prospectively. ~~Subject to section 5124.28 of the~~ 75094  
~~Revised Code, an~~ An ICF/IID's rate shall be the lesser of the 75095  
individual rate determined under division (B) of this section and 75096  
the maximum rate determined for the ICF/IID's peer group under 75097  
division (C) of this section. 75098

(B) An ICF/IID's individual rate is the sum of the following: 75099

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 75100  
indirect care costs from the calendar year immediately preceding 75101  
the fiscal year in which the rate will be paid, adjusted for the 75102  
inflation rate estimated under division (E)(1) of this section; 75103

(2) Subject to division (D) of this section, an efficiency 75104  
incentive equal to the difference between the amount of the per 75105  
diem indirect care costs determined for the ICF/IID under division 75106  
(B)(1) of this section for the fiscal year in which the rate will 75107  
be paid and the maximum rate established for the ICF/IID's peer 75108  
group under division (C) of this section for that fiscal year. 75109

(C)(1) The maximum rate for indirect care costs for each 75110  
ICF/IID in peer group 1 shall be ~~determined as follows:~~ 75111

~~(a) For each fiscal year ending in an even numbered calendar~~ 75112  
~~year, the maximum rate for ICFs/IID in peer group 1 shall be the~~ 75113  
rate that is no less than ~~twelve~~ three and ~~four tenths~~ one-half 75114  
per cent above the median desk-reviewed, actual, allowable, per 75115  
diem indirect care cost for all ICFs/IID in peer group 1 75116  
(excluding ICFs/IID in peer group 1 whose indirect care costs for 75117  
that period are more than three standard deviations from the mean 75118  
desk-reviewed, actual, allowable, per diem indirect care cost for 75119  
all ICFs/IID in peer group 1) for the calendar year immediately 75120  
preceding the fiscal year in which the rate will be paid, adjusted 75121  
by the inflation rate estimated under division (E)(1) of this 75122  
section. 75123

~~(b) For each fiscal year ending in an odd numbered calendar year, the maximum rate for ICFs/IID in peer group 1 is the maximum rate for ICFs/IID in peer group 1 for the previous fiscal year, adjusted for the inflation rate estimated under division (E)(2) of this section.~~

(2) The maximum rate for indirect care costs for ICFs/IID in peer group 2 ~~or, peer group 3, peer group 4, or peer group 5~~ shall be determined as follows:

~~(a) For each fiscal year ending in an even numbered calendar year, the maximum rate for ICFs/IID in peer group 2 or peer group 3 shall be the rate that is no less than ten and three tenths seven per cent above the median desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID in the ICF/IID's peer group 2 or peer group 3 (excluding ICFs/IID in peer group 2 or peer group 3 whose indirect care costs are more than three standard deviations from the mean desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID in each peer group 2 or peer group 3) for the calendar year immediately preceding the fiscal year in which the rate will be paid, adjusted by the inflation rate estimated under division (E)(1) of this section.~~

~~(b) For each fiscal year ending in an odd numbered calendar year, the maximum rate for ICFs/IID in peer group 2 or peer group 3 is the maximum rate for ICFs/IID in peer group 2 or peer group 3 for the previous fiscal year, adjusted for the inflation rate estimated under division (E)(2) of this section.~~

(3) The department shall not redetermine a maximum rate for indirect care costs under division (C)(1) or (2) of this section based on additional information that it receives after the maximum rate is set. The department shall redetermine the maximum rate for indirect care costs only if it made an error in computing the maximum rate based on the information available to the department

at the time of the original calculation. 75156

(D)(1) The efficiency incentive for an ICF/IID in peer group 1 or peer group 2 shall not exceed the following: 75157  
75158

(a) For fiscal year ~~2014, seven~~ 2019, the following amount: 75159

(i) ~~Two and one-tenth~~ one-half per cent of the maximum rate 75160  
established for ~~ICFs/IID in the ICF/IID's~~ peer group ~~±~~ under 75161  
division (C) of this section: 75162

~~(b) For fiscal year 2015, the following amount:~~ 75163

~~(i) The amount calculated for fiscal year 2014 under division~~ 75164  
~~(D)(1)(a) of this section~~ if the provider of the ICF/IID obtains 75165  
the department's approval to become a downsized or partially 75166  
converted ICF/IID and the approval is conditioned on the 75167  
downsizing or conversion being completed not later than July 1, 75168  
2018; 75169

(ii) ~~One-half~~ One and one-quarter per cent of the amount 75170  
~~calculated for fiscal year 2014~~ maximum rate established for the 75171  
ICF/IID's peer group under division ~~(D)(1)(a)(C)~~ of this section 75172  
if division (D)(1)~~(b)~~(a)(i) of this section does not apply to the 75173  
ICF/IID. 75174

~~(c)(b)~~ For fiscal year ~~2016~~ (2020) and each fiscal year 75175  
thereafter ~~ending in an even numbered calendar year, the following~~ 75176  
~~percentages~~ two and one-half per cent of the maximum rate 75177  
established for ~~ICFs/IID in the ICF/IID's~~ peer group ~~±~~ under 75178  
division (C) of this section: 75179

~~(i) Seven and one-tenth per cent if the provider of the~~ 75180  
~~ICF/IID obtains the department's approval to become a downsized~~ 75181  
~~ICF/IID and the approval is conditioned on the downsizing being~~ 75182  
~~completed not later than July 1, 2018;~~ 75183

~~(ii) Three and fifty-five hundredths per cent if division~~ 75184  
~~(D)(1)(c)(i) of this section does not apply to the ICF/IID.~~ 75185

~~(d) For fiscal year 2017 and each fiscal year thereafter ending in an odd numbered calendar year, the amount calculated for the immediately preceding fiscal year under division (D)(1)(c) of this section.~~ 75186  
75187  
75188  
75189

(2) The efficiency incentive for an ICF/IID in ~~peer group 2~~ or peer group 3 shall not exceed ~~the following~~: 75190  
75191

~~(a) For each fiscal year ending in an even numbered calendar year, seven two and one-half per cent of the maximum rate established for ICFs/IID in ~~peer group 2~~ or peer group 3 under division (C) of this section:~~ 75192  
75193  
75194  
75195

~~(b) For each fiscal year ending in an odd numbered calendar year, the amount calculated for the immediately preceding fiscal year under division (D)(2)(a) of this section.~~ 75196  
75197  
75198

(3) The efficiency incentive for an ICF/IID in peer group 4 or peer group 5 shall not exceed five per cent of the maximum rate established for the ICF/IID's peer group under division (C) of this section. 75199  
75200  
75201  
75202

(E)(1) When adjusting rates for inflation under divisions (B)(1), (C)(1)~~(a)~~, and (C)(2)~~(a)~~ of this section, the department shall estimate the rate of inflation for the eighteen-month period beginning on the first day of July of the calendar year immediately preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid. To estimate the rate of inflation, the department shall use the following: 75203  
75204  
75205  
75206  
75207  
75208  
75209  
75210

(a) Subject to division (E)(1)(b) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics; 75211  
75212  
75213  
75214

(b) If the United States bureau of labor statistics ceases to publish the index specified in division (E)(1)(a) of this section, 75215  
75216

a comparable index that the bureau publishes and the department  
determines is appropriate. 75217  
75218

~~(2) When adjusting rates for inflation under divisions 75219  
(C)(1)(b) and (C)(2)(b) of this section, the department shall 75220  
estimate the rate of inflation for the twelve month period 75221  
beginning on the first day of January of the fiscal year 75222  
immediately preceding the fiscal year in which the rate will be 75223  
paid and ending on the thirty first day of December of the fiscal 75224  
year in which the rate will be paid. To estimate the rate of 75225  
inflation, the department shall use the following: 75226~~

~~(a) Subject to division (E)(2)(b) of this section, the 75227  
consumer price index for all items for all urban consumers for the 75228  
midwest region, published by the United States bureau of labor 75229  
statistics; 75230~~

~~(b) If the United States bureau of labor statistics ceases to 75231  
publish the index specified in division (E)(2)(a) of this section, 75232  
a comparable index that the bureau publishes and the department 75233  
determines is appropriate. 75234~~

~~(3) If an inflation rate estimated under division (E)(1) or 75235  
(2) of this section is different from the actual inflation rate 75236  
for the relevant time period, as measured using the same index, 75237  
the difference shall be added to or subtracted from the inflation 75238  
rate estimated pursuant to this division for the following fiscal 75239  
year. 75240~~

Sec. 5124.25. (A) For fiscal year 2020 and each fiscal year 75241  
thereafter, the department of developmental disabilities shall 75242  
determine a per medicaid day quality incentive payment rate add on 75243  
for each ICF/IID that qualifies for the add on for the fiscal 75244  
year. 75245

(B) To qualify for a quality incentive payment rate add on 75246

for fiscal year 2020, an ICF/IID must do all of the following in accordance with rules authorized by this section: 75247  
75248

(1) Beginning January 1, 2018, participate in the collection of data; 75249  
75250

(2) Submit to the department a report of the data not later than June 30, 2018; 75251  
75252

(3) Earn for the fiscal year at least one point for meeting quality indicators established in rules authorized by this section. 75253  
75254  
75255

(C) To qualify for a quality incentive payment rate add on for fiscal year 2021 and each subsequent fiscal year, an ICF/IID must earn for the fiscal year for which the add on is to be paid at least one point for meeting quality indicators established in rules authorized by this section. 75256  
75257  
75258  
75259  
75260

(D) For fiscal year 2020 and each subsequent fiscal year, each ICF/IID's quality incentive payment rate add on shall equal the product of the following: 75261  
75262  
75263

(1) The relative point value determined under division (E) of this section for the fiscal year; 75264  
75265

(2) The number of quality indicator points the ICF/IID earns for the fiscal year. 75266  
75267

(E) The relative point value for a fiscal year shall be determined as follows: 75268  
75269

(1) For each ICF/IID, determine the product of the following: 75270

(a) The number of inpatient days the ICF/IID would have had for the reporting period if its occupancy rate had been one hundred per cent; 75271  
75272  
75273

(b) The number of quality indicator points the ICF/IID earns for the fiscal year. 75274  
75275

|  |       |
|--|-------|
| <u>(2) Determine the sum of the products determined under</u>                        | 75276 |
| <u>division (E)(1) of this section for all ICFs/IID;</u>                             | 75277 |
| <u>(3) Divide the total amount of funds available for quality</u>                    | 75278 |
| <u>incentive payments for the fiscal year by the sum determined under</u>            | 75279 |
| <u>division (E)(2) of this section.</u>  | 75280 |
| <u>(F) The director of developmental disabilities shall adopt</u>                    | 75281 |
| <u>rules under section 5124.03 of the Revised Code as necessary to</u>               | 75282 |
| <u>implement this section. The rules shall do both of the following:</u>             | 75283 |
| <u>(1) For the purpose of division (B) of this section, specify</u>                  | 75284 |
| <u>the data to be collected and the medium through which the report</u>              | 75285 |
| <u>of the data is to be submitted to the department;</u>                             | 75286 |
| <u>(2) For the purpose of divisions (B)(3) and (C) of this</u>                       | 75287 |
| <u>section, establish or specify all of the following:</u>                           | 75288 |
| <u>(a) Quality indicators;</u>   | 75289 |
| <u>(b) The method by which ICFs/IID earn points for meeting the</u>                  | 75290 |
| <u>quality indicators;</u>   | 75291 |
| <u>(c) The medium through which an ICF/IID is to submit to the</u>                   | 75292 |
| <u>department satisfactory evidence that the ICF/IID has met the</u>                 | 75293 |
| <u>quality indicators.</u>   | 75294 |
| <b>Sec. 5124.25 5124.26.</b> (A) Subject to division (D) of this                     | 75295 |
| section, the department of developmental disabilities may pay a                      | 75296 |
| medicaid rate add-on to an ICF/IID provider for outlier ICF/IID                      | 75297 |
| services the ICF/IID provides to qualifying ventilator-dependent                     | 75298 |
| residents on or after <del>the effective date of this section</del> <u>September</u> | 75299 |
| <u>29, 2013</u> , if the provider applies to the department of                       | 75300 |
| developmental disabilities to receive the rate add-on and the                        | 75301 |
| department approves the application. The department of                               | 75302 |
| developmental disabilities may approve a provider's application if                   | 75303 |
| both of the following apply:   | 75304 |
| (1) The provider submits to the department of developmental                          | 75305 |

disabilities a best practices protocol for providing outlier 75306  
ICF/IID services under this section and the department of 75307  
developmental disabilities determines that the protocol is 75308  
acceptable; 75309

(2) The provider and ICF/IID meet all other eligibility 75310  
requirements for the rate add-on established in rules authorized 75311  
by this section. 75312

(B) An ICF/IID that has been approved by the department of 75313  
developmental disabilities to provider outlier ICF/IID services 75314  
under this section shall provide the services in accordance with 75315  
both of the following: 75316

(1) The best practices protocol the department of 75317  
developmental disabilities determined is acceptable; 75318

(2) Requirements regarding the services established in rules 75319  
authorized by this section. 75320

(C) To qualify to receive outlier ICF/IID services from an 75321  
ICF/IID under this section, a resident of the ICF/IID must be a 75322  
medicaid recipient, ~~be under twenty two years of age,~~ be dependent 75323  
on a ventilator, and meet all other eligibility requirements 75324  
established in rules authorized by this section. 75325

(D) The department of developmental disabilities shall 75326  
negotiate the amount of the medicaid payment rate add-on, if any, 75327  
to be paid under this section, or the method by which that amount 75328  
is to be determined, with the department of medicaid. The 75329  
department of developmental disabilities shall not pay the rate 75330  
add-on unless the department of medicaid has approved the amount 75331  
of the rate add-on or method by which the amount is to be 75332  
determined. 75333

**Sec. 5124.30.** ~~Except as provided in section 5124.17 of the~~ 75334  
~~Revised Code, the~~ The costs of goods, services, and facilities, 75335

furnished to an ICF/IID provider by a related party are includable 75336  
in the allowable costs of the provider at the reasonable cost to 75337  
the related party. 75338

**Sec. 5124.38.** (A) The director of developmental disabilities 75339  
shall establish a process under which an ICF/IID provider, or a 75340  
group or association of ICF/IID providers, may seek 75341  
reconsideration of medicaid payment rates established under this 75342  
chapter, including a rate for direct care costs redetermined 75343  
before the effective date of the rate as a result of an exception 75344  
review conducted under section 5124.193 of the Revised Code. 75345  
Except as provided in divisions (B) to ~~(D)~~(C) of this section, the 75346  
only issue that a provider, group, or association may raise in the 75347  
rate reconsideration is whether the rate was calculated in 75348  
accordance with this chapter and the rules adopted under section 75349  
5124.03 of the Revised Code. The provider, group, or association 75350  
may submit written arguments or other materials that support its 75351  
position. The provider, group, or association and department shall 75352  
take actions regarding the rate reconsideration within time frames 75353  
specified in rules authorized by this section. 75354

If the department determines, as a result of the rate 75355  
reconsideration, that the rate established for one or more 75356  
ICFs/IID is less than the rate to which the ICF/IID is entitled, 75357  
the department shall increase the rate. If the department has paid 75358  
the incorrect rate for a period of time, the department shall pay 75359  
the provider of the ICF/IID the difference between the amount the 75360  
provider was paid for that period for the ICF/IID and the amount 75361  
the provider should have been paid for the ICF/IID. 75362

(B)(1) The department, through the rate reconsideration 75363  
process, may increase during a fiscal year the medicaid payment 75364  
rate determined for an ICF/IID under this chapter if the provider 75365  
demonstrates that the ICF/IID's actual, allowable costs have 75366

increased because of any of the following extreme circumstances: 75367

(a) A natural disaster; 75368

(b) A ~~nonextensive renovation approved~~ change of twenty-five 75369  
per cent or greater between the ICF/IID's most recent case-mix 75370  
score and the ICF/IID's case-mix score for the immediately 75371  
preceding calendar quarter determined under ~~division (E) of~~ 75372  
section ~~5124.17~~ 5124.192 of the Revised Code; 75373

(c) If the ICF/IID has an appropriate claims management 75374  
program, an increase in the ICF/IID's workers' compensation 75375  
experience rating of greater than five per cent; 75376

(d) If the ICF/IID is an inner-city ICF/IID, increased 75377  
security costs; 75378

(e) A change of ownership that results from bankruptcy, 75379  
foreclosure, or findings by the department of health of violations 75380  
of medicaid certification requirements; 75381

(f) Other extreme circumstances specified in rules authorized 75382  
by this section. 75383

(2) An ICF/IID may qualify for a rate increase under this 75384  
division only if its per diem, actual, allowable costs have 75385  
increased to a level that exceeds its total rate. An increase 75386  
under this division is subject to any rate limitations or maximum 75387  
rates established by this chapter for specific cost centers. Any 75388  
rate increase granted under this division shall take effect on the 75389  
first day of the first month after the department receives the 75390  
request. 75391

(C) The department, through the rate reconsideration process, 75392  
may increase an ICF/IID's rate as determined under this chapter if 75393  
the department, in the department's sole discretion, determines 75394  
that the rate as determined under those sections works an extreme 75395  
hardship on the ICF/IID. 75396

~~(D) When beds certified for the medicaid program are added to an existing ICF/IID or replaced at the same site, the department, through the rate reconsideration process, may increase the ICF/IID's rate for capital costs proportionately, as limited by any applicable limitation under section 5124.17 of the Revised Code, to account for the costs of the beds that are added or replaced. If the department makes this increase, it shall make the increase one month after the first day of the month after the department receives sufficient documentation of the costs. Any rate increase granted under this division after June 30, 1993, shall remain in effect until the effective date of a rate for capital costs determined under section 5124.17 of the Revised Code that includes costs incurred for a full calendar year for the bed addition or bed replacement. The ICF/IID shall report double accumulated depreciation in an amount equal to the depreciation included in the rate adjustment on its cost report for the first year of operation. During the term of any loan used to finance a project for which a rate adjustment is granted under this division, if the ICF/IID is operated by the same provider, the provider shall subtract from the interest costs it reports on its cost report an amount equal to the difference between the following:~~

~~(1) The actual, allowable interest costs for the loan during the calendar year for which the costs are being reported;~~

~~(2) The actual, allowable interest costs attributable to the loan that were used to calculate the rates paid to the provider for the ICF/IID during the same calendar year.~~

~~(E)~~ The department's decision at the conclusion of the reconsideration process is not subject to any administrative proceedings under Chapter 119. or any other provision of the Revised Code.

~~(F)~~(E) The director of developmental disabilities shall adopt

rules under section 5124.03 of the Revised Code as necessary to 75429  
implement this section. 75430

**Sec. 5124.39.** (A) Except as provided in divisions (B) and (C) 75431  
of this section, if the provider of an ICF/IID in peer group 1 75432  
obtained approval from the department of developmental 75433  
disabilities to become a downsized ICF/IID not later than July 1, 75434  
2018, and the ICF/IID does not become a downsized ICF/IID by that 75435  
date, the department shall recoup from the provider an amount 75436  
equal to the sum of the following: 75437

(1) The difference between the amount of the efficiency 75438  
incentive payments the ICF/IID earned under sections 5124.17 and 75439  
5124.21 of the Revised Code before July 1, 2018, because the 75440  
provider obtained such approval and the amount of the efficiency 75441  
incentive payments the ICF/IID would have earned under those 75442  
sections before that date had the provider not obtained such 75443  
approval; 75444

(2) An amount of interest on the difference determined under 75445  
division (A)(1) of this section. 75446

(B) The department shall exempt an ICF/IID provider from a 75447  
recoupment otherwise required by this section if the provider 75448  
voluntarily repays the department the difference determined under 75449  
division (A)(1) of this section. No interest shall be charged on 75450  
the amount voluntarily repaid. 75451

(C) The department may exempt an ICF/IID provider from a 75452  
recoupment otherwise required by this section if both of the 75453  
following apply: 75454

(1) The provider, on or before July 1, 2018, demonstrates to 75455  
the department's satisfaction that the provider made a good faith 75456  
effort to complete the downsizing by July 1, 2018, but the ICF/IID 75457  
did not become a downsized ICF/IID by that date for reasons beyond 75458

the provider's control; 75459

(2) The ICF/IID becomes a downsized ICF/IID within a period 75460  
of time after July 1, 2018, that the department determines is 75461  
reasonable. 75462

(D) An ICF/IID provider subject to a recoupment under 75463  
division (A) of this section or voluntarily making a repayment 75464  
under division (B) of this section shall choose one of the 75465  
following methods by which the recoupment or voluntary repayment 75466  
shall be made: 75467

(1) In a lump sum payment; 75468

(2) Subject to the department's approval, in installment 75469  
payments; 75470

(3) In a single deduction from the next available medicaid 75471  
payment made to the provider if that payment at least equals the 75472  
total amount of the recoupment or voluntary repayment; 75473

(4) Subject to the department's approval, in installment 75474  
deductions from medicaid payments made to the provider. 75475

(E) An ICF/IID provider may request that the director of 75476  
developmental disabilities reconsider either or both of the 75477  
following: 75478

(1) A decision that the provider is subject to a recoupment 75479  
under this section; 75480

(2) A determination under this section of the amount to be 75481  
recouped from the provider. 75482

(F) The director shall adopt rules under section 5124.03 of 75483  
the Revised Code as necessary to implement this section, including 75484  
rules specifying how the amount of interest charged under division 75485  
(A)(2) of this section is to be determined. 75486

**Sec. 5149.311.** (A) The department of rehabilitation and 75487

correction shall establish and administer the probation 75488  
improvement grant and the probation incentive grant for common 75489  
pleas, municipal, and county court probation departments that 75490  
supervise offenders sentenced by courts of common pleas ~~or~~, 75491  
municipal courts, or county courts. 75492

(B)(1) The probation improvement grant shall provide funding 75493  
to common pleas, municipal, and county court probation departments 75494  
to adopt policies and practices based on the latest research on 75495  
how to reduce the number of offenders on probation supervision who 75496  
violate the conditions of their supervision. 75497

(2) The department shall adopt rules for the distribution of 75498  
the probation improvement grant, including ~~the~~ both of the 75499  
following: 75500

(a) The formula for the allocation of the subsidy based on 75501  
the number of offenders placed on probation annually in each 75502  
jurisdiction; 75503

(b) The allocation of funds for the purpose of offsetting 75504  
costs incurred by political subdivisions in relation to offenders 75505  
who are prohibited from serving the term of imprisonment in an 75506  
institution under the control of the department of rehabilitation 75507  
and correction pursuant to division (B)(3)(a) of section 2929.34 75508  
of the Revised Code. 75509

(C)(1) The probation incentive grant shall provide a 75510  
performance-based level of funding to common pleas, municipal, and 75511  
county court probation departments that are successful in reducing 75512  
the number of offenders on probation supervision whose terms of 75513  
supervision are revoked. 75514

(2) The department shall calculate annually any cost savings 75515  
realized by the state from a reduction in the percentage of people 75516  
who are incarcerated because their terms of supervised probation 75517

were revoked. The cost savings estimate shall be calculated for 75518  
each jurisdiction served by the probation department eligible for 75519  
a grant under this section and be based on the difference from 75520  
fiscal year 2010 the average of such commitments from the five 75521  
calendar years immediately preceding the calendar year in which 75522  
application for the grant was made and the fiscal year under 75523  
examination. 75524

(3) The department shall adopt rules that specify the subsidy 75525  
amount to be appropriated to common pleas, municipal, and county 75526  
court probation departments that successfully reduce the 75527  
percentage of people on probation who are incarcerated because 75528  
their terms of supervision are revoked. 75529

(D) The following stipulations apply to both the probation 75530  
improvement grant and the probation incentive grant: 75531

(1) In order to be eligible for the probation improvement 75532  
grant and the probation incentive grant, common pleas, municipal, 75533  
and county courts must satisfy all requirements under sections 75534  
2301.27 and 2301.30 of the Revised Code. Except for sentencing 75535  
decisions made by a court when use of the risk assessment tool is 75536  
discretionary, in order to be eligible for the probation 75537  
improvement grant and the probation incentive grant, a court must 75538  
utilize the single validated risk assessment tool selected by the 75539  
department of rehabilitation and correction under section 5120.114 75540  
of the Revised Code. 75541

(2) The department may deny a subsidy under this section to 75542  
any applicant if the applicant fails to comply with the terms of 75543  
any agreement entered into pursuant to any of the provisions of 75544  
this section. 75545

(3) The department shall evaluate or provide for the 75546  
evaluation of the policies, practices, and programs the common 75547  
pleas, municipal, or county court probation departments utilize 75548

with the programs of subsidies established under this section and 75549  
establish means of measuring their effectiveness. 75550

(4) The department shall specify the policies, practices, and 75551  
programs for which common pleas, municipal, or county court 75552  
probation departments may use the program subsidy and shall 75553  
establish minimum standards of quality and efficiency that 75554  
recipients of the subsidy must follow. The department shall give 75555  
priority to supporting evidence-based policies and practices, as 75556  
defined by the department. 75557

**Sec. 5160.01.** As used in this chapter: 75558

(A) "Dual eligible individual" has the same meaning as in the 75559  
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 75560  
1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid 75561  
enrollee (MME). 75562

(B) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 75563

(C) "Federal financial participation" means the federal 75564  
government's share of expenditures made by an entity in 75565  
implementing a medical assistance program. 75566

(D) "Healthcheck" has the same meaning as in section 5164.01 75567  
of the Revised Code. 75568

(E) "Medical assistance program" means all of the following: 75569

(1) The medicaid program; 75570

(2) The children's health insurance program; 75571

(3) The refugee medical assistance program; 75572

(4) The program established under section 5160.51 of the 75573  
Revised Code; 75574

(5) Any other program that provides medical assistance and 75575  
state statutes authorize the department of medicaid to administer. 75576

~~(E)~~(F) "Medical assistance recipient" means a recipient of a 75577  
medical assistance program. To the extent appropriate in the 75578  
context, "medical assistance recipient" includes an individual 75579  
applying for a medical assistance program, a former medical 75580  
assistance recipient, or both. 75581

~~(F)~~(G) "Medicaid managed care organization" has the same 75582  
meaning as in section 5167.01 of the Revised Code. 75583

~~(G)~~(H) "Refugee medical assistance program" means the program 75584  
that the department of medicaid administers pursuant to section 75585  
5160.50 of the Revised Code. 75586

**Sec. 5160.052.** The department of medicaid shall collaborate 75587  
with the superintendent of the bureau of criminal identification 75588  
and investigation to develop procedures and formats necessary to 75589  
produce the notices described in division ~~(C)~~(D) of section 75590  
109.5721 of the Revised Code in a format that is acceptable for 75591  
use by the department. The medicaid director may adopt rules under 75592  
section 5160.02 of the Revised Code necessary for such 75593  
collaboration. Any such rules shall be adopted in accordance with 75594  
section 111.15 of the Revised Code as if they were internal 75595  
management rules. 75596

The medicaid director may adopt rules under section 5160.02 75597  
of the Revised Code necessary for utilizing the information 75598  
received pursuant to section 109.5721 of the Revised Code. The 75599  
rules shall be adopted in accordance with Chapter 119. of the 75600  
Revised Code. 75601

**Sec. 5160.37.** (A) A medical assistance recipient's enrollment 75602  
in a medical assistance program gives an automatic right of 75603  
recovery to the department of medicaid and a county department of 75604  
job and family services against the liability of a third party for 75605  
the cost of medical assistance paid on behalf of the recipient. 75606

When an action or claim is brought against a third party by a 75607  
medical assistance recipient, any payment, settlement or 75608  
compromise of the action or claim, or any court award or judgment, 75609  
is subject to the recovery right of the department of medicaid or 75610  
county department. Except in the case of a medical assistance 75611  
recipient who receives medical assistance through a medicaid 75612  
managed care organization, the department's or county department's 75613  
claim shall not exceed the amount of medical assistance paid by 75614  
the department or county department on behalf of the recipient. A 75615  
payment, settlement, compromise, judgment, or award that excludes 75616  
the cost of medical assistance paid for by the department or 75617  
county department shall not preclude a department from enforcing 75618  
its rights under this section. 75619

(B)(1) In the case of a medical assistance recipient who 75620  
receives medical assistance through a medicaid managed care 75621  
organization that has a capitation agreement with a provider, the 75622  
amount of the department's or county department's claim shall be 75623  
the amount the medicaid managed care organization would have paid 75624  
in the absence of a capitation agreement. 75625

(2) In the case of a medical assistance recipient who 75626  
receives medical assistance through a medicaid managed care 75627  
organization that does not have a capitation agreement with a 75628  
provider, the amount of the department's or county department's 75629  
claim shall be the amount the medicaid managed care organization 75630  
pays for medical assistance rendered to the recipient, even if 75631  
that amount is more than the amount the department or county 75632  
department pays to the medicaid managed care organization for the 75633  
recipient's medical assistance. 75634

(C) A medical assistance recipient, and the recipient's 75635  
attorney, if any, shall cooperate with the departments. In 75636  
furtherance of this requirement, the medical assistance recipient, 75637  
or the recipient's attorney, if any, shall, not later than thirty 75638

days after initiating informal recovery activity or filing a legal 75639  
recovery action against a third party, provide written notice of 75640  
the activity or action to the department of medicaid or county 75641  
department if it has paid for medical assistance under a medical 75642  
assistance program. 75643

(D) The written notice that must be given under division (C) 75644  
of this section shall disclose the identity and address of any 75645  
third party against whom the medical assistance recipient has or 75646  
may have a right of recovery. 75647

(E) No settlement, compromise, judgment, or award or any 75648  
recovery in any action or claim by a medical assistance recipient 75649  
where the department or county department has a right of recovery 75650  
shall be made final without first giving the department or county 75651  
department written notice as described in division (C) of this 75652  
section and a reasonable opportunity to perfect its rights of 75653  
recovery. If the department or county department is not given the 75654  
appropriate written notice, the medical assistance recipient and, 75655  
if there is one, the recipient's attorney, are liable to reimburse 75656  
the department or county department for the recovery received to 75657  
the extent of medical assistance payments made by the department 75658  
or county department. 75659

(F) The department or county department shall be permitted to 75660  
enforce its recovery rights against the third party even though it 75661  
accepted prior payments in discharge of its rights under this 75662  
section if, at the time the department or county department 75663  
received such payments, it was not aware that additional medical 75664  
expenses had been incurred but had not yet been paid by the 75665  
department or county department. The third party becomes liable to 75666  
the department or county department as soon as the third party is 75667  
notified in writing of the valid claims for recovery under this 75668  
section. 75669

(G)(1) Subject to division (G)(2) of this section, the right 75670

of recovery of the department or county department does not apply 75671  
to that portion of any judgment, award, settlement, or compromise 75672  
of a claim, to the extent of attorneys' fees, costs, or other 75673  
expenses incurred by a medical assistance recipient in securing 75674  
the judgment, award, settlement, or compromise, or to the extent 75675  
of medical, surgical, and hospital expenses paid by such recipient 75676  
from the recipient's own resources. 75677

(2) Reasonable attorneys' fees, not to exceed one-third of 75678  
the total judgment, award, settlement, or compromise, plus costs 75679  
and other expenses incurred by the medical assistance recipient in 75680  
securing the judgment, award, settlement, or compromise, shall 75681  
first be deducted from the total judgment, award, settlement, or 75682  
compromise. After fees, costs, and other expenses are deducted 75683  
from the total judgment, award, settlement, or compromise, there 75684  
shall be a rebuttable presumption that the department of medicaid 75685  
or county department shall receive no less than one-half of the 75686  
remaining amount, or the actual amount of medical assistance paid, 75687  
whichever is less. A party may rebut the presumption in accordance 75688  
with division (L)(1) or (2) of this section, as applicable. 75689

(H) A right of recovery created by this section may be 75690  
enforced separately or jointly by the department of medicaid or 75691  
county department. To enforce its recovery rights, the department 75692  
or county department may do any of the following: 75693

(1) Intervene or join in any action or proceeding brought by 75694  
the medical assistance recipient or on the recipient's behalf 75695  
against any third party who may be liable for the cost of medical 75696  
assistance paid; 75697

(2) Institute and pursue legal proceedings against any third 75698  
party who may be liable for the cost of medical assistance paid; 75699

(3) Initiate legal proceedings in conjunction with any 75700  
injured, diseased, or disabled medical assistance recipient or the 75701

recipient's attorney or representative. 75702

(I) A medical assistance recipient shall not assess attorney 75703  
fees, costs, or other expenses against the department of medicaid 75704  
or a county department when the department or county department 75705  
enforces its right of recovery created by this section. 75706

(J) The right of recovery given to the department under this 75707  
section includes payments made by a third party under contract 75708  
with a person having a duty to support. 75709

(K) The department of medicaid may assign to a medical 75710  
assistance provider the right of recovery given to the department 75711  
under this section with respect to any claim for which the 75712  
department has notified the provider that the department intends 75713  
to recoup the department's prior payment for the claim. 75714

(L)(1) Prior to any payment to the department or a county 75715  
department pursuant to the department's or county department's 75716  
right of recovery under this section, a party that desires to 75717  
rebut the presumption in division (G) of this section shall submit 75718  
to the department or county department a request for a hearing in 75719  
accordance with the procedure the department establishes in rules 75720  
required by division (O) of this section. The amount sought by the 75721  
department or county department shall be held in escrow or in an 75722  
interest on lawyers' trust account until the hearing examiner 75723  
renders a decision or the case is otherwise concluded. A party 75724  
successfully rebuts the presumption by a showing of clear and 75725  
convincing evidence that a different allocation is warranted. 75726

(2) A medical assistance recipient who has repaid money, on 75727  
or after September 29, 2007, to the department or a county 75728  
department pursuant to the department's or county department's 75729  
right of recovery under this section, section 5160.38 of the 75730  
Revised Code, or former section 5101.58 or 5101.59 of the Revised 75731  
Code may request a hearing to rebut the presumption in division 75732

(G) of this section. The request shall be made in accordance with 75733  
the procedure the department establishes for this purpose in rules 75734  
required by division (O) of this section. It must be made not 75735  
later than one hundred eighty days after ~~the effective date of~~ 75736  
~~this amendment~~ September 29, 2015, or ninety days after the 75737  
payment is made, whichever is later. A party successfully rebuts 75738  
the presumption by a showing of clear and convincing evidence that 75739  
a different allocation is warranted. 75740

(3) With respect to a hearing requested under division (L)(1) 75741  
or (2) of this section, all of the following are the case: 75742

(a) The hearing examiner may consider, but is not bound by 75743  
the allocation of, medical expenses specified in a settlement 75744  
agreement between the medical assistance recipient and the 75745  
relevant third party; 75746

(b) The department or county department may raise affirmative 75747  
defenses during the hearing, including the existence of a prior 75748  
settlement with the medical assistance recipient, the doctrine of 75749  
accord and satisfaction, or the common law principle of res 75750  
judicata; 75751

(c) If the parties agree, live testimony shall not be 75752  
presented at the hearing; 75753

(d) The hearing may be governed by rules adopted under 75754  
section 5160.02 of the Revised Code. If such rules are adopted, 75755  
Chapter 119. of the Revised Code applies to the hearing only to 75756  
the extent specified in those rules; 75757

(e) The hearing examiner's decision is binding on the 75758  
department or county department and the medical assistance 75759  
recipient unless the decision is reversed or modified on appeal to 75760  
the medicaid director as described in division (M) of this 75761  
section. 75762

(M)(1) A medical assistance recipient who disagrees with a 75763

hearing examiner's decision under division (L) of this section may 75764  
file an administrative appeal with the medicaid director in 75765  
accordance with the procedure the department establishes for this 75766  
purpose in rules required by division (O) of this section. A 75767  
hearing is not required during the administrative appeal, but the 75768  
director or the director's designee shall review the hearing 75769  
examiner's decision and any prior relevant administrative action. 75770  
After the review, the director or the director's designee shall 75771  
affirm, modify, remand, or reverse the hearing decision. A 75772  
decision made under this division is final and binding on the 75773  
department or county department and the medical assistance 75774  
recipient unless it is reversed or modified on appeal to a court 75775  
of common pleas as described in division (N) of this section. 75776

(2) An administrative appeal may be governed by rules adopted 75777  
under section 5160.02 of the Revised Code. If such rules are 75778  
adopted, Chapter 119. of the Revised Code applies to an 75779  
administrative appeal only to the extent specified in those rules. 75780

(N) A party to an administrative appeal described in division 75781  
(M) of this section may file an appeal with a court of common 75782  
pleas in accordance with section 119.12 of the Revised Code. 75783

(O) The medicaid director shall adopt rules under section 75784  
5160.02 of the Revised Code as necessary to implement this 75785  
section, including rules establishing procedures a party may use 75786  
to request a hearing under division (L)(1) or (2) of this section 75787  
or an administrative appeal under division (M)(1) of this section. 75788  
The rules shall be adopted in accordance with Chapter 119. of the 75789  
Revised Code. 75790

(P) Divisions (L) to (N) of this section are remedial in 75791  
nature and shall be liberally construed by the courts of this 75792  
state in accordance with section 1.11 of the Revised Code. Those 75793  
divisions specify the sole remedy available to a party who claims 75794  
the department or a county department has received or is to 75795

receive more money than entitled to receive under this section, 75796  
section 5160.38 of the Revised Code, or former section 5101.58 or 75797  
5101.59 of the Revised Code. 75798

**Sec. 5160.40.** (A) As used in this section, "business day" 75799  
means any day of the week excluding Saturday, Sunday, and a legal 75800  
holiday, as defined in section 1.14 of the Revised Code. 75801

(B) Subject to divisions ~~(B)~~(C) and ~~(C)~~(D) of this section, a 75802  
third party shall do all of the following: 75803

(1) Accept the department of medicaid's right of recovery 75804  
under section 5160.37 of the Revised Code and the assignment of 75805  
rights to the department that are described in section 5160.38 of 75806  
the Revised Code; 75807

(2) Respond to an inquiry by the department regarding a claim 75808  
for payment of a medical item or service that was submitted to the 75809  
third party not later than six years after the date of the 75810  
provision of such medical item or service; 75811

(3) Respond to the department's request for payment of a 75812  
claim described in division (B)(2) of this section not later than 75813  
ninety business days after receipt of written proof of the claim, 75814  
either by paying the claim or issuing a written denial to the 75815  
department; 75816

(4) Not charge a fee to do either of the following for a 75817  
claim described in division ~~(A)~~(B)(2) of this section: 75818

(a) Determine whether the claim should be paid; 75819

(b) Process the claim. 75820

~~(4)~~(5) Pay a claim described in division ~~(A)~~(B)(2) of this 75821  
section; 75822

~~(5)~~(6) Not deny a claim submitted by the department solely on 75823  
the basis of the date of submission of the claim, type or format 75824

of the claim form, or a failure by the medical assistance 75825  
recipient who is the subject of the claim to present proper 75826  
documentation of coverage at the time of service, if both of the 75827  
following have occurred: 75828

(a) The claim was submitted by the department not later than 75829  
six years after the date of the provision of the medical item or 75830  
service. 75831

(b) An action by the department to enforce its right of 75832  
recovery under section 5160.37 of the Revised Code on the claim 75833  
was commenced not later than six years after the department's 75834  
submission of the claim. 75835

~~(6)~~(7) Consider the department's payment of a claim for a 75836  
medical item or service to be the equivalent of the medical 75837  
assistance recipient having obtained prior authorization for the 75838  
item or service from the third party; 75839

~~(7)~~(8) Not deny a claim described in division ~~(A)~~~~(6)~~(B)(7) of 75840  
this section that is submitted by the department solely on the 75841  
basis of the medical assistance recipient's failure to obtain 75842  
prior authorization for the medical item or service. 75843

~~(B)~~(C) For purposes of the requirements in division ~~(A)~~(B) of 75844  
this section, a third party shall treat a medicaid managed care 75845  
organization as the department for a claim if the individual who 75846  
is the subject of the claim received a medical item or service 75847  
through a medicaid managed care organization and the department 75848  
has assigned its right of recovery for the claim to the medicaid 75849  
managed care organization. Even if the department assigned its 75850  
right of recovery to a medicaid managed care organization, the 75851  
department may, beginning one year from the date the organization 75852  
paid the claim, recoup from a third party an amount that was 75853  
assigned to the organization but not collected. 75854

~~(C)~~(D) If the department of medicaid, as permitted by 75855

division (K) of section 5160.37 of the Revised Code, assigns to a 75856  
medical assistance provider the department's right of recovery for 75857  
a claim for which it has notified the provider that it intends to 75858  
recoup its prior payment for a claim, a third party shall treat 75859  
the provider as the department and shall pay the provider the 75860  
greater of the following: 75861

(1) The amount the department intends to recoup from the 75862  
provider for the claim. 75863

(2) If the third party and the provider have an agreement 75864  
that requires the third party to pay the provider at the time the 75865  
provider presents the claim to the third party, the amount that is 75866  
to be paid under that agreement. 75867

~~(D)~~(E) The time limitations associated with the requirements 75868  
in divisions ~~(A)~~(B)(2) and ~~(5)~~(6) of this section apply only to 75869  
submissions of claims to, and payments of claims by, a health 75870  
insurer to which the "Social Security Act," section 75871  
1902(a)(25)(I), 42 U.S.C. 1396a(a)(25)(I), applies. 75872

**Sec. 5160.401.** (A) A payment made by a third party under 75873  
division ~~(A)~~(4)~~(B)~~(5) of section 5160.40 of the Revised Code on a 75874  
claim for payment of a medical item or service provided to a 75875  
medical assistance recipient is final on the date that is two 75876  
years after the payment was made to the department of medicaid or 75877  
the applicable medicaid managed care organization. After a claim 75878  
is final, the claim is subject to adjustment only if an action for 75879  
recovery of an overpayment was commenced under division (B) of 75880  
this section before the date the claim became final and the 75881  
recovery is agreed to by the department or medicaid managed care 75882  
organization under division (C) of this section. 75883

(B) If a third party determines that it overpaid a claim for 75884  
payment, the third party may seek to recover all or part of the 75885  
overpayment by filing a notice of its intent to seek recovery with 75886

the department or medicaid managed care organization, as 75887  
applicable. The notice of recovery must be filed in writing before 75888  
the date the payment is final. The notice must specify all of the 75889  
following: 75890

(1) The full name of the medical assistance recipient who 75891  
received the medical item or service that is the subject of the 75892  
claim; 75893

(2) The date or dates on which the medical item or service 75894  
was provided; 75895

(3) The amount allegedly overpaid and the amount the third 75896  
party seeks to recover; 75897

(4) The claim number and any other number the department or 75898  
medicaid managed care organization has assigned to the claim; 75899

(5) The third party's rationale for seeking recovery; 75900

(6) The date the third party made the payment and the method 75901  
of payment used; 75902

(7) If payment was made by check, the check number; 75903

(8) Whether the third party would prefer to receive the 75904  
amount being sought by obtaining a payment from the department or 75905  
medicaid managed care organization, either by check or electronic 75906  
means, or by offsetting the amount from a future payment to be 75907  
made to the department or medicaid managed care organization. 75908

(C) If the department or appropriate medicaid managed care 75909  
organization determines that a notice of recovery was filed before 75910  
the claim for payment is final and agrees to the amount sought by 75911  
the third party, the department or medicaid managed care 75912  
organization, as applicable, shall notify the third party in 75913  
writing of its determination and agreement. Recovery of the amount 75914  
shall proceed in accordance with the method specified by the third 75915  
party pursuant to division (B)(8) of this section. 75916

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|---|---|
| <u>Sec. 5160.51. (A) As used in this section:</u>   | 75917                                     |
| <u>(1) "Cystic fibrosis program" means the cystic fibrosis program the department of health administers pursuant to division (H) of section 3701.023 of the Revised Code.</u>   | 75918<br>75919<br>75920                   |
| <u>(2) "Hemophilia program" means the hemophilia program the department of health is required to establish and administer under section 3701.029 of the Revised Code.</u>   | 75921<br>75922<br>75923                   |
| <u>(3) "Program for medically handicapped children" means the program for medically handicapped children the department of health administers pursuant to sections 3702.022 to 3702.028 of the Revised Code.</u>  | 75924<br>75925<br>75926<br>75927          |
| <u>(B) The department of medicaid shall establish a medical assistance program for individuals to whom all of the following apply:</u>  | 75928<br>75929<br>75930                   |
| <u>(1) They are ineligible for medicaid and the children's health insurance program.</u>  | 75931<br>75932                            |
| <u>(2) They are not enrolled in the program for medically handicapped children, cystic fibrosis program, or hemophilia program.</u>   | 75933<br>75934<br>75935                   |
| <u>(3) They meet all other eligibility requirements for the program established in rules authorized by this section.</u>  | 75936<br>75937                            |
| <u>(C) Individuals who meet the eligibility requirements for the program established under this section may begin to enroll in, and receive health care services and items covered by, the program beginning January 1, 2018.</u>   | 75938<br>75939<br>75940<br>75941          |
| <u>(D) The program established under this section shall cover only the health care services and items that healthcheck covers. The program's coverage of the health care services and items shall be in the same amount, duration, and scope as the healthcheck's coverage of the health care services and items.</u> | 75942<br>75943<br>75944<br>75945<br>75946 |

(E) The program established under this section shall have a payment rate for the health care services and items it covers that does not exceed the medicaid program's payment rate for the same health care services and items. 75947  
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(F) To be eligible to be a provider of health care services and items covered by the program established under this section, a person or government entity must be a medicaid provider. 75951  
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(G) The department may contract with other government entities and persons as the department determines necessary for the administration of, and delivery of health care services and items covered by, the program established under this section. 75954  
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(H) The medicaid director shall adopt rules under section 5160.02 of the Revised Code as necessary to establish and implement the program under this section. The rules may reference other rules adopted by the director regarding the medicaid program. 75958  
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**Sec. 5162.12.** (A) The medicaid director shall enter into a contract with one or more persons to receive and process, on the director's behalf, requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of the foregoing data made by persons who intend to use the items prepared pursuant to the requests for commercial or academic purposes. 75963  
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(B) At a minimum, a contract entered into under this section shall do both of the following: 75971  
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(1) Authorize the contracting person to engage in the activities described in division (A) of this section for compensation, which must be stated as a percentage of the fees paid by persons who are provided the items; 75973  
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(2) Require the contracting person to charge for an item prepared pursuant to a request a fee in an amount equal to one hundred two per cent of the cost the department of medicaid incurs in making the data used to prepare the item available to the contracting person.

(C) Except as required by federal or state law and subject to division (E) of this section, both of the following conditions apply with respect to a request for data described in division (A) of this section:

(1) The request shall be made through a person who has entered into a contract with the medicaid director under this section.

(2) An item prepared pursuant to the request may be provided to the department of medicaid and is confidential and not subject to disclosure under section 149.43 or 1347.08 of the Revised Code.

(D) The medicaid director shall use fees the director receives pursuant to a contract entered into under this section to pay obligations specified in contracts entered under this section. Any money remaining after the obligations are paid shall be deposited in the health ~~care services administration~~ care/medicaid support and recoveries fund created under section ~~5162.54~~ 5162.52 of the Revised Code.

(E) This section does not apply to requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of the foregoing data that are for any of the following purposes:

- (1) Treatment of medicaid recipients;
- (2) Payment of medicaid claims;
- (3) Establishment or management of medicaid third party

liability pursuant to sections 5160.35 to 5160.43 of the Revised Code; 76007  
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(4) Compliance with the terms of an agreement the medicaid director enters into for purposes of administering the medicaid program; 76009  
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(5) Compliance with an operating protocol the executive director of the office of health transformation or the executive director's designee adopts under division (D) of section 191.06 of the Revised Code. 76012  
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Sec. 5162.16. A government entity that administers one or more components of the medicaid program and has reasonable cause to believe that an instance of fraud, waste, or abuse has occurred in the medicaid program shall inform the department of medicaid. The department shall collect the information in the medicaid data warehouse system established under section 5162.11 of the Revised Code. 76016  
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~~Sec. 5162.40. (A)(1) Except as provided in division (B) of this section, if~~ If a state agency or political subdivision administers one or more components of the medicaid program ~~that the United States department of health and human services approved, and for which federal financial participation was initially obtained, prior to January 1, 2002,~~ or administers one or more aspects of such a component, the department of medicaid may retain or collect not more than ten per cent of the federal financial participation the state agency or political subdivision obtains through an approved, administrative claim regarding the component or aspect of the component. If the department retains or collects a percentage of such federal financial participation, the percentage the department retains or collects shall be specified in a contract the department enters into with the state agency or 76023  
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political subdivision under section 5162.35 of the Revised Code. 76037

~~(2) Except as provided in division (B) of this section, if a 76038  
state agency or political subdivision administers one or more 76039  
components of the medicaid program that the United States 76040  
department of health and human services approved on or after 76041  
January 1, 2002, or administers one or more aspects of such a 76042  
component, the department of medicaid shall retain or collect not 76043  
less than three and not more than ten per cent of the federal 76044  
financial participation the state agency or political subdivision 76045  
obtains through an approved, administrative claim regarding the 76046  
component or aspect of the component. The percentage the 76047  
department retains or collects shall be specified in a contract 76048  
the department enters into with the state agency or political 76049  
subdivision under section 5162.35 of the Revised Code. 76050~~

(B) All amounts the department retains or collects under this 76051  
section shall be deposited into the health ~~care services~~ 76052  
~~administration~~ care/medicaid support and recoveries fund created 76053  
under section ~~5162.54~~ 5162.52 of the Revised Code. 76054

**Sec. 5162.41.** The department of medicaid may retain or 76055  
collect a percentage of the federal financial participation 76056  
included in a supplemental medicaid payment to one or more 76057  
medicaid providers owned or operated by a state agency or 76058  
political subdivision that brings the payment to such provider or 76059  
providers to the upper payment limit established by 42 C.F.R. 76060  
447.272. If the department retains or collects a percentage of 76061  
that federal financial participation, the medicaid director shall 76062  
adopt a rule under section 5162.02 of the Revised Code specifying 76063  
the percentage the department is to retain or collect. All amounts 76064  
the department retains or collects under this section shall be 76065  
deposited into the health ~~care services administration~~ 76066  
care/medicaid support and recoveries fund created under section 76067

~~5162.54~~ 5162.52 of the Revised Code. 76068

**Sec. 5162.52.** (A) The health care/medicaid support and 76069  
recoveries fund is hereby created in the state treasury. All of 76070  
the following shall be credited to the fund: 76071

(1) Except as otherwise provided by statute or as authorized 76072  
by the controlling board, the nonfederal share of all 76073  
medicaid-related revenues, collections, and recoveries; 76074

(2) Federal reimbursement received for payment adjustments 76075  
made pursuant to the "Social Security Act," section 1923, 42 76076  
U.S.C. 1396r-4, under the medicaid program to state mental health 76077  
hospitals maintained and operated by the department of mental 76078  
health and addiction services under division (A) of section 76079  
5119.14 of the Revised Code; 76080

(3) Revenues the department of medicaid receives from another 76081  
state agency for medicaid services pursuant to an interagency 76082  
~~agreement, other than such revenues required to be deposited into~~ 76083  
~~the health care services administration fund created under section~~ 76084  
~~5162.54 of the Revised Code;~~ 76085

(4) ~~The first seven hundred fifty thousand dollars~~ money the 76086  
department of medicaid receives in a fiscal year for performing 76087  
eligibility verification services necessary for compliance with 76088  
the independent, certified audit requirement of 42 C.F.R. 455.304; 76089

(5) The nonfederal share of all rebates paid by drug 76090  
manufacturers to the department of medicaid in accordance with a 76091  
rebate agreement required by the "Social Security Act," section 76092  
1927, 42 U.S.C. 1396r-8; 76093

(6) The nonfederal share of all supplemental rebates paid by 76094  
drug manufacturers to the department of medicaid in accordance 76095  
with the supplemental drug rebate program established under 76096  
section 5164.755 of the Revised Code; 76097

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|--|----------------------------------|
| <u>(7) Amounts deposited into the fund pursuant to sections 5162.12, 5162.40, and 5162.41 of the Revised Code;</u>   | 76098<br>76099                   |
| <u>(8) The application fees charged to providers under section 5164.31 of the Revised Code;</u>  | 76100<br>76101                   |
| <u>(9) The fines collected under section 5165.1010 of the Revised Code;</u>  | 76102<br>76103                   |
| <u>(10) Amounts from assessments on hospitals under section 5168.06 of the Revised Code and intergovernmental transfers by governmental hospitals under section 5168.07 of the Revised Code that are deposited into the fund in accordance with the law.</u> | 76104<br>76105<br>76106<br>76107 |
| (B) The department of medicaid shall use money credited to the health care/medicaid support and recoveries fund to pay for medicaid services and <del>contracts</del> <u>costs associated with the administration of the medicaid program.</u>               | 76108<br>76109<br>76110<br>76111 |
| <b>Sec. <del>5162.64</del> 5162.63.</b> (A) There is hereby created in the state treasury the medicaid school program administrative fund.   | 76112<br>76113                   |
| (B) Both of the following shall be deposited into the medicaid school program administrative fund:   | 76114<br>76115                   |
| (1) The federal funds the department of education receives for the expenses the department incurs in administering the medicaid school component of the medicaid program created under section 5162.36 of the Revised Code;                                  | 76116<br>76117<br>76118<br>76119 |
| (2) The money the department collects from qualified medicaid school providers in the process established in rules authorized by section 5162.363 of the Revised Code.   | 76120<br>76121<br>76122          |
| (C) The department of education shall use money in the medicaid school program administrative fund for both of the following purposes:   | 76123<br>76124<br>76125          |
| (1) Paying for the expenses the department incurs in   | 76126                            |

administering the medicaid school component of the medicaid program; 76127  
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(2) Paying a qualified medicaid school provider a refund for any overpayment the provider makes to the department under the process established in rules authorized by section 5162.363 of the Revised Code if the process results in an overpayment. 76129  
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Sec. 5162.64. There is hereby created in the state treasury the money follows the person enhanced reimbursement fund. 76133  
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The federal payments made to the state under subsection (e) of section 6071 of the "Deficit Reduction Act of 2005," Public Law 109-171, as amended, shall be deposited into the fund. The Department of Medicaid shall use money deposited into the fund for reform activities related to a money follows the person demonstration project authorized by the United States secretary of health and human services, including the helping Ohioans move, expanding (HOME) choice component of the medicaid program operated pursuant to section 5164.90 of the Revised Code. 76135  
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Sec. 5162.65. There is hereby created in the state treasury the refunds and reconciliation fund. 76144  
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Money the department of medicaid receives from a refund or reconciliation shall be deposited into the refunds and reconciliation fund if the department does not know the appropriate fund for the money at the time the department receives the money or if the money is to go to another government entity. Money transferred from the department of job and family services under section 5101.074 of the Revised Code also shall be deposited into the refunds and reconciliation fund. 76146  
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Money in the refunds and reconciliation fund, including money transferred from the department of job and family services, shall be transferred to the appropriate fund once the appropriate fund 76154  
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is identified or shall be transferred to another government 76157  
entity, as appropriate. 76158

**Sec. 5162.66. (A)** As used in this section, "deficiency" has 76159  
the same meaning as in section 5165.60 of the Revised Code. 76160

~~The~~ (B) There is hereby created in the state treasury the 76161  
residents protection fund. All of the following shall be deposited 76162  
into the fund: 76163

(1) The proceeds of all fines, including interest, collected 76164  
under sections 5165.60 to 5165.89 of the Revised Code ~~shall be~~ 76165  
~~deposited in the state treasury to the credit of the residents~~ 76166  
~~protection fund, which is hereby created. The~~i 76167

(2) The proceeds of all fines, including interest, collected 76168  
under section 173.42 of the Revised Code ~~shall be deposited in the~~ 76169  
~~state treasury to the credit of the residents protection fund;~~ 76170

(3) The portions of civil money penalties and corresponding 76171  
interest that are dispersed on or after July 1, 2017, to the 76172  
department of medicaid pursuant to 42 C.F.R. 488.845. 76173

~~Money~~ (C) Subject to 42 C.F.R. 488.845(g)(2), both of the 76174  
following apply to the money in the fund: 76175

(1) It shall be used for ~~the~~ all of the following: 76176

(a) The protection of the health or property of residents of 76177  
nursing facilities in which the department of health finds 76178  
deficiencies, including payment for the costs of relocation of 76179  
residents to other facilities, ~~maintenance;~~i 76180

(b) Maintenance of operation of a facility pending correction 76181  
of deficiencies or closure, ~~and reimbursement;~~i 76182

(c) Reimbursement of residents for the loss of money managed 76183  
by the facility under section 3721.15 of the Revised Code. ~~Money~~ 76184  
~~in the fund~~ 76185

(2) It may ~~also~~ be used to make payments under section 5165.78 of the Revised Code. 76186  
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(D) The fund shall be maintained and administered by the department of medicaid under rules developed in consultation with the departments of health and aging and adopted under section 5162.02 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 76188  
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**Sec. 5164.01.** As used in this chapter: 76193

(A) "Adjudication" has the same meaning as in section 119.01 of the Revised Code. 76194  
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(B) "Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act," section 1905(r), 42 U.S.C. 1396d(r). 76196  
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(C) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code. 76199  
76200

(D) "Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code. 76201  
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(E) "Healthcheck" means the component of the medicaid program that provides early and periodic screening, diagnostic, and treatment services. 76203  
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~~(E)~~(F) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 76206  
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~~(F)~~(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 76209  
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~~(G)~~(H) "ICDS participant" means a dual eligible individual who participates in the integrated care delivery system. 76211  
76212

~~(H)~~(I) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 76213  
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~~(I)~~(J) "Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code. 76215  
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~~(J)~~(K) "Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program. 76218  
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~~(K)~~(L) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 76222  
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~~(L)~~(M) "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid provider, or both. 76224  
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~~(M)~~(N) "Medicaid services" means either or both of the following: 76230  
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(1) Mandatory services; 76232

(2) Optional services that the medicaid program covers. 76233

~~(N)~~(O) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 76234  
76235

~~(O)~~(P) "Optional services" means the health care services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation. 76236  
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~~(P)~~(Q) "Prescribed drug" has the same meaning as in 42 C.F.R. 440.120. 76240  
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~~(Q)~~(R) "Provider agreement" means an agreement to which all of the following apply: 76242  
76243

(1) It is between a medicaid provider and the department of 76244

medicaid; 76245

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients; 76246  
76247

(3) It complies with 42 C.F.R. 431.107(b). 76248

~~(R)~~(S) "State plan home and community-based services" means 76249  
home and community-based services that, as authorized by section 76250  
1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be 76251  
covered by the medicaid program pursuant to an amendment to the 76252  
medicaid state plan. 76253

(T) "Terminal distributor of dangerous drugs" has the same 76254  
meaning as in section 4729.01 of the Revised Code. 76255

**Sec. 5164.10.** The medicaid program may cover one or more 76256  
state plan home and community-based services that the department 76257  
of medicaid selects for coverage. A medicaid recipient of any age 76258  
may receive a state plan home and community-based service if the 76259  
recipient has countable income not exceeding two hundred 76260  
twenty-five per cent of the federal poverty line, has a medical 76261  
need for the service, and meets all other eligibility requirements 76262  
for the service specified in rules adopted under section 5164.02 76263  
of the Revised Code. The rules may not require a medicaid 76264  
recipient to undergo a level of care determination to be eligible 76265  
for a state plan home and community-based service. 76266

**Sec. 5164.29.** Not later than December 31, 2018, the 76267  
department of medicaid shall develop and implement revisions to 76268  
the system by which persons and government entities become and 76269  
remain medicaid providers so that there is a single system of 76270  
records for the system and the persons and government entities do 76271  
not have to submit duplicate data to the state to become or remain 76272  
medicaid providers for any component or aspect of a component of 76273  
the medicaid program, including a component or aspect of a 76274

component administered by another state agency or political 76275  
subdivision pursuant to a contract entered into under section 76276  
5162.35 of the Revised Code. The departments of aging, 76277  
developmental disabilities, and mental health and addiction 76278  
services shall participate in the development of the revisions and 76279  
shall utilize the revised system. 76280

**Sec. 5164.31.** (A) For the purpose of raising funds necessary 76281  
to pay the expenses of implementing the provider screening 76282  
requirements of subpart E of 42 C.F.R. Part 455 and except as 76283  
provided in division (B) of this section, the department of 76284  
medicaid shall collect an application fee from a medicaid provider 76285  
before doing any of the following: 76286

(1) Entering into a provider agreement with a medicaid 76287  
provider that seeks initial enrollment as a provider; 76288

(2) Entering into a provider agreement with a former medicaid 76289  
provider that seeks re-enrollment as a provider; 76290

(3) Revalidating a medicaid provider's continued enrollment 76291  
as a provider. 76292

(B) The department is not to collect an application fee from 76293  
a medicaid provider that is exempt from paying the fee under 42 76294  
C.F.R. 455.460(a). 76295

(C) The application fees shall be deposited into the health 76296  
~~care services administration~~ care/medicaid support and recoveries 76297  
fund created under section ~~5162.54~~ 5162.52 of the Revised Code. 76298  
Application fees are nonrefundable when collected in accordance 76299  
with 42 C.F.R. 455.460(a). 76300

(D) The medicaid director shall adopt rules under section 76301  
5164.02 of the Revised Code as necessary to implement this 76302  
section, including a rule establishing the amount of the 76303  
application fee to be collected under this section. The amount of 76304

the application fee shall not be set at an amount that is more than necessary to pay for the expenses of implementing the provider screening requirements.

**Sec. 5164.34.** (A) As used in this section:

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(2) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section.

(4) "Person subject to the criminal records check requirement" means the following:

(a) A medicaid provider who is notified under division (E)(1) of this section that the provider is subject to a criminal records check;

(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider under division (E)(1) of this section;

(c) An employee or prospective employee of a medicaid provider if both of the following apply:

(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section.

(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee. 76334  
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(5) "Responsible entity" means the following: 76336

(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee; 76337  
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(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a medicaid provider, the provider. 76340  
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(B) This section does not apply to any of the following: 76345

(1) An individual who is subject to a criminal records check under section 3712.09, 3721.121, 5123.081, or 5123.169, ~~or~~ 5164.341 of the Revised Code or any 76346  
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(2) An individual who is subject to a database review or criminal records check under section 173.38, 173.381, 3701.881, or 5164.342 of the Revised Code; 76349  
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(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 of the Revised Code. 76352  
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(C) The department of medicaid may do any of the following: 76354

(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement; 76355  
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(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider; 76358  
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(3) Require that any medicaid provider do the following: 76363

(a) If so required by rules authorized by this section, 76364  
determine pursuant to a database review conducted under division 76365  
(F)(1)(a) of this section whether any employee or prospective 76366  
employee of the provider is included in a database; 76367

(b) Unless the provider is prohibited by division (D)(3)(b) 76368  
of this section from employing the employee or prospective 76369  
employee, require the employee or prospective employee to submit 76370  
to a criminal records check as a condition of being an employee of 76371  
the provider. 76372

(D)(1) The department or the department's designee shall deny 76373  
or terminate a medicaid provider's provider agreement if the 76374  
provider is a person subject to the criminal records check 76375  
requirement and either of the following applies: 76376

(a) The provider fails to obtain the criminal records check 76377  
after being given the information specified in division (G)(1) of 76378  
this section. 76379

(b) Except as provided in rules authorized by this section, 76380  
the provider is found by the criminal records check to have been 76381  
convicted of or have pleaded guilty to a disqualifying offense, 76382  
regardless of the date of the conviction or the date of entry of 76383  
the guilty plea. 76384

(2) No medicaid provider shall permit a person to be an 76385  
owner, officer, or board member of the provider if the person is a 76386  
person subject to the criminal records check requirement and 76387  
either of the following applies: 76388

(a) The person fails to obtain the criminal records check 76389  
after being given the information specified in division (G)(1) of 76390  
this section. 76391

(b) Except as provided in rules authorized by this section, 76392  
the person is found by the criminal records check to have been 76393  
convicted of or have pleaded guilty to a disqualifying offense, 76394

regardless of the date of the conviction or the date of entry of the guilty plea. 76395  
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(3) No medicaid provider shall employ a person if any of the following apply: 76397  
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(a) The person has been excluded from being a medicaid provider, a medicare provider, or provider for any other federal health care program. 76399  
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(b) If the person is subject to a database review conducted under division (F)(1)(a) of this section, the person is found by the database review to be included in a database and the rules authorized by this section regarding the database review prohibit the provider from employing a person included in the database. 76402  
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(c) If the person is a person subject to the criminal records check requirement, either of the following applies: 76407  
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(i) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section. 76409  
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(ii) Except as provided in rules authorized by this section, the person is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea. 76412  
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(E)(1) The department or the department's designee shall inform each medicaid provider whether the provider is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules authorized by this section. For providers applying to be medicaid providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify the following: 76417  
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(a) Which of the provider's owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to a criminal records check;

(b) Which of the provider's employees or prospective employees are subject to division (C)(3) of this section.

(2) At times designated in rules authorized by this section, a medicaid provider that is a person subject to the criminal records check requirement shall do the following:

(a) Inform each person specified under division (E)(1)(a) of this section that the person is required to submit to a criminal records check as a condition of being an owner, officer, or board member of the provider;

(b) Inform each person specified under division (E)(1)(b) of this section that the person is subject to division (C)(3) of this section.

(F)(1) If a medicaid provider is a person subject to the criminal records check requirement, the department or the department's designee shall require the conduct of a criminal records check by the superintendent of the bureau of criminal identification and investigation. A medicaid provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified under division (E)(1)(a) of this section. With respect to each employee and prospective employee specified under division (E)(1)(b) of this section, a medicaid provider shall do the following:

(a) If rules authorized by this section require the provider to conduct a database review to determine whether the employee or prospective employee is included in a database, conduct the database review in accordance with the rules;

(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective

employee, require the conduct of a criminal records check of the 76456  
employee or prospective employee by the superintendent. 76457

(2) If a person subject to the criminal records check 76458  
requirement does not present proof of having been a resident of 76459  
this state for the five-year period immediately prior to the date 76460  
the criminal records check is requested or provide evidence that 76461  
within that five-year period the superintendent has requested 76462  
information about the person from the federal bureau of 76463  
investigation in a criminal records check, the responsible entity 76464  
shall require the person to request that the superintendent obtain 76465  
information from the federal bureau of investigation as part of 76466  
the criminal records check of the person. Even if the person 76467  
presents proof of having been a resident of this state for the 76468  
five-year period, the responsible entity may require that the 76469  
person request that the superintendent obtain information from the 76470  
federal bureau of investigation and include it in the criminal 76471  
records check of the person. 76472

(G) Criminal records checks required by this section shall be 76473  
obtained as follows: 76474

(1) The responsible entity shall provide each person subject 76475  
to the criminal records check requirement information about 76476  
accessing and completing the form prescribed pursuant to division 76477  
(C)(1) of section 109.572 of the Revised Code and the standard 76478  
impression sheet prescribed pursuant to division (C)(2) of that 76479  
section. 76480

(2) The person subject to the criminal records check 76481  
requirement shall submit the required form and one complete set of 76482  
the person's fingerprint impressions directly to the 76483  
superintendent for purposes of conducting the criminal records 76484  
check using the applicable methods prescribed by division (C) of 76485  
section 109.572 of the Revised Code. The person shall pay all fees 76486  
associated with obtaining the criminal records check. 76487

(3) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check requirement shall instruct the superintendent to submit the report of the criminal records check directly to the responsible entity. If the department or the department's designee is not the responsible entity, the department or designee may require the responsible entity to submit the report to the department or designee.

(H)(1) A medicaid provider may employ conditionally a person for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The provider is not prohibited by division (D)(3)(b) of this section from employing the person.

(b) The person submits a request for the criminal records check not later than five business days after the person begins conditional employment.

(2) A medicaid provider that employs a person conditionally under division (H)(1) of this section shall terminate the person's employment if the results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the person has been convicted of or has pleaded guilty to a disqualifying offense, the provider shall terminate the person's employment unless circumstances specified in rules authorized by this section exist that permit the provider to employ the person and the provider chooses to employ the person.

(I) The report of a criminal records check conducted pursuant to this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any

person other than the following: 76519

(1) The person who is the subject of the criminal records check or the person's representative; 76520 76521

(2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program; 76522 76523

(3) The department's designee; 76524

(4) The medicaid provider who required the person who is the subject of the criminal records check to submit to the criminal records check; 76525 76526 76527

(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan; 76528 76529 76530

(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 76531 76532

(a) The denial or termination of a provider agreement; 76533

(b) A person's denial of employment, termination of employment, or employment or unemployment benefits; 76534 76535

(c) A civil or criminal action regarding the medicaid program. 76536 76537

(J) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following: 76538 76539 76540 76541 76542

(1) Designate the categories of persons who are subject to a criminal records check under this section; 76543 76544

(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a 76545 76546 76547

criminal records check to have been convicted of, pleaded guilty 76548  
to, or been found eligible for intervention in lieu of conviction 76549  
for a disqualifying offense; 76550

(3) Specify circumstances under which a medicaid provider may 76551  
permit a person to be an employee, owner, officer, or board member 76552  
of the provider when the person is found by a criminal records 76553  
check conducted pursuant to this section to have been convicted of 76554  
or have pleaded guilty to a disqualifying offense; 76555

(4) Specify all of the following: 76556

(a) The circumstances under which a database review must be 76557  
conducted under division (F)(1)(a) of this section to determine 76558  
whether an employee or prospective employee of a medicaid provider 76559  
is included in a database; 76560

(b) The procedures for conducting the database review; 76561

(c) The databases that are to be checked; 76562

(d) The circumstances under which a medicaid provider is 76563  
prohibited from employing a person who is found by the database 76564  
review to be included in a database. 76565

**Sec. 5164.341.** (A) As used in this section: 76566

"Anniversary date" means the later of the effective date of 76567  
the provider agreement relating to the independent provider or 76568  
sixty days after September 26, 2003. 76569

"Applicant" means a person who has applied for a provider 76570  
agreement to provide home and community-based services as an 76571  
independent provider under a home and community-based medicaid 76572  
waiver component administered by the department of medicaid. 76573

"Criminal records check" has the same meaning as in section 76574  
109.572 of the Revised Code. 76575

"Disqualifying offense" means any of the offenses listed or 76576

described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 76577  
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"Independent provider" means a person who has a provider agreement to provide home and community-based services as an independent provider in a home and community-based services medicaid waiver component administered by the department of medicaid. 76579  
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(B) The department of medicaid or the department's designee shall deny an applicant's application for a provider agreement and shall terminate an independent provider's provider agreement if either of the following applies: 76584  
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(1) After the applicant or independent provider is given the information and notification required by divisions (D)(2)(a) and (b) of this section, the applicant or independent provider fails to do either of the following: 76588  
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(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed to division (C)(2) of that section; 76592  
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(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the department or the department's designee. 76597  
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(2) Except as provided in rules authorized by this section, the applicant or independent provider is found by ~~a criminal records check required by this section~~ either of the following to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea; 76600  
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(a) A criminal records check required by this section; 76606

(b) In the case of an independent provider, a notice provided by the bureau of criminal identification and investigation under division (D) of section 109.5721 of the Revised Code. 76607  
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(C)(1) The department or the department's designee shall inform each applicant, at the time of initial application for a provider agreement, that the applicant is required to provide a set of the applicant's fingerprint impressions and that a criminal records check is required to be conducted as a condition of the department's approving the application. 76610  
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~~(2) Beginning on September 26, 2003~~ Unless the department elects to receive notices about independent providers from the bureau of criminal identification and investigation pursuant to division (D) of section 109.5721 of the Revised Code, the department or the department's designee shall inform each independent provider on or before the time of the anniversary date of the provider agreement that the independent provider is required to provide a set of the independent provider's fingerprint impressions and that a criminal records check is required to be conducted. 76616  
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(D)(1) The department or the department's designee shall require an applicant to complete a criminal records check prior to entering into a provider agreement with the applicant. The department or the department's designee shall require an independent provider to complete a criminal records check at least annually unless the department elects to receive notices about independent providers from the bureau of criminal identification and investigation pursuant to division (D) of section 109.5721 of the Revised Code. If an applicant or independent provider for whom a criminal records check is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that 76626  
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five-year period the superintendent of the bureau of criminal 76639  
identification and investigation has requested information about 76640  
the applicant or independent provider from the federal bureau of 76641  
investigation in a criminal records check, the department or the 76642  
department's designee shall request that the applicant or 76643  
independent provider obtain through the superintendent a criminal 76644  
records request from the federal bureau of investigation as part 76645  
of the criminal records check of the applicant or independent 76646  
provider. Even if an applicant or independent provider for whom a 76647  
criminal records check request is required by this section 76648  
presents proof of having been a resident of this state for the 76649  
five-year period, the department or the department's designee may 76650  
request that the applicant or independent provider obtain 76651  
information through the superintendent from the federal bureau of 76652  
investigation in the criminal records check. 76653

(2) The department or the department's designee shall provide 76654  
the following to each applicant and independent provider for whom 76655  
a criminal records check is required by this section: 76656

(a) Information about accessing, completing, and forwarding 76657  
to the superintendent of the bureau of criminal identification and 76658  
investigation the form prescribed pursuant to division (C)(1) of 76659  
section 109.572 of the Revised Code and the standard impression 76660  
sheet prescribed pursuant to division (C)(2) of that section; 76661

(b) Written notification that the applicant or independent 76662  
provider is to instruct the superintendent to submit the completed 76663  
report of the criminal records check directly to the department or 76664  
the department's designee. 76665

(3) Each applicant and independent provider for whom a 76666  
criminal records check is required by this section shall pay to 76667  
the bureau of criminal identification and investigation the fee 76668  
prescribed pursuant to division (C)(3) of section 109.572 of the 76669  
Revised Code for the criminal records check conducted of the 76670

applicant or independent provider. 76671

(E) ~~The~~ Neither the report of any criminal records check 76672  
conducted by the bureau of criminal identification and 76673  
investigation in accordance with section 109.572 of the Revised 76674  
Code and pursuant to a request made under this section nor a 76675  
notice provided by the bureau under division (D) of section 76676  
109.5721 of the Revised Code is ~~not~~ a public record for the 76677  
purposes of section 149.43 of the Revised Code and. Such a report 76678  
or notice shall not be made available to any person other than the 76679  
following: 76680

(1) The person who is the subject of the criminal records 76681  
check or the person's representative; 76682

(2) The medicaid director and the staff of the department who 76683  
are involved in the administration of the medicaid program; 76684

(3) The department's designee; 76685

(4) An individual receiving or deciding whether to receive 76686  
home and community-based services from the person who is the 76687  
subject of the criminal records check or notice from the bureau; 76688

(5) A court, hearing officer, or other necessary individual 76689  
involved in a case dealing with either of the following: 76690

(a) A denial or termination of a provider agreement related 76691  
to the criminal records check or notice from the bureau; 76692

(b) A civil or criminal action regarding the medicaid 76693  
program. 76694

(F) The medicaid director shall adopt rules under section 76695  
5164.02 of the Revised Code to implement this section. The rules 76696  
shall specify circumstances under which the department or the 76697  
department's designee may either approve an applicant's 76698  
application or allow an independent provider to maintain an 76699  
existing provider agreement even though the applicant or 76700

independent provider is found by a ~~criminal records check required~~ 76701  
by this section either of the following to have been convicted of 76702  
or have pleaded guilty to a disqualifying offense: 76703

(1) A criminal records check required by this section; 76704

(2) In the case of an independent provider, a notice provided 76705  
by the bureau of criminal identification and investigation under 76706  
division (D) of section 109.5721 of the Revised Code. 76707

**Sec. 5164.342.** (A) As used in this section: 76708

"Applicant" means a person who is under final consideration 76709  
for employment with a waiver agency in a full-time, part-time, or 76710  
temporary position that involves providing home and 76711  
community-based services. 76712

"Community-based long-term care provider" means a provider as 76713  
defined in section 173.39 of the Revised Code. 76714

"Community-based long-term care subcontractor" means a 76715  
subcontractor as defined in section 173.38 of the Revised Code. 76716

"Criminal records check" has the same meaning as in section 76717  
109.572 of the Revised Code. 76718

"Disqualifying offense" means any of the offenses listed or 76719  
described in divisions (A)(3)(a) to (e) of section 109.572 of the 76720  
Revised Code. 76721

"Employee" means a person employed by a waiver agency in a 76722  
full-time, part-time, or temporary position that involves 76723  
providing home and community-based services. 76724

"Waiver agency" means a person or government entity that 76725  
provides home and community-based services under a home and 76726  
community-based services medicaid waiver component administered by 76727  
the department of medicaid, other than such a person or government 76728  
entity that is certified under the medicare program. "Waiver 76729

agency" does not mean an independent provider as defined in 76730  
section 5164.341 of the Revised Code. 76731

(B) This section does not apply to any individual who is 76732  
subject to a database review or criminal records check under 76733  
section 3701.881 of the Revised Code. If a waiver agency also is a 76734  
community-based long-term care provider or community-based 76735  
long-term care subcontractor, the waiver agency may provide for 76736  
applicants and employees to undergo database reviews and criminal 76737  
records checks in accordance with section 173.38 of the Revised 76738  
Code rather than this section. 76739

(C) No waiver agency shall employ an applicant or continue to 76740  
employ an employee in a position that involves providing home and 76741  
community-based services if any of the following apply: 76742

(1) A review of the databases listed in division (E) of this 76743  
section reveals any of the following: 76744

(a) That the applicant or employee is included in one or more 76745  
of the databases listed in divisions (E)(1) to (5) of this 76746  
section; 76747

(b) That there is in the state nurse aide registry 76748  
established under section 3721.32 of the Revised Code a statement 76749  
detailing findings by the director of health that the applicant or 76750  
employee abused, neglected, or ~~abused~~ exploited a long-term care 76751  
facility or residential care facility resident or misappropriated 76752  
property of such a resident; 76753

(c) That the applicant or employee is included in one or more 76754  
of the databases, if any, specified in rules authorized by this 76755  
section and the rules prohibit the waiver agency from employing an 76756  
applicant or continuing to employ an employee included in such a 76757  
database in a position that involves providing home and 76758  
community-based services. 76759

(2) After the applicant or employee is given the information 76760

and notification required by divisions (F)(2)(a) and (b) of this 76761  
section, the applicant or employee fails to do either of the 76762  
following: 76763

(a) Access, complete, or forward to the superintendent of the 76764  
bureau of criminal identification and investigation the form 76765  
prescribed to division (C)(1) of section 109.572 of the Revised 76766  
Code or the standard impression sheet prescribed pursuant to 76767  
division (C)(2) of that section; 76768

(b) Instruct the superintendent to submit the completed 76769  
report of the criminal records check required by this section 76770  
directly to the chief administrator of the waiver agency. 76771

(3) Except as provided in rules authorized by this section, 76772  
the applicant or employee is found by a criminal records check 76773  
required by this section to have been convicted of or have pleaded 76774  
guilty to a disqualifying offense, regardless of the date of the 76775  
conviction or date of entry of the guilty plea. 76776

(D) At the time of each applicant's initial application for 76777  
employment in a position that involves providing home and 76778  
community-based services, the chief administrator of a waiver 76779  
agency shall inform the applicant of both of the following: 76780

(1) That a review of the databases listed in division (E) of 76781  
this section will be conducted to determine whether the waiver 76782  
agency is prohibited by division (C)(1) of this section from 76783  
employing the applicant in the position; 76784

(2) That, unless the database review reveals that the 76785  
applicant may not be employed in the position, a criminal records 76786  
check of the applicant will be conducted and the applicant is 76787  
required to provide a set of the applicant's fingerprint 76788  
impressions as part of the criminal records check. 76789

(E) As a condition of employing any applicant in a position 76790  
that involves providing home and community-based services, the 76791

chief administrator of a waiver agency shall conduct a database 76792  
review of the applicant in accordance with rules authorized by 76793  
this section. If rules authorized by this section so require, the 76794  
chief administrator of a waiver agency shall conduct a database 76795  
review of an employee in accordance with the rules as a condition 76796  
of continuing to employ the employee in a position that involves 76797  
providing home and community-based services. A database review 76798  
shall determine whether the applicant or employee is included in 76799  
any of the following: 76800

(1) The excluded parties list system that is maintained by 76801  
the United States general services administration pursuant to 76802  
subpart 9.4 of the federal acquisition regulation and available at 76803  
the federal web site known as the system for award management; 76804

(2) The list of excluded individuals and entities maintained 76805  
by the office of inspector general in the United States department 76806  
of health and human services pursuant to the "Social Security 76807  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 76808

(3) The registry of developmental disabilities employees 76809  
established under section 5123.52 of the Revised Code; 76810

(4) The internet-based sex offender and child-victim offender 76811  
database established under division (A)(11) of section 2950.13 of 76812  
the Revised Code; 76813

(5) The internet-based database of inmates established under 76814  
section 5120.66 of the Revised Code; 76815

(6) The state nurse aide registry established under section 76816  
3721.32 of the Revised Code; 76817

(7) Any other database, if any, specified in rules authorized 76818  
by this section. 76819

(F)(1) As a condition of employing any applicant in a 76820  
position that involves providing home and community-based 76821

services, the chief administrator of a waiver agency shall require 76822  
the applicant to request that the superintendent of the bureau of 76823  
criminal identification and investigation conduct a criminal 76824  
records check of the applicant. If rules authorized by this 76825  
section so require, the chief administrator of a waiver agency 76826  
shall require an employee to request that the superintendent 76827  
conduct a criminal records check of the employee at times 76828  
specified in the rules as a condition of continuing to employ the 76829  
employee in a position that involves providing home and 76830  
community-based services. However, a criminal records check is not 76831  
required for an applicant or employee if the waiver agency is 76832  
prohibited by division (C)(1) of this section from employing the 76833  
applicant or continuing to employ the employee in a position that 76834  
involves providing home and community-based services. If an 76835  
applicant or employee for whom a criminal records check request is 76836  
required by this section does not present proof of having been a 76837  
resident of this state for the five-year period immediately prior 76838  
to the date the criminal records check is requested or provide 76839  
evidence that within that five-year period the superintendent has 76840  
requested information about the applicant or employee from the 76841  
federal bureau of investigation in a criminal records check, the 76842  
chief administrator shall require the applicant or employee to 76843  
request that the superintendent obtain information from the 76844  
federal bureau of investigation as part of the criminal records 76845  
check. Even if an applicant or employee for whom a criminal 76846  
records check request is required by this section presents proof 76847  
of having been a resident of this state for the five-year period, 76848  
the chief administrator may require the applicant or employee to 76849  
request that the superintendent include information from the 76850  
federal bureau of investigation in the criminal records check. 76851

(2) The chief administrator shall provide the following to 76852  
each applicant and employee for whom a criminal records check is 76853  
required by this section: 76854

(a) Information about accessing, completing, and forwarding 76855  
to the superintendent of the bureau of criminal identification and 76856  
investigation the form prescribed pursuant to division (C)(1) of 76857  
section 109.572 of the Revised Code and the standard impression 76858  
sheet prescribed pursuant to division (C)(2) of that section; 76859

(b) Written notification that the applicant or employee is to 76860  
instruct the superintendent to submit the completed report of the 76861  
criminal records check directly to the chief administrator. 76862

(3) A waiver agency shall pay to the bureau of criminal 76863  
identification and investigation the fee prescribed pursuant to 76864  
division (C)(3) of section 109.572 of the Revised Code for any 76865  
criminal records check required by this section. However, a waiver 76866  
agency may require an applicant to pay to the bureau the fee for a 76867  
criminal records check of the applicant. If the waiver agency pays 76868  
the fee for an applicant, it may charge the applicant a fee not 76869  
exceeding the amount the waiver agency pays to the bureau under 76870  
this section if the waiver agency notifies the applicant at the 76871  
time of initial application for employment of the amount of the 76872  
fee and that, unless the fee is paid, the applicant will not be 76873  
considered for employment. 76874

(G)(1) A waiver agency may employ conditionally an applicant 76875  
for whom a criminal records check is required by this section 76876  
prior to obtaining the results of the criminal records check if 76877  
both of the following apply: 76878

(a) The waiver agency is not prohibited by division (C)(1) of 76879  
this section from employing the applicant in a position that 76880  
involves providing home and community-based services. 76881

(b) The chief administrator of the waiver agency requires the 76882  
applicant to request a criminal records check regarding the 76883  
applicant in accordance with division (F)(1) of this section not 76884  
later than five business days after the applicant begins 76885

conditional employment. 76886

(2) A waiver agency that employs an applicant conditionally 76887  
under division (G)(1) of this section shall terminate the 76888  
applicant's employment if the results of the criminal records 76889  
check, other than the results of any request for information from 76890  
the federal bureau of investigation, are not obtained within the 76891  
period ending sixty days after the date the request for the 76892  
criminal records check is made. Regardless of when the results of 76893  
the criminal records check are obtained, if the results indicate 76894  
that the applicant has been convicted of or has pleaded guilty to 76895  
a disqualifying offense, the waiver agency shall terminate the 76896  
applicant's employment unless circumstances specified in rules 76897  
authorized by this section exist that permit the waiver agency to 76898  
employ the applicant and the waiver agency chooses to employ the 76899  
applicant. 76900

(H) The report of any criminal records check conducted 76901  
pursuant to a request made under this section is not a public 76902  
record for the purposes of section 149.43 of the Revised Code and 76903  
shall not be made available to any person other than the 76904  
following: 76905

(1) The applicant or employee who is the subject of the 76906  
criminal records check or the representative of the applicant or 76907  
employee; 76908

(2) The chief administrator of the waiver agency that 76909  
requires the applicant or employee to request the criminal records 76910  
check or the administrator's representative; 76911

(3) The medicaid director and the staff of the department who 76912  
are involved in the administration of the medicaid program; 76913

(4) The director of aging or the director's designee if the 76914  
waiver agency also is a community-based long-term care provider or 76915  
community-based long-term care subcontractor; 76916

- (5) An individual receiving or deciding whether to receive home and community-based services from the subject of the criminal records check; 76917  
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76919
- (6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 76920  
76921
- (a) A denial of employment of the applicant or employee; 76922
- (b) Employment or unemployment benefits of the applicant or employee; 76923  
76924
- (c) A civil or criminal action regarding the medicaid program. 76925  
76926
- (I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. 76927  
76928
- (1) The rules may do the following: 76929
- (a) Require employees to undergo database reviews and criminal records checks under this section; 76930  
76931
- (b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 76932  
76933  
76934
- (c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section. 76935  
76936  
76937
- (2) The rules shall specify all of the following: 76938
- (a) The procedures for conducting a database review under this section; 76939  
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- (b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 76941  
76942  
76943  
76944
- (c) If the rules specify other databases to be checked as 76945

part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases;

(d) The circumstances under which a waiver agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense.

(J) The amendments made by H.B. 487 of the 129th general assembly to this section do not preclude the department of medicaid from taking action against a person for failure to comply with former division (H) of this section as that division existed on the day preceding January 1, 2013.

**Sec. 5164.37.** (A) As used in this section:

(1) "Independent provider" has the same meaning as in section 5164.341 of the Revised Code.

(2) "Noninstitutional medicaid provider" means any person or entity with a provider agreement other than a hospital, nursing facility, or ICF/IID.

(3) "Owner" means any person having at least five per cent ownership in a noninstitutional medicaid provider.

(B) Notwithstanding any provision of this chapter to the contrary, the department of medicaid shall take action under this section against a noninstitutional medicaid provider or its owner, officer, authorized agent, associate, manager, or employee.

(C) Except as provided in division (D) of this section and in rules authorized by this section, on receiving notice and a copy of an indictment that is issued on or after September 29, 2007, and charges a noninstitutional medicaid provider or its owner, officer, authorized agent, associate, manager, or employee with

committing an offense specified in division (E) of this section, 76976  
the department shall suspend the provider agreement held by the 76977  
noninstitutional medicaid provider. Subject to division (D) of 76978  
this section, the department shall also terminate medicaid 76979  
payments to the provider for medicaid services rendered. 76980

The suspension shall continue in effect until the proceedings 76981  
in the criminal case are completed through dismissal of the 76982  
indictment or through conviction, entry of a guilty plea, or 76983  
finding of not guilty. If the department commences a process to 76984  
terminate the suspended provider agreement, the suspension shall 76985  
also continue in effect until the termination process is 76986  
concluded. 76987

When subject to a suspension under this division, a provider, 76988  
owner, officer, authorized agent, associate, manager, or employee 76989  
shall not own or provide medicaid services to any other medicaid 76990  
provider or risk contractor or arrange for, render, or order 76991  
medicaid services for medicaid recipients during the period of 76992  
suspension. During the period of suspension, the provider, owner, 76993  
officer, authorized agent, associate, manager, or employee shall 76994  
not receive direct payments under the medicaid program or indirect 76995  
payments of medicaid funds in the form of salary, shared fees, 76996  
contracts, kickbacks, or rebates from or through any other 76997  
medicaid provider or risk contractor. 76998

(D)(1) The department shall not suspend a provider agreement 76999  
or terminate medicaid payments under division (C) of this section 77000  
if the provider or owner can demonstrate through the submission of 77001  
written evidence that the provider or owner did not directly or 77002  
indirectly sanction the action of its authorized agent, associate, 77003  
manager, or employee that resulted in the indictment. 77004

(2) The termination of medicaid payments applies only to 77005  
payments for medicaid services rendered subsequent to the date on 77006  
which the notice required under division (F) of this section is 77007

sent. Claims for payment for medicaid services rendered by the 77008  
provider prior to the issuance of the notice may be subject to 77009  
prepayment review procedures whereby the department reviews claims 77010  
to determine whether they are supported by sufficient 77011  
documentation, are in compliance with state and federal statutes 77012  
and rules, and are otherwise complete. 77013

(E)(1) In the case of a noninstitutional medicaid provider 77014  
that is not an independent provider, the suspension of a provider 77015  
agreement under division (C) of this section applies when an 77016  
indictment charges a person with committing an act that would be a 77017  
felony or misdemeanor under the laws of this state and the act 77018  
relates to or results from either of the following: 77019

(a) Furnishing or billing for medicaid services under the 77020  
medicaid program; 77021

(b) Participating in the performance of management or 77022  
administrative services relating to furnishing medicaid services 77023  
under the medicaid program. 77024

(2) In the case of a noninstitutional medicaid provider that 77025  
is an independent provider, the suspension of a provider agreement 77026  
under division (C) of this section applies when an indictment 77027  
charges a person with committing an act that would constitute a 77028  
disqualifying offense as defined in section ~~5164.34~~ 5164.341 of 77029  
the Revised Code. 77030

(F) Not later than five days after suspending a provider 77031  
agreement under division (C) of this section, the department shall 77032  
send notice of the suspension to the affected provider or owner. 77033  
In providing the notice, the department shall do all of the 77034  
following: 77035

(1) Describe the indictment that was the cause of the 77036  
suspension, without necessarily disclosing specific information 77037  
concerning any ongoing civil or criminal investigation; 77038

(2) State that the suspension will continue in effect until the proceedings in the criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty and, if the department commences a process to terminate the suspended provider agreement, until the termination process is concluded;

(3) Inform the provider or owner of the opportunity to submit to the department, not later than thirty days after receiving the notice, a request for a reconsideration pursuant to division (G) of this section.

(G)(1) Pursuant to the procedure specified in division (G)(2) of this section, a noninstitutional medicaid provider or owner subject to a suspension under this section may request a reconsideration. The request shall be made not later than thirty days after receipt of the notice provided under division (F) of this section. The reconsideration is not subject to an adjudication hearing pursuant to Chapter 119. of the Revised Code.

(2) In requesting a reconsideration, the provider or owner shall submit written information and documents to the department. The information and documents may pertain to any of the following issues:

(a) Whether the determination to suspend the provider agreement was based on a mistake of fact, other than the validity of the indictment;

(b) Whether any offense charged in the indictment resulted from an offense specified in division (E) of this section;

(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the indictment.

(3) The department shall review the information and documents

submitted in a request for reconsideration. After the review, the 77070  
suspension may be affirmed, reversed, or modified, in whole or in 77071  
part. The department shall notify the affected provider or owner 77072  
of the results of the review. The review and notification of its 77073  
results shall be completed not later than forty-five days after 77074  
receiving the information and documents submitted in a request for 77075  
reconsideration. 77076

(H) Rules adopted under section 5164.02 of the Revised Code 77077  
may specify circumstances under which the department would not 77078  
suspend a provider agreement pursuant to this section. 77079

**Sec. 5164.70.** Except as otherwise required by federal statute 77080  
or regulation, no medicaid payment for any medicaid service 77081  
provided by a hospital, nursing facility, or ICF/IID shall exceed 77082  
~~the following:~~ 77083

~~(A) If the medicaid provider is a hospital, nursing facility,~~ 77084  
~~or ICF/IID,~~ the limits established under Subpart C of 42 C.F.R. 77085  
Part 447: 77086

~~(B) If the medicaid provider is other than a provider~~ 77087  
~~described in division (A) of this section, the authorized payment~~ 77088  
~~limits for the same service under the medicare program.~~ 77089

**Sec. 5164.752.** In July of every even-numbered year, the 77090  
department of medicaid shall initiate a confidential survey of the 77091  
cost of dispensing drugs incurred by terminal distributors of 77092  
dangerous drugs in this state. The survey shall be used as the 77093  
basis for establishing the medicaid program's dispensing ~~fee~~ fees 77094  
for terminal distributors in accordance with section 5164.753 of 77095  
the Revised Code. The survey shall be completed and its results 77096  
published not later than the last day of ~~October~~ November of the 77097  
year in which it is conducted. 77098

Each terminal distributor that is a provider of drugs under 77099

the medicaid program shall participate in the survey. The 77100  
department may reduce the dispensing fees paid to a terminal 77101  
distributor if the terminal distributor fails to participate in 77102  
the survey. Except as necessary to publish the survey's results, a 77103  
terminal distributor's responses to the survey are confidential 77104  
and not a public record under section 149.43 of the Revised Code. 77105

The survey shall be conducted in conformance with the 77106  
requirements set forth in 42 C.F.R. 447.500 to 447.518. The survey 77107  
shall include operational data and direct prescription expenses, 77108  
professional services and personnel costs, and usual and customary 77109  
overhead expenses of the terminal distributors surveyed. The 77110  
survey shall compute and report the cost of dispensing ~~on a basis~~ 77111  
~~of the usual and customary charges~~ by terminal distributors ~~to~~ 77112  
~~their customers for dispensing drugs.~~ 77113

**Sec. 5164.753.** In December of every even-numbered year, the 77114  
medicaid director shall establish a dispensing fee fees, effective 77115  
the following July, for terminal distributors of dangerous drugs 77116  
that are providers of drugs under the medicaid program. In 77117  
establishing the ~~dispensing fee~~ fees, the director shall take into 77118  
consideration the results of the survey conducted under section 77119  
5164.752 of the Revised Code. The director may establish fees that 77120  
vary by terminal distributor, taking into consideration the volume 77121  
of drugs a terminal distributor dispenses under the medicaid 77122  
program or any other criteria the director considers relevant. 77123

**Sec. 5164.7510.** (A) There is hereby established the pharmacy 77124  
and therapeutics committee of the department of medicaid. The 77125  
committee shall assist the department with developing and 77126  
maintaining a preferred drug list for the medicaid program. 77127

The committee shall review and recommend to the medicaid 77128  
director the drugs that should be included on the preferred drug 77129

list. The recommendations shall be made based on the evaluation of 77130  
competent evidence regarding the relative safety, efficacy, ~~and~~ 77131  
effectiveness, and cost-effectiveness of prescribed drugs within a 77132  
class or classes of prescribed drugs. 77133

(B) The committee shall consist of ~~ten~~ nine members and shall 77134  
be appointed by the medicaid director. The director shall seek 77135  
recommendations for membership from relevant professional 77136  
organizations. A candidate for membership recommended by a 77137  
professional organization shall have professional experience 77138  
working with medicaid recipients. 77139

The membership of the committee shall include: 77140

(1) Three pharmacists licensed under Chapter 4729. of the 77141  
Revised Code; 77142

(2) Two doctors of medicine and two doctors of osteopathy who 77143  
hold certificates to practice issued under Chapter 4731. of the 77144  
Revised Code, one of whom is a family practice physician; 77145

(3) A registered nurse licensed under Chapter 4723. of the 77146  
Revised Code; 77147

(4) ~~A pharmacologist who has a doctoral degree;~~ 77148

~~(5)~~ A psychiatrist who holds a certificate to practice issued 77149  
under Chapter 4731. of the Revised Code and specializes in 77150  
psychiatry. 77151

(C) The committee shall elect from among its members a 77152  
chairperson. Five committee members constitute a quorum. 77153

The committee shall establish guidelines necessary for the 77154  
committee's operation. 77155

The committee may establish one or more subcommittees to 77156  
investigate and analyze issues consistent with the duties of the 77157  
committee under this section. The subcommittees may submit 77158  
proposals regarding the issues to the committee and the committee 77159

may adopt, reject, or modify the proposals. 77160

A vote by a majority of a quorum is necessary to make 77161  
recommendations to the director. In the case of a tie, the 77162  
chairperson shall decide the outcome. 77163

(D) The director shall act on the committee's recommendations 77164  
not later than thirty days after the recommendation is posted on 77165  
the department's web site under division (F) of this section. If 77166  
the director does not accept a recommendation of the committee, 77167  
the director shall present the basis for this determination not 77168  
later than fourteen days after making the determination or at the 77169  
next scheduled meeting of the committee, whichever is sooner. 77170

(E) An interested party may request, and shall be permitted, 77171  
to make a presentation or submit written materials to the 77172  
committee during a committee meeting. The presentation or other 77173  
materials shall be relevant to an issue under consideration by the 77174  
committee and any written material, including a transcript of 77175  
testimony to be given on the day of the meeting, may be submitted 77176  
to the committee in advance of the meeting. 77177

(F) The department shall post the following on the 77178  
department's web site: 77179

(1) Guidelines established by the committee under division 77180  
(C) of this section; 77181

(2) A detailed committee agenda not later than fourteen days 77182  
prior to the date of a regularly scheduled meeting and not later 77183  
than seventy-two hours prior to the date of a special meeting 77184  
called by the committee; 77185

(3) Committee recommendations not later than seven days after 77186  
the meeting at which the recommendation was approved; 77187

(4) The director's final determination as to the 77188  
recommendations made by the committee under this section. 77189

**Sec. 5164.90.** (A) As used in this section, "MFP demonstration project" means a money follows the person demonstration project that the United States secretary of health and human services is authorized to award under section 6071 of the "Deficit Reduction Act of 2005" (Pub. L. No. 109-171, as amended).

(B) ~~To the extent funds are available under an MFP demonstration project awarded to the department of medicaid, the~~ The director of medicaid may operate the helping Ohioans move, expanding (HOME) choice ~~demonstration~~ component of the medicaid program to transition qualifying medicaid recipients ~~who qualify for the demonstration component~~ to community settings. In operating the component, the director may do either or both of the following:

(1) Use the following:

(a) Funds that are awarded to the department of medicaid for an MFP demonstration project and appropriated to the department for this purpose, if such funds are available to the department;

(b) State funds appropriated to the department for this purpose, if no funds are available to the department under an MFP demonstration project.

(2) Integrate the component, or one or more aspects of the component, into a home and community-based services medicaid waiver component.

**Sec. 5165.1010.** (A) Subject to division (D) of this section, the department of medicaid shall fine the provider of a nursing facility if the report of an audit conducted under section 5165.109 of the Revised Code regarding a cost report for the nursing facility includes either of the following:

(1) Adverse findings that exceed three per cent of the total

amount of medicaid-allowable costs reported in the cost report; 77220

(2) Adverse findings that exceed twenty per cent of 77221  
medicaid-allowable costs for a particular cost center reported in 77222  
the cost report. 77223

(B) A fine issued under this section shall equal the greatest 77224  
of the following: 77225

(1) If the adverse findings exceed three per cent but do not 77226  
exceed ten per cent of the total amount of medicaid-allowable 77227  
costs reported in the cost report, the greater of three per cent 77228  
of those reported costs or ten thousand dollars; 77229

(2) If the adverse findings exceed ten per cent but do not 77230  
exceed twenty per cent of the total amount of medicaid-allowable 77231  
costs reported in the cost report, the greater of six per cent of 77232  
those reported costs or twenty-five thousand dollars; 77233

(3) If the adverse findings exceed twenty per cent of the 77234  
total amount of medicaid-allowable costs reported in the cost 77235  
report, the greater of ten per cent of those reported costs or 77236  
fifty thousand dollars; 77237

(4) If the adverse findings exceed twenty per cent but do not 77238  
exceed twenty-five per cent of medicaid-allowable costs for a 77239  
particular cost center reported in the cost report, the greater of 77240  
three per cent of the total amount of medicaid-allowable costs 77241  
reported in the cost report or ten thousand dollars; 77242

(5) If the adverse findings exceed twenty-five per cent but 77243  
do not exceed thirty per cent of medicaid-allowable costs for a 77244  
particular cost center reported in the cost report, the greater of 77245  
six per cent of the total amount of medicaid-allowable costs 77246  
reported in the cost report or twenty-five thousand dollars; 77247

(6) If the adverse findings exceed thirty per cent of 77248  
medicaid-allowable costs for a particular cost center reported in 77249

the cost report, the greater of ten per cent of the total amount 77250  
of medicaid-allowable costs reported in the cost report or fifty 77251  
thousand dollars. 77252

(C) Fines paid under this section shall be deposited into the 77253  
health ~~care services administration~~ care/medicaid support and 77254  
recoveries fund created under section ~~5162.54~~ 5162.52 of the 77255  
Revised Code. 77256

(D) The department may not collect a fine under this section 77257  
until all appeal rights relating to the audit report that is the 77258  
basis for the fine are exhausted. 77259

**Sec. 5165.152.** The total per medicaid day payment rate 77260  
determined under section 5165.15 of the Revised Code shall not be 77261  
paid for nursing facility services provided to low resource 77262  
utilization residents. Instead, the total rate for such nursing 77263  
facility services shall be ~~the following:~~ 77264

~~(A) One one hundred fifteen dollars per medicaid day if the 77265  
department of medicaid is satisfied that the nursing facility's 77266  
provider is cooperating with the long term care ombudsman program 77267  
in efforts to help the nursing facility's low resource utilization 77268  
residents receive the services that are most appropriate for such 77269  
residents' level of care needs;~~ 77270

~~(B) Ninety one dollars and seventy cents per medicaid day if 77271  
division (A) of this section does not apply to the nursing 77272  
facility.~~ 77273

**Sec. 5165.157.** (A) The medicaid director shall establish an 77274  
alternative purchasing model for nursing facility services 77275  
provided by designated discrete units of nursing facilities to 77276  
medicaid recipients with specialized health care needs. The 77277  
director shall do all of the following with regard to the model: 77278

(1) Establish criteria that a discrete unit of a nursing 77279

facility must meet to be designated as a unit that, under the 77280  
alternative purchasing model, may admit and provide nursing 77281  
facility services to medicaid recipients with specialized health 77282  
care needs; 77283

(2) Specify the health care conditions that medicaid 77284  
recipients must have to have specialized health care needs, which 77285  
may include dependency on a ventilator, severe traumatic brain 77286  
injury, the need to be admitted to a long-term acute care hospital 77287  
or rehabilitation hospital if not for nursing facility services, 77288  
and other serious health care conditions; 77289

(3) ~~For each fiscal year, set~~ Determine the total per 77290  
medicaid day payment rate for nursing facility services provided 77291  
by designated discrete units of nursing facilities under the 77292  
alternative purchasing model ~~at either of the following:~~ 77293

~~(a) Sixty per cent of the statewide average of the total per 77294  
medicaid day payment rate for long term acute care hospital 77295  
services as of the first day of the fiscal year;~~ 77296

~~(b) Another amount determined in accordance with an 77297  
alternative a methodology that includes improved health outcomes 77298  
as a factor in determining the payment rate established for each 77299  
such service in rules authorized by section 5165.02 of the Revised 77300  
Code; 77301~~

(4) Require, to the extent the director considers necessary, 77302  
a medicaid recipient to obtain prior authorization for admission 77303  
to a long-term acute care hospital or rehabilitation hospital as a 77304  
condition of medicaid payment for long-term acute care hospital or 77305  
rehabilitation hospital services. 77306

(B) The criteria established under division (A)(1) of this 77307  
section shall provide for a discrete unit of a nursing facility to 77308  
be excluded from the alternative purchasing model if the unit is 77309  
paid for nursing facility services in accordance with section 77310

5165.153, 5165.154, or 5165.156 of the Revised Code. The criteria 77311  
may require the provider of a nursing facility that has a discrete 77312  
unit designated for participation in the alternative purchasing 77313  
model to report health outcome measurement data to the department 77314  
of medicaid. 77315

(C) A discrete unit of a nursing facility that provides 77316  
nursing facility services to medicaid recipients with specialized 77317  
health care needs under the alternative purchasing model shall be 77318  
paid for those services in accordance with division (A)(3) of this 77319  
section instead of the total per medicaid day payment rate 77320  
determined under section 5165.15, 5165.153, 5165.154, or 5165.156 77321  
of the Revised Code. 77322

**Sec. 5165.192.** (A)(1) Except as provided in division (B) of 77323  
this section and in accordance with the process specified in rules 77324  
authorized by this section, the department of medicaid shall do 77325  
all of the following: 77326

(a) Every quarter, determine the following two case-mix 77327  
scores for each nursing facility: 77328

(i) A quarterly case-mix score that includes each resident 77329  
who is a medicaid recipient ~~and is not a low resource utilization~~ 77330  
~~resident;~~ 77331

(ii) A quarterly case-mix score that includes each resident 77332  
regardless of payment source. 77333

(b) Every six months, determine a semiannual average case-mix 77334  
score for each nursing facility by using the quarterly case-mix 77335  
scores determined for the nursing facility pursuant to division 77336  
(A)(1)(a)(i) of this section; 77337

(c) After the end of each calendar year, determine an annual 77338  
average case-mix score for each nursing facility by using the 77339  
quarterly case-mix scores determined for the nursing facility 77340

pursuant to division (A)(1)(a)(ii) of this section. 77341

(2) When determining case-mix scores under division (A)(1) of 77342  
this section, the department shall use all of the following: 77343

(a) Data from a resident assessment instrument specified in 77344  
rules authorized by section 5165.191 of the Revised Code; 77345

(b) Except as provided in rules authorized by this section, 77346  
the case-mix values established by the United States department of 77347  
health and human services; 77348

(c) Except as modified in rules authorized by this section, 77349  
the grouper methodology used on June 30, 1999, by the United 77350  
States department of health and human services for prospective 77351  
payment of skilled nursing facilities under the medicare program. 77352

(B)(1) Subject to division (B)(2) of this section, the 77353  
department, for one or more months of a calendar quarter, may 77354  
assign to a nursing facility a case-mix score that is five per 77355  
cent less than the nursing facility's case-mix score for the 77356  
immediately preceding calendar quarter if any of the following 77357  
apply: 77358

(a) The provider does not timely submit complete and accurate 77359  
resident assessment data necessary to determine the nursing 77360  
facility's case-mix score for the calendar quarter; 77361

(b) The nursing facility was subject to an exception review 77362  
under section 5165.193 of the Revised Code for the immediately 77363  
preceding calendar quarter; 77364

(c) The nursing facility was assigned a case-mix score for 77365  
the immediately preceding calendar quarter. 77366

(2) Before assigning a case-mix score to a nursing facility 77367  
due to the submission of incorrect resident assessment data, the 77368  
department shall permit the provider to correct the data. The 77369  
department may assign the case-mix score if the provider fails to 77370

submit the corrected resident assessment data not later than the 77371  
earlier of the forty-fifth day after the end of the calendar 77372  
quarter to which the data pertains or the deadline for submission 77373  
of such corrections established by regulations adopted by the 77374  
United States department of health and human services under Title 77375  
XVIII and Title XIX. 77376

(3) If, for more than six months in a calendar year, a 77377  
provider is paid a rate determined for a nursing facility using a 77378  
case-mix score assigned to the nursing facility under division 77379  
(B)(1) of this section, the department may assign the nursing 77380  
facility a cost per case-mix unit that is five per cent less than 77381  
the nursing facility's actual or assigned cost per case-mix unit 77382  
for the immediately preceding calendar year. The department may 77383  
use the assigned cost per case-mix unit, instead of determining 77384  
the nursing facility's actual cost per case-mix unit in accordance 77385  
with section 5165.19 of the Revised Code, to establish the nursing 77386  
facility's rate for direct care costs for the fiscal year 77387  
immediately following the calendar year for which the cost per 77388  
case-mix unit is assigned. 77389

(4) The department shall take action under division (B)(1), 77390  
(2), or (3) of this section only in accordance with rules 77391  
authorized by this section. The department shall not take an 77392  
action that affects rates for prior payment periods except in 77393  
accordance with sections 5165.41 and 5165.42 of the Revised Code. 77394

(C) The medicaid director shall adopt rules under section 77395  
5165.02 of the Revised Code as necessary to implement this 77396  
section. 77397

(1) The rules shall do all of the following: 77398

(a) Specify the process for determining the semiannual and 77399  
annual average case-mix scores for nursing facilities; 77400

(b) Adjust the case-mix values specified in division 77401

(A)(2)(b) of this section to reflect changes in relative wage differentials that are specific to this state; 77402  
77403

(c) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another; 77404  
77405  
77406  
77407

(d) Modify the grouper methodology specified in division (A)(2)(c) of this section as follows: 77408  
77409

(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology; 77410  
77411

(ii) Prohibit the use of the index maximizer element of the methodology; 77412  
77413

(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999; 77414  
77415  
77416

(iv) Make other changes the department determines are necessary. 77417  
77418

(e) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction; 77419  
77420  
77421

(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX. 77422  
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(g) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division (B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected 77428  
77429  
77430  
77431

in accordance with the procedures established by the rules. 77432

(2) Notwithstanding any other provision of this chapter, the 77433  
rules may provide for the exclusion of case-mix scores assigned to 77434  
a nursing facility under division (B) of this section from the 77435  
determination of the nursing facility's semiannual or annual 77436  
average case-mix score and the cost per case-mix unit for the 77437  
nursing facility's peer group. 77438

**Sec. 5166.01.** As used in this chapter: 77439

"209(b) option" means the option described in section 1902(f) 77440  
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 77441  
medicaid program's eligibility requirements for aged, blind, and 77442  
disabled individuals are more restrictive than the eligibility 77443  
requirements for the supplemental security income program. 77444

"Administrative agency" means, with respect to a home and 77445  
community-based services medicaid waiver component, the department 77446  
of medicaid or, if a state agency or political subdivision 77447  
contracts with the department under section 5162.35 of the Revised 77448  
Code to administer the component, that state agency or political 77449  
subdivision. 77450

"Care management system" means the system established under 77451  
section 5167.03 of the Revised Code. 77452

"Dual eligible individual" has the same meaning as in section 77453  
5160.01 of the Revised Code. 77454

"Federal poverty line" has the same meaning as in section 77455  
5162.01 of the Revised Code. 77456

"Home and community-based services medicaid waiver component" 77457  
means a medicaid waiver component under which home and 77458  
community-based services are provided as an alternative to 77459  
hospital services, nursing facility services, or ICF/IID services. 77460

"Hospital" has the same meaning as in section 3727.01 of the 77461

Revised Code. 77462

"Hospital long-term care unit" has the same meaning as in 77463  
section 5168.40 of the Revised Code. 77464

"ICDS participant" has the same meaning as in section 5164.01 77465  
of the Revised Code. 77466

"ICF/IID" and "ICF/IID services" have the same meanings as in 77467  
section 5124.01 of the Revised Code. 77468

"Integrated care delivery system" and "ICDS" have the same 77469  
meanings as in section 5164.01 of the Revised Code. 77470

"Level of care determination" means a determination of 77471  
whether an individual needs the level of care provided by a 77472  
hospital, nursing facility, or ICF/IID and whether the individual, 77473  
if determined to need that level of care, would receive hospital 77474  
services, nursing facility services, or ICF/IID services if not 77475  
for a home and community-based services medicaid waiver component. 77476

"Medicaid buy-in for workers with disabilities program" has 77477  
the same meaning as in section 5163.01 of the Revised Code. 77478

"Medicaid provider" has the same meaning as in section 77479  
5164.01 of the Revised Code. 77480

"Medicaid services" has the same meaning as in section 77481  
5164.01 of the Revised Code. 77482

"Medicaid waiver component" means a component of the medicaid 77483  
program authorized by a waiver granted by the United States 77484  
department of health and human services under the "Social Security 77485  
Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid 77486  
waiver component" does not include a care management system 77487  
established under section 5167.03 of the Revised Code. 77488

"Medically fragile child" means an individual who is under 77489  
eighteen years of age, has intensive health care needs, and is 77490  
considered blind or disabled under section 1614(a)(2) or (3) of 77491

the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 77492

"Nursing facility" and "nursing facility services" have the 77493  
same meanings as in section 5165.01 of the Revised Code. 77494

"Ohio home care waiver program" means the home and 77495  
community-based services medicaid waiver component that is known 77496  
as Ohio home care and was created pursuant to section 5166.11 of 77497  
the Revised Code. 77498

~~"Ohio transitions II aging carve out program" means the home 77499  
and community based services medicaid waiver component that is 77500  
known as Ohio transitions II aging carve out and was created 77501  
pursuant to section 5166.11 of the Revised Code. 77502~~

"Provider agreement" has the same meaning as in section 77503  
5164.01 of the Revised Code. 77504

"Residential treatment facility" means a residential facility 77505  
licensed by the department of mental health and addiction services 77506  
under section 5119.34 of the Revised Code, or an institution 77507  
certified by the department of job and family services under 77508  
section 5103.03 of the Revised Code, that serves children and 77509  
either has more than sixteen beds or is part of a campus of 77510  
multiple facilities or institutions that, combined, have a total 77511  
of more than sixteen beds. 77512

"Skilled nursing facility" has the same meaning as in section 77513  
5165.01 of the Revised Code. 77514

"Unified long-term services and support medicaid waiver 77515  
component" means the medicaid waiver component authorized by 77516  
section 5166.14 of the Revised Code. 77517

**Sec. 5166.16.** (A) As used in this section and section 77518  
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 77519  
component" means all of the following: 77520

(1) The medicaid-funded component of the PASSPORT program, 77521

unless it is terminated pursuant to division (C) of section 173.52 77522  
of the Revised Code; 77523

~~(2) The choices program, unless it is terminated pursuant to 77524  
division (B) of section 173.53 of the Revised Code; 77525~~

~~(3) The medicaid-funded component of the assisted living 77526  
program, unless it is terminated pursuant to division (C) of 77527  
section 173.54 of the Revised Code; 77528~~

~~(4)(3) The Ohio home care waiver program, unless it is 77529  
terminated pursuant to section 5166.12 of the Revised Code; 77530~~

~~(5) The Ohio transitions II aging carve out program, unless 77531  
it is terminated pursuant to section 5166.13 of the Revised Code. 77532~~

(B) The medicaid director may create a home and 77533  
community-based services medicaid waiver component as part of the 77534  
integrated care delivery system. If the ICDS medicaid waiver 77535  
component is created, both of the following apply: 77536

(1) The department of medicaid shall administer it; 77537

(2) When it begins to accept enrollments, no ICDS participant 77538  
who is eligible for the ICDS medicaid waiver component shall be 77539  
enrolled in an ODA or MCD medicaid waiver component regardless of 77540  
whether the participant prefers to remain or be enrolled in an ODA 77541  
or MCD medicaid waiver component. 77542

(C) A dual eligible individual who is eligible for an ODA or 77543  
MCD medicaid waiver component may enroll in the component before 77544  
the individual becomes an ICDS participant. The dual eligible 77545  
individual shall disenroll from the ODA or MCD medicaid waiver 77546  
component and enroll in the ICDS medicaid waiver component once 77547  
the individual becomes an ICDS participant and it is possible to 77548  
enroll the individual in the ICDS medicaid waiver component. The 77549  
disenrollment from the ODA or MCD medicaid waiver component and 77550  
enrollment into the ICDS medicaid waiver component shall occur 77551

regardless of whether the individual prefers to remain enrolled in the ODA or MCD medicaid waiver component. 77552  
77553

(D) An ICDS participant's disenrollment from an ODA or MCD medicaid waiver component and enrollment in the ICDS medicaid waiver component resulting from division (B)(2) or (C) of this section shall be accomplished without a disruption in the participant's services under the components. 77554  
77555  
77556  
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77558

**Sec. 5166.30.** (A) As used in sections 5166.30 to 5166.3010 of the Revised Code: 77559  
77560

(1) "Adult" means an individual at least eighteen years of age. 77561  
77562

(2) "Appropriate director" means the following: 77563

(a) The medicaid director in the context of ~~all~~ both of the following: 77564  
77565

(i) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code; 77566  
77567

~~(ii) The Ohio transitions II aging carve-out program, unless it is terminated pursuant to section 5166.13 of the Revised Code;~~ 77568  
77569

~~(iii) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.~~ 77570  
77571

(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code. 77572  
77573  
77574  
77575

(3) "Authorized representative" means the following: 77576

(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian; 77577  
77578

(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5166.3010 of the 77579  
77580

Revised Code to act on the consumer's behalf for purposes 77581  
regarding home care attendant services. 77582

(4) "Authorizing health care professional" means a health 77583  
care professional who, pursuant to section 5166.307 of the Revised 77584  
Code, authorizes a home care attendant to assist a consumer with 77585  
self-administration of medication, nursing tasks, or both. 77586

(5) "Consumer" means an individual to whom all of the 77587  
following apply: 77588

(a) The individual is enrolled in a participating medicaid 77589  
waiver component. 77590

(b) The individual has a medically determinable physical 77591  
impairment to which both of the following apply: 77592

(i) It is expected to last for a continuous period of not 77593  
less than twelve months. 77594

(ii) It causes the individual to require assistance with 77595  
activities of daily living, self-care, and mobility, including 77596  
either assistance with self-administration of medication or the 77597  
performance of nursing tasks, or both. 77598

(c) In the case of an individual who is an adult, the 77599  
individual is mentally alert and is, or has an authorized 77600  
representative who is, capable of selecting, directing the actions 77601  
of, and dismissing a home care attendant. 77602

(d) In the case of an individual who is a minor, the 77603  
individual has an authorized representative who is capable of 77604  
selecting, directing the actions of, and dismissing a home care 77605  
attendant. 77606

(6) "Controlled substance" has the same meaning as in section 77607  
3719.01 of the Revised Code. 77608

(7) "Custodian" has the same meaning as in section 2151.011 77609  
of the Revised Code. 77610

- (8) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach. 77611  
77612
- (9) "Guardian" has the same meaning as in section 2111.01 of the Revised Code. 77613  
77614
- (10) "Health care professional" means a physician or registered nurse. 77615  
77616
- (11) "Home care attendant" means an individual holding a valid provider agreement in accordance with section 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers. 77617  
77618  
77619  
77620
- (12) "Home care attendant services" means all of the following as provided by a home care attendant: 77621  
77622
- (a) Personal care aide services; 77623
  - (b) Assistance with the self-administration of medication; 77624
  - (c) Assistance with nursing tasks. 77625
- (13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum. 77626  
77627
- (14) "Medication" means a drug as defined in section 4729.01 of the Revised Code. 77628  
77629
- (15) "Minor" means an individual under eighteen years of age. 77630
- (16) "Participating medicaid waiver component" means all of the following: 77631  
77632
- (a) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code; 77633  
77634  
77635
  - (b) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code; 77636  
77637
  - (c) ~~The Ohio transitions II aging carve out program, unless it is terminated pursuant to section 5166.13 of the Revised Code;~~ 77638  
77639

~~(d)~~ The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code. 77640  
77641

(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 77642  
77643  
77644

(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. 77645  
77646  
77647  
"Registered nurse" includes an advanced practice registered nurse, 77648  
as defined in section 4723.01 of the Revised Code. 77649

(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 77650  
77651  
77652

(B) Participating medicaid waiver components may cover home care attendant services in accordance with sections 5166.30 to 5166.3010 of the Revised Code and rules adopted under section 5166.02 of the Revised Code. 77653  
77654  
77655  
77656

**Sec. 5166.40.** (A) As used in sections 5166.40 to 5166.409 of the Revised Code: 77657  
77658

(1) "Adult" means an individual who is at least eighteen years of age. 77659  
77660

(2) "Buckeye account" means a modified health savings account established under section 5166.402 of the Revised Code. 77661  
77662

(3) "Contribution" means the amounts that an individual contributes to the individual's buckeye account and are contributed to the account on the individual's behalf under divisions (C) and (D) of section 5166.402 of the Revised Code. 77663  
77664  
77665  
77666  
"Contribution" does not mean the portion of an individual's buckeye account that consists of medicaid funds deposited under division (B) of section 5166.402 of the Revised Code or section 77667  
77668  
77669

5166.404 of the Revised Code. 77670

(4) "Core portion" means the portion of a healthy Ohio 77671  
program participant's buckeye account that consists of the 77672  
following: 77673

(a) The amount of contributions to the account; 77674

(b) The amounts awarded to the account under divisions (C) 77675  
and (D) of section 5166.404 of the Revised Code. 77676

(5) "Eligible employer-sponsored health plan" has the same 77677  
meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 77678  
1986," 26 U.S.C. 5000A(f)(2). 77679

(6) "Healthy Ohio program" means the medicaid waiver 77680  
component established under sections 5166.40 to 5166.409 of the 77681  
Revised Code under which medicaid recipients specified in division 77682  
(B) of this section enroll in comprehensive health plans and 77683  
contribute to buckeye accounts. 77684

(7) "Healthy Ohio program debit swipe card" means a debit 77685  
swipe card issued by a managed care organization to a healthy Ohio 77686  
program participant under section 5166.403 of the Revised Code. 77687

(8) "Not-for-profit organization" means an organization that 77688  
is exempt from federal income taxation under section 501(a) and 77689  
(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a) 77690  
and (c)(3). 77691

(9) "Ward of the state" means ~~both of the following:~~ an 77692  
individual who is a ward, as defined in section 2111.01 of the 77693  
Revised Code. 77694

(10) "Workforce development activity" and "~~workforce~~ 77695  
~~development agency local board~~" have the same meanings as in 77696  
section 6301.01 of the Revised Code. 77697

(B) The medicaid director shall establish a medicaid waiver 77698  
component to be known as the healthy Ohio program. Each adult 77699

medicaid recipient, other than a ward of the state, determined to 77700  
be eligible for medicaid on the basis of either of the following 77701  
shall participate in the healthy Ohio program: 77702

(1) On the basis of being included in the category identified 77703  
by the department of medicaid as covered families and children; 77704

(2) On the basis of being included in the eligibility group 77705  
described in section 1902(a)(10)(A)(i)(VIII) of the "Social 77706  
Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 77707

(C) Except as provided in section 5166.406 of the Revised 77708  
Code, a healthy Ohio program participant shall not receive 77709  
medicaid services under the fee-for-service component of medicaid 77710  
or participate in the care management system. 77711

**Sec. 5166.408.** Each county department of job and family 77712  
services shall offer to refer to a ~~workforce development agency~~ 77713  
local board each healthy Ohio program participant who resides in 77714  
the county served by the county department and is either 77715  
unemployed or employed for less than an average of twenty hours 77716  
per week. The referral shall include information about the 77717  
workforce development activities available from the ~~workforce~~ 77718  
~~development agency~~ local board. A participant may refuse to accept 77719  
the referral and to participate in the workforce development 77720  
activities without any affect on the participant's eligibility 77721  
for, or participation in, the healthy Ohio program. 77722

**Sec. 5167.18.** Each contract the department of medicaid enters 77723  
into with a managed care organization under section 5167.10 of the 77724  
Revised Code shall require the managed care organization to do all 77725  
of the following: 77726

(A) Designate a committee located in this state dedicated 77727  
solely to conducting internal investigations of fraud, waste, 77728  
abuse, and overpayments within the medicaid program; 77729

(B) Comply with federal and state efforts to identify fraud, waste, and abuse in the medicaid program. 77730  
77731

**Sec. 5167.20.** (A) Except as provided in division (B) of this 77732  
section, when a participant in the care management system 77733  
established under this chapter is enrolled in a medicaid managed 77734  
care organization and the organization ~~refers~~ authorizes the 77735  
participant to receive services, ~~other than emergency services~~ 77736  
~~provided on or after January 1, 2007,~~ at a hospital that 77737  
participates in the medicaid program but is not under contract 77738  
with the organization, the hospital shall ~~provide~~ do both of the 77739  
following: 77740

(1) Provide the authorized service for which the referral was 77741  
made and shall accept as long as it is medically necessary and 77742  
covered by medicaid; 77743

(2) Accept from the organization, as payment in full, the 77744  
amount derived from the payment rate used by the department to pay 77745  
other hospitals of the same type for providing the same service to 77746  
a medicaid recipient who is not enrolled in a medicaid managed 77747  
care organization. 77748

~~(B) A hospital is not subject to division (A) of this section~~ 77749  
~~if all of the following are the case:~~ 77750

~~(1) The hospital is located in a county in which participants~~ 77751  
~~in the care management system are required before January 1, 2006,~~ 77752  
~~to be enrolled in a medicaid managed care organization that is a~~ 77753  
~~health insuring corporation;~~ 77754

~~(2) The hospital has entered into a contract before January~~ 77755  
~~1, 2006, with at least one health insuring corporation serving the~~ 77756  
~~participants specified in division (B)(1) of this section;~~ 77757

~~(3) The hospital remains under contract with at least one~~ 77758  
~~health insuring corporation serving participants in the care~~ 77759

~~management system who are required to be enrolled in a health  
insuring corporation Section 5167.201 of the Revised Code applies  
to payments for emergency services provided by a hospital that is  
not under contract with the medicaid managed care organization in  
which a participant in the care management system is enrolled.~~ 77760  
77761  
77762  
77763  
77764

(C) The medicaid director ~~shall~~ may adopt rules under section 77765  
5167.02 of the Revised Code ~~specifying the circumstances under~~ 77766  
~~which a medicaid managed care organization is permitted to refer a~~ 77767  
~~participant in the care management system to a hospital that is~~ 77768  
~~not under contract with the organization~~ as necessary to implement 77769  
this section. 77770

**Sec. 5167.30.** (A)(1) The department of medicaid shall 77771  
establish a managed care performance payment program. Under the 77772  
program, the department may provide payments to medicaid managed 77773  
care organizations that meet performance standards established by 77774  
the department. 77775

(2) In establishing performance standards, the department may 77776  
consult any of the following: 77777

(a) Any quality measurements developed under the pediatric 77778  
quality measures program established pursuant to the "Social 77779  
Security Act," section 1139A, 42 U.S.C. 1320b-9a; 77780

(b) Any core set of adult health quality measures for 77781  
medicaid eligible adults used for purposes of the "Social Security 77782  
Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health 77783  
quality used for purposes of the medicaid quality measurement 77784  
program when the program is established under that section of the 77785  
"Social Security Act"; 77786

(c) The most recent healthcare effectiveness data and 77787  
information set and quality measurement tool established by the 77788  
national committee for quality assurance. 77789

(3) The standards that must be met to receive the payments 77790  
may be specified in the contract the department enters into with a 77791  
medicaid managed care organization. 77792

(4) If a medicaid managed care organization meets the 77793  
performance standards established by the department, the 77794  
department shall make one or more performance payments to the 77795  
organization. The amount of each performance payment, the number 77796  
of payments, and the schedule for making the payments shall be 77797  
established by the department. The payments shall be discontinued 77798  
if the department determines that the organization no longer meets 77799  
the performance standards. The department shall not make or 77800  
discontinue payments based on any performance standard that has 77801  
been in effect as part of the organization's contract for less 77802  
than six months. 77803

(B) For purposes of the program, the department shall 77804  
establish an amount that is to be withheld each time a premium 77805  
payment is made to a medicaid managed care organization. The 77806  
amount shall be established as a percentage of each premium 77807  
payment. The percentage shall be the same for all medicaid managed 77808  
care organizations. The sum of all withholdings under this 77809  
division shall not exceed ~~two~~ five per cent of the total of all 77810  
premium payments made to all medicaid managed care organizations. 77811

Each medicaid managed care organization shall agree to the 77812  
withholding as a condition of receiving or maintaining its 77813  
provider agreement with the department. 77814

When the amount is established and each time the amount is 77815  
modified thereafter, the department shall certify the amount to 77816  
the director of budget and management and begin withholding the 77817  
amount from each premium the department pays to a medicaid managed 77818  
care organization. 77819

**Sec. 5167.34. A medicaid managed care organization, its** 77820

officers, employees, or other persons associated with the managed 77821  
care organization are not liable in a civil action for damages or 77822  
other relief for furnishing information to the department of 77823  
medicaid regarding potential fraud, waste, or abuse in the 77824  
medicaid program. 77825

**Sec. 5168.01.** As used in sections 5168.01 to 5168.14 of the 77826  
Revised Code: 77827

(A) "Bad debt," "charity care," "courtesy care," and 77828  
"contractual allowances" have the same meanings given these terms 77829  
in regulations adopted under Title XVIII of the "Social Security 77830  
Act," 42 U.S.C. 1395 et seq. 77831

(B) "Cost reporting period" means the twelve-month period 77832  
used by a hospital in reporting costs for purposes of Title XVIII 77833  
of the "Social Security Act," 42 U.S.C. 1395 et seq. 77834

(C) "Disproportionate share hospital" means a hospital that 77835  
meets the definition of a disproportionate share hospital in rules 77836  
adopted under section 5168.02 of the Revised Code. 77837

(D) "Federal poverty line" means the official poverty line 77838  
defined by the United States office of management and budget based 77839  
on the most recent data available from the United States bureau of 77840  
the census and revised by the United States secretary of health 77841  
and human services pursuant to the "Omnibus Budget Reconciliation 77842  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 77843

(E) "Governmental hospital" means a county hospital with more 77844  
than five hundred registered beds or a state-owned and -operated 77845  
hospital with more than five hundred registered beds. 77846

(F)(1) "Hospital" means a nonfederal hospital to which either 77847  
of the following applies: 77848

(a) The hospital is registered under section 3701.07 of the 77849

Revised Code as a general medical and surgical hospital or a 77850  
pediatric general hospital, and provides inpatient hospital 77851  
services, as defined in 42 C.F.R. 440.10; 77852

(b) The hospital is recognized under the medicare program as 77853  
a cancer hospital and is exempt from the medicare prospective 77854  
payment system. 77855

(2) "Hospital" does not include a hospital operated by a 77856  
health insuring corporation that has been issued a certificate of 77857  
authority under section 1751.05 of the Revised Code or a hospital 77858  
that does not charge patients for services. 77859

(G) "Indigent care pool" means the sum of the following: 77860

(1) The total of assessments to be paid in a program year by 77861  
all hospitals under section 5168.06 of the Revised Code, less the 77862  
assessments deposited into the health ~~care services administration~~ 77863  
care/medicaid support and recoveries fund created under section 77864  
~~5162.54~~ 5162.52 of the Revised Code; 77865

(2) The total amount of intergovernmental transfers required 77866  
to be made in the same program year by governmental hospitals 77867  
under section 5168.07 of the Revised Code, less the amount of 77868  
transfers deposited into the health ~~care services administration~~ 77869  
care/medicaid support and recoveries fund created under section 77870  
~~5162.54~~ 5162.52 of the Revised Code; 77871

(3) The total amount of federal matching funds that will be 77872  
made available in the same program year as a result of funds 77873  
distributed by the department of medicaid to hospitals under 77874  
section 5168.09 of the Revised Code. 77875

(H) "Intergovernmental transfer" means any transfer of money 77876  
by a governmental hospital under section 5168.07 of the Revised 77877  
Code. 77878

(I) "Medicaid services" has the same meaning as in section 77879

5164.01 of the Revised Code. 77880

(J) "Program year" means a period beginning the first day of 77881  
October, or a later date designated in rules adopted under section 77882  
5168.02 of the Revised Code, and ending the thirtieth day of 77883  
September, or an earlier date designated in rules adopted under 77884  
that section. 77885

(K) "Registered beds" means the total number of hospital beds 77886  
registered with the department of health, as reported in the most 77887  
recent "directory of registered hospitals" published by the 77888  
department of health. 77889

(L) "Third-party payer" means any person or government entity 77890  
that may be liable by law or contract to make payment to or on 77891  
behalf of an individual for health care services. "Third-party 77892  
payer" does not include a hospital. 77893

(M) "Total facility costs" means the total costs for all 77894  
services rendered to all patients, including the direct, indirect, 77895  
and overhead cost to the hospital of all services, supplies, 77896  
equipment, and capital related to the care of patients, regardless 77897  
of whether patients are enrolled in a health insuring corporation, 77898  
excluding costs associated with providing skilled nursing services 77899  
in distinct-part nursing facility units, as shown on the 77900  
hospital's cost report filed under section 5168.05 of the Revised 77901  
Code. Effective October 1, 1993, if rules adopted under section 77902  
5168.02 of the Revised Code so provide, "total facility costs" may 77903  
exclude costs associated with providing care to recipients of any 77904  
of the governmental programs listed in division (B) of that 77905  
section. 77906

(N) "Uncompensated care" means bad debt and charity care. 77907

**Sec. 5168.02.** (A) The medicaid director shall adopt rules in 77908  
accordance with Chapter 119. of the Revised Code for the purpose 77909

of administering sections 5168.01 to 5168.14 of the Revised Code, 77910  
including rules that do all of the following: 77911

(1) Define as a "disproportionate share hospital" any 77912  
hospital included under the "Social Security Act," section 77913  
1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director 77914  
determines appropriate; 77915

(2) Prescribe the form for submission of cost reports under 77916  
section 5168.05 of the Revised Code; 77917

(3) Establish, in accordance with division (A) of section 77918  
5168.06 of the Revised Code, the assessment rate or rates to be 77919  
applied to hospitals under that section; 77920

(4) Establish schedules for hospitals to pay installments on 77921  
their assessments under section 5168.06 of the Revised Code and 77922  
for governmental hospitals to pay installments on their 77923  
intergovernmental transfers under section 5168.07 of the Revised 77924  
Code; 77925

(5) Establish procedures to notify hospitals of adjustments 77926  
made under division (B)(2)(b) of section 5168.06 of the Revised 77927  
Code in the amount of installments on their assessment; 77928

(6) Establish procedures to notify hospitals of adjustments 77929  
made under division (D) of section 5168.08 of the Revised Code in 77930  
the total amount of their assessment and to adjust for the 77931  
remainder of the program year the amount of the installments on 77932  
the assessments; 77933

(7) Establish, in accordance with section 5168.09 of the 77934  
Revised Code, the methodology for paying hospitals under that 77935  
section. 77936

The director shall consult with hospitals when adopting the 77937  
rules required by divisions (A)(4) and (5) of this section in 77938  
order to minimize hospitals' cash flow difficulties. 77939

(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:

(1) Medicaid recipients;

~~(2) Recipients of disability financial assistance provided under Chapter 5115. of the Revised Code;~~

~~(3)~~ Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code;

~~(4)~~(3) Medicare beneficiaries;

~~(5)~~(4) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.;

~~(6)~~(5) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that title.

**Sec. 5168.06.** (A) For the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14 of the Revised Code and depositing funds into the health care services administration care/medicaid support and recoveries fund created under section ~~5162.54~~ 5162.52 of the Revised Code, there is hereby imposed an assessment on all hospitals. Each hospital's assessment shall be based on total facility costs. All hospitals shall be assessed according to the rate or rates established each program year in rules adopted under section 5168.02 of the Revised Code. The department shall assess all hospitals uniformly and in a manner consistent with federal statutes and regulations. During any program year, the department shall not assess any hospital more than two per cent of the hospital's total facility costs.

The department shall establish an assessment rate or rates

each program year that will do both of the following: 77970

(1) Yield funds that, when combined with intergovernmental 77971  
transfers and federal matching funds, will produce a program of 77972  
sufficient size to pay a substantial portion of the indigent care 77973  
provided by hospitals; 77974

(2) Yield funds that, when combined with intergovernmental 77975  
transfers and federal matching funds, will produce amounts for 77976  
distribution to disproportionate share hospitals that do not 77977  
exceed, in the aggregate, the limits prescribed by the United 77978  
States health care financing administration under the "Social 77979  
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 77980

(B)(1) Except as provided in division (B)(3) of this section, 77981  
each hospital shall pay its assessment in periodic installments in 77982  
accordance with a schedule established in rules adopted under 77983  
section 5168.02 of the Revised Code. 77984

(2) The installments shall be equal in amount, unless either 77985  
of the following applies: 77986

(a) The department makes adjustments during a program year 77987  
under division (D) of section 5168.08 of the Revised Code in the 77988  
total amount of hospitals' assessments; 77989

(b) The medicaid director determines that adjustments in the 77990  
amounts of installments are necessary for the administration of 77991  
sections 5168.01 to 5168.14 of the Revised Code and that unequal 77992  
installments will not create cash flow difficulties for hospitals. 77993

(3) The director may adopt rules under section 5168.02 of the 77994  
Revised Code establishing alternate schedules for hospitals to pay 77995  
assessments under this section in order to reduce hospitals' cash 77996  
flow difficulties. 77997

**Sec. 5168.07.** (A) The department of medicaid may require 77998  
governmental hospitals to make intergovernmental transfers each 77999

program year for the purpose of distributing funds to hospitals 78000  
under the medicaid program pursuant to sections 5168.01 to 5168.14 78001  
of the Revised Code and depositing funds into the health ~~care~~ 78002  
~~services administration~~ care/medicaid support and recoveries fund 78003  
created under section ~~5162.54~~ 5162.52 of the Revised Code. The 78004  
department shall not require transfers in an amount that, when 78005  
combined with hospital assessments paid under section 5168.06 of 78006  
the Revised Code and federal matching funds, produce amounts for 78007  
distribution to disproportionate share hospitals that, in the 78008  
aggregate, exceed limits prescribed by the United States health 78009  
care financing administration under the "Social Security Act," 78010  
section 1923(f), 42 U.S.C. 1396r-4(f). 78011

(B) Before or during each program year, the department shall 78012  
notify each governmental hospital of the amount of the 78013  
intergovernmental transfer it is required to make during the 78014  
program year. Each governmental hospital shall make 78015  
intergovernmental transfers as required by the department under 78016  
this section in periodic installments, executed by electronic fund 78017  
transfer, in accordance with a schedule established in rules 78018  
adopted under section 5168.02 of the Revised Code. 78019

**Sec. 5168.09.** The medicaid director shall adopt rules under 78020  
section 5168.02 of the Revised Code establishing a methodology to 78021  
pay hospitals that is sufficient to expend all money in the 78022  
indigent care pool. Under the rules: 78023

(A) The department of medicaid may classify similar hospitals 78024  
into groups and allocate funds for distribution within each group. 78025

(B) The department shall establish a method of allocating 78026  
funds to hospitals, taking into consideration the relative amount 78027  
of indigent care provided by each hospital or group of hospitals. 78028  
The amount to be allocated shall be based on any combination of 78029  
the following indicators of indigent care that the director 78030

considers appropriate: 78031

(1) Total costs, volume, or proportion of services to 78032  
recipients of the medical assistance program, including recipients 78033  
enrolled in health insuring corporations; 78034

(2) Total costs, volume, or proportion of services to 78035  
low-income patients in addition to medicaid recipients, which may 78036  
include recipients of Title V of the "Social Security Act," 42 78037  
U.S.C. 701 et seq., ~~and recipients of disability financial~~ 78038  
~~assistance provided under Chapter 5115. of the Revised Code;~~ 78039

(3) The amount of uncompensated care provided by the hospital 78040  
or group of hospitals; 78041

(4) Other factors that the director considers to be 78042  
appropriate indicators of indigent care. 78043

(C) The department shall distribute funds to each hospital or 78044  
group of hospitals in a manner that first may provide for an 78045  
additional distribution to individual hospitals that provide a 78046  
high proportion of indigent care in relation to the total care 78047  
provided by the hospital or in relation to other hospitals. The 78048  
department shall establish a formula to distribute the remainder 78049  
of the funds. The formula shall be consistent with the "Social 78050  
Security Act," section 1923, 42 U.S.C. 1396r-4, and shall be based 78051  
on any combination of the indicators of indigent care listed in 78052  
division (B) of this section that the director considers 78053  
appropriate. 78054

(D) The department shall distribute funds to each hospital in 78055  
installments not later than ten working days after the deadline 78056  
established in rules for each hospital to pay an installment on 78057  
its assessment under section 5168.06 of the Revised Code. In the 78058  
case of a governmental hospital that makes intergovernmental 78059  
transfers, the department shall pay an installment under this 78060  
section not later than ten working days after the earlier of that 78061

deadline or the deadline established in rules for the governmental 78062  
hospital to pay an installment on its intergovernmental transfer. 78063  
If the amount in the hospital care assurance program fund created 78064  
under section 5168.11 of the Revised Code and the portion of the 78065  
health care - federal fund created under section 5162.50 of the 78066  
Revised Code that is credited to that fund pursuant to division 78067  
(B) of section 5168.11 of the Revised Code are insufficient to 78068  
make the total distributions for which hospitals are eligible to 78069  
receive in any period, the department shall reduce the amount of 78070  
each distribution by the percentage by which the amount and 78071  
portion are insufficient. The department shall distribute to 78072  
hospitals any amounts not distributed in the period in which they 78073  
are due as soon as moneys are available in the funds. 78074

**Sec. 5168.10.** Except for moneys deposited into the health 78075  
~~care services administration~~ care/medicaid support and recoveries 78076  
fund created under section ~~5162.54~~ 5162.52 of the Revised Code, 78077  
the department of medicaid shall not use money paid to the 78078  
department under sections 5168.06 and 5168.07 of the Revised Code 78079  
or money that the department pays to hospitals under section 78080  
5168.09 of the Revised Code to replace any funds appropriated by 78081  
the general assembly for the medicaid program. 78082

**Sec. 5168.11.** (A) Except as provided in section ~~5162.54~~ 78083  
5162.52 of the Revised Code, all payments of assessments by 78084  
hospitals under section 5168.06 of the Revised Code and all 78085  
intergovernmental transfers under section 5168.07 of the Revised 78086  
Code shall be deposited in the state treasury to the credit of the 78087  
hospital care assurance program fund, hereby created. All 78088  
investment earnings of the hospital care assurance program fund 78089  
shall be credited to the fund. The department of medicaid shall 78090  
maintain records that show the amount of money in the hospital 78091  
care assurance program fund at any time that has been paid by each 78092

hospital and the amount of any investment earnings on that amount. 78093  
All moneys credited to the hospital care assurance program fund 78094  
shall be used solely to make payments to hospitals under division 78095  
(D) of this section and section 5168.09 of the Revised Code. 78096

(B) All federal matching funds received as a result of the 78097  
department distributing funds from the hospital care assurance 78098  
program fund to hospitals under section 5168.09 of the Revised 78099  
Code shall be credited to the health care - federal fund created 78100  
under section 5162.50 of the Revised Code. 78101

(C) All distributions of funds to hospitals under section 78102  
5168.09 of the Revised Code are conditional on: 78103

(1) Expiration of the time for appeals under section 5168.08 78104  
of the Revised Code without the filing of an appeal, or on court 78105  
determinations, in the event of appeals, that the hospital is 78106  
entitled to the funds; 78107

(2) The sum of the following being sufficient to distribute 78108  
the funds after the final determination of any appeals: 78109

(a) The available money in the hospital care assurance 78110  
program fund; 78111

(b) The available portion of the money in the health care - 78112  
federal fund that is credited to that fund pursuant to division 78113  
(B) of this section. 78114

(3) The hospital's compliance with section 5168.14 of the 78115  
Revised Code. 78116

(D) If an audit conducted by the department of the amounts of 78117  
payments made and funds received by hospitals under sections 78118  
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 78119  
amounts that, due to errors by the department, a hospital should 78120  
not have been required to pay but did pay, should have been 78121  
required to pay but did not pay, should not have received but did 78122

receive, or should have received but did not receive, the 78123  
department shall: 78124

(1) Make payments to any hospital that the audit reveals paid 78125  
amounts it should not have been required to pay or did not receive 78126  
amounts it should have received; 78127

(2) Take action to recover from a hospital any amounts that 78128  
the audit reveals it should have been required to pay but did not 78129  
pay or that it should not have received but did receive. 78130

Payments made under division (D)(1) of this section shall be 78131  
made from the hospital care assurance program fund. Amounts 78132  
recovered under division (D)(2) of this section shall be deposited 78133  
to the credit of that fund. Any hospital may appeal the amount the 78134  
hospital is to be paid under division (D)(1) or the amount that is 78135  
to be recovered from the hospital under division (D)(2) of this 78136  
section to the court of common pleas of Franklin county. 78137

**Sec. 5168.14.** (A) Each hospital that receives funds 78138  
distributed under sections 5168.01 to 5168.14 of the Revised Code 78139  
shall provide, without charge to the individual, basic, medically 78140  
necessary hospital-level services to individuals who are residents 78141  
of this state, are not medicaid recipients, and whose income is at 78142  
or below the federal poverty line. ~~Recipients of disability~~ 78143  
~~financial assistance provided under Chapter 5115. of the Revised~~ 78144  
~~Code qualify for services under this section.~~ The medicaid 78145  
director shall adopt rules under section 5168.02 of the Revised 78146  
Code specifying the hospital services to be provided under this 78147  
section. 78148

(B) Nothing in this section shall be construed to prevent a 78149  
hospital from requiring an individual to apply for the medicaid 78150  
program before the hospital processes an application under this 78151  
section. Hospitals may bill any third-party payer for services 78152  
rendered under this section. Hospitals may bill the medicaid 78153

program, in accordance with state statutes governing the medicaid 78154  
program and rules adopted under those statutes, for medicaid 78155  
services rendered under this section if the individual becomes a 78156  
medicaid recipient. Hospitals may bill individuals for services 78157  
under this section if all of the following apply: 78158

(1) The hospital has an established post-billing procedure 78159  
for determining the individual's income and canceling the charges 78160  
if the individual is found to qualify for services under this 78161  
section. 78162

(2) The initial bill, and at least the first follow-up bill, 78163  
is accompanied by a written statement that does all of the 78164  
following: 78165

(a) Explains that individuals with income at or below the 78166  
federal poverty line are eligible for services without charge; 78167

(b) Specifies the federal poverty line for individuals and 78168  
families of various sizes at the time the bill is sent; 78169

(c) Describes the procedure required by division (C)(1) of 78170  
this section. 78171

(3) The hospital complies with any additional rules adopted 78172  
under section 5168.02 of the Revised Code. 78173

Notwithstanding division (B) of this section, a hospital 78174  
providing care to an individual under this section is subrogated 78175  
to the rights of any individual to receive compensation or 78176  
benefits from any person or governmental entity for the hospital 78177  
goods and services rendered. 78178

(C) Each hospital shall collect and report to the department 78179  
of medicaid, in the form and manner prescribed by the department, 78180  
information on the number and identity of patients served pursuant 78181  
to this section. 78182

(D) This section applies beginning May 22, 1992, regardless 78183

of whether rules specifying the services to be provided have been 78184  
adopted. Nothing in this section alters the scope or limits the 78185  
obligation of any governmental entity or program, including the 78186  
program awarding reparations to victims of crime under sections 78187  
2743.51 to 2743.72 of the Revised Code and the program for 78188  
medically handicapped children established under section 3701.023 78189  
of the Revised Code, to pay for hospital services in accordance 78190  
with state or local law. 78191

**Sec. 5168.26.** (A) The medicaid director shall adopt rules in 78192  
accordance with Chapter 119. of the Revised Code as necessary to 78193  
implement sections 5168.20 to 5168.28 of the Revised Code, 78194  
including rules that specify the percentage of hospitals' total 78195  
facility costs to be used in calculating hospitals' assessments 78196  
under section 5168.21 of the Revised Code. 78197

(B) The rules adopted under this section may do the 78198  
following: 78199

(1) Provide that a hospital's total facility costs for the 78200  
purpose of the assessment under section 5168.21 of the Revised 78201  
Code exclude any of the following: 78202

(a) A hospital's costs associated with providing care to 78203  
recipients of any of the following: 78204

(i) The medicaid program; 78205

(ii) The medicare program; 78206

(iii) ~~The disability financial assistance program established~~ 78207  
~~under Chapter 5115. of the Revised Code;~~ 78208

~~(iv)~~ The program for medically handicapped children 78209  
established under section 3701.023 of the Revised Code; 78210

~~(v)~~(iv) Services provided under the maternal and child health 78211  
services block grant established under Title V of the "Social 78212  
Security Act," 42 U.S.C. 701 et seq. 78213

(b) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program. 78214  
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(2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals. 78217  
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(C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human services under the "Social Security Act," section 1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause the assessments to not be imposed uniformly. 78220  
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Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the Revised Code: 78227  
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(A) "Basic health care services" means all of the services listed in division (A)(1) of section 1751.01 of the Revised Code. 78229  
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(B) "Franchise fee" means the fee imposed on health insuring corporations under section 5168.76 of the Revised Code. 78231  
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(C) "Health insuring corporation" means a health insuring corporation, as defined in section 1751.01 of the Revised Code, that pays for, reimburses, provides, delivers, arranges for, or otherwise makes available basic health care services pursuant to a policy, contract, certificate, or agreement. "Health insuring corporation" does not mean a health insuring corporation that pays for, reimburses, provides, delivers, arranges for, or otherwise makes available only supplemental health care services, or only specialty health care services, pursuant to a policy, contract, certificate, or agreement. 78233  
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(D) "Indirect guarantee percentage" means the percentage 78243

specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a health care class is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following: 78244  
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(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change; 78251  
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(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage. 78253  
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(E) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 78255  
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(F) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 78257  
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(G) "Ohio medicaid member month" means a month in which a medicaid recipient residing in this state is enrolled in a health insuring corporation, except any such month in which either of the following applies: 78259  
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(1) The recipient is enrolled in an approved health benefits plan pursuant to 5 U.S.C. Pt. III, Subpart G, Chapter 89, and including the month of such enrollment for the purpose of calculating a health insuring corporation's franchise fee would violate 5 U.S.C. 8909(f). 78263  
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(2) The recipient is enrolled in a medicare advantage plan pursuant to Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq. 78268  
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(H) "Other Ohio member month" means a month in which a resident of this state who is not a medicaid recipient is enrolled in a health insuring corporation, except any such month in which 78271  
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either of the following applies: 78274

(1) The resident is enrolled in an approved health benefits plan pursuant to 5 U.S.C. Pt. III, Subpart G, Chapter 89, and including the month of such enrollment for the purpose of calculating a health insuring corporation's franchise fee would violate 5 U.S.C. 8909(f). 78275  
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(2) The resident is enrolled in a medicare advantage plan pursuant to Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq. 78280  
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**Sec. 5168.76.** (A) For the purposes specified in section 5168.85 of the Revised Code and subject to sections 5168.82, 5168.83, and 5168.84 of the Revised Code, a franchise fee is hereby imposed each month beginning with July 2017 on each health insuring corporation. 78283  
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(B) The amount of a health insuring corporation's franchise fee for a month shall be determined as follows: 78288  
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(1) Multiply the number of Ohio medicaid member months that the health insuring corporation had for the month by the applicable rate or rates as determined in accordance with division (C) of this section; 78290  
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(2) Multiply the number of other Ohio member months that the health insuring corporation had for the month by the applicable rate or rates as determined in accordance with division (D) of this section; 78294  
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(3) Determine the sum of the products determined under divisions (B)(1) and (2) of this section. 78298  
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(C) The applicable rate or rates to be used in the calculation under division (B)(1) of this section for a health insuring corporation for a month shall depend on the cumulative total number of Ohio medicaid member months the health insuring 78300  
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corporation had for all of a fiscal year's months that ended 78304  
before the beginning of the month in which the franchise fee is 78305  
due. 78306

The following table shows the applicable rate or rates: 78307

| <u>CUMULATIVE TOTAL NUMBER OF OHIO</u> | <u>APPLICABLE RATE</u> | 78308 |
|--|------------------------|-------|
| <u>MEDICAID MEMBER MONTHS</u>          |                        |       |
| <u>For the first 250,000</u>           | <u>\$56</u>            | 78309 |
| <u>For 250,001 to 500,000</u>          | <u>\$45</u>            | 78310 |
| <u>For 500,001 and above</u>           | <u>\$26</u>            | 78311 |

(D) The applicable rate or rates to be used in the 78312  
calculation under division (B)(2) of this section for a health 78313  
insuring corporation for a month shall depend on the cumulative 78314  
total number of other Ohio member months the health insuring 78315  
corporation had for all of a fiscal year's months that ended 78316  
before the beginning of the month in which the franchise fee is 78317  
due. 78318

The following table shows the applicable rate or rates: 78319

| <u>CUMULATIVE TOTAL NUMBER OF OTHER OHIO</u> | <u>APPLICABLE RATE</u> | 78320 |
|--|------------------------|-------|
| <u>MEMBER MONTHS</u>                         |                        |       |
| <u>For the first 150,000</u>                 | <u>\$2</u>             | 78321 |
| <u>For 150,001 and above</u>                 | <u>\$1</u>             | 78322 |

Sec. 5168.77. Beginning in August 2017, each health insuring 78324  
corporation shall do both of the following not later than the 78325  
fifth business day of each month: 78326

(A) Inform the department of medicaid of both of the 78327  
following in a manner the department prescribes: 78328

(1) The cumulative total number of Ohio medicaid member 78329  
months the health insuring corporation had for all of a fiscal 78330  
year's months that ended before the beginning of the month in 78331  
which the information is being provided; 78332

(2) The cumulative total number of other Ohio member months the health insuring corporation had for all of a fiscal year's months that ended before the beginning of the month in which the information is being provided. 78333  
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(B) Pay to the department the amount of its franchise fee for the immediately preceding month. 78337  
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Sec. 5168.78. The department of medicaid may request that a health insuring corporation provide the department documentation the department needs to verify the health insuring corporation's cumulative total number of Ohio medicaid member months and other Ohio member months. On receipt of the request, the health insuring corporation shall provide the department the requested documentation. The department also may review relevant documentation possessed by other entities for the purpose of making such verifications. 78339  
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Sec. 5168.79. If the department of medicaid determines that the amount of the franchise fee that a health insuring corporation pays for a month is less than the amount it should have paid, the department shall notify the health insuring corporation. Except as otherwise provided by the results of a reconsideration conducted under section 5168.80 of the Revised Code, the health insuring corporation shall pay the amount due. 78348  
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Sec. 5168.80. A health insuring corporation may request a reconsideration of a determination made by the department of medicaid under section 5168.79 of the Revised Code. A reconsideration may be requested solely on the grounds that the department made a material error in making the determination. A request for a reconsideration must be received by the department not later than fifteen days after the date the department notifies the health insuring corporation of the department's determination 78355  
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and must include written materials setting forth the basis for the 78363  
reconsideration. If a health insuring corporation requests a 78364  
reconsideration within the time required, the department shall 78365  
reconsider the determination and issue a final decision not later 78366  
than thirty days after the date the department receives the 78367  
request. 78368

Sec. 5168.81. If a health insuring corporation fails to pay 78369  
the full amount of a franchise fee when due, the department of 78370  
medicaid may assess a ten per cent penalty on the amount due for 78371  
each month or fraction thereof that the franchise fee is overdue. 78372

Sec. 5168.82. The franchise fee shall not be imposed on any 78373  
health insuring corporation unless there is in effect a waiver 78374  
authorizing the franchise fee issued by the United States 78375  
secretary of health and human services pursuant to section 78376  
1903(w)(3)(E) of the "Social Security Act," 42 U.S.C. 78377  
1396b(w)(3)(E). 78378

Sec. 5168.83. If the total amount of franchise fees imposed 78379  
on all health insuring corporations under section 5168.76 of the 78380  
Revised Code during a fiscal year exceeds the indirect guarantee 78381  
percentage of the net patient revenue for all health insuring 78382  
corporations for that fiscal year and seventy-five per cent or 78383  
more of all health insuring corporations receive enhanced medicaid 78384  
payments or other state payments equal to seventy-five per cent or 78385  
more of their total franchise fees, the department of medicaid 78386  
shall refund the excess amount of the franchise fees to the health 78387  
insuring corporations. 78388

Sec. 5168.84. If the United States centers for medicare and 78389  
medicaid services determines that the franchise fee is an 78390  
impermissible health care-related tax under the section 1903(w) of 78391

the "Social Security Act," 42 U.S.C. 1396b(w), the department of 78392  
medicaid shall do either of the following as appropriate: 78393

(A) Modify the imposition of the franchise fee, including (if 78394  
necessary) the amount of the franchise fee, in a manner needed for 78395  
the United States centers to reverse its determination; 78396

(B) Take all necessary actions to cease the imposition of the 78397  
franchise fee until the determination is reversed. 78398

**Sec. 5168.85.** (A) There is hereby created in the state 78399  
treasury the health insuring corporation franchise fee fund. All 78400  
payments and penalties paid by health insuring corporations under 78401  
sections 5168.77, 5168.79, and 5168.81 of the Revised Code shall 78402  
be deposited into the fund. Money in the fund shall be used to 78403  
make medicaid payments to medicaid providers and medicaid managed 78404  
care organizations. 78405

(B) Any money remaining in the health insuring corporation 78406  
franchise fee fund after payments specified in division (A) of 78407  
this section are made shall be retained in the fund. Any interest 78408  
or other investment proceeds earned on money in the fund shall be 78409  
credited to the fund and used to make medicaid payments in 78410  
accordance with division (A) of this section. 78411

**Sec. 5168.86.** The medicaid director may adopt rules in 78412  
accordance with Chapter 119. as necessary to implement sections 78413  
5168.75 to 5168.86 of the Revised Code. 78414

**Sec. 5168.99.** (A) The medicaid director shall impose a 78415  
penalty for each day that a hospital fails to report the 78416  
information required under section 5168.05 of the Revised Code on 78417  
or before the dates specified in that section. The amount of the 78418  
penalty shall be established by the director in rules adopted 78419  
under section 5168.02 of the Revised Code. 78420

(B) In addition to any other remedy available to the 78421  
department of medicaid under law to collect unpaid assessments and 78422  
transfers under sections 5168.01 to 5168.14 of the Revised Code, 78423  
the director shall impose a penalty of ten per cent of the amount 78424  
due on any hospital that fails to pay assessments or make 78425  
intergovernmental transfers by the dates required by rules adopted 78426  
under section 5168.02 of the Revised Code. 78427

(C) In addition to any other remedy available to the 78428  
department of medicaid under law to collect unpaid assessments 78429  
imposed under section 5168.21 of the Revised Code, the director 78430  
shall impose a penalty of ten per cent of the amount due on any 78431  
hospital that fails to pay the assessment by the date it is due. 78432

(D) The director shall waive the penalties provided for in 78433  
this section for good cause shown by the hospital. 78434

(E) All penalties imposed under this section shall be 78435  
deposited into the health ~~care administration~~ care/medicaid 78436  
support and recoveries fund created by section ~~5162.54~~ 5162.52 of 78437  
the Revised Code. 78438

**Sec. 5502.13.** The department of public safety shall maintain 78439  
an investigative unit in order to conduct investigations and other 78440  
enforcement activity authorized by Chapters 4301., 4303., 5101., 78441  
5107., and 5108., ~~and 5115.~~ and sections 2903.12, 2903.13, 78442  
2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 2921.31, 2921.32, 78443  
2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 2927.02, and 4507.30 78444  
of the Revised Code. The director of public safety shall appoint 78445  
the employees of the unit who are necessary, designate the 78446  
activities to be performed by those employees, and prescribe their 78447  
titles and duties. 78448

**Sec. 5502.1321.** (A) There is hereby created the Ohio 78449  
investigative unit contingency fund, which shall be in the custody 78450

of the treasurer of state but shall not be part of the state treasury. All money seized during investigations or other enforcement activities of the investigative unit of the department of public safety prior to January 1, 2017 shall be deposited into the fund. The director of public safety shall transfer money upon resolution of all legal proceedings in accordance with Chapter 2981. of the Revised Code.

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(B) There is hereby created the Ohio investigative unit custodial fund, which shall be in the custody of the treasurer of state, but shall not be part of the state treasury. All money seized during investigations or other enforcement activities of the investigative unit of the department of public safety on and after January 1, 2017, shall be deposited into the fund. The director of public safety shall transfer money upon resolution of all legal proceedings in accordance with Chapter 2981. of the Revised Code.

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**Sec. 5575.02.** After the board of township trustees has decided to proceed with a road improvement, it shall advertise for bids once, not later than two weeks prior to the date fixed for the letting of contracts, in a newspaper of general circulation within the township. Such notice shall state that copies of the surveys, plans, profiles, cross sections, ~~estimates~~, and specifications for such improvement are on file with the board, and the time within which bids will be received. The board may let the work as a whole or in convenient sections, as it determines. The contract shall be awarded to the lowest and best bidder who meets the requirements of section 153.54 of the Revised Code, and shall be let upon the basis of lump sum bids, unless the board orders that it be let upon the basis of unit price bids, in which event it shall be let upon such basis.

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The board is not required to provide notice of the project

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cost estimate when advertising for bids under this section. 78482

**Sec. 5575.03.** No contract for any road improvement shall be 78483  
awarded at a price more than ten per cent in excess of the 78484  
estimated cost. The bids received shall be opened at the time 78485  
stated in the notice. If no bids are made that equal one hundred 78486  
ten per cent of the estimate or less, the board of township 78487  
trustees shall either readvertise ~~at~~ based upon the original 78488  
estimate, or request an amended estimate from the county engineer, 78489  
who shall proceed to make such an estimate as provided in section 78490  
5575.01 of the Revised Code, ~~or obtain such an amended estimate~~ 78491  
and proceed to advertise ~~at~~ based upon the amended estimate. ~~No~~ 78492  
The board is not required to provide notice of the estimate or 78493  
amended estimate when readvertising under this section. 78494

No contract shall be awarded for any road improvement without 78495  
the certification as to funding required under section 5705.41 of 78496  
the Revised Code. The board may reject all bids. 78497

**Sec. 5577.081.** (A) Except when transferring unfinished 78498  
aggregate material between facilities that are under the control 78499  
of the same owner or operator that is subject to Chapter 1514. of 78500  
the Revised Code or when unloading or loading finished aggregate 78501  
product within a ten-mile radius of a surface mining operation 78502  
that is permitted and regulated under that chapter, all vehicles 78503  
entering or leaving such an operation that have a gross vehicle 78504  
weight as defined in division (JJ) of section 4501.01 of the 78505  
Revised Code that is in excess of sixty-six thousand pounds shall 78506  
use the specific roads designated pursuant to sections 303.14 and 78507  
303.141 or 519.14 and 519.141 of the Revised Code as the primary 78508  
means of ingress to and egress from the facilities or operation. 78509

(B) The owner or operator of a surface mining operation that 78510  
is permitted under Chapter 1514. of the Revised Code and that is 78511

subject to the use of specific roads as the primary means of 78512  
ingress to and egress from the operation pursuant to sections 78513  
303.14 and 303.141 or 519.14 and 519.141 of the Revised Code shall 78514  
post a sign in a conspicuous location to inform the drivers of 78515  
trucks entering and leaving the operation of the roads to use as 78516  
the primary means of ingress to and egress from the operation. 78517

(C)(1) Whoever violates this section shall receive a written 78518  
warning in such a manner that it becomes a part of the person's 78519  
permanent record that is maintained by the bureau of motor 78520  
vehicles and assists in monitoring violations of this section. 78521

(2) A person who commits a second offense within one year 78522  
after committing the first offense is guilty of a minor 78523  
misdemeanor. 78524

(3) A person who commits a third or subsequent offense within 78525  
one year after committing the first offense is guilty of a 78526  
misdemeanor of the fourth degree. 78527

(D) Fine money that is collected under division (C) of this 78528  
section shall be deposited in the state treasury to the credit of 78529  
the ~~surface~~ mining regulation and safety fund created in section 78530  
~~1514.06~~ 1513.30 of the Revised Code. 78531

**Sec. 5701.11.** The effective date to which this section refers 78532  
is the effective date of this section as amended by S.B. 2 of the 78533  
131st general assembly. 78534

(A)(1) Except as provided under division (A)(2) or (B) of 78535  
this section, any reference in Title LVII of the Revised Code to 78536  
the Internal Revenue Code, to the Internal Revenue Code "as 78537  
amended," to other laws of the United States, or to other laws of 78538  
the United States, "as amended," means the Internal Revenue Code 78539  
or other laws of the United States as they exist on the effective 78540  
date. 78541

(2) This section does not apply to any reference in Title 78542  
LVII of the Revised Code to the Internal Revenue Code as of a date 78543  
certain specifying the day, month, and year, or to other laws of 78544  
the United States as of a date certain specifying the day, month, 78545  
and year. 78546

(B)(1) For purposes of applying section 5718.01, 5733.04, 78547  
5745.01, or 5747.01 of the Revised Code to a taxpayer's taxable 78548  
year ending after April 1, 2015, and before the effective date, a 78549  
taxpayer may irrevocably elect to incorporate the provisions of 78550  
the Internal Revenue Code or other laws of the United States that 78551  
are in effect for federal income tax purposes for that taxable 78552  
year if those provisions differ from the provisions that, under 78553  
division (A) of this section, would otherwise apply. The filing by 78554  
the taxpayer for that taxable year of a report or return that 78555  
incorporates the provisions of the Internal Revenue Code or other 78556  
laws of the United States applicable for federal income tax 78557  
purposes for that taxable year, and that does not include any 78558  
adjustments to reverse the effects of any differences between 78559  
those provisions and the provisions that would otherwise apply, 78560  
constitutes the making of an irrevocable election under this 78561  
division for that taxable year. 78562

(2) Elections under prior versions of division (B)(1) of this 78563  
section remain in effect for the taxable years to which they 78564  
apply. 78565

**Sec. 5703.052.** (A) There is hereby created in the state 78566  
treasury the tax refund fund, from which refunds shall be paid for 78567  
taxes illegally or erroneously assessed or collected, or for any 78568  
other reason overpaid, that are levied by or in accordance with 78569  
Chapter 4301., 4305., 5718., 5726., 5728., 5729., 5731., 5733., 78570  
5735., 5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 78571  
5753. and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 78572

5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised Code. Refunds for fees or wireless 9-1-1 charges illegally or erroneously assessed or collected, or for any other reason overpaid, that are levied by sections 128.42 or 3734.90 to 3734.9014 of the Revised Code also shall be paid from the fund. Refunds for amounts illegally or erroneously assessed or collected by the tax commissioner, or for any other reason overpaid, that are due under former section 1509.50 of the Revised Code as that section existed before its repeal by ...B... of the 131st general assembly shall be paid from the fund. However, refunds for taxes levied under section 5739.101 of the Revised Code shall not be paid from the tax refund fund, but shall be paid as provided in section 5739.104 of the Revised Code.

(B)(1) Upon certification by the tax commissioner to the treasurer of state of a tax refund, a wireless 9-1-1 charge refund, or another amount refunded, or by the superintendent of insurance of a domestic or foreign insurance tax refund, the treasurer of state shall place the amount certified to the credit of the fund. The certified amount transferred shall be derived from the receipts of the same tax, fee, wireless 9-1-1 charge, or other amount from which the refund arose.

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, or other amount that is not levied by the state or that was illegally or erroneously distributed to a taxing jurisdiction, the tax commissioner shall recover the amount of that refund from the next distribution of that tax, fee, wireless 9-1-1 charge, or other amount that otherwise would be made to the taxing jurisdiction. If the amount to be recovered would exceed twenty-five per cent of the next distribution of that tax, fee, wireless 9-1-1 charge, or other amount, the commissioner may spread the recovery over more than one future distribution, taking into account the amount to be recovered and the amount of the

anticipated future distributions. In no event may the commissioner 78605  
spread the recovery over a period to exceed thirty-six months. 78606

**Sec. 5703.053.** As used in this section, "postal service" 78607  
means the United States postal service. 78608

An application to the tax commissioner for a tax refund under 78609  
section 4307.05, 4307.07, 5718.19, 5726.30, 5727.28, 5727.91, 78610  
5728.061, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5736.08, 78611  
5739.07, 5741.10, 5743.05, 5743.53, 5745.11, 5749.08, or 5751.08 78612  
of the Revised Code or division (B) of section 5703.05 of the 78613  
Revised Code, or a fee refunded under section 3734.905 of the 78614  
Revised Code, that is received after the last day for filing under 78615  
such section shall be considered to have been filed in a timely 78616  
manner if: 78617

(A) The application is delivered by the postal service and 78618  
the earliest postal service postmark on the cover in which the 78619  
application is enclosed is not later than the last day for filing 78620  
the application; 78621

(B) The application is delivered by the postal service, the 78622  
only postmark on the cover in which the application is enclosed 78623  
was affixed by a private postal meter, the date of that postmark 78624  
is not later than the last day for filing the application, and the 78625  
application is received within seven days of such last day; or 78626

(C) The application is delivered by the postal service, no 78627  
postmark date was affixed to the cover in which the application is 78628  
enclosed or the date of the postmark so affixed is not legible, 78629  
and the application is received within seven days of the last day 78630  
for making the application. 78631

**Sec. 5703.0510.** (A) Notwithstanding any other provision of 78632  
the Revised Code that requires a taxpayer to provide a tax credit 78633  
certificate to the tax commissioner upon the commissioner's 78634

request, any person claiming a credit against a tax or fee 78635  
administered by the commissioner shall provide a copy of any 78636  
accompanying certificate issued by the director of development 78637  
services or by another state agency, if applicable, demonstrating 78638  
the person's eligibility for the credit claimed. 78639

(B) If the commissioner prescribes a form for the purpose of 78640  
tracking the credits claimed by a person against any tax or fee 78641  
administered by the commissioner, the person shall provide the 78642  
completed form and a copy of any certificate described in division 78643  
(A) of this section on or before the due date of the return, 78644  
report, or schedule for the tax or fee against which the credit is 78645  
claimed. 78646

(C) If a person fails to provide a certificate or form as 78647  
required under this section, the commissioner shall deny the 78648  
credit claimed by the person until such certificate or form is 78649  
provided to the commissioner. Any amount denied under this section 78650  
may be assessed in the same manner as the underlying tax or fee. 78651

**Sec. 5703.19.** (A) To carry out the purposes of the laws that 78652  
the tax commissioner is required to administer, the commissioner 78653  
or any person employed by the commissioner for that purpose, upon 78654  
demand, may inspect books, accounts, records, and memoranda of any 78655  
person or public utility subject to those laws, and may examine 78656  
under oath any officer, agent, or employee of that person or 78657  
public utility. Any person other than the commissioner who makes a 78658  
demand pursuant to this section shall produce the person's 78659  
authority to make the inspection. 78660

(B) If a person or public utility receives at least ten days' 78661  
written notice of a demand made under division (A) of this section 78662  
and refuses to comply with that demand, a penalty of five hundred 78663  
dollars shall be imposed upon the person or public utility for 78664

each day the person or public utility refuses to comply with the demand. Penalties imposed under this division may be assessed and collected in the same manner as assessments made under Chapter 3769., 4305., 5718., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or sections 3734.90 to 3734.9014, of the Revised Code.

(C) For the purpose of ensuring compliance with divisions (A)(5) to (8) of section 5749.02 of the Revised Code, the commissioner or any person employed by the commissioner for that purpose, upon demand, may perform the same functions referenced in division (A) of this section for any person involved in the sale, transfer, or other disposition of oil, gas, condensate, or natural gas liquids as those terms are defined in section 5749.01 of the Revised Code.

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with

conducting the audit shall have access to and the right to examine 78696  
any state tax returns and state tax return information in the 78697  
possession of the department to the extent that the access and 78698  
examination are necessary for purposes of the audit. Any 78699  
information acquired as the result of that access and examination 78700  
shall not be divulged for any purpose other than as required for 78701  
the audit or unless the officers and employees are required to 78702  
testify in a court or proceeding under compulsion of legal 78703  
process. Whoever violates this provision shall thereafter be 78704  
disqualified from acting as an officer or employee or in any other 78705  
capacity under appointment or employment of the auditor of state. 78706

(2) For purposes of an internal audit pursuant to section 78707  
126.45 of the Revised Code, the officers and employees of the 78708  
office of internal audit in the office of budget and management 78709  
charged with directing the internal audit shall have access to and 78710  
the right to examine any state tax returns and state tax return 78711  
information in the possession of the department to the extent that 78712  
the access and examination are necessary for purposes of the 78713  
internal audit. Any information acquired as the result of that 78714  
access and examination shall not be divulged for any purpose other 78715  
than as required for the internal audit or unless the officers and 78716  
employees are required to testify in a court or proceeding under 78717  
compulsion of legal process. Whoever violates this provision shall 78718  
thereafter be disqualified from acting as an officer or employee 78719  
or in any other capacity under appointment or employment of the 78720  
office of internal audit. 78721

(3) As provided by section 6103(d)(2) of the Internal Revenue 78722  
Code, any federal tax returns or federal tax information that the 78723  
department has acquired from the internal revenue service, through 78724  
federal and state statutory authority, may be disclosed to the 78725  
auditor of state or the office of internal audit solely for 78726  
purposes of an audit of the department. 78727

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5718.13 or 5745.16 of the Revised Code;

(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued

pursuant to section 5739.17 of the Revised Code, a holder of a 78758  
direct payment permit issued pursuant to section 5739.031 of the 78759  
Revised Code, or a seller having a use tax account maintained 78760  
pursuant to section 5741.17 of the Revised Code, or information 78761  
regarding the active or inactive status of a vendor's license, 78762  
direct payment permit, or seller's use tax account; 78763

(8) Releasing invoices or invoice information furnished under 78764  
section 4301.433 of the Revised Code pursuant to that section; 78765

(9) Providing to a county auditor notices or documents 78766  
concerning or affecting the taxable value of property in the 78767  
county auditor's county. Unless authorized by law to disclose 78768  
documents so provided, the county auditor shall not disclose such 78769  
documents; 78770

(10) Providing to a county auditor sales or use tax return or 78771  
audit information under section 333.06 of the Revised Code; 78772

(11) Subject to section 4301.441 of the Revised Code, 78773  
disclosing to the appropriate state agency information in the 78774  
possession of the department of taxation that is necessary to 78775  
verify a permit holder's gallonage or noncompliance with taxes 78776  
levied under Chapter 4301. or 4305. of the Revised Code; 78777

(12) Disclosing to the department of natural resources 78778  
information in the possession of the department of taxation that 78779  
is necessary for the department of taxation to verify the 78780  
taxpayer's compliance with section 5749.02 of the Revised Code or 78781  
to allow the department of natural resources to enforce Chapter 78782  
1509. of the Revised Code; 78783

(13) Disclosing to the department of job and family services, 78784  
industrial commission, and bureau of workers' compensation 78785  
information in the possession of the department of taxation solely 78786  
for the purpose of identifying employers that misclassify 78787  
employees as independent contractors or that fail to properly 78788

report and pay employer tax liabilities. The department of 78789  
taxation shall disclose only such information that is necessary to 78790  
verify employer compliance with law administered by those 78791  
agencies. 78792

(14) Disclosing to the Ohio casino control commission 78793  
information in the possession of the department of taxation that 78794  
is necessary to verify a casino operator's compliance with section 78795  
5747.063 or 5753.02 of the Revised Code and sections related 78796  
thereto; 78797

(15) Disclosing to the state lottery commission information 78798  
in the possession of the department of taxation that is necessary 78799  
to verify a lottery sales agent's compliance with section 5747.064 78800  
of the Revised Code. 78801

(16) Disclosing to the development services agency 78802  
information in the possession of the department of taxation that 78803  
is necessary to ensure compliance with the laws of this state 78804  
governing taxation and to verify information reported to the 78805  
development services agency for the purpose of evaluating 78806  
potential tax credits, grants, or loans. Such information shall 78807  
not include information received from the internal revenue service 78808  
the disclosure of which is prohibited by section 6103 of the 78809  
Internal Revenue Code. No officer, employee, or agent of the 78810  
development services agency shall disclose any information 78811  
provided to the development services agency by the department of 78812  
taxation under division (C)(16) of this section except when 78813  
disclosure of the information is necessary for, and made solely 78814  
for the purpose of facilitating, the evaluation of potential tax 78815  
credits, grants, or loans. 78816

(17) Disclosing to the department of insurance information in 78817  
the possession of the department of taxation that is necessary to 78818  
ensure a taxpayer's compliance with the requirements with any tax 78819  
credit administered by the development services agency and claimed 78820

by the taxpayer against any tax administered by the superintendent 78821  
of insurance. No officer, employee, or agent of the department of 78822  
insurance shall disclose any information provided to the 78823  
department of insurance by the department of taxation under 78824  
division (C)(17) of this section. 78825

(18) Disclosing to the division of liquor control information 78826  
in the possession of the department of taxation that is necessary 78827  
for the division and department to comply with the requirements of 78828  
sections 4303.26 and 4303.271 of the Revised Code. 78829

**Sec. 5703.26.** No person shall knowingly make, present, aid, 78830  
or assist in the preparation or presentation of a false or 78831  
fraudulent report, return, schedule, statement, claim, or document 78832  
authorized or required by law to be filed with the department of 78833  
taxation, the treasurer of state, a county auditor, a county 78834  
treasurer, or a county clerk of courts, or knowingly procure, 78835  
counsel, or advise the preparation or presentation of such report, 78836  
return, schedule, statement, claim, or document, or knowingly 78837  
change, alter, or amend, or knowingly procure, counsel, or advise 78838  
such change, alteration, or amendment of the records upon which 78839  
such report, return, schedule, statement, claim, or document is 78840  
based with intent to defraud the state or any of its subdivisions. 78841

If the report, return, schedule, statement, claim, or 78842  
document involves the application for or renewal of a license, 78843  
such acts or conduct may result in the denial or revocation of the 78844  
license. 78845

With respect to such acts or conduct, no conviction shall be 78846  
had under any other section of the Revised Code. 78847

**Sec. 5703.50.** As used in sections 5703.50 to 5703.53 of the 78848  
Revised Code: 78849

(A) "Tax" includes only those taxes imposed on tangible 78850

personal property listed in accordance with Chapter 5711. of the 78851  
Revised Code and taxes imposed under or in accordance with 78852  
Chapters 5718., 5733., 5736., 5739., 5741., 5747., and 5751. of 78853  
the Revised Code. 78854

(B) "Taxpayer" means a person subject to or potentially 78855  
subject to a tax including an employer required to deduct and 78856  
withhold any amount under section 5747.06 of the Revised Code. 78857

(C) "Audit" means the examination of a taxpayer or the 78858  
inspection of the books, records, memoranda, or accounts of a 78859  
taxpayer for the purpose of determining liability for a tax. 78860

(D) "Assessment" means a notice of underpayment or nonpayment 78861  
of a tax issued pursuant to section 5711.26, 5711.32, 5718.12, 78862  
5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 5747.13, or 5751.09 78863  
of the Revised Code. 78864

(E) "County auditor" means the auditor of the county in which 78865  
the tangible personal property subject to a tax is located. 78866

**Sec. 5703.57.** (A) As used in this section, "Ohio business 78867  
gateway" has the same meaning as in section 718.01 of the Revised 78868  
Code. 78869

(B) There is hereby created the Ohio business gateway 78870  
steering committee to direct the continuing development of the 78871  
Ohio business gateway and to oversee its operations. The committee 78872  
shall provide general oversight regarding operation of the Ohio 78873  
business gateway and shall recommend to the department of 78874  
administrative services enhancements that will improve the Ohio 78875  
business gateway. The committee shall consider all banking, 78876  
technological, administrative, and other issues associated with 78877  
the Ohio business gateway and shall make recommendations regarding 78878  
the type of reporting forms or other tax documents to be filed 78879  
through the Ohio business gateway. 78880

|   |       |
|---|-------|
| (C) The committee shall consist of:   | 78881 |
| (1) The following members, appointed by the governor with the advice and consent of the senate:   | 78882 |
| (a) Not more than four representatives of the business community;   | 78883 |
| (a) Not more than four representatives of the business community;   | 78884 |
| (a) Not more than four representatives of the business community;   | 78885 |
| (b) Not more than <del>three representatives</del> <u>one representative</u> of municipal tax administrators, <u>as defined in section 718.01 of the Revised Code</u> , selected from a list of candidates provided by the Ohio municipal league; and | 78886 |
| (b) Not more than <del>three representatives</del> <u>one representative</u> of municipal tax administrators, <u>as defined in section 718.01 of the Revised Code</u> , selected from a list of candidates provided by the Ohio municipal league; and | 78887 |
| (b) Not more than <del>three representatives</del> <u>one representative</u> of municipal tax administrators, <u>as defined in section 718.01 of the Revised Code</u> , selected from a list of candidates provided by the Ohio municipal league; and | 78888 |
| (b) Not more than <del>three representatives</del> <u>one representative</u> of municipal tax administrators, <u>as defined in section 718.01 of the Revised Code</u> , selected from a list of candidates provided by the Ohio municipal league; and | 78889 |
| (c) Not more than two tax practitioners.  | 78890 |
| (2) The following ex officio members:   | 78891 |
| (a) The director or other highest officer of each state agency that has tax reporting forms or other tax documents filed with it through the Ohio business gateway or the director's designee;  | 78892 |
| (a) The director or other highest officer of each state agency that has tax reporting forms or other tax documents filed with it through the Ohio business gateway or the director's designee;  | 78893 |
| (a) The director or other highest officer of each state agency that has tax reporting forms or other tax documents filed with it through the Ohio business gateway or the director's designee;  | 78894 |
| (a) The director or other highest officer of each state agency that has tax reporting forms or other tax documents filed with it through the Ohio business gateway or the director's designee;  | 78895 |
| (b) The secretary of state or the secretary of state's designee;  | 78896 |
| (b) The secretary of state or the secretary of state's designee;  | 78897 |
| (c) The treasurer of state or the treasurer of state's designee;  | 78898 |
| (c) The treasurer of state or the treasurer of state's designee;  | 78899 |
| (d) The director of budget and management or the director's designee;   | 78900 |
| (d) The director of budget and management or the director's designee;   | 78901 |
| (e) The state chief information officer or the officer's designee;  | 78902 |
| (e) The state chief information officer or the officer's designee;  | 78903 |
| (f) The tax commissioner or the tax commissioner's designee; and  | 78904 |
| (f) The tax commissioner or the tax commissioner's designee; and  | 78905 |
| (g) The director of development or the director's designee;   | 78906 |
| (h) The governor or the governor's designee.  | 78907 |
| An appointed member shall serve until the member resigns or is removed by the governor. Vacancies shall be filled in the same   | 78908 |
| An appointed member shall serve until the member resigns or is removed by the governor. Vacancies shall be filled in the same   | 78909 |

manner as original appointments. 78910

(D) A vacancy on the committee does not impair the right of 78911  
the other members to exercise all the functions of the committee. 78912  
The presence of a majority of the members of the committee 78913  
constitutes a quorum for the conduct of business of the committee. 78914  
The concurrence of at least a majority of the members of the 78915  
committee is necessary for any action to be taken by the 78916  
committee. On request, each member of the committee shall be 78917  
reimbursed for the actual and necessary expenses incurred in the 78918  
discharge of the member's duties. 78919

(E) The committee is a part of the department of taxation for 78920  
administrative purposes. 78921

(F) Each year, the governor shall select a member of the 78922  
committee to serve as chairperson. The chairperson shall appoint 78923  
an official or employee of the department of taxation to act as 78924  
the committee's secretary. The secretary shall keep minutes of the 78925  
committee's meetings and a journal of all meetings, proceedings, 78926  
findings, and determinations of the committee. 78927

(G) The committee may hire professional, technical, and 78928  
clerical staff needed to support its activities. 78929

(H) The committee shall meet as often as necessary to perform 78930  
its duties. 78931

**Sec. 5703.70.** (A) On the filing of an application for refund 78932  
under section 3734.905, 4307.05, 4307.07, 5718.19, 5726.30, 78933  
5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 78934  
5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 78935  
5741.10, 5743.05, 5743.53, 5749.08, 5751.08, or 5753.06 of the 78936  
Revised Code, or an application for compensation under section 78937  
5739.061 of the Revised Code, if the tax commissioner determines 78938  
that the amount of the refund or compensation to which the 78939

applicant is entitled is less than the amount claimed in the 78940  
application, the commissioner shall give the applicant written 78941  
notice by ordinary mail of the amount. The notice shall be sent to 78942  
the address shown on the application unless the applicant notifies 78943  
the commissioner of a different address. The applicant shall have 78944  
sixty days from the date the commissioner mails the notice to 78945  
provide additional information to the commissioner or request a 78946  
hearing, or both. 78947

(B) If the applicant neither requests a hearing nor provides 78948  
additional information to the tax commissioner within the time 78949  
prescribed by division (A) of this section, the commissioner shall 78950  
take no further action, and the refund or compensation amount 78951  
denied becomes final. 78952

(C)(1) If the applicant requests a hearing within the time 78953  
prescribed by division (A) of this section, the tax commissioner 78954  
shall assign a time and place for the hearing and notify the 78955  
applicant of such time and place, but the commissioner may 78956  
continue the hearing from time to time as necessary. After the 78957  
hearing, the commissioner may make such adjustments to the refund 78958  
or compensation as the commissioner finds proper, and shall issue 78959  
a final determination thereon. 78960

(2) If the applicant does not request a hearing, but provides 78961  
additional information, within the time prescribed by division (A) 78962  
of this section, the commissioner shall review the information, 78963  
make such adjustments to the refund or compensation as the 78964  
commissioner finds proper, and issue a final determination 78965  
thereon. 78966

(3) The commissioner shall serve a copy of the final 78967  
determination made under division (C)(1) or (2) of this section on 78968  
the applicant in the manner provided in section 5703.37 of the 78969  
Revised Code, and the decision is final, subject to appeal under 78970

section 5717.02 of the Revised Code. 78971

(D) The tax commissioner shall certify to the director of 78972  
budget and management and treasurer of state for payment from the 78973  
tax refund fund created by section 5703.052 of the Revised Code, 78974  
the amount of the refund to be refunded under division (B) or (C) 78975  
of this section. The commissioner also shall certify to the 78976  
director and treasurer of state for payment from the general 78977  
revenue fund the amount of compensation to be paid under division 78978  
(B) or (C) of this section. 78979

**Sec. 5703.75.** This section applies to any tax, fee, or charge 78980  
payable to the state and administered by the tax commissioner. If 78981  
the total amount of any such tax, fee, or charge shown to be due 78982  
on a return, amended return, or notice does not exceed one dollar, 78983  
the taxpayer or person liable for the tax, fee, or charge shall 78984  
not be required to remit the amount due. If the total amount of a 78985  
~~taxpayer's~~ an overpayment of any such tax, fee, or charge does not 78986  
exceed one dollar, the tax commissioner shall not be required to 78987  
refund the overpayment. 78988

**Sec. 5703.90.** If any tax administered by the tax commissioner 78989  
remains unpaid after the date the tax is due, the commissioner may 78990  
issue an assessment for the unpaid tax, and for any related 78991  
penalties and interest, against any person liable for the amount 78992  
due, including, but not limited to, a person that is jointly and 78993  
severally liable for the amount under Chapter 5718., 5726., or 78994  
5751. of the Revised Code, a partner liable for the tax liability 78995  
of a partnership, a director liable for the tax liability of a 78996  
dissolved corporation, or any other person liable for the tax 78997  
liability of another person under the Revised Code. The 78998  
commissioner shall issue the assessment in accordance with any 78999  
other provision of the Revised Code applicable to assessments for 79000  
the tax for which the person to be assessed is liable. 79001

Sec. 5705.01. As used in this chapter: 79002

(A) "Subdivision" means any county; municipal corporation; 79003  
township; township police district; joint police district; 79004  
township fire district; joint fire district; joint ambulance 79005  
district; joint emergency medical services district; fire and 79006  
ambulance district; joint recreation district; township waste 79007  
disposal district; township road district; community college 79008  
district; technical college district; detention facility district; 79009  
a district organized under section 2151.65 of the Revised Code; a 79010  
combined district organized under sections 2152.41 and 2151.65 of 79011  
the Revised Code; a joint-county alcohol, drug addiction, and 79012  
mental health service district; a general health district formed 79013  
under section 3709.10 of the Revised Code; a drainage improvement 79014  
district created under section 6131.52 of the Revised Code; a lake 79015  
facilities authority created under Chapter 353. of the Revised 79016  
Code; a union cemetery district; a county school financing 79017  
district; a city, local, exempted village, cooperative education, 79018  
or joint vocational school district; or a regional student 79019  
education district created under section 3313.83 of the Revised 79020  
Code. 79021

(B) "Municipal corporation" means all municipal corporations, 79022  
including those that have adopted a charter under Article XVIII, 79023  
Ohio Constitution. 79024

(C) "Taxing authority" or "bond issuing authority" means, in 79025  
the case of any county, the board of county commissioners; in the 79026  
case of a municipal corporation, the council or other legislative 79027  
authority of the municipal corporation; in the case of a city, 79028  
local, exempted village, cooperative education, or joint 79029  
vocational school district, the board of education; in the case of 79030  
a community college district, the board of trustees of the 79031  
district; in the case of a technical college district, the board 79032

of trustees of the district; in the case of a detention facility 79033  
district, a district organized under section 2151.65 of the 79034  
Revised Code, or a combined district organized under sections 79035  
2152.41 and 2151.65 of the Revised Code, the joint board of county 79036  
commissioners of the district; in the case of a township, the 79037  
board of township trustees; in the case of a joint police 79038  
district, the joint police district board; in the case of a joint 79039  
fire district, the board of fire district trustees; in the case of 79040  
a joint recreation district, the joint recreation district board 79041  
of trustees; in the case of a joint-county alcohol, drug 79042  
addiction, and mental health service district, the district's 79043  
board of alcohol, drug addiction, and mental health services; in 79044  
the case of a general health district that is a subdivision under 79045  
this section, the board of health of the district; in the case of 79046  
a joint ambulance district or a fire and ambulance district, the 79047  
board of trustees of the district; in the case of a union cemetery 79048  
district, the legislative authority of the municipal corporation 79049  
and the board of township trustees, acting jointly as described in 79050  
section 759.341 of the Revised Code; in the case of a drainage 79051  
improvement district, the board of county commissioners of the 79052  
county in which the drainage district is located; in the case of a 79053  
lake facilities authority, the board of directors; in the case of 79054  
a joint emergency medical services district, the joint board of 79055  
county commissioners of all counties in which all or any part of 79056  
the district lies; and in the case of a township police district, 79057  
a township fire district, a township road district, or a township 79058  
waste disposal district, the board of township trustees of the 79059  
township in which the district is located. "Taxing authority" also 79060  
means the educational service center governing board that serves 79061  
as the taxing authority of a county school financing district as 79062  
provided in section 3311.50 of the Revised Code, and the board of 79063  
directors of a regional student education district created under 79064  
section 3313.83 of the Revised Code. 79065

(D) "Fiscal officer" in the case of a county, means the 79066  
county auditor; in the case of a municipal corporation, the city 79067  
auditor or village clerk, or an officer who, by virtue of the 79068  
charter, has the duties and functions of the city auditor or 79069  
village clerk, except that in the case of a municipal university 79070  
the board of directors of which have assumed, in the manner 79071  
provided by law, the custody and control of the funds of the 79072  
university, the chief accounting officer of the university shall 79073  
perform, with respect to the funds, the duties vested in the 79074  
fiscal officer of the subdivision by sections 5705.41 and 5705.44 79075  
of the Revised Code; in the case of a school district, the 79076  
treasurer of the board of education; in the case of a county 79077  
school financing district, the treasurer of the educational 79078  
service center governing board that serves as the taxing 79079  
authority; in the case of a township, the township fiscal officer; 79080  
in the case of a joint police district, the treasurer of the 79081  
district; in the case of a joint fire district, the clerk of the 79082  
board of fire district trustees; in the case of a joint ambulance 79083  
district, the clerk of the board of trustees of the district; in 79084  
the case of a joint emergency medical services district, the 79085  
person appointed as fiscal officer pursuant to division (D) of 79086  
section 307.053 of the Revised Code; in the case of a fire and 79087  
ambulance district, the person appointed as fiscal officer 79088  
pursuant to division (B) of section 505.375 of the Revised Code; 79089  
in the case of a joint recreation district, the person designated 79090  
pursuant to section 755.15 of the Revised Code; in the case of a 79091  
union cemetery district, the clerk of the municipal corporation 79092  
designated in section 759.34 of the Revised Code; in the case of a 79093  
children's home district, educational service center, general 79094  
health district, joint-county alcohol, drug addiction, and mental 79095  
health service district, county library district, detention 79096  
facility district, district organized under section 2151.65 of the 79097  
Revised Code, a combined district organized under sections 2152.41 79098

and 2151.65 of the Revised Code, or a metropolitan park district 79099  
for which no treasurer has been appointed pursuant to section 79100  
1545.07 of the Revised Code, the county auditor of the county 79101  
designated by law to act as the auditor of the district; in the 79102  
case of a metropolitan park district which has appointed a 79103  
treasurer pursuant to section 1545.07 of the Revised Code, that 79104  
treasurer; in the case of a drainage improvement district, the 79105  
auditor of the county in which the drainage improvement district 79106  
is located; in the case of a lake facilities authority, the fiscal 79107  
officer designated under section 353.02 of the Revised Code; in 79108  
the case of a regional student education district, the fiscal 79109  
officer appointed pursuant to section 3313.83 of the Revised Code; 79110  
and in all other cases, the officer responsible for keeping the 79111  
appropriation accounts and drawing warrants for the expenditure of 79112  
the moneys of the district or taxing unit. 79113

(E) "Permanent improvement" or "improvement" means any 79114  
property, asset, or improvement with an estimated life or 79115  
usefulness of five years or more, including land and interests 79116  
therein, and reconstructions, enlargements, and extensions thereof 79117  
having an estimated life or usefulness of five years or more. 79118

(F) "Current operating expenses" and "current expenses" mean 79119  
the lawful expenditures of a subdivision, except those for 79120  
permanent improvements, and except payments for interest, sinking 79121  
fund, and retirement of bonds, notes, and certificates of 79122  
indebtedness of the subdivision. 79123

(G) "Debt charges" means interest, sinking fund, and 79124  
retirement charges on bonds, notes, or certificates of 79125  
indebtedness. 79126

(H) "Taxing unit" means any subdivision or other governmental 79127  
district having authority to levy taxes on the property in the 79128  
district or issue bonds that constitute a charge against the 79129  
property of the district, including conservancy districts, 79130

metropolitan park districts, sanitary districts, road districts, 79131  
and other districts. 79132

(I) "District authority" means any board of directors, 79133  
trustees, commissioners, or other officers controlling a district 79134  
institution or activity that derives its income or funds from two 79135  
or more subdivisions, such as the educational service center, the 79136  
trustees of district children's homes, the district board of 79137  
health, a joint-county alcohol, drug addiction, and mental health 79138  
service district's board of alcohol, drug addiction, and mental 79139  
health services, detention facility districts, a joint recreation 79140  
district board of trustees, districts organized under section 79141  
2151.65 of the Revised Code, combined districts organized under 79142  
sections 2152.41 and 2151.65 of the Revised Code, and other such 79143  
boards. 79144

(J) "Tax list" and "tax duplicate" mean the general tax lists 79145  
and duplicates prescribed by sections 319.28 and 319.29 of the 79146  
Revised Code. 79147

(K) "Property" as applied to a tax levy means taxable 79148  
property listed on general tax lists and duplicates. 79149

(L) "Association library district" means a territory, the 79150  
boundaries of which are defined by the state library board 79151  
pursuant to division (I) of section 3375.01 of the Revised Code, 79152  
in which a library association or private corporation maintains a 79153  
free public library. 79154

(M) "Library district" means a territory, the boundaries of 79155  
which are defined by the state library board pursuant to section 79156  
3375.01 of the Revised Code, in which the board of trustees of a 79157  
county, municipal corporation, school district, or township public 79158  
library maintains a free public library. 79159

(N) "Qualifying library levy" means either of the following: 79160

(1) A levy for the support of a library association or 79161

private corporation that has an association library district with 79162  
boundaries that are not identical to those of a subdivision; 79163

(2) A levy proposed under section 5705.23 of the Revised Code 79164  
for the support of the board of trustees of a public library that 79165  
has a library district with boundaries that are not identical to 79166  
those of a subdivision. 79167

(O) "School library district" means a school district in 79168  
which a free public library has been established that is under the 79169  
control and management of a board of library trustees as provided 79170  
in section 3375.15 of the Revised Code. 79171

**Sec. 5709.17.** The following property shall be exempted from 79172  
taxation: 79173

(A) Real estate held or occupied by an association or 79174  
corporation, organized or incorporated under the laws of this 79175  
state relative to soldiers' memorial associations, or monumental 79176  
building associations, ~~or cemetery associations or corporations,~~ 79177  
~~which and that,~~ in the opinion of the trustees, directors, or 79178  
managers thereof, is necessary and proper to carry out the object 79179  
intended for such association or corporation; 79180

(B) Real estate and tangible personal property held or 79181  
occupied by a veterans' organization that qualifies for exemption 79182  
from taxation under section 501(c)(19) or 501(c)(23) of the 79183  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 79184  
amended, and is incorporated under the laws of this state or the 79185  
United States, except real estate held by such an organization for 79186  
the production of rental income in excess of thirty-six thousand 79187  
dollars in a tax year, before accounting for any cost or expense 79188  
incurred in the production of such income. For the purposes of 79189  
this division, rental income includes only income arising directly 79190  
from renting the real estate to others for consideration. 79191

(C) Tangible personal property held by a corporation 79192  
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 79193  
section 501(c)(3) of the Internal Revenue Code, and exempt from 79194  
taxation under section 501(a) of the Internal Revenue Code shall 79195  
be exempt from taxation if it is property obtained as described in 79196  
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 79197

(D) Real estate held or occupied by a fraternal organization 79198  
and used primarily for meetings of and the administration of the 79199  
fraternal organization or for providing, on a not-for-profit 79200  
basis, educational or health services, except real estate held by 79201  
such an organization for the production of rental income in excess 79202  
of thirty-six thousand dollars in a tax year before accounting for 79203  
any cost or expense incurred in the production of such income. As 79204  
used in this division, "rental income" has the same meaning as in 79205  
division (B) of this section, and "fraternal organization" means a 79206  
domestic fraternal society, order, or association operating under 79207  
the lodge, council, or grange system that qualifies for exemption 79208  
from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of 79209  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 79210  
as amended; that provides financial support for charitable 79211  
purposes, as defined in division (B)(12) of section 5739.02 of the 79212  
Revised Code; and that operates under a state governing body that 79213  
has been operating in this state for at least eighty-five years. 79214

**Sec. 5709.212.** (A) With every application for an exempt 79215  
facility certificate filed pursuant to section 5709.21 of the 79216  
Revised Code, the applicant shall pay a fee equal to one-half of 79217  
one per cent of the total exempt facility project cost, not to 79218  
exceed two thousand dollars. ~~One half of the fee received with~~ 79219  
~~applications for exempt facility certificates shall be credited to~~ 79220  
~~the exempt facility administrative fund, which is hereby created~~ 79221  
~~in the state treasury, for appropriation to the department of~~ 79222  
~~taxation for use in administering sections 5709.20 to 5709.27 of~~ 79223

~~the Revised Code.~~ If the director of environmental protection is required to provide the opinion for an application, ~~one-half of~~ the fee shall be credited to the non-Title V clean air fund created in section 3704.035 of the Revised Code for use in administering section 5709.211 of the Revised Code, unless the application is for an industrial water pollution control facility. If the application is for an industrial water pollution control facility, ~~one-half of~~ the fee shall be credited to the surface water protection fund created in section 6111.038 of the Revised Code for use in administering section 5709.211 of the Revised Code. If the director of development is required to provide the opinion for an application, ~~one-half of~~ the fee for each exempt facility application shall be credited to the exempt facility inspection fund, which is hereby created in the state treasury, for appropriation to the ~~department of development~~ services agency for use in administering section 5709.211 of the Revised Code.

An applicant is not entitled to any tax exemption under section 5709.25 of the Revised Code until the fee required by this section is paid. The fee required by this section is not refundable, and is due with the application for an exempt facility certificate even if an exempt facility certificate ultimately is not issued or is withdrawn. Any application submitted without payment of the fee shall be deemed incomplete until the fee is paid.

(B) The application fee imposed under division (A) of this section for a jointly owned facility shall be equal to one-half of one per cent of the total exempt facility project cost, not to exceed two thousand dollars for each facility that is the subject of the application.

**Sec. 5709.64.** (A) If an enterprise has been granted an incentive for the current calendar year under an agreement entered

pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised Code, it may apply, on or before the thirtieth day of April of that year, to the director of development, on a form prescribed by the director, for a tax incentive qualification certificate. The enterprise qualifies for an initial certificate if, on or before the last day of the calendar year immediately preceding that in which application is made, it satisfies all of the following requirements:

(1) The enterprise has established, expanded, renovated, or occupied a facility pursuant to the agreement under section 5709.62, 5709.63, or 5709.632 of the Revised Code.

(2) The enterprise has hired new employees to fill nonretail positions at the facility, at least twenty-five per cent of whom at the time they were employed were at least one of the following:

(a) Unemployed persons who had resided at least six months in the county in which the enterprise's project site is located;

(b) JPTA eligible employees who had resided at least six months in the county in which the enterprise's project site is located;

(c) Participants of the Ohio works first program under Chapter 5107. of the Revised Code or the prevention, retention, and contingency program under Chapter 5108. of the Revised Code or recipients of general assistance under former Chapter 5113. of the Revised Code, financial assistance under former Chapter 5115. of the Revised Code, or unemployment compensation benefits who had resided at least six months in the county in which the enterprise's project site is located;

(d) ~~Handicapped persons~~ Eligible individuals with disabilities, as defined under division (A) of section 3304.11 of the Revised Code, who had resided at least six months in the county in which the enterprise's project site is located;

(e) Residents for at least one year of a zone located in the 79286  
county in which the enterprise's project site is located. 79287

The director of development shall, by rule, establish 79288  
criteria for determining what constitutes a nonretail position at 79289  
a facility. 79290

(3) The average number of positions attributable to the 79291  
enterprise in the municipal corporation during the calendar year 79292  
immediately preceding the calendar year in which application is 79293  
made exceeds the maximum number of positions attributable to the 79294  
enterprise in the municipal corporation during the calendar year 79295  
immediately preceding the first year the enterprise satisfies the 79296  
requirements set forth in divisions (A)(1) and (2) of this 79297  
section. If the enterprise is engaged in a business which, because 79298  
of its seasonal nature, customarily enables the enterprise to 79299  
operate at full capacity only during regularly recurring periods 79300  
of the year, the average number of positions attributable to the 79301  
enterprise in the municipal corporation during each period of the 79302  
calendar year immediately preceding the calendar year in which 79303  
application is made must exceed only the maximum number of 79304  
positions attributable to the enterprise in each corresponding 79305  
period of the calendar year immediately preceding the first year 79306  
the enterprise satisfies the requirements of divisions (A)(1) and 79307  
(2) of this section. The director of development shall, by rule, 79308  
prescribe methods for determining whether an enterprise is engaged 79309  
in a seasonal business and for determining the length of the 79310  
corresponding periods to be compared. 79311

(4) The enterprise has not closed or reduced employment at 79312  
any place of business in the state for the primary purpose of 79313  
establishing, expanding, renovating, or occupying a facility. The 79314  
legislative authority of any municipal corporation or the board of 79315  
county commissioners of any county that concludes that an 79316  
enterprise has closed or reduced employment at a place of business 79317

in that municipal corporation or county for the primary purpose of 79318  
establishing, expanding, renovating, or occupying a facility in a 79319  
zone may appeal to the director to determine whether the 79320  
enterprise has done so. Upon receiving such an appeal, the 79321  
director shall investigate the allegations and make such a 79322  
determination before issuing an initial or renewal tax incentive 79323  
qualification certificate under this section. 79324

Within sixty days after receiving an application under this 79325  
division, the director shall review, investigate, and verify the 79326  
application and determine whether the enterprise qualifies for a 79327  
certificate. The application shall include an affidavit executed 79328  
by the applicant verifying that the enterprise satisfies the 79329  
requirements of division (A)(2) of this section, and shall contain 79330  
such information and documents as the director requires, by rule, 79331  
to ascertain whether the enterprise qualifies for a certificate. 79332  
If the director finds the enterprise qualified, the director shall 79333  
issue a tax incentive qualification certificate, which shall bear 79334  
as its date of issuance the thirtieth day of June of the year of 79335  
application, and shall state that the applicant is entitled to 79336  
receive, for the taxable year that includes the certificate's date 79337  
of issuance, the tax incentives provided under section 5709.65 of 79338  
the Revised Code with regard to the facility to which the 79339  
certificate applies. If an enterprise is issued an initial 79340  
certificate, it may apply, on or before the thirtieth day of April 79341  
of each succeeding calendar year for which it has been granted an 79342  
incentive under an agreement entered pursuant to section 5709.62, 79343  
5709.63, or 5709.632 of the Revised Code, for a renewal 79344  
certificate. Subsequent to its initial certification, the 79345  
enterprise qualifies for up to three successive renewal 79346  
certificates if, on or before the last day of the calendar year 79347  
immediately preceding that in which the application is made, it 79348  
satisfies all the requirements of divisions (A)(1) to (4) of this 79349  
section, and neither the zone's designation nor the zone's 79350

certification has been revoked prior to the fifteenth day of June 79351  
of the year in which the application is made. The application 79352  
shall include an affidavit executed by the applicant verifying 79353  
that the enterprise satisfies the requirements of division (A)(2) 79354  
of this section. An enterprise with ten or more supervisory 79355  
personnel at the facility to which a certificate applies qualifies 79356  
for any subsequent renewal certificates only if it meets all of 79357  
the foregoing requirements and, in addition, at least ten per cent 79358  
of those supervisory personnel are employees who, when first hired 79359  
by the enterprise, satisfied at least one of the criteria 79360  
specified in divisions (A)(2)(a) to (e) of this section. If the 79361  
enterprise qualifies, a renewal certificate shall be issued 79362  
bearing as its date of issuance the thirtieth day of June of the 79363  
year of application. The director shall send copies of the initial 79364  
certificate, and each renewal certificate, by certified mail, to 79365  
the enterprise, the tax commissioner, the board of county 79366  
commissioners, and the chief executive of the municipal 79367  
corporation in which the facility to which the certificate applies 79368  
is located. 79369

(B) If the director determines that an enterprise is not 79370  
qualified for an initial or renewal tax incentive qualification 79371  
certificate, the director shall send notice of this determination, 79372  
specifying the reasons for it, by certified mail, to the 79373  
applicant, the tax commissioner, the board of county 79374  
commissioners, and the chief executive of the municipal 79375  
corporation in which the facility to which the certificate would 79376  
have applied is located. Within thirty days after receiving such a 79377  
notice, an enterprise may request, in writing, a hearing before 79378  
the director for the purpose of reviewing the application and the 79379  
reasons for the determination. Within sixty days after receiving a 79380  
request for a hearing, the director shall afford one and, within 79381  
thirty days after the hearing, shall issue a redetermination of 79382  
the enterprise's qualification for a certificate. If the 79383

enterprise is found to be qualified, the director shall proceed in 79384  
the manner provided under division (A) of this section. If the 79385  
enterprise is found to be unqualified, the director shall send 79386  
notice of this finding, by certified mail, to the applicant, the 79387  
tax commissioner, the board of county commissioners, and the chief 79388  
executive of the municipal corporation in which the facility to 79389  
which the certificate would have applied is located. The 79390  
director's redetermination that an enterprise is unqualified may 79391  
be appealed to the board of tax appeals in the manner provided 79392  
under section 5717.02 of the Revised Code. 79393

**Sec. 5709.68.** (A) On or before the thirty-first day of March 79394  
each year, a municipal corporation or county that has entered into 79395  
an agreement with an enterprise under section 5709.62, 5709.63, or 79396  
5709.632 of the Revised Code shall submit to the director of 79397  
development services and the board of education of each school 79398  
district of which a municipal corporation or township to which 79399  
such an agreement applies is a part a report on all of those 79400  
agreements in effect during the preceding calendar year. The 79401  
report shall include all of the following information: 79402

(1) The designation, assigned by the director of development 79403  
services, of each urban jobs and enterprise zone within the 79404  
municipal corporation or county, the date each zone was certified, 79405  
the name of each municipal corporation or township within each 79406  
zone, and the total population of each zone according to the most 79407  
recent data available; 79408

(2) The number of enterprises that are subject to those 79409  
agreements and the number of full-time employees subject to those 79410  
agreements within each zone, each according to the most recent 79411  
data available and identified and categorized by the appropriate 79412  
standard industrial code, and the rate of unemployment in the 79413  
municipal corporation or county in which the zone is located for 79414

each year since each zone was certified; 79415

(3) The number of agreements approved and executed during the 79416  
calendar year for which the report is submitted, the total number 79417  
of agreements in effect on the thirty-first day of December of the 79418  
preceding calendar year, the number of agreements that expired 79419  
during the calendar year for which the report is submitted, and 79420  
the number of agreements scheduled to expire during the calendar 79421  
year in which the report is submitted. For each agreement that 79422  
expired during the calendar year for which the report is 79423  
submitted, the municipal corporation or county shall include the 79424  
amount of taxes exempted and the estimated dollar value of any 79425  
other incentives provided under the agreement. 79426

(4) The number of agreements receiving compliance reviews by 79427  
the tax incentive review council in the municipal corporation or 79428  
county during the calendar year for which the report is submitted, 79429  
including all of the following information: 79430

(a) The number of agreements the terms of which an enterprise 79431  
has complied with, indicating separately for each agreement the 79432  
value of the real and personal property exempted pursuant to the 79433  
agreement and a comparison of the stipulated and actual schedules 79434  
for hiring new employees, for retaining existing employees, for 79435  
the amount of payroll of the enterprise attributable to these 79436  
employees, and for investing in establishing, expanding, 79437  
renovating, or occupying a facility; 79438

(b) The number of agreements the terms of which an enterprise 79439  
has failed to comply with, indicating separately for each 79440  
agreement the value of the real and personal property exempted 79441  
pursuant to the agreement and a comparison of the stipulated and 79442  
actual schedules for hiring new employees, for retaining existing 79443  
employees, for the amount of payroll of the enterprise 79444  
attributable to these employees, and for investing in 79445  
establishing, expanding, renovating, or occupying a facility; 79446

(c) The number of agreements about which the tax incentive review council made recommendations to the legislative authority of the municipal corporation or county, and the number of those recommendations that have not been followed;

(d) The number of agreements rescinded during the calendar year for which the report is submitted.

(5) The number of enterprises that are subject to agreements that expanded within each zone, including the number of new employees hired and existing employees retained by each enterprise, and the number of new enterprises that are subject to agreements and that established within each zone, including the number of new employees hired by each enterprise;

(6)(a) The number of enterprises that are subject to agreements and that closed or reduced employment at any place of business within the state for the primary purpose of establishing, expanding, renovating, or occupying a facility, indicating separately for each enterprise the political subdivision in which the enterprise closed or reduced employment at a place of business and the number of full-time employees transferred and retained by each such place of business;

(b) The number of enterprises that are subject to agreements and that closed or reduced employment at any place of business outside the state for the primary purpose of establishing, expanding, renovating, or occupying a facility.

(7) For each agreement in effect during any part of the preceding year, the number of employees employed by the enterprise at the project site immediately prior to formal approval of the agreement, the number of employees employed by the enterprise at the project site on the thirty-first day of December of the preceding year, the payroll of the enterprise for the preceding year, the amount of taxes paid on tangible personal property

situated at the project site and the amount of those taxes that 79478  
were not paid because of the exemption granted under the 79479  
agreement, and the amount of taxes paid on real property 79480  
constituting the project site and the amount of those taxes that 79481  
were not paid because of the exemption granted under the 79482  
agreement. If an agreement was entered into under section 5709.632 79483  
of the Revised Code with an enterprise described in division 79484  
(B)(2) of that section, the report shall include the number of 79485  
employee positions at all of the enterprise's locations in this 79486  
state. If an agreement is conditioned on a waiver issued under 79487  
division (B) of section 5709.633 of the Revised Code on the basis 79488  
of the circumstance described in division (B)(3)(a) or (b) of that 79489  
section, the report shall include the number of employees at the 79490  
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 79491  
section, respectively. 79492

(B) Upon the failure of a municipal corporation or county to 79493  
comply with division (A) of this section: 79494

(1) Beginning on the first day of April of the calendar year 79495  
in which the municipal corporation or county fails to comply with 79496  
that division, the municipal corporation or county shall not enter 79497  
into any agreements with an enterprise under section 5709.62, 79498  
5709.63, or 5709.632 of the Revised Code until the municipal 79499  
corporation or county has complied with division (A) of this 79500  
section. 79501

(2) On the first day of each ensuing calendar month until the 79502  
municipal corporation or county complies with division (A) of this 79503  
section, the director of development services shall either order 79504  
the proper county auditor to deduct from the next succeeding 79505  
payment of taxes to the municipal corporation or county under 79506  
section 321.31, 321.32, 321.33, or 321.34 of the Revised Code an 79507  
amount equal to one thousand dollars for each calendar month the 79508  
municipal corporation or county fails to comply with that 79509

division, or order the county auditor to deduct that amount from 79510  
the next succeeding payment to the municipal corporation or county 79511  
from the undivided local government fund under section 5747.51 of 79512  
the Revised Code. At the time such a payment is made, the county 79513  
auditor shall comply with the director's order by issuing a 79514  
warrant, drawn on the fund from which the money would have been 79515  
paid, to the director of development services, who shall deposit 79516  
the warrant into the state enterprise zone program administration 79517  
fund created in division (C) of this section. 79518

(C) The director, by rule, shall establish the state's 79519  
application fee for applications submitted to a municipal 79520  
corporation or county to enter into an agreement under section 79521  
5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing 79522  
the amount of the fee, the director shall consider the state's 79523  
cost of administering the enterprise zone program, including the 79524  
cost of reviewing the reports required under division (A) of this 79525  
section. The director may change the amount of the fee at the 79526  
times and in the increments the director considers necessary. Any 79527  
municipal corporation or county that receives an application shall 79528  
collect the application fee and remit the fee for deposit in the 79529  
state treasury to the credit of the ~~business assistance tax~~ 79530  
incentives operating fund created in section 122.174 of the 79531  
Revised Code. 79532

(D) On or before the thirtieth day of June each year, the 79533  
director of development services shall certify to the tax 79534  
commissioner the information described under division (A)(7) of 79535  
this section, derived from the reports submitted to the director 79536  
under this section. 79537

On the basis of the information certified under this 79538  
division, the tax commissioner annually shall submit a report to 79539  
the governor, the speaker of the house of representatives, the 79540  
president of the senate, and the chairpersons of the ways and 79541

means committees of the respective houses of the general assembly, 79542  
indicating for each enterprise zone the amount of state and local 79543  
taxes that were not required to be paid because of exemptions 79544  
granted under agreements entered into under section 5709.62, 79545  
5709.63, or 5709.632 of the Revised Code and the amount of 79546  
additional taxes paid from the payroll of new employees. 79547

**Sec. 5709.92.** (A) As used in this section: 79548

(1) "School district" means a city, local, or exempted 79549  
village school district. 79550

(2) "Joint vocational school district" means a joint 79551  
vocational school district created under section 3311.16 of the 79552  
Revised Code, and includes a cooperative education school district 79553  
created under section 3311.52 or 3311.521 of the Revised Code and 79554  
a county school financing district created under section 3311.50 79555  
of the Revised Code. 79556

(3) "Total resources" means the sum of the amounts described 79557  
in divisions (A)(3)(a) to (g) of this section less any reduction 79558  
required under division (C)(3)(a) of this section. 79559

(a) The state education aid for fiscal year 2015; 79560

(b) The sum of the payments received in fiscal year 2015 for 79561  
current expense levy losses under division (C)(3) of section 79562  
5727.85 and division (C)(12) of section 5751.21 of the Revised 79563  
Code, as they existed at that time, excluding the portion of such 79564  
payments attributable to levies for joint vocational school 79565  
district purposes; 79566

(c) The sum of fixed-sum levy loss payments received by the 79567  
school district in fiscal year 2015 under division (F)(1) of 79568  
section 5727.85 and division (E)(1) of section 5751.21 of the 79569  
Revised Code, as they existed at that time, for fixed-sum levies 79570  
charged and payable for a purpose other than paying debt charges; 79571

(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code;

(e) The amount certified for fiscal year 2015 under division (A)(2) of section 3317.08 of the Revised Code;

(f) Distributions received during calendar year 2014 from taxes levied under section 718.09 of the Revised Code;

(g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund.

(4)(a) "State education aid" for a school district means the sum of state amounts computed for the district under sections 3317.022 and 3317.0212 of the Revised Code after any amounts are added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.

(6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section.

- (7) "Threshold per cent" means the following: 79603
- (a) For a school district in the lowest capacity quintile, 79604  
one per cent for fiscal year 2016 and two per cent for fiscal year 79605  
2017. 79606
- (b) For a school district in the second lowest capacity 79607  
quintile, one and one-fourth per cent for fiscal year 2016 and two 79608  
and one-half per cent for fiscal year 2017. 79609
- (c) For a school district in the third lowest capacity 79610  
quintile, one and one-half per cent for fiscal year 2016 and three 79611  
per cent for fiscal year 2017. 79612
- (d) For a school district in the second highest capacity 79613  
quintile, one and three-fourths per cent for fiscal year 2016 and 79614  
three and one-half per cent for fiscal year 2017. 79615
- (e) For a school district in the highest capacity quintile, 79616  
two per cent for fiscal year 2016 and four per cent for fiscal 79617  
year 2017. 79618
- (f) For a joint vocational school district, two per cent for 79619  
fiscal year 2016 and four per cent for fiscal year 2017. 79620
- (8) "Current expense allocation" means the sum of the 79621  
payments received by a school district or joint vocational school 79622  
district in fiscal year 2015 for current expense levy losses under 79623  
division (C)(3) of section 5727.85 and division (C)(12) of section 79624  
5751.21 of the Revised Code as they existed at that time, less any 79625  
reduction required under division (C)(3)(b) of this section. 79626
- (9) "Non-current expense allocation" means the sum of the 79627  
payments received by a school district or joint vocational school 79628  
district in fiscal year 2015 for levy losses under division 79629  
(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 79630  
5751.21 of the Revised Code, as they existed at that time, and 79631  
levy losses in fiscal year 2015 under division (H) of section 79632

5727.84 of the Revised Code as that section existed at that time 79633  
attributable to levies for and payments received for losses on 79634  
levies intended to generate money for maintenance of classroom 79635  
facilities. 79636

(10) "Operating TPP fixed-sum levy losses" means the sum of 79637  
payments received by a school district in fiscal year 2015 for 79638  
levy losses under division (E) of section 5751.21 of the Revised 79639  
Code, excluding levy losses for debt purposes. 79640

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum 79641  
of payments received by the school district in fiscal year 2015 79642  
for levy losses under division (H) of section 5727.84 of the 79643  
Revised Code, excluding levy losses for debt purposes. 79644

(12) "TPP fixed-sum debt levy losses" means the sum of 79645  
payments received by a school district in fiscal year 2015 for 79646  
levy losses under division (E) of section 5751.21 of the Revised 79647  
Code for debt purposes. 79648

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 79649  
payments received by the school district in fiscal year 2015 for 79650  
levy losses under division (H) of section 5727.84 of the Revised 79651  
Code for debt purposes. 79652

(14) "Qualifying levies" means qualifying levies described in 79653  
section 5751.20 of the Revised Code as that section was in effect 79654  
before July 1, 2015. 79655

(15) "Total taxable value" has the same meaning as in section 79656  
3317.02 of the Revised Code. 79657

(B) The department of education shall rank all school 79658  
districts in the order of districts' capacity measures determined 79659  
under former section 3317.018 of the Revised Code from lowest to 79660  
highest, and divide such ranking into quintiles, with the first 79661  
quintile containing the twenty per cent of school districts having 79662  
the lowest capacity measure and the fifth quintile containing the 79663

twenty per cent of school districts having the highest capacity 79664  
measure. This calculation and ranking shall be performed once, in 79665  
fiscal year 2016. 79666

(C)(1) In fiscal year 2016, payments shall be made to school 79667  
districts and joint vocational school districts equal to the sum 79668  
of the amounts described in divisions (C)(1)(a) or (b) and 79669  
(C)(1)(c) of this section. In fiscal year 2017, payments shall be 79670  
made to school districts and joint vocational school districts 79671  
equal to the amount described in division (C)(1)(a) or (b) of this 79672  
section. 79673

(a) If the ratio of the current expense allocation to total 79674  
resources is equal to or less than the district's threshold per 79675  
cent, zero; 79676

(b) If the ratio of the current expense allocation to total 79677  
resources is greater than the district's threshold per cent, the 79678  
difference between the current expense allocation and the product 79679  
of the threshold percentage and total resources; 79680

(c) For fiscal year 2016, the product of the non-current 79681  
expense allocation multiplied by fifty per cent. 79682

(2) In fiscal year 2018 and subsequent fiscal years, payments 79683  
shall be made to school districts and joint vocational school 79684  
districts equal to the difference obtained by subtracting the 79685  
amount described in division (C)(2)(b) of this section from the 79686  
amount described in division (C)(2)(a) of this section, provided 79687  
that such amount is greater than zero. 79688

(a) The sum of the payments received by the district under 79689  
division (C)(1)(b) or (C)(2) of this section for the immediately 79690  
preceding fiscal year; 79691

(b) One-sixteenth of one per cent of the average of the total 79692  
taxable value of the district for tax years 2014, 2015, and 2016. 79693

(3)(a) "Total resources" used to compute payments under 79694  
division (C)(1) of this section shall be reduced to the extent 79695  
that payments distributed in fiscal year 2015 were attributable to 79696  
levies no longer charged and payable for tax year 2014. 79697

(b) "Current expense allocation" used to compute payments 79698  
under division (C)(1) of this section shall be reduced to the 79699  
extent that the payments distributed in fiscal year 2015 were 79700  
attributable to levies no longer charged and payable for tax year 79701  
2014. 79702

(4) The department of education shall report to each school 79703  
district and joint vocational school district the apportionment of 79704  
the payments under division (C)(1) of this section among the 79705  
district's funds based on qualifying levies. 79706

(D)(1) Payments in the following amounts shall be made to 79707  
school districts and joint vocational school districts in tax 79708  
years 2016 through 2021: 79709

(a) In tax year 2016, the sum of the district's operating TPP 79710  
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 79711

(b) In tax year 2017, the sum of the district's operating TPP 79712  
fixed-sum levy losses and eighty per cent of operating S.B. 3 79713  
fixed-sum levy losses. 79714

(c) In tax year 2018, the sum of eighty per cent of the 79715  
district's operating TPP fixed-sum levy losses and sixty per cent 79716  
of its operating S.B. 3 fixed-sum levy losses. 79717

(d) In tax year 2019, the sum of sixty per cent of the 79718  
district's operating TPP fixed-sum levy losses and forty per cent 79719  
of its operating S.B. 3 fixed-sum levy losses. 79720

(e) In tax year 2020, the sum of forty per cent of the 79721  
district's operating TPP fixed-sum levy losses and twenty per cent 79722  
of its operating S.B. 3 fixed-sum levy losses. 79723

(f) In tax year 2021, twenty per cent of the district's operating TPP fixed-sum levy losses. 79724  
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No payment shall be made under division (D)(1) of this section after tax year 2021. 79726  
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(2) Amounts are payable under division (D) of this section for fixed-sum levy losses only to the extent of such losses for qualifying levies that remain in effect for the current tax year. 79728  
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For this purpose, a qualifying levy levied under section 5705.194 or 5705.213 of the Revised Code remains in effect for the current tax year only if a tax levied under either of those sections is charged and payable for the current tax year for an annual sum at least equal to the annual sum levied by the board of education for tax year 2004 under those sections less the amount of the payment under this division. 79731  
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(E)(1) For fixed-sum levies for debt purposes, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the district's fixed-sum levy loss determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the Revised Code as in effect before July 1, 2015, and paid in tax year 2014. No payment shall be made for qualifying levies that are no longer charged and payable. 79738  
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(2) Beginning in 2016, by the thirty-first day of January of each year, the tax commissioner shall review the calculation of fixed-sum levy loss for debt purposes determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the Revised Code as in effect before July 1, 2015. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year is no longer charged and payable, a revised calculation for that year and all subsequent years shall be made. 79745  
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(F)(1) For taxes levied within the ten-mill limitation for 79754

debt purposes in tax year 1998 in the case of electric company tax value losses, and in tax year 1999 in the case of natural gas company tax value losses, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5727.85 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2016.

(2) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5751.21 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2018.

(G) If all the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

(1) For a merger of two or more districts, fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the merger.

(2) If property is transferred from one district to a previously existing district, the amount of the total resources, current expense allocation, and non-current expense allocation that shall be transferred to the recipient district shall be an amount equal to the total resources, current expense allocation,

and non-current expense allocation of the transferor district 79787  
times a fraction, the numerator of which is the number of pupils 79788  
being transferred to the recipient district, measured, in the case 79789  
of a school district, by formula ADM as defined in section 3317.02 79790  
of the Revised Code or, in the case of a joint vocational school 79791  
district, by formula ADM as defined for a joint vocational school 79792  
district in that section, and the denominator of which is the 79793  
formula ADM of the transferor district. 79794

(3) After December 31, 2010, if property is transferred from 79795  
one or more districts to a district that is newly created out of 79796  
the transferred property, the newly created district shall be 79797  
deemed not to have any total resources, current expense 79798  
allocation, total allocation, or non-current expense allocation. 79799

(4) If the recipient district under division (G)(2) of this 79800  
section or the newly created district under division (G)(3) of 79801  
this section is assuming debt from one or more of the districts 79802  
from which the property was transferred and any of the districts 79803  
losing the property had fixed-sum levy losses, the department of 79804  
education, in consultation with the tax commissioner, shall make 79805  
an equitable division of the reimbursements for those losses. 79806

(H) The payments required by divisions (C), (D), (E), and (F) 79807  
of this section shall be distributed periodically to each school 79808  
and joint vocational school district by the department of 79809  
education unless otherwise provided for. Except as provided in 79810  
division (D) of this section, if a levy that is a qualifying levy 79811  
is not charged and payable in any year after 2014, payments to the 79812  
school district or joint vocational school district shall be 79813  
reduced to the extent that the payments distributed in fiscal year 79814  
2015 were attributable to the levy loss of that levy. 79815

**Sec. 5715.20.** (A) Whenever a county board of revision renders 79816  
a decision on a complaint filed under section 5715.19 of the 79817

Revised Code or on an application for remission under section 79818  
5715.39 of the Revised Code, it shall certify its action by 79819  
certified mail to the person in whose name the property is listed 79820  
or sought to be listed and ~~to the complainant~~, if the complainant 79821  
or applicant is not the person in whose name the property is 79822  
listed or sought to be listed, to the complainant or applicant. A 79823  
person's time to file an appeal under section 5717.01 of the 79824  
Revised Code commences with the mailing of notice of the decision 79825  
to that person as provided in this section. The tax commissioner's 79826  
time to file an appeal under section 5717.01 of the Revised Code 79827  
commences with the last mailing to a person required to be mailed 79828  
notice of the decision as provided in this division. 79829

(B) The tax commissioner may order the county auditor to send 79830  
to the commissioner the decisions of the board of revision 79831  
rendered on complaints filed under section 5715.19 of the Revised 79832  
Code or on applications for remission filed under section 5715.39 79833  
of the Revised Code in the manner and for the time period that the 79834  
commissioner prescribes. Nothing in this division extends the 79835  
commissioner's time to file an appeal under section 5717.01 of the 79836  
Revised Code. 79837

**Sec. 5715.27.** (A)(1) Except as provided in division (A)(2) of 79838  
this section and in section 3735.67 of the Revised Code, the 79839  
owner, a vendee in possession under a purchase agreement or a land 79840  
contract, the beneficiary of a trust, or a lessee for an initial 79841  
term of not less than thirty years of any property may file an 79842  
application with the tax commissioner, on forms prescribed by the 79843  
commissioner, requesting that such property be exempted from 79844  
taxation and that taxes, interest, and penalties be remitted as 79845  
provided in division (C) of section 5713.08 of the Revised Code. 79846

(2) If the property that is the subject of the application 79847  
for exemption is any of the following, the application shall be 79848

filed with the county auditor of the county in which the property 79849  
is listed for taxation: 79850

(a) A public road or highway; 79851

(b) Property belonging to the federal government of the 79852  
United States; 79853

(c) Additions or other improvements to an existing building 79854  
or structure that belongs to the state or a political subdivision, 79855  
as defined in section 5713.081 of the Revised Code, and that is 79856  
exempted from taxation as property used exclusively for a public 79857  
purpose; 79858

~~(d) Property of the boards of trustees and of the housing 79859  
commissions of the state universities, the northeastern Ohio 79860  
universities college of medicine, and of the state to be exempted 79861  
under section 3345.17 of the Revised Code. 79862~~

(B) The board of education of any school district may request 79863  
the tax commissioner or county auditor to provide it with 79864  
notification of applications for exemption from taxation for 79865  
property located within that district. If so requested, the 79866  
commissioner or auditor shall send to the board on a monthly basis 79867  
reports that contain sufficient information to enable the board to 79868  
identify each property that is the subject of an exemption 79869  
application, including, but not limited to, the name of the 79870  
property owner or applicant, the address of the property, and the 79871  
auditor's parcel number. The commissioner or auditor shall mail 79872  
the reports by the fifteenth day of the month following the end of 79873  
the month in which the commissioner or auditor receives the 79874  
applications for exemption. 79875

(C) A board of education that has requested notification 79876  
under division (B) of this section may, with respect to any 79877  
application for exemption of property located in the district and 79878  
included in the commissioner's or auditor's most recent report 79879

provided under that division, file a statement with the 79880  
commissioner or auditor and with the applicant indicating its 79881  
intent to submit evidence and participate in any hearing on the 79882  
application. The statements shall be filed prior to the first day 79883  
of the third month following the end of the month in which that 79884  
application was docketed by the commissioner or auditor. A 79885  
statement filed in compliance with this division entitles the 79886  
district to submit evidence and to participate in any hearing on 79887  
the property and makes the district a party for purposes of 79888  
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 79889  
the commissioner's or auditor's decision to the board of tax 79890  
appeals. 79891

(D) The commissioner or auditor shall not hold a hearing on 79892  
or grant or deny an application for exemption of property in a 79893  
school district whose board of education has requested 79894  
notification under division (B) of this section until the end of 79895  
the period within which the board may submit a statement with 79896  
respect to that application under division (C) of this section. 79897  
The commissioner or auditor may act upon an application at any 79898  
time prior to that date upon receipt of a written waiver from each 79899  
such board of education, or, in the case of exemptions authorized 79900  
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 79901  
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 79902  
of the Revised Code, upon the request of the property owner. 79903  
Failure of a board of education to receive the report required in 79904  
division (B) of this section shall not void an action of the 79905  
commissioner or auditor with respect to any application. The 79906  
commissioner or auditor may extend the time for filing a statement 79907  
under division (C) of this section. 79908

(E) A complaint may also be filed with the commissioner or 79909  
auditor by any person, board, or officer authorized by section 79910  
5715.19 of the Revised Code to file complaints with the county 79911

board of revision against the continued exemption of any property 79912  
granted exemption by the commissioner or auditor under this 79913  
section. 79914

(F) An application for exemption and a complaint against 79915  
exemption shall be filed prior to the thirty-first day of December 79916  
of the tax year for which exemption is requested or for which the 79917  
liability of the property to taxation in that year is requested. 79918  
The commissioner or auditor shall consider such application or 79919  
complaint in accordance with procedures established by the 79920  
commissioner, determine whether the property is subject to 79921  
taxation or exempt therefrom, and, if the commissioner makes the 79922  
determination, certify the determination to the auditor. Upon 79923  
making the determination or receiving the commissioner's 79924  
determination, the auditor shall correct the tax list and 79925  
duplicate accordingly. If a tax certificate has been sold under 79926  
section 5721.32 or 5721.33 of the Revised Code with respect to 79927  
property for which an exemption has been requested, the tax 79928  
commissioner or auditor shall also certify the findings to the 79929  
county treasurer of the county in which the property is located. 79930

(G) Applications and complaints, and documents of any kind 79931  
related to applications and complaints, filed with the tax 79932  
commissioner or county auditor under this section are public 79933  
records within the meaning of section 149.43 of the Revised Code. 79934

(H) If the commissioner or auditor determines that the use of 79935  
property or other facts relevant to the taxability of property 79936  
that is the subject of an application for exemption or a complaint 79937  
under this section has changed while the application or complaint 79938  
was pending, the commissioner or auditor may make the 79939  
determination under division (F) of this section separately for 79940  
each tax year beginning with the year in which the application or 79941  
complaint was filed or the year for which remission of taxes under 79942  
division (C) of section 5713.08 of the Revised Code was requested, 79943

and including each subsequent tax year during which the 79944  
application or complaint is pending before the commissioner or 79945  
auditor. 79946

**Sec. 5715.39.** (A) The tax commissioner may remit real 79947  
property taxes, manufactured home taxes, penalties, and interest 79948  
found by the commissioner to have been illegally assessed. The 79949  
commissioner also may remit any penalty charged against any real 79950  
property or manufactured or mobile home that was the subject of an 79951  
application for exemption from taxation under section 5715.27 of 79952  
the Revised Code if the commissioner determines that the applicant 79953  
requested such exemption in good faith. The commissioner shall 79954  
include notice of the remission in the commissioner's 79955  
certification to the county auditor required under that section. 79956

(B) The county auditor, upon consultation with the county 79957  
treasurer, shall remit a penalty for late payment of any real 79958  
property taxes or manufactured home taxes when: 79959

(1) The taxpayer could not make timely payment of the tax 79960  
because of the negligence or error of the county auditor or county 79961  
treasurer in the performance of a statutory duty relating to the 79962  
levy or collection of such tax. 79963

(2) In cases other than those described in division (B)(1) of 79964  
this section, and except as provided in division (B)(5) of this 79965  
section, the taxpayer failed to receive a tax bill or a correct 79966  
tax bill, and the taxpayer made a good faith effort to obtain such 79967  
bill within thirty days after the last day for payment of the tax. 79968

(3) The tax was not timely paid because of the death or 79969  
serious injury of the taxpayer, or the taxpayer's confinement in a 79970  
hospital within sixty days preceding the last day for payment of 79971  
the tax if, in any case, the tax was subsequently paid within 79972  
sixty days after the last day for payment of such tax. 79973

(4) The taxpayer demonstrates that the full payment was 79974  
properly deposited in the mail in sufficient time for the envelope 79975  
to be postmarked by the United States postal service on or before 79976  
the last day for payment of such tax. A private meter postmark on 79977  
an envelope is not a valid postmark for purposes of establishing 79978  
the date of payment of such tax. 79979

(5) With respect to the first payment due after a taxpayer 79980  
fully satisfies a mortgage against a parcel of real property, the 79981  
mortgagee failed to notify the treasurer of the satisfaction of 79982  
the mortgage, and the tax bill was not sent to the taxpayer. 79983

(C) If the auditor determines that remission is not required 79984  
under division (B) of this section, the auditor shall present the 79985  
application to the board of revision. The board of revision shall 79986  
review the auditor's determination and remit a penalty for late 79987  
payment of any real property taxes or manufactured homes taxes if, 79988  
~~in cases other than those described in division~~ the board 79989  
determines that any of divisions (B)(1) to (5) of this section, 79990  
applies or if it determines that the taxpayer's failure to make 79991  
timely payment of the tax is due to reasonable cause and not 79992  
willful neglect. 79993

(D) ~~The taxpayer, upon application within sixty days after~~ 79994  
~~the mailing of the county auditor's or board of revision's~~ 79995  
~~decision, may request the tax commissioner to review the denial of~~ 79996  
~~the remission of a penalty by the auditor or board. The~~ 79997  
~~application may be filed in person or by certified mail. If the~~ 79998  
~~application is filed by certified mail, the date of the United~~ 79999  
~~States postmark placed on the sender's receipt by the postal~~ 80000  
~~service shall be treated as the date of filing. The commissioner~~ 80001  
~~shall consider the application, determine whether the penalty~~ 80002  
~~should be remitted, and certify the determination to the taxpayer,~~ 80003  
~~to the county treasurer, and to the county auditor, who shall~~ 80004  
~~correct the tax list and duplicate accordingly.~~ The commissioner 80005

may issue orders and instructions for the uniform implementation 80006  
of this section by all county boards of revision, county auditors, 80007  
and county treasurers, and such orders and instructions shall be 80008  
followed by such officers and boards. 80009

(E) This section shall not provide to the taxpayer any remedy 80010  
with respect to any matter that the taxpayer may be authorized to 80011  
complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of 80012  
the Revised Code. 80013

~~(F) Applications for remission, and documents of any kind 80014  
related to those applications, filed with the tax commissioner 80015  
under this section are public records within the meaning of 80016  
section 149.43 of the Revised Code unless otherwise excepted under 80017  
that section. 80018~~

Sec. 5718.01. Except as otherwise expressly provided or 80019  
clearly appearing from the context, any term used in this chapter 80020  
that is not otherwise defined in this chapter has the same meaning 80021  
as when used in a comparable context in laws of the United States 80022  
relating to federal income taxation or in Title LVII of the 80023  
Revised Code. If a term used in this chapter that is not otherwise 80024  
defined in this chapter is used in a comparable context in both 80025  
the laws of the United States relating to federal income tax and 80026  
in Title LVII of the Revised Code and the use is not consistent, 80027  
then the use of the term in the laws of the United States relating 80028  
to federal income tax shall have control over the use of the term 80029  
in Title LVII of the Revised Code, unless the term is defined in 80030  
Chapter 5703. of the Revised Code, in which case the definition in 80031  
that chapter shall control. Any reference in this chapter to the 80032  
Internal Revenue Code includes other laws of the United States 80033  
related to federal income taxes. 80034

As used in this chapter: 80035

(A) "Municipal taxable income" means income apportioned or 80036

situated to the municipal corporation under section 5718.02 of the Revised Code, as applicable, reduced by any pre-2017 net operating loss carryforward available to a taxpayer for the municipal corporation. 80037  
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(B) "Income" means the net profit of the taxpayer. 80041

(C) "Exempt income" means all of the following: 80042

(1)(a) Except as provided in division (C)(1)(b) of this section, intangible income; 80043  
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(b) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988. 80045  
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(2) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities; 80052  
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(3) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations; 80056  
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(4) Compensation for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages; 80059  
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(5) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code. Division (C)(5) of this section does not apply for purposes of Chapter 5745. of the Revised Code. 80062  
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(6) Gains from involuntary conversions, interest on federal 80066

obligations, items of income subject to a tax levied by the state 80067  
and that a municipal corporation is specifically prohibited by law 80068  
from taxing, and income of a decedent's estate during the period 80069  
of administration except such income from the operation of a trade 80070  
or business; 80071

(7)(a) Except as provided in division (C)(7)(b) or (c) of 80072  
this section, an S corporation shareholder's distributive share of 80073  
net profits of the S corporation, other than any part of the 80074  
distributive share of net profits that represents wages as defined 80075  
in section 3121(a) of the Internal Revenue Code or net earnings 80076  
from self-employment as defined in section 1402(a) of the Internal 80077  
Revenue Code; 80078

(b) If, pursuant to division (H) of former section 718.01 of 80079  
the Revised Code as it existed before March 11, 2004, a majority 80080  
of the electors of a municipal corporation voted in favor of the 80081  
question at an election held on November 4, 2003, the municipal 80082  
corporation may continue after 2002 to tax an S corporation 80083  
shareholder's distributive share of net profits of an S 80084  
corporation. 80085

(c) If, on December 6, 2002, a municipal corporation was 80086  
imposing, assessing, and collecting a tax on an S corporation 80087  
shareholder's distributive share of net profits of the S 80088  
corporation to the extent the distributive share would be 80089  
allocated or apportioned to this state under divisions (B)(1) and 80090  
(2) of section 5733.05 of the Revised Code if the S corporation 80091  
were a corporation subject to taxes imposed under Chapter 5733. of 80092  
the Revised Code, the municipal corporation may continue to impose 80093  
the tax on such distributive shares to the extent such shares 80094  
would be so allocated or apportioned to this state only until 80095  
December 31, 2004, unless a majority of the electors of the 80096  
municipal corporation voting on the question of continuing to tax 80097  
such shares after that date voted in favor of that question at an 80098

election held November 2, 2004. If a majority of those electors 80099  
voted in favor of the question, the municipal corporation may 80100  
continue after December 31, 2004, to impose the tax on such 80101  
distributive shares only to the extent such shares would be so 80102  
allocated or apportioned to this state. 80103

(d) A municipal corporation shall be deemed to have elected 80104  
to tax S corporation shareholders' distributive shares of net 80105  
profits of the S corporation in the hands of the shareholders if a 80106  
majority of the electors of a municipal corporation voted in favor 80107  
of a question at an election held under division (C)(7)(b) or (c) 80108  
of this section. The municipal corporation shall specify by 80109  
resolution or ordinance that the tax applies to the distributive 80110  
share of a shareholder of an S corporation in the hands of the 80111  
shareholder of the S corporation. 80112

(8) In the case of a tax administered, collected, and 80113  
enforced by a municipal corporation pursuant to an agreement with 80114  
the board of directors of a joint economic development district 80115  
under section 715.72 of the Revised Code, the net profits of a 80116  
business exempted from the tax under that section; 80117

(9) Income the taxation of which is prohibited by the 80118  
constitution or laws of the United States. 80119

Any item of income that is exempt income of a pass-through 80120  
entity under division (C) of this section is exempt income of each 80121  
owner of the pass-through entity to the extent of that owner's 80122  
distributive or proportionate share of that item of the entity's 80123  
income. 80124

(D)(1) "Net profit" of a person means adjusted federal 80125  
taxable income reduced by any net operating loss incurred by the 80126  
person in a taxable year beginning on or after January 1, 2017, 80127  
subject to the limitations of division (D)(2) of this section. 80128

(2)(a) The amount of such net operating loss shall be 80129

deducted from net profit to the extent necessary to reduce 80130  
municipal taxable income to zero, with any remaining unused 80131  
portion of the net operating loss carried forward to not more than 80132  
five consecutive taxable years following the taxable year in which 80133  
the loss was incurred, but in no case for more years than 80134  
necessary for the deduction to be fully utilized. 80135

(b)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 80136  
or 2022, a person may not deduct, for purposes of an income tax 80137  
levied by a municipal corporation that levies an income tax before 80138  
January 1, 2016, more than fifty per cent of the amount of the 80139  
deduction otherwise allowed by division (D)(2) of this section. 80140

(ii) For taxable years beginning in 2023 or thereafter, a 80141  
person may deduct, for purposes of an income tax levied by a 80142  
municipal corporation that levies an income tax before January 1, 80143  
2016, the full amount allowed by division (D)(2) of this section 80144  
without regard to the limitation of division (D)(2)(b)(i) of this 80145  
section. 80146

(c) Any pre-2017 net operating loss carryforward deduction 80147  
that is available may be utilized before a taxpayer may deduct any 80148  
amount pursuant to division (D)(2) of this section. 80149

(d) Nothing in division (D)(2)(b)(i) of this section 80150  
precludes a person from carrying forward, for use with respect to 80151  
any return filed for a taxable year beginning after 2018, any 80152  
amount of net operating loss that was not fully utilized by 80153  
operation of division (D)(2)(b)(i) of this section. To the extent 80154  
that an amount of net operating loss that was not fully utilized 80155  
in one or more taxable years by operation of division (D)(2)(b)(i) 80156  
of this section is carried forward for use with respect to a 80157  
return filed for a taxable year beginning in 2019, 2020, 2021, or 80158  
2022, the limitation described in division (D)(2)(b)(i) of this 80159  
section shall apply to the amount carried forward. 80160

(3) For the purposes of this chapter, and notwithstanding 80161  
division (D)(1) of this section, net profit of a disregarded 80162  
entity shall not be taxable as against that disregarded entity, 80163  
but shall instead be included in the net profit of the owner of 80164  
the disregarded entity. 80165

(4) For the purposes of this chapter, and notwithstanding any 80166  
other provision of this chapter, the net profit of a publicly 80167  
traded partnership that makes the election described in division 80168  
(D)(4) of this section shall be taxed as if the partnership were a 80169  
C corporation, and shall not be treated as the net profit or 80170  
income of any owner of the partnership. 80171

A publicly traded partnership that is treated as a 80172  
partnership for federal income tax purposes and that is subject to 80173  
tax on its net profits in one or more municipal corporations in 80174  
this state may elect to be treated as a C corporation for 80175  
municipal income tax purposes. The publicly traded partnership 80176  
shall make the election on its annual tax return filed with the 80177  
tax commissioner under section 5718.05 of the Revised Code. 80178

(E) "Adjusted federal taxable income," for a person required 80179  
to file as a C corporation, or for a person that has elected to be 80180  
taxed as a C corporation under division (D)(4) of this section, 80181  
means a C corporation's federal taxable income before net 80182  
operating losses and special deductions as determined under the 80183  
Internal Revenue Code, adjusted as follows: 80184

(1) Deduct intangible income to the extent included in 80185  
federal taxable income. The deduction shall be allowed regardless 80186  
of whether the intangible income relates to assets used in a trade 80187  
or business or assets held for the production of income. 80188

(2) Add an amount equal to five per cent of intangible income 80189  
deducted under division (E)(1) of this section, but excluding that 80190  
portion of intangible income directly related to the sale, 80191

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| <u>exchange, or other disposition of property described in section</u>    | 80192 |
| <u>1221 of the Internal Revenue Code;</u>                                 | 80193 |
| <u>(3) Add any losses allowed as a deduction in the computation</u>       | 80194 |
| <u>of federal taxable income if the losses directly relate to the</u>     | 80195 |
| <u>sale, exchange, or other disposition of an asset described in</u>      | 80196 |
| <u>section 1221 or 1231 of the Internal Revenue Code;</u>                 | 80197 |
| <u>(4)(a) Except as provided in division (E)(4)(b) of this</u>            | 80198 |
| <u>section, deduct income and gain included in federal taxable income</u> | 80199 |
| <u>to the extent the income and gain directly relate to the sale,</u>     | 80200 |
| <u>exchange, or other disposition of an asset described in section</u>    | 80201 |
| <u>1221 or 1231 of the Internal Revenue Code;</u>                         | 80202 |
| <u>(b) Division (E)(4)(a) of this section does not apply to the</u>       | 80203 |
| <u>extent the income or gain is income or gain described in section</u>   | 80204 |
| <u>1245 or 1250 of the Internal Revenue Code.</u>                         | 80205 |
| <u>(5) Add taxes on or measured by net income allowed as a</u>            | 80206 |
| <u>deduction in the computation of federal taxable income;</u>            | 80207 |
| <u>(6) In the case of a real estate investment trust or</u>               | 80208 |
| <u>regulated investment company, add all amounts with respect to</u>      | 80209 |
| <u>dividends to, distributions to, or amounts set aside for or</u>        | 80210 |
| <u>credited to the benefit of investors and allowed as a deduction in</u> | 80211 |
| <u>the computation of federal taxable income;</u>                         | 80212 |
| <u>(7) Deduct, to the extent not otherwise deducted or excluded</u>       | 80213 |
| <u>in computing federal taxable income, any income derived from a</u>     | 80214 |
| <u>transfer agreement or from the enterprise transferred under that</u>   | 80215 |
| <u>agreement under section 4313.02 of the Revised Code;</u>               | 80216 |
| <u>(8) Deduct exempt income to the extent not otherwise deducted</u>      | 80217 |
| <u>or excluded in computing adjusted federal taxable income;</u>          | 80218 |
| <u>(9) Deduct any net profit of a pass-through entity owned</u>           | 80219 |
| <u>directly or indirectly by the taxpayer and included in the</u>         | 80220 |
| <u>taxpayer's federal taxable income unless an affiliated group of</u>    | 80221 |

corporations includes that net profit in the group's federal 80222  
taxable income in accordance with division (E)(3)(b) of section 80223  
5718.06 of the Revised Code; 80224

(10) Add any loss incurred by a pass-through entity owned 80225  
directly or indirectly by the taxpayer and included in the 80226  
taxpayer's federal taxable income unless an affiliated group of 80227  
corporations includes that loss in the group's federal taxable 80228  
income in accordance with division (E)(3)(b) of section 5718.06 of 80229  
the Revised Code. 80230

If the taxpayer is not a C corporation, is not a disregarded 80231  
entity that has made the election described in division (I)(2) of 80232  
this section, and is not a publicly traded partnership that has 80233  
made the election described in division (D)(4) of this section, 80234  
the taxpayer shall compute adjusted federal taxable income under 80235  
this section as if the taxpayer were a C corporation, except 80236  
guaranteed payments and other similar amounts paid or accrued to a 80237  
partner, former partner, shareholder, former shareholder, member, 80238  
or former member shall not be allowed as a deductible expense 80239  
unless such payments are in consideration for the use of capital 80240  
and treated as payment of interest under section 469 of the 80241  
Internal Revenue Code or United States treasury regulations. 80242  
Amounts paid or accrued to a qualified self-employed retirement 80243  
plan with respect to a partner, former partner, shareholder, 80244  
former shareholder, member, or former member of the taxpayer, 80245  
amounts paid or accrued to or for health insurance for a partner, 80246  
former partner, shareholder, former shareholder, member, or former 80247  
member, and amounts paid or accrued to or for life insurance for a 80248  
partner, former partner, shareholder, former shareholder, member, 80249  
or former member shall not be allowed as a deduction. 80250

Nothing in division (E) of this section shall be construed as 80251  
allowing the taxpayer to add or deduct any amount more than once 80252  
or shall be construed as allowing any taxpayer to deduct any 80253

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| <u>amount paid to or accrued for purposes of federal self-employment</u>  | 80254 |
| <u>tax.</u>   | 80255 |
| <u>(F) "Individual" means any natural person.</u>                         | 80256 |
| <u>(G) "Internal Revenue Code" has the same meaning as in</u>             | 80257 |
| <u>section 5747.01 of the Revised Code.</u>                               | 80258 |
| <u>(H) "Tax return" or "return" means the notifications and</u>           | 80259 |
| <u>reports required to be filed pursuant to this chapter for the</u>      | 80260 |
| <u>purpose of reporting a municipal income tax levied in accordance</u>   | 80261 |
| <u>with this chapter, and includes declarations of estimated tax when</u> | 80262 |
| <u>so required.</u>   | 80263 |
| <u>(I)(1) "Taxpayer" means a person, other than an individual,</u>        | 80264 |
| <u>subject to a tax levied on income by a municipal corporation in</u>    | 80265 |
| <u>accordance with this chapter. "Taxpayer" includes a receiver,</u>      | 80266 |
| <u>assignee, or trustee in bankruptcy when such entity is required to</u> | 80267 |
| <u>assume the role of a taxpayer. "Taxpayer" does not include an</u>      | 80268 |
| <u>entity subject to the tax imposed under Chapter 5745. of the</u>       | 80269 |
| <u>Revised Code or, except as provided in division (I)(2)(a) of this</u>  | 80270 |
| <u>section, a disregarded entity.</u>                                     | 80271 |
| <u>(2)(a) A single member limited liability company that is a</u>         | 80272 |
| <u>disregarded entity for federal tax purposes may be a separate</u>      | 80273 |
| <u>taxpayer from its single member in all Ohio municipal corporations</u> | 80274 |
| <u>in which it either filed as a separate taxpayer or did not file</u>    | 80275 |
| <u>for its taxable year ending in 2003, if all of the following</u>       | 80276 |
| <u>conditions are met:</u>  | 80277 |
| <u>(i) The limited liability company's single member is also a</u>        | 80278 |
| <u>limited liability company.</u>   | 80279 |
| <u>(ii) The limited liability company and its single member were</u>      | 80280 |
| <u>formed and doing business in one or more Ohio municipal</u>            | 80281 |
| <u>corporations for at least five years before January 1, 2004.</u>       | 80282 |
| <u>(iii) Not later than December 31, 2004, the limited liability</u>      | 80283 |

company and its single member each made an election to be treated 80284  
as a separate taxpayer under division (L) of section 718.01 of the 80285  
Revised Code as that section existed on December 31, 2004. 80286

(iv) The limited liability company was not formed for the 80287  
purpose of evading or reducing Ohio municipal corporation income 80288  
tax liability of the limited liability company or its single 80289  
member. 80290

(v) The Ohio municipal corporation that was the primary place 80291  
of business of the single member of the limited liability company 80292  
consented to the election. 80293

(b) For purposes of division (I)(2)(a)(v) of this section, a 80294  
municipal corporation was the primary place of business of a 80295  
limited liability company if, for the limited liability company's 80296  
taxable year ending in 2003, its income tax liability was greater 80297  
in that municipal corporation than in any other municipal 80298  
corporation in Ohio, and that tax liability to that municipal 80299  
corporation for its taxable year ending in 2003 was at least four 80300  
hundred thousand dollars. 80301

(J) "Pass-through entity" means a partnership not treated as 80302  
an association taxable as a C corporation for federal income tax 80303  
purposes, a limited liability company not treated as an 80304  
association taxable as a C corporation for federal income tax 80305  
purposes, an S corporation, or any other class of entity from 80306  
which the income or profits of the entity are given pass-through 80307  
treatment for federal income tax purposes. "Pass-through entity" 80308  
does not include a trust, estate, grantor of a grantor trust, or 80309  
disregarded entity. 80310

(K) "S corporation" means a person that has made an election 80311  
under subchapter S of Chapter 1 of Subtitle A of the Internal 80312  
Revenue Code for its taxable year. 80313

(L) "Single member limited liability company" means a limited 80314

liability company that has one direct member. 80315

(M) "Limited liability company" means a limited liability company formed under Chapter 1705. of the Revised Code or under the laws of another state. 80316  
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(N) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Revised Code, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance. 80319  
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(O) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or the fractional part thereof, upon which the calculation of the taxpayer's adjusted federal taxable income is based pursuant to this chapter. If a taxpayer's taxable year is changed for federal income tax purposes, the taxable year for purposes of this chapter is changed accordingly but may consist of an aggregation of more than one taxable year for federal income tax purposes. The tax commissioner may prescribe, by rule, an appropriate period as the taxable year for a taxpayer that has had a change of its taxable year for federal income tax purposes, for a taxpayer that has two or more short taxable years for federal income tax purposes due to a change of ownership, or for a new taxpayer that would otherwise have no taxable year. 80331  
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(P) "Employer" means a person that is an employer for federal income tax purposes. 80345  
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(O) "Employee" means an individual who is an employee for federal income tax purposes. 80347  
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(R) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code. 80349  
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(S) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes. 80353  
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(T) "Ohio business gateway" has the same meaning as in section 718.01 of the Revised Code. 80357  
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(U) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations. 80359  
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(V) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code. 80363  
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(W) "Related entity" means any of the following: 80372

(1) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the 80373  
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value of the taxpayer's outstanding stock; 80378

(2) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock; 80379  
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(3) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (W)(4) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock; 80385  
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(4) The attribution rules described in section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (W)(1) to (3) of this section have been met. 80392  
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(X)(1) "Pre-2017 net operating loss carryforward" means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the municipal corporation that was adopted by the municipal corporation before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in such municipal corporation in future taxable years. 80396  
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(2) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier. 80403  
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(Y) "Publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners. 80409  
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Sec. 5718.02. This section applies to any taxpayer engaged in a business or profession in a municipal corporation that imposes an income tax in accordance with this chapter. 80413  
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(A) Except as otherwise provided in division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of a municipal corporation shall be considered as having a taxable situs in the municipal corporation for purposes of municipal income taxation in the same proportion as the average ratio of the following: 80416  
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(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the municipal corporation during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated. 80422  
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As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight; 80428  
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(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the municipal corporation to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under section 718.011 of the Revised Code; 80432  
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(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the municipal corporation to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed. 80440  
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(B)(1) If the apportionment factors described in division (A) of this section do not fairly represent the extent of a taxpayer's business activity in a municipal corporation, the taxpayer may request, or the tax commissioner may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following: 80445  
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(a) Separate accounting; 80452

(b) The exclusion of one or more of the factors; 80453

(c) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation; 80454  
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(d) A modification of one or more of the factors. 80457

(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the tax commissioner denies the request in an assessment issued within the period prescribed by division (A) of section 5718.12 of the Revised Code. 80458  
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(3) The tax commissioner may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of section 5718.12 of the Revised Code. 80465  
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(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations: 80470  
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(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following: 80474  
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(a) The employer; 80476

(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient; 80477  
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(c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient. 80480  
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(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer; 80483  
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(3) Any other location, if the tax commissioner determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the commissioner makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the commissioner's determination was unreasonable. 80490  
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(D) For the purposes of division (A)(3) of this section, receipts from sales and rentals made and services performed shall be sitused to a municipal corporation as follows: 80498  
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(1) Gross receipts from the sale of tangible personal property shall be sitused to the municipal corporation if the property is received in the municipal corporation by the purchaser. In the case of delivery of tangible personal property by common carrier or by other means of transportation, the place at which title to such property is transferred to the buyer shall be considered the place where the purchaser receives the property. 80501  
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(2) Gross receipts from the sale of services shall be sitused to the municipal corporation to the extent that such services are performed in the municipal corporation. 80508  
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(3) To the extent included in income, gross receipts from the sale of real property located in the municipal corporation shall be sitused to the municipal corporation. 80511  
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(4) To the extent included in income, gross receipts from rents and royalties from real property located in the municipal corporation shall be sitused to the municipal corporation. 80514  
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(5) Gross receipts from rents and royalties from tangible personal property shall be sitused to the municipal corporation based upon the extent to which the tangible personal property is used in the municipal corporation. 80517  
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(E) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be sitused to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to a municipal corporation based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the municipal corporation to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year. 80521  
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(F) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock 80530  
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option granted to an employee, and if the employee is not required 80532  
to include in the employee's income any such amount or a portion 80533  
thereof because it is exempted from taxation under divisions 80534  
(C)(9) and (R)(1)(d) of section 718.01 of the Revised Code by a 80535  
municipal corporation to which the taxpayer has apportioned a 80536  
portion of its net profit, the taxpayer shall add the amount that 80537  
is exempt from taxation to the taxpayer's net profit that was 80538  
apportioned to that municipal corporation. In no case shall a 80539  
taxpayer be required to add to its net profit that was apportioned 80540  
to that municipal corporation any amount other than the amount 80541  
upon which the employee would be required to pay tax were the 80542  
amount related to the stock option not exempted from taxation. 80543

This division applies solely for the purpose of making an 80544  
adjustment to the amount of a taxpayer's net profit that was 80545  
apportioned to a municipal corporation under this section. 80546

(G) When calculating the ratios described in division (A) of 80547  
this section for the purposes of that division or division (B) of 80548  
this section, the owner of a disregarded entity shall include in 80549  
the owner's ratios the property, payroll, and gross receipts of 80550  
such disregarded entity. 80551

**Sec. 5718.04.** (A)(1) Any tax levied by a municipal 80552  
corporation on the income of persons other than individuals or of 80553  
persons subject to Chapter 5745. of the Revised Code is subject to 80554  
the provisions and limitations of this chapter. A municipal 80555  
corporation shall be deemed to levy a tax that is subject to the 80556  
provisions and limitations of this chapter if both of the 80557  
following conditions are met: 80558

(a) The municipal corporation levied a tax on income of 80559  
persons other than individuals in accordance with section 718.04 80560  
of the Revised Code before January 1, 2018, or levies a tax on the 80561  
income of such persons on or after that date. 80562

(b) The municipal corporation adopts, by resolution or ordinance, the provisions of this chapter. 80563  
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(2) Any municipal corporation or group of municipal corporations that, on or before January 1, 2018, levy a tax on income pursuant to Chapter 718. of the Revised Code whereby the revenues of the tax are shared with a school district as authorized under section 718.09 or 718.10 of the Revised Code shall also be deemed to levy a corresponding tax in accordance with this chapter, provided that the municipal corporation, by resolution or ordinance, adopts the provisions of this chapter. 80565  
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(3) Any amendments made by a municipal corporation, by resolution or ordinance, to an item listed in division (A) of section 718.04 of the Revised Code, and any change resulting from a legislative act amending that section, shall be applicable to this chapter. 80573  
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(B) Any municipal corporation that, on or before March 23, 2015, levies an income tax at a rate in excess of one per cent may continue to levy the tax at the rate specified in the original ordinance or resolution, provided that such rate continues in effect as specified in the original ordinance or resolution. 80578  
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(C)(1) On or before the thirty-first day of January each year, every municipal corporation imposing a tax on income shall certify to the tax commissioner the rate of the tax in effect on the first day of January of that year. If any municipal corporation fails to certify its income tax rate as required by this division, the commissioner shall notify the director of budget and management, who, upon receiving such notification, shall withhold from each subsequent payment made to the municipal corporation under section 5718.10 of the Revised Code fifty per cent of the payment otherwise due to the municipal corporation under that section. The director shall compute the amount withheld on the basis of the tax rate most recently certified to the 80583  
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commissioner. The amounts shall be withheld until the municipal corporation certifies the tax rate in effect on the first day of January of that year. 80595  
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(2)(a) For the purposes of this section, the tax rate imposed for a taxpayer's taxable year shall be the tax rate in effect in the municipal corporation on the first day of January in that taxable year. 80598  
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(b) If a taxpayer's taxable year is for a period of less than twelve months that does not include the first day of January, the tax rate imposed under this section for the taxpayer's taxable year shall be the tax rate in effect in the municipal corporation on the first day of January in the preceding taxable year. 80602  
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(D) No municipal corporation shall adopt an ordinance or resolution that conflicts with the provisions of this chapter. 80607  
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**Sec. 5718.041.** (A) The tax commissioner shall enforce and administer this chapter. In addition to any other powers conferred upon the commissioner by law, the commissioner may: 80609  
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(1) Prescribe all forms necessary to administer this chapter; 80612

(2) Adopt such rules as the commissioner finds necessary to carry out this chapter; 80613  
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(3) Appoint and employ such personnel as are necessary to carry out the duties imposed upon the commissioner by this chapter. 80615  
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(B) No municipal corporation may do either of the following: 80618

(1) Carry out any of the powers or duties conferred on the tax commissioner under this chapter; 80619  
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(2) Levy a tax on the income of a taxpayer contrary to the provisions and limitations specified in this chapter for a taxable year beginning on or after January 1, 2018. 80621  
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Sec. 5718.05. (A)(1) For each taxable year ending within a 80624  
calendar year, each taxpayer shall file an annual return with the 80625  
tax commissioner not later than the fifteenth day of April of the 80626  
calendar year after the calendar year in which the taxpayer's 80627  
taxable year or years ended. The taxpayer shall remit with the 80628  
return the amount of tax due as shown on the return less the 80629  
amount paid for the taxable year under section 5718.08 of the 80630  
Revised Code. 80631

(2) If a taxpayer has multiple taxable years ending within 80632  
one calendar year, the taxpayer shall aggregate the facts and 80633  
figures necessary to compute the tax due under this chapter, in 80634  
accordance with sections 5718.01, 5718.02, 5718.04, and, if 80635  
applicable, 5718.06 of the Revised Code onto its annual return. 80636

(3) The remittance shall be made payable to the treasurer of 80637  
state and in the form prescribed by the tax commissioner. If the 80638  
amount payable with the tax return is ten dollars or less, no 80639  
remittance is required. 80640

(4) Returns or notices required of an estate or a trust shall 80641  
be completed and filed by the fiduciary of the estate or trust. 80642

(B) The tax commissioner shall immediately forward to the 80643  
treasurer of state all amounts the commissioner receives pursuant 80644  
to this chapter. The treasurer shall credit ninety-nine per cent 80645  
of such amounts to the municipal income tax fund and the remainder 80646  
to the municipal income tax administrative fund established under 80647  
section 5745.03 of the Revised Code. 80648

(C)(1) Each return required to be filed under this section 80649  
shall contain the signature of the taxpayer or the taxpayer's duly 80650  
authorized agent and of the person who prepared the return for the 80651  
taxpayer, and shall include the taxpayer's identification number. 80652  
Each return shall be verified by a declaration under penalty of 80653  
perjury. 80654

(2)(a) The tax commissioner may require a taxpayer to include, with each annual tax return, amended return, or request for refund filed under this chapter, copies of any relevant documents or other information. 80655  
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(b) A taxpayer that files an annual tax return electronically through the Ohio business gateway or in another manner as prescribed by the tax commissioner shall either submit the documents required under this division electronically as prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division through the Ohio business gateway on or before January 1, 2019. 80659  
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(3) After a taxpayer files a tax return, the tax commissioner may request, and the taxpayer shall provide, any information, statements, or documents required to determine and verify the taxpayer's municipal income tax. 80668  
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(D)(1)(a) Any taxpayer that has duly requested an automatic extension for filing the taxpayer's federal income tax return shall automatically receive an extension, to the same due date, for the filing of a tax return under this chapter, provided that (i) the taxpayer files with the commissioner a copy of the taxpayer's federal extension request on or before the unextended due date of its annual return, and (ii) the federal extension is beyond the taxpayer's unextended due date for filing a return. 80672  
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(b) An extension of time to file under division (D)(1)(a) of this section is not an extension of the time to pay any tax due unless the tax commissioner grants an extension of that date. 80680  
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(2) If the commissioner considers it necessary in order to ensure payment of a tax imposed in accordance with this chapter, the commissioner may require taxpayers to file returns and make 80683  
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payments otherwise than as provided in this section, including 80686  
taxpayers not otherwise required to file annual returns. 80687

(E) Each return required to be filed in accordance with this 80688  
section shall include a box that the taxpayer may check to 80689  
authorize another person, including a tax return preparer who 80690  
prepared the return, to communicate with the tax commissioner 80691  
about matters pertaining to the return. The return or instructions 80692  
accompanying the return shall indicate that by checking the box 80693  
the taxpayer authorizes the commissioner to contact the preparer 80694  
or other person concerning questions that arise during the 80695  
examination or other review of the return and authorizes the 80696  
preparer or other person only to provide the commissioner with 80697  
information that is missing from the return, to contact the 80698  
commissioner for information about the examination or other review 80699  
of the return or the status of the taxpayer's refund or payments, 80700  
and to respond to notices about mathematical errors, offsets, or 80701  
return preparation that the taxpayer has received from the 80702  
commissioner and has shown to the preparer or other person. 80703

(F) When income tax returns or other documents require the 80704  
signature of a tax return preparer, the tax commissioner shall 80705  
accept a facsimile of such a signature in lieu of a manual 80706  
signature. 80707

**Sec. 5718.051.** (A) All taxpayers shall file any tax return or 80708  
extension for filing a tax return, and shall make payment of 80709  
amounts shown to be due on such returns, electronically, either 80710  
through the Ohio business gateway or in another manner as 80711  
prescribed by the tax commissioner. 80712

(B) No municipal corporation shall be required to pay any fee 80713  
or charge for the operation or maintenance of the Ohio business 80714  
gateway. 80715

(C) A taxpayer may apply to the commissioner, on a form 80716

prescribed by the commissioner, to be excused from the requirement 80717  
to file returns and make payments electronically. For good cause 80718  
shown, the commissioner may excuse the applicant from the 80719  
requirement and permit the applicant to file the returns or make 80720  
the payments required under this chapter by nonelectronic means. 80721

(D)(1) The tax commissioner may adopt rules establishing both 80722  
of the following: 80723

(a) The format of documents to be used by taxpayers to file 80724  
returns and make payments through the Ohio business gateway; 80725

(b) The information taxpayers must submit when filing tax 80726  
returns through the Ohio business gateway. 80727

(2) The commissioner shall consult with the Ohio business 80728  
gateway steering committee before adopting the rules described in 80729  
division (D)(1) of this section. 80730

**Sec. 5718.06. (A) As used in this section:** 80731

(1) "Affiliated group of corporations" means an affiliated 80732  
group as defined in section 1504 of the Internal Revenue Code, 80733  
except that, if such a group includes at least one incumbent local 80734  
exchange carrier that is primarily engaged in the business of 80735  
providing local exchange telephone service in this state, the 80736  
affiliated group shall not include any incumbent local exchange 80737  
carrier that would otherwise be included in the group. 80738

(2) "Consolidated federal income tax return" means a 80739  
consolidated return filed for federal income tax purposes pursuant 80740  
to section 1501 of the Internal Revenue Code. 80741

(3) "Consolidated federal taxable income" means the 80742  
consolidated taxable income of an affiliated group of 80743  
corporations, as computed for the purposes of filing a 80744  
consolidated federal income tax return, before consideration of 80745  
net operating losses or special deductions. "Consolidated federal 80746

taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (A)(1) of this section. 80747  
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(4) "Incumbent local exchange carrier" has the same meaning as in section 4927.01 of the Revised Code. 80750  
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(5) "Local exchange telephone service" has the same meaning as in section 5727.01 of the Revised Code. 80752  
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(B)(1) A taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated tax return for a taxable year if at least one member of the affiliated group of corporations is subject to a tax imposed in accordance with this chapter in that taxable year and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year. The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting method is required under federal law. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing consolidated tax returns under division (B)(2) of this section or a taxpayer receives permission from the tax commissioner. The tax commissioner shall approve such a request for good cause shown. 80754  
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(2) An election to discontinue filing consolidated tax returns under this section must be made on or before the fifteenth day of April of the first year following the last year of a five-year consolidated tax return election period in effect under division (B)(1) of this section. The election to discontinue filing a consolidated tax return is binding for a five-year period beginning with the first taxable year of the election. 80769  
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(3) An election made under division (B)(1) or (2) of this section is binding on all members of the affiliated group of 80776  
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corporations subject to a municipal income tax. 80778

(C) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated tax return for that taxable year if the tax commissioner determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to a municipal corporation. A taxpayer that is required to file a consolidated tax return for a taxable year shall file a consolidated tax return for all subsequent taxable years unless the taxpayer requests and receives written permission from the commissioner to file a separate return or a taxpayer has experienced a change in circumstances. 80779  
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(D) A taxpayer shall prepare a consolidated tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member. 80792  
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(E)(1) Except as otherwise provided in divisions (E)(2), (3), and (4) of this section, corporations that file a consolidated tax return shall compute adjusted federal taxable income, as defined in section 5718.01 of the Revised Code, by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporation's" for "a C corporation's" wherever "a C corporation's" appears in that division. 80798  
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(2) No corporation filing a consolidated tax return shall make any adjustment otherwise required under division (E) of section 5718.01 of the Revised Code to the extent that the item of 80807  
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income or deduction otherwise subject to the adjustment has been 80810  
eliminated or consolidated in the computation of consolidated 80811  
federal taxable income. 80812

(3) If the net profit or loss of a pass-through entity having 80813  
at least eighty per cent of the value of its ownership interest 80814  
owned or controlled, directly or indirectly, by an affiliated 80815  
group of corporations is included in that affiliated group's 80816  
consolidated federal taxable income for a taxable year, the 80817  
corporation filing a consolidated tax return shall do one of the 80818  
following with respect to that pass-through entity's net profit or 80819  
loss for that taxable year: 80820

(a) Exclude the pass-through entity's net profit or loss from 80821  
the consolidated federal taxable income of the affiliated group 80822  
and, for the purpose of making the computations required in 80823  
section 5718.02 of the Revised Code, exclude the property, 80824  
payroll, and gross receipts of the pass-through entity in the 80825  
computation of the affiliated group's net profit sitused to a 80826  
municipal corporation. If the entity's net profit or loss is so 80827  
excluded, the entity shall be subject to taxation as a separate 80828  
taxpayer on the basis of the entity's net profits that would 80829  
otherwise be included in the consolidated federal taxable income 80830  
of the affiliated group. 80831

(b) Include the pass-through entity's net profit or loss in 80832  
the consolidated federal taxable income of the affiliated group 80833  
and, for the purpose of making the computations required in 80834  
section 5718.02 of the Revised Code, include the property, 80835  
payroll, and gross receipts of the pass-through entity in the 80836  
computation of the affiliated group's net profit sitused to a 80837  
municipal corporation. If the entity's net profit or loss is so 80838  
included, the entity shall not be subject to taxation as a 80839  
separate taxpayer on the basis of the entity's net profits that 80840  
are included in the consolidated federal taxable income of the 80841

affiliated group. 80842

(4) If the net profit or loss of a pass-through entity having 80843  
less than eighty per cent of the value of its ownership interest 80844  
owned or controlled, directly or indirectly, by an affiliated 80845  
group of corporations is included in that affiliated group's 80846  
consolidated federal taxable income for a taxable year, all of the 80847  
following shall apply: 80848

(a) The corporation filing the consolidated tax return shall 80849  
exclude the pass-through entity's net profit or loss from the 80850  
consolidated federal taxable income of the affiliated group and, 80851  
for the purposes of making the computations required in section 80852  
5718.02 of the Revised Code, exclude the property, payroll, and 80853  
gross receipts of the pass-through entity in the computation of 80854  
the affiliated group's net profit sitused to a municipal 80855  
corporation; 80856

(b) The pass-through entity shall be subject to municipal 80857  
income taxation as a separate taxpayer in accordance with this 80858  
chapter on the basis of the entity's net profits that would 80859  
otherwise be included in the consolidated federal taxable income 80860  
of the affiliated group. 80861

(F) Corporations filing a consolidated tax return shall make 80862  
the computations required under section 5718.02 of the Revised 80863  
Code by substituting "consolidated federal taxable income 80864  
attributable to" for "net profit from" wherever "net profit from" 80865  
appears in that section and by substituting "affiliated group of 80866  
corporations" for "taxpayer" wherever "taxpayer" appears in that 80867  
section. 80868

(G) Each corporation filing a consolidated tax return is 80869  
jointly and severally liable for any tax, interest, penalties, 80870  
finer, charges, or other amounts imposed by this chapter on the 80871  
corporation, an affiliated group of which the corporation is a 80872

member for any portion of the taxable year, or any one or more 80873  
members of such an affiliated group. 80874

(H) Corporations and their affiliates that made an election 80875  
or entered into an agreement with a municipal corporation for a 80876  
taxable year beginning before January 1, 2018, to file a 80877  
consolidated or combined tax return with such municipal 80878  
corporation shall continue to file consolidated or combined tax 80879  
returns with the tax commissioner in accordance with such election 80880  
or agreement for taxable years beginning on or after January 1, 80881  
2018. 80882

Sec. 5718.07. If a tax required to be paid under this 80883  
chapter, or any portion of that tax, is not paid on or before the 80884  
date prescribed for its payment, interest shall be assessed, 80885  
collected, and paid, in the same manner as the tax, upon such 80886  
unpaid amount at the rate per annum prescribed by section 5703.47 80887  
of the Revised Code from the date prescribed for its payment until 80888  
it is paid or until the date an assessment is issued under section 80889  
5718.12 of the Revised Code, whichever occurs first. 80890

Sec. 5718.08. (A) As used in this section: 80891

(1) "Combined tax liability" means the total amount of a 80892  
taxpayer's income tax liabilities to all municipal corporations in 80893  
this state for a taxable year. 80894

(2) "Estimated taxes" means the amount that the taxpayer 80895  
reasonably estimates to be the taxpayer's combined tax liability 80896  
for the current taxable year. 80897

(B)(1) Except as provided in division (B)(4) of this section, 80898  
every taxpayer shall make a declaration of estimated taxes for the 80899  
current taxable year, on the form prescribed by the tax 80900  
commissioner, if the amount payable as estimated taxes is at least 80901  
two hundred dollars. 80902

(2) Except as provided in division (B)(4) of this section, a taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the commissioner. 80903  
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(3) The declaration of estimated taxes shall be filed on or before the fifteenth day of the fourth month after the beginning of the taxable year or on or before the fifteenth day of the fourth month after the taxpayer becomes subject to tax for the first time. 80906  
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(4) The tax commissioner may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors. 80911  
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(C) Each taxpayer shall file the declaration of estimated taxes with, and remit estimated taxes to, the tax commissioner at the times and in the amounts prescribed in division (C)(1) of this section. Remitted taxes shall be made payable to the treasurer of state. 80915  
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(1) The required portion of the combined tax liability for the taxable year that shall be paid through estimated taxes shall be as follows: 80920  
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(a) On or before the fifteenth day of the fourth month after the beginning of the taxable year, twenty-two and one-half per cent of the combined tax liability for the taxable year; 80923  
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(b) On or before the fifteenth day of the sixth month after the beginning of the taxable year, forty-five per cent of the combined tax liability for the taxable year; 80926  
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(c) On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven and one-half per cent of the combined tax liability for the taxable year; 80929  
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(d) On or before the fifteenth day of the twelfth month of 80932

the taxable year, ninety per cent of the combined tax liability 80933  
for the taxable year. 80934

(2) If the taxpayer determines that its declaration of 80935  
estimated taxes will not accurately reflect the taxpayer's tax 80936  
liability for the taxable year, the taxpayer shall increase or 80937  
decrease, as appropriate, its subsequent payments in equal 80938  
installments to result in a more accurate payment of estimated 80939  
taxes. 80940

(3)(a) Each taxpayer shall report on the declaration of 80941  
estimated taxes the portion of the remittance that the taxpayer 80942  
estimates that it owes to each municipal corporation for the 80943  
taxable year. 80944

(b) Upon receiving a payment of estimated taxes under this 80945  
section, the commissioner shall immediately forward the payment to 80946  
the treasurer of state. The treasurer shall credit the payment in 80947  
the same manner as in division (B) of section 5718.05 of the 80948  
Revised Code. 80949

(D)(1) In the case of any underpayment of a combined tax 80950  
liability, interest shall be imposed upon the amount of 80951  
underpayment for the period of underpayment, at the rate per annum 80952  
prescribed by section 5703.47 of the Revised Code, unless the 80953  
underpayment is due to reasonable cause as described in division 80954  
(E) of this section. The amount of the underpayment shall be 80955  
determined as follows: 80956

(a) For the first payment of estimated taxes each year, 80957  
twenty-two and one-half per cent of the combined tax liability, 80958  
less the amount of taxes paid by the date prescribed for that 80959  
payment; 80960

(b) For the second payment of estimated taxes each year, 80961  
forty-five per cent of the combined tax liability, less the amount 80962  
of taxes paid by the date prescribed for that payment; 80963

(c) For the third payment of estimated taxes each year, 80964  
sixty-seven and one-half per cent of the combined tax liability, 80965  
less the amount of taxes paid by the date prescribed for that 80966  
payment; 80967

(d) For the fourth payment of estimated taxes each year, 80968  
ninety per cent of the combined tax liability, less the amount of 80969  
taxes paid by the date prescribed for that payment. 80970

(2) The period of the underpayment shall run from the day the 80971  
estimated payment was required to be made to the date on which the 80972  
payment is made. For purposes of this section, a payment of 80973  
estimated taxes on or before any payment date shall be considered 80974  
a payment of any previous underpayment only to the extent the 80975  
payment of estimated taxes exceeds the amount of the payment 80976  
presently due. 80977

(3) All amounts collected under this section shall be 80978  
considered as taxes collected under this chapter and shall be 80979  
credited and distributed to municipal corporations in accordance 80980  
with section 5718.10 of the Revised Code. 80981

(E) An underpayment of any portion of a combined tax 80982  
liability determined under division (D) of this section shall be 80983  
due to reasonable cause and the penalty imposed by this section 80984  
shall not be added to the taxes for the taxable year if any of the 80985  
following apply: 80986

(1) The amount of estimated taxes that were paid equals at 80987  
least ninety per cent of the combined tax liability for the 80988  
current taxable year, determined by annualizing the income 80989  
received during the year up to the end of the month immediately 80990  
preceding the month in which the payment is due. 80991

(2) The amount of estimated taxes that were paid equals at 80992  
least one hundred per cent of the tax liability shown on the 80993  
return of the taxpayer for the preceding taxable year, provided 80994

that the immediately preceding taxable year reflected a period of 80995  
twelve months and, if that taxable year began before January 1, 80996  
2018, the taxpayer filed a return with the municipal corporation 80997  
under section 718.05 of the Revised Code for that year or, if that 80998  
taxable year began on or after January 1, 2018, the taxpayer filed 80999  
a return under section 5718.05 of the Revised Code for that year. 81000

**Sec. 5718.10.** (A) Prior to the first day of March, June, 81001  
September, and December, the tax commissioner shall certify to the 81002  
director of budget and management the amount to be paid to each 81003  
municipal corporation, based on amounts reported on annual returns 81004  
and declarations of estimated tax under sections 5718.05 and 81005  
5718.08 of the Revised Code, less any amounts previously 81006  
distributed and net of any audit adjustments made by the 81007  
commissioner. On or before the first day of March, June, 81008  
September, and December, the director shall provide for payment of 81009  
the amount certified to each municipal corporation from the 81010  
municipal income tax fund, plus a pro rata share of any investment 81011  
earnings accruing to the fund since the previous payment under 81012  
this section. Each municipal corporation's share of such earnings 81013  
shall equal the proportion that the municipal corporation's 81014  
certified tax payment is of the total taxes certified to all 81015  
municipal corporations in that quarter. All investment earnings on 81016  
money in the municipal income tax fund shall be credited to that 81017  
fund. 81018

(B)(1) If the tax commissioner determines that the amount of 81019  
tax paid by a taxpayer and distributed to a municipal corporation 81020  
under this section for a taxable year exceeds the amount payable 81021  
to that municipal corporation under this chapter after accounting 81022  
for amounts remitted with the annual return and as estimated 81023  
taxes, the commissioner shall proceed according to divisions (A) 81024  
and (B) of section 5703.77 of the Revised Code. 81025

(2) Upon receiving a refund application in response to the notice required under division (B) of section 5703.77 of the Revised Code, the commissioner shall proceed in accordance with section 5718.19 of the Revised Code. 81026  
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**Sec. 5718.12.** (A) If any taxpayer required to file a return under this chapter fails to file the return within the time prescribed, files an incorrect return, or fails to remit the full amount of the tax due for the period covered by the return, the tax commissioner may make an assessment against the taxpayer for any deficiency for the period for which the return or tax is due, based upon any information in the commissioner's possession. 81030  
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The tax commissioner shall not make or issue an assessment against a taxpayer more than three years after the later of the date the return subject to assessment was required to be filed or the date the return was filed. Such time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension. Any such extension shall extend the three-year time limit in section 5718.19 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against a taxpayer that fails to file a return subject to assessment as required by this chapter, or that files a fraudulent return. The commissioner shall give the taxpayer assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition. 81037  
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(B) Unless the taxpayer assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the authorized agent of the taxpayer assessed having knowledge of the facts, the assessment 81052  
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becomes final, and the amount of the assessment is due and payable 81057  
from the taxpayer to the treasurer of state. The petition shall 81058  
indicate the taxpayer's objections, but additional objections may 81059  
be raised in writing if received by the commissioner prior to the 81060  
date shown on the final determination. If the petition has been 81061  
properly filed, the commissioner shall proceed under section 81062  
5703.60 of the Revised Code. 81063

(C) After an assessment becomes final, if any portion of the 81064  
assessment remains unpaid, including accrued interest, a certified 81065  
copy of the tax commissioner's entry making the assessment final 81066  
may be filed in the office of the clerk of the court of common 81067  
pleas in the county in which the taxpayer has an office or place 81068  
of business in this state, the county in which the taxpayer's 81069  
statutory agent is located, or Franklin county. 81070

Immediately upon the filing of the entry, the clerk shall 81071  
enter a judgment against the taxpayer assessed in the amount shown 81072  
on the entry. The judgment may be filed by the clerk in a 81073  
loose-leaf book entitled "special judgments for municipal income 81074  
taxes," and shall have the same effect as other judgments. 81075  
Execution shall issue upon the judgment upon the request of the 81076  
tax commissioner, and all laws applicable to sales on execution 81077  
shall apply to sales made under the judgment. 81078

If the assessment is not paid in its entirety within sixty 81079  
days after the day the assessment was issued, the portion of the 81080  
assessment consisting of tax due shall bear interest at the rate 81081  
per annum prescribed by section 5703.47 of the Revised Code from 81082  
the day the commissioner issues the assessment until the 81083  
assessment is paid or until it is certified to the attorney 81084  
general for collection under section 131.02 of the Revised Code, 81085  
whichever comes first. If the unpaid portion of the assessment is 81086  
certified to the attorney general for collection, the entire 81087  
unpaid portion of the assessment shall bear interest at the rate 81088

per annum prescribed by section 5703.47 of the Revised Code from 81089  
the date of certification until the date it is paid in its 81090  
entirety. Interest shall be paid in the same manner as the tax and 81091  
may be collected by issuing an assessment under this section. 81092

(D) All money collected under this section shall be credited 81093  
to the municipal income tax fund and distributed to the municipal 81094  
corporation to which the money is owed based on the assessment 81095  
issued under this section. 81096

(E) If the tax commissioner believes that collection of the 81097  
tax imposed by this chapter will be jeopardized unless proceedings 81098  
to collect or secure collection of the tax are instituted without 81099  
delay, the commissioner may issue a jeopardy assessment against 81100  
the taxpayer liable for the tax. Immediately upon the issuance of 81101  
the jeopardy assessment, the commissioner shall file an entry with 81102  
the clerk of the court of common pleas in the manner prescribed by 81103  
division (C) of this section. Notice of the jeopardy assessment 81104  
shall be served on the taxpayer assessed or the taxpayer's legal 81105  
representative in the manner provided in section 5703.37 of the 81106  
Revised Code within five days of the filing of the entry with the 81107  
clerk. The total amount assessed is immediately due and payable, 81108  
unless the taxpayer assessed files a petition for reassessment in 81109  
accordance with division (B) of this section and provides security 81110  
in a form satisfactory to the commissioner and in an amount 81111  
sufficient to satisfy the unpaid balance of the assessment. Full 81112  
or partial payment of the assessment does not prejudice the 81113  
commissioner's consideration of the petition for reassessment. 81114

(F) Notwithstanding the fact that a petition for reassessment 81115  
is pending, the taxpayer may pay all or a portion of the 81116  
assessment that is the subject of the petition. The acceptance of 81117  
a payment by the treasurer of state does not prejudice any claim 81118  
for refund upon final determination of the petition. 81119

If upon final determination of the petition an error in the 81120

assessment is corrected by the tax commissioner, upon petition so 81121  
filed or pursuant to a decision of the board of tax appeals or any 81122  
court to which the determination or decision has been appealed, so 81123  
that the amount due from the taxpayer under the corrected 81124  
assessment is less than the portion paid, there shall be issued to 81125  
the taxpayer, its assigns, or legal representative a refund in the 81126  
amount of the overpayment as provided by section 5718.19 of the 81127  
Revised Code, with interest on that amount as provided by that 81128  
section. 81129

**Sec. 5718.13.** (A) Any information gained as a result of 81130  
returns, investigations, hearings, or verifications required or 81131  
authorized by this chapter is confidential, and no person shall 81132  
disclose such information, except for official purposes, in 81133  
accordance with a proper judicial order, or as provided in section 81134  
4123.271 or 5703.21 of the Revised Code. The tax commissioner may 81135  
furnish the internal revenue service with copies of returns filed. 81136  
This section does not prohibit the publication of statistics in a 81137  
form which does not disclose information with respect to 81138  
particular taxpayers. 81139

(B) In March of each year, the tax commissioner shall provide 81140  
each tax administrator with the following information for every 81141  
taxpayer with municipal taxable income apportionable to the 81142  
municipal corporation under this chapter: 81143

(1) The taxpayer's name, address, and federal employer 81144  
identification number; 81145

(2) The taxpayer's apportionment ratio for, and amount of 81146  
municipal taxable income apportionable to, the municipal 81147  
corporation pursuant to section 5718.02 of the Revised Code; 81148

(3) The amount of any pre-2017 net operating loss 81149  
carryforward utilized by the taxpayer. 81150

(C) Not later than thirty days after each quarterly distribution made to municipal corporations under section 5718.10 of the Revised Code, the tax commissioner shall provide to each municipal corporation a report stating the name of every taxpayer that made estimated payments in the preceding quarter that are attributable to the municipal corporation and the amount of each such taxpayer's estimated payment. 81151  
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(D) Not later than the thirty-first day of January of each year, every municipal corporation shall provide to the tax commissioner, in a format prescribed by the commissioner, the name and mailing address of up to two persons to whom the municipal corporation requests that the commissioner send the information described in division (B) of this section. The commissioner shall not provide such information to any person other than a person employed by the municipal corporation or by a tax administrator, as defined in section 718.01 of the Revised Code, that administers the municipal corporation's income tax, except as may otherwise be provided by law. 81158  
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(E)(1) The tax commissioner may adopt rules that further govern the terms and conditions under which tax returns filed with the commissioner under this chapter, and any other information gained in the performance of the commissioner's duties prescribed by this chapter, shall be available for inspection by properly authorized officers, employees, or agents of the municipal corporations to which the taxpayer's net profit is apportioned under section 5718.02 of the Revised Code. 81169  
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(2) As used in this division, "properly authorized officer, employee, or agent" means an officer, employee, or agent of a municipal corporation who is authorized by charter or ordinance of the municipal corporation to view or possess information referred to in section 718.13 of the Revised Code. 81177  
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Sec. 5718.15. (A) A credit, granted by resolution or ordinance of a municipal corporation pursuant to section 718.15 or 718.151 of the Revised Code, shall be available to a taxpayer under this chapter against the municipal corporation's tax on income, provided that the municipal corporation submits the following information to the tax commissioner on or before the later of January 31, 2018, or the thirty-first day of January of the first year in which the municipal corporation allows the credit:

(1) A copy of the agreement entered into by the municipal corporation and taxpayer under section 718.15 or 718.151 of the Revised Code;

(2) A copy of the municipal ordinance or resolution allowing the credit.

(B) The tax commissioner may adopt rules to delineate the documentation necessary to verify a credit claimed under this section.

Sec. 5718.19. (A) An application to refund to a taxpayer the amount of taxes paid on any illegal, erroneous, or excessive payment of tax under this chapter, including assessments, shall be filed with the tax commissioner within three years after the date of the illegal, erroneous, or excessive payment of the tax, or within any additional period allowed by division (A) of section 5718.12 of the Revised Code. The application shall be filed in the form prescribed by the tax commissioner.

(B)(1) On the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is greater than ten dollars and not less than that claimed, the commissioner shall certify that amount to the director of budget and management and the

treasurer of state for payment from the tax refund fund created in 81212  
section 5703.052 of the Revised Code. If the amount is greater 81213  
than ten dollars but less than that claimed, the commissioner 81214  
shall proceed in accordance with section 5703.70 of the Revised 81215  
Code. 81216

(2) Upon issuance of a refund under this section, the 81217  
commissioner shall notify each municipal corporation of the amount 81218  
refunded to the taxpayer attributable to that municipal 81219  
corporation, which shall be deducted from the municipal 81220  
corporation's next distribution under section 5718.10 of the 81221  
Revised Code. 81222

(b) Any portion of a refund determined under division (B) of 81223  
this section that is not issued within ninety days after such 81224  
determination shall bear interest at the rate per annum prescribed 81225  
by section 5703.47 of the Revised Code from the ninety-first day 81226  
after such determination until the day the refund is paid or 81227  
credited. On an illegal or erroneous assessment, interest shall be 81228  
paid at that rate from the date of payment on the illegal or 81229  
erroneous assessment until the day the refund is paid or credited. 81230

(D) Nothing in this section permits a taxpayer to carry 81231  
forward any refundable amounts to a future taxable year. 81232

**Sec. 5718.23.** (A) The tax commissioner, or any authorized 81233  
agent or employee thereof, may examine the books, papers, records, 81234  
and federal and state income tax returns of any taxpayer or other 81235  
person that is subject to, or that the tax commissioner believes 81236  
is subject to, the provisions of this chapter for the purpose of 81237  
verifying the accuracy of any return made or, if no return was 81238  
filed, to ascertain the tax due under this chapter. Upon written 81239  
request by the tax commissioner or a duly authorized agent or 81240  
employee thereof, every taxpayer or other person subject to this 81241  
section is required to furnish the opportunity for the tax 81242

commissioner, authorized agent, or employee to investigate and 81243  
examine such books, papers, records, and federal and state income 81244  
tax returns at a reasonable time and place designated in the 81245  
request. 81246

(B) The records and other documents of any taxpayer or other 81247  
person that is subject to, or that the tax commissioner believes 81248  
is subject to, the provisions of this chapter shall be open to the 81249  
commissioner's inspection during business hours and shall be 81250  
preserved for a period of six years following the end of the 81251  
taxable year to which the records or documents relate, unless the 81252  
commissioner, in writing, consents to their destruction within 81253  
that period, or by order requires that they be kept longer. The 81254  
commissioner may require any person, by notice served on that 81255  
person, to keep such records as the commissioner determines 81256  
necessary to show whether or not that person is liable, and the 81257  
extent of such liability, for the income tax levied by a municipal 81258  
corporation. 81259

(C) The tax commissioner may examine under oath any person 81260  
that the commissioner reasonably believes has knowledge concerning 81261  
any income that was or would have been returned for taxation or 81262  
any transaction tending to affect such income. The commissioner 81263  
may, for this purpose, compel any such person to attend a hearing 81264  
or examination and to produce any books, papers, records, and 81265  
federal income tax returns in such person's possession or control. 81266  
The person may be assisted or represented by an attorney, 81267  
accountant, bookkeeper, or other tax practitioner at any such 81268  
hearing or examination. This division does not authorize the 81269  
practice of law by a person who is not an attorney. 81270

(D) No person issued written notice by the tax commissioner 81271  
compelling attendance at a hearing or examination or the 81272  
production of books, papers, records, or federal income tax 81273

returns under this section shall fail to comply. 81274

**Sec. 5718.24.** If any person liable for a tax imposed in 81275  
accordance with this chapter sells the person's business or stock 81276  
of merchandise, or quits the person's business, the taxes, 81277  
interest, and penalties imposed in accordance with this chapter 81278  
shall become due and payable immediately, and such person shall 81279  
make a final return within thirty days after the due date of the 81280  
person's final federal income tax return. The person's successor 81281  
shall withhold a sufficient amount of the purchase money to cover 81282  
the amount of such taxes, interest, and penalties due and unpaid 81283  
until the former owner produces a receipt from the tax 81284  
commissioner showing that the taxes, interest, and penalties have 81285  
been paid, or a certificate indicating that no taxes are due. If 81286  
the purchaser of the business or stock of goods fails to withhold 81287  
purchase money, the purchaser shall be personally liable for the 81288  
payment of the taxes, interest, and penalties accrued and unpaid 81289  
during the operation of the business by the former owner. 81290

**Sec. 5718.27.** (A) In addition to any other penalty imposed by 81291  
this chapter or Chapter 5703. of the Revised Code, the following 81292  
penalties shall apply: 81293

(1) If a taxpayer required to file a tax return under this 81294  
chapter fails to make and file the return within the time 81295  
prescribed, including any extensions of time granted by the tax 81296  
commissioner, the commissioner may impose a penalty not exceeding 81297  
twenty-five dollars per month or fraction of a month, for each 81298  
month or fraction of a month elapsing between the due date, 81299  
including extensions of the due date, and the date on which the 81300  
return is filed. The aggregate penalty, per instance, under this 81301  
division shall not exceed one hundred fifty dollars. 81302

(2) If a person required to file a tax return electronically 81303

under this chapter fails to do so, the commissioner may impose a 81304  
penalty not to exceed the following: 81305

(a) For each of the first two failures, five per cent of the 81306  
amount required to be reported on the return; 81307

(b) For the third and any subsequent failure, ten per cent of 81308  
the amount required to be reported on the return. 81309

(3) If a taxpayer fails to timely pay an amount of tax 81310  
required to be paid under this chapter, the commissioner may 81311  
impose a penalty equal to fifteen per cent of the amount not 81312  
timely paid. 81313

(4) If a taxpayer files what purports to be a tax return 81314  
required by this chapter that does not contain information upon 81315  
which the substantial correctness of the return may be judged or 81316  
contains information that on its face indicates that the return is 81317  
substantially incorrect, and the filing of the return in that 81318  
manner is due to a position that is frivolous or a desire that is 81319  
apparent from the return to delay or impede the administration of 81320  
this chapter, a penalty of up to five hundred dollars may be 81321  
imposed. 81322

(5) If a taxpayer makes a fraudulent attempt to evade the 81323  
reporting or payment of the tax required to be shown on any return 81324  
required under this chapter, a penalty may be imposed not 81325  
exceeding the greater of one thousand dollars or one hundred per 81326  
cent of the tax required to be shown on the return. 81327

(6) If any person makes a false or fraudulent claim for a 81328  
refund under section 5718.19 of the Revised Code, a penalty may be 81329  
imposed not exceeding the greater of one thousand dollars or one 81330  
hundred per cent of the claim. Any penalty imposed under this 81331  
division, any refund issued on the claim, and interest on any 81332  
refund from the date of the refund, may be assessed under section 81333  
5718.12 of the Revised Code without regard to any time limitation 81334

for the assessment imposed by division (A) of that section. 81335

(B) For purposes of this section, the tax required to be 81336  
shown on a tax return shall be reduced by the amount of any part 81337  
of the tax paid on or before the date, including any extensions of 81338  
the date, prescribed for filing the return. 81339

(C) Each penalty imposed under this section shall be in 81340  
addition to any other penalty imposed under this section. All or 81341  
part of any penalty imposed under this section may be abated by 81342  
the tax commissioner. The commissioner may adopt rules governing 81343  
the imposition and abatement of such penalties. 81344

(D) All amounts collected under this section shall be 81345  
considered as taxes collected under this chapter and shall be 81346  
credited and distributed to municipal corporations in the same 81347  
proportion as the underlying tax liability is required to be 81348  
distributed to such municipal corporations under section 5718.10 81349  
of the Revised Code. 81350

**Sec. 5718.35.** No person shall knowingly make, present, aid, 81351  
or assist in the preparation or presentation of a false or 81352  
fraudulent return, schedule, statement, claim, or document 81353  
authorized or required by municipal corporation ordinance or state 81354  
law to be filed with the tax commissioner, or knowingly procure, 81355  
counsel, or advise the preparation or presentation of such return, 81356  
schedule, statement, claim, or document, or knowingly change, 81357  
alter, or amend, or knowingly procure, counsel or advise such 81358  
change, alteration, or amendment of the records upon which such 81359  
return, schedule, statement, claim, or document is based with 81360  
intent to defraud the municipal corporation or the commissioner. 81361

**Sec. 5718.41.** (A) If any of the facts, figures, computations, 81362  
or attachments required in a taxpayer's annual return to determine 81363  
the tax due under this chapter must be altered as the result of an 81364

adjustment to the taxpayer's federal income tax return, whether 81365  
initiated by the taxpayer or the internal revenue service, and 81366  
such alteration affects the taxpayer's tax liability under this 81367  
chapter, the taxpayer shall file an amended return with the tax 81368  
commissioner in such form as the commissioner requires. The 81369  
amended return shall be filed not later than sixty days after the 81370  
adjustment is agreed upon or finally determined for federal income 81371  
tax purposes or after any federal income tax deficiency or refund, 81372  
or the abatement or credit resulting therefrom, has been assessed 81373  
or paid, whichever occurs first. If a taxpayer intends to file an 81374  
amended consolidated municipal income tax return, or to amend its 81375  
type of return from a separate return to a consolidated return, 81376  
based on the taxpayer's consolidated federal income tax return, 81377  
the taxpayer shall notify the commissioner before filing the 81378  
amended return. 81379

(B) In the case of an underpayment, the amended return shall 81380  
be accompanied by payment of any combined additional tax due 81381  
together with any penalty and interest thereon. An amended return 81382  
required by this section is a return subject to assessment under 81383  
section 5718.12 of the Revised Code for the purpose of assessing 81384  
any additional tax due under this section, together with any 81385  
applicable penalty and interest. The amended return shall not 81386  
reopen those facts, figures, computations, or attachments from a 81387  
previously filed return no longer subject to assessment that are 81388  
not affected, either directly or indirectly, by the adjustment to 81389  
the taxpayer's federal tax return. 81390

(C) In the case of an overpayment, an application for refund 81391  
may be filed under this division within the sixty-day period 81392  
prescribed for filing the amended return, even if that period 81393  
extends beyond the period prescribed in section 5718.19 of the 81394  
Revised Code, if the application otherwise conforms to the 81395  
requirements of that division. An application filed under this 81396

division shall claim refund of overpayments resulting from 81397  
alterations to only those facts, figures, computations, or 81398  
attachments required in the taxpayer's annual return that are 81399  
affected, either directly or indirectly, by the adjustment to the 81400  
taxpayer's federal income tax return unless it is also filed 81401  
within the time prescribed in section 5718.19 of the Revised Code. 81402  
The application shall not reopen those facts, figures, 81403  
computations, or attachments that are not affected, either 81404  
directly or indirectly, by the adjustment to the taxpayer's 81405  
federal income tax return. 81406

Sec. 5718.97. Notwithstanding any other provision of this 81407  
chapter, all original and amended tax returns of a taxpayer, and 81408  
any payment due with those returns, required to be filed with or 81409  
paid to a municipal corporation for a taxable year beginning 81410  
before January 1, 2018, shall be filed with the appropriate tax 81411  
administrator, as that term is defined in Chapter 718. of the 81412  
Revised Code, in accordance with the municipal corporation's 81413  
ordinance or resolution in effect for the taxable year. 81414

The payment, collection, and administration of a tax for 81415  
taxable years beginning before January 1, 2018, shall be governed 81416  
by Chapter 718. of the Revised Code and any municipal ordinances, 81417  
resolutions, and rules in effect for those taxable years. 81418

Sec. 5718.99. (A) Except as provided in division (B) of this 81419  
section, whoever recklessly violates section 5718.35 of the 81420  
Revised Code or division (A) of section 5718.13 of the Revised 81421  
Code shall be guilty of a misdemeanor of the first degree and 81422  
shall be subject to a fine of not more than one thousand dollars 81423  
or imprisonment for a term of up to six months, or both. 81424

(B) Any person who recklessly discloses information received 81425  
from the internal revenue service in violation of division (A) of 81426

section 5718.13 of the Revised Code shall be guilty of a felony of 81427  
the fifth degree and shall be subject to a fine of not more than 81428  
five thousand dollars plus the costs of prosecution, or 81429  
imprisonment for a term not exceeding five years, or both. 81430

(C) Each instance of access or disclosure in violation of 81431  
division (A) of section 5718.13 of the Revised Code constitutes a 81432  
separate offense. 81433

**Sec. 5725.33.** (A) Except as otherwise provided in this 81434  
section, terms used in this section have the same meaning as 81435  
section 45D of the Internal Revenue Code, any related proposed, 81436  
temporary, or final regulations promulgated under the Internal 81437  
Revenue Code, any rules or guidance of the internal revenue 81438  
service or the United States department of the treasury, and any 81439  
related rules or guidance issued by the community development 81440  
financial institutions fund of the United States department of the 81441  
treasury, as such law, regulations, rules, and guidance exist on 81442  
October 16, 2009. 81443

As used in this section: 81444

(1) "Adjusted purchase price" means the amount paid for the 81445  
portion of a qualified equity investment approved or certified by 81446  
the director of development services for a qualified community 81447  
development entity in accordance with rules adopted under division 81448  
(E) of this section. 81449

(2) "Applicable percentage" means zero per cent for each of 81450  
the first two credit allowance dates, seven per cent for the third 81451  
credit allowance date, and eight per cent for the four following 81452  
credit allowance dates. 81453

(3) "Credit allowance date" means the date, on or after 81454  
January 1, 2010, a qualified equity investment is made and each of 81455  
the six anniversary dates thereafter. For qualified equity 81456

investments made after October 16, 2009, but before January 1, 81457  
2010, the initial credit allowance date is January 1, 2010, and 81458  
each of the six anniversary dates thereafter is on the first day 81459  
of January of each year. 81460

(4) "Qualified community development entity" includes only 81461  
entities: 81462

(a) That have entered into an allocation agreement with the 81463  
community development financial institutions fund of the United 81464  
States department of the treasury with respect to credits 81465  
authorized by section 45D of the Internal Revenue Code; 81466

(b) Whose service area includes any portion of this state; 81467  
and 81468

(c) That will designate an equity investment in such entities 81469  
as a qualified equity investment for purposes of both section 45D 81470  
of the Internal Revenue Code and this section. 81471

(5) "Qualified equity investment" is limited to an equity 81472  
investment in a qualified community development entity that: 81473

(a) Is acquired after October 16, 2009, at its original 81474  
issuance solely in exchange for cash; 81475

(b) Has at least eighty-five per cent of its cash purchase 81476  
price used by the qualified community development entity to make 81477  
qualified low-income community investments in qualified active 81478  
low-income community businesses in this state, provided that in 81479  
the seventh year after a qualified equity investment is made, only 81480  
seventy-five per cent of such cash purchase price must be used by 81481  
the qualified community development entity to make qualified 81482  
low-income community investments in those businesses; and 81483

(c) Is designated by the issuer as a qualified equity 81484  
investment. 81485

"Qualified equity investment" includes any equity investment 81486

that would, but for division (A)(5)(a) of this section, be a 81487  
qualified equity investment in the hands of the taxpayer if such 81488  
investment was a qualified equity investment in the hands of a 81489  
prior holder. 81490

(B) There is hereby allowed a nonrefundable credit against 81491  
the tax imposed by section 5725.18 of the Revised Code for an 81492  
insurance company holding a qualified equity investment on the 81493  
credit allowance date occurring in the calendar year for which the 81494  
tax is due. The credit shall equal the applicable percentage of 81495  
the adjusted purchase price, subject to divisions (B)(1) and (2) 81496  
of this section: 81497

(1) For the purpose of calculating the amount of qualified 81498  
low-income community investments held by a qualified community 81499  
development entity, an investment shall be considered held by a 81500  
qualified community development entity even if the investment has 81501  
been sold or repaid, provided that, at any time before the seventh 81502  
anniversary of the issuance of the qualified equity investment, 81503  
the qualified community development entity reinvests an amount 81504  
equal to the capital returned to or received or recovered by the 81505  
qualified community development entity from the original 81506  
investment, exclusive of any profits realized and costs incurred 81507  
in the sale or repayment, in another qualified low-income 81508  
community investment in this state within twelve months of the 81509  
receipt of such capital. If the qualified low-income community 81510  
investment is sold or repaid after the sixth anniversary of the 81511  
issuance of the qualified equity investment, the qualified 81512  
low-income community investment shall be considered held by the 81513  
qualified community development entity through the seventh 81514  
anniversary of the qualified equity investment's issuance. 81515

(2) The qualified low-income community investment made in 81516  
this state shall equal the sum of the qualified low-income 81517  
community investments in each qualified active low-income 81518

community business in this state, not to exceed two million five 81519  
hundred sixty-four thousand dollars, in which the qualified 81520  
community development entity invests, including such investments 81521  
in any such businesses in this state related to that qualified 81522  
active low-income community business through majority ownership or 81523  
control. 81524

The credit shall be claimed in the order prescribed by 81525  
section 5725.98 of the Revised Code. If the amount of the credit 81526  
exceeds the amount of tax otherwise due after deducting all other 81527  
credits in that order, the excess may be carried forward and 81528  
applied to the tax due for not more than four ensuing years. 81529

By claiming a tax credit under this section, an insurance 81530  
company waives its rights under section 5725.222 of the Revised 81531  
Code with respect to the time limitation for the assessment of 81532  
taxes as it relates to credits claimed that later become subject 81533  
to recapture under division (E) of this section. 81534

~~(C) The amount of qualified equity investments on the basis 81535  
of which credits may be claimed under this section and sections 81536  
5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed 81537  
the amount, estimated by the director of development, that would 81538  
cause the total amount of credits allowed each fiscal year to 81539  
exceed ten million dollars, computed without regard to the 81540  
potential for taxpayers to carry tax credits forward to later 81541  
years~~ The aggregate amount of credit allocations made by the 81542  
director of development services under this section and sections 81543  
5726.54, 5729.16, and 5733.58 of the Revised Code each fiscal year 81544  
shall not exceed ten million dollars. 81545

(D) If any amount of the federal tax credit allowed for a 81546  
qualified equity investment for which a credit was received under 81547  
this section is recaptured under section 45D of the Internal 81548  
Revenue Code, or if the director of development services 81549  
determines that an investment for which a tax credit is claimed 81550

under this section is not a qualified equity investment or that 81551  
the proceeds of an investment for which a tax credit is claimed 81552  
under this section are used to make qualified low-income community 81553  
investments other than in a qualified active low-income community 81554  
business in this state, all or a portion of the credit received on 81555  
account of that investment shall be paid by the insurance company 81556  
that received the credit to the superintendent of insurance. The 81557  
amount to be recovered shall be determined by the director of 81558  
development services pursuant to rules adopted under division (E) 81559  
of this section. The director shall certify any amount due under 81560  
this division to the superintendent of insurance, and the 81561  
superintendent shall notify the treasurer of state of the amount 81562  
due. Upon notification, the treasurer shall invoice the insurance 81563  
company for the amount due. The amount due is payable not later 81564  
than thirty days after the date the treasurer invoices the 81565  
insurance company. The amount due shall be considered to be tax 81566  
due under section 5725.18 of the Revised Code, and may be 81567  
collected by assessment without regard to the time limitations 81568  
imposed under section 5725.222 of the Revised Code for the 81569  
assessment of taxes by the superintendent. All amounts collected 81570  
under this division shall be credited as revenue from the tax 81571  
levied under section 5725.18 of the Revised Code. 81572

(E) The tax credits authorized under this section and 81573  
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 81574  
be administered by the development services agency. The director 81575  
of development services, in consultation with the tax commissioner 81576  
and the superintendent of insurance, pursuant to Chapter 119. of 81577  
the Revised Code, shall adopt rules for the administration of this 81578  
section and sections 5726.54, 5729.16, and 5733.58 of the Revised 81579  
Code. The rules shall provide for determining the recovery of 81580  
credits under division (D) of this section and under sections 81581  
5726.54, 5729.16, and 5733.58 of the Revised Code, including 81582  
prorating the amount of the credit to be recovered on any 81583

reasonable basis, the manner in which credits may be allocated 81584  
among claimants, and the amount of any application or other fees 81585  
to be charged in connection with a recovery. 81586

(F) ~~There is hereby created in the state treasury the new 81587  
markets tax credit operating fund.~~ The director of development 81588  
services is authorized to charge reasonable application and other 81589  
fees in connection with the administration of tax credits 81590  
authorized by this section and sections 5726.54, 5729.16, and 81591  
5733.58 of the Revised Code. Any such fees collected shall be 81592  
credited to the tax incentives operating fund created in section 81593  
122.174 of the Revised Code. ~~The director of development services 81594  
shall use money in the fund to pay expenses related to the 81595  
administration of tax credits authorized under sections 5725.33, 81596  
5726.54, 5729.16, and 5733.58 of the Revised Code.~~ 81597

(G) Tax credits earned or allocated to a pass-through entity, 81598  
as that term is defined in section 5733.04 of the Revised Code, 81599  
under section 5725.33, 5726.54, 5729.16, or 5733.58 of the Revised 81600  
Code may be allocated to persons having a direct or indirect 81601  
ownership interest in the pass-through entity for such persons' 81602  
direct use in accordance with the provisions of any mutual 81603  
agreement between such persons. 81604

**Sec. 5727.26.** (A) The tax commissioner may make an 81605  
assessment, based on any information in the commissioner's 81606  
possession, against any natural gas company or combined company 81607  
that fails to file a return or pay any tax, interest, or 81608  
additional charge as required by sections 5727.24 to 5727.29 of 81609  
the Revised Code. The commissioner shall give the company assessed 81610  
written notice of the assessment as provided in section 5703.37 of 81611  
the Revised Code. With the notice, the commissioner shall provide 81612  
instructions on how to petition for reassessment and request a 81613  
hearing on the petition. A penalty of up to fifteen per cent may 81614

be added to all amounts assessed under this section. The tax 81615  
commissioner may adopt rules providing for the imposition and 81616  
remission of the penalty. 81617

(B) Unless the company assessed, within sixty days after 81618  
service of the notice of assessment, files with the tax 81619  
commissioner, either personally or by certified mail, a written 81620  
petition signed by the company's authorized agent having knowledge 81621  
of the facts, the assessment becomes final, and the amount of the 81622  
assessment is due and payable from the company assessed to the 81623  
~~treasurer of state~~ commissioner. The petition shall indicate the 81624  
objections of the company assessed, but additional objections may 81625  
be raised in writing if received by the commissioner prior to the 81626  
date shown on the final determination. 81627

If a petition for reassessment has been properly filed, the 81628  
commissioner shall proceed under section 5703.60 of the Revised 81629  
Code. 81630

(C) After an assessment becomes final, if any portion of the 81631  
assessment, including accrued interest, remains unpaid, a 81632  
certified copy of the tax commissioner's entry making the 81633  
assessment final may be filed in the office of the clerk of the 81634  
court of common pleas in the county in which the natural gas 81635  
company's or combined company's principal place of business is 81636  
located, or in the office of the clerk of court of common pleas of 81637  
Franklin county. 81638

Immediately on the filing of the entry, the clerk shall enter 81639  
judgment for the state against the company assessed in the amount 81640  
shown on the entry. The judgment may be filed by the clerk in a 81641  
loose-leaf book entitled, "special judgments for the public 81642  
utility excise tax on natural gas and combined companies," and 81643  
shall have the same effect as other judgments. Execution shall 81644  
issue upon the judgment at the request of the tax commissioner, 81645  
and all laws applicable to sales on execution shall apply to sales 81646

made under the judgment. 81647

If the assessment is not paid in its entirety within sixty 81648  
days after the day the assessment was issued, the portion of the 81649  
assessment consisting of tax due shall bear interest at the rate 81650  
per annum prescribed by section 5703.47 of the Revised Code from 81651  
the day the tax commissioner issues the assessment until it is 81652  
paid or until it is certified to the attorney general for 81653  
collection under section 131.02 of the Revised Code, whichever 81654  
comes first. If the unpaid portion of the assessment is certified 81655  
to the attorney general for collection, the entire unpaid portion 81656  
of the assessment shall bear interest at the rate per annum 81657  
prescribed by section 5703.47 of the Revised Code from the date of 81658  
certification until the date it is paid in its entirety. Interest 81659  
shall be paid in the same manner as the tax and may be collected 81660  
by the issuance of an assessment under this section. 81661

(D) If the tax commissioner believes that collection of the 81662  
tax will be jeopardized unless proceedings to collect or secure 81663  
collection of the tax are instituted without delay, the 81664  
commissioner may issue a jeopardy assessment against the company 81665  
liable for the tax. Immediately upon the issuance of the jeopardy 81666  
assessment, the commissioner shall file an entry with the clerk of 81667  
the court of common pleas in the manner prescribed by division (C) 81668  
of this section. Notice of the jeopardy assessment shall be served 81669  
on the company assessed or the company's authorized agent in the 81670  
manner provided in section 5703.37 of the Revised Code within five 81671  
days of the filing of the entry with the clerk. The total amount 81672  
assessed is immediately due and payable, unless the company 81673  
assessed files a petition for reassessment in accordance with 81674  
division (B) of this section and provides security in a form 81675  
satisfactory to the commissioner and in an amount sufficient to 81676  
satisfy the unpaid balance of the assessment. Full or partial 81677  
payment of the assessment does not prejudice the commissioner's 81678

consideration of the petition for reassessment. 81679

(E) The tax commissioner shall immediately forward to the 81680  
treasurer of state all amounts that the tax commissioner receives 81681  
under this section, and such amounts shall be considered revenue 81682  
arising from the tax imposed by section 5727.24 of the Revised 81683  
Code. 81684

(F) No assessment shall be made or issued against a natural 81685  
gas company or combined company for the tax imposed by section 81686  
5727.24 of the Revised Code more than four years after the return 81687  
date for the period in which the tax was reported, or more than 81688  
four years after the return for the period was filed, whichever is 81689  
later. 81690

**Sec. 5727.28.** (A) The ~~treasurer of state~~ tax commissioner 81691  
shall refund to a natural gas company or combined company subject 81692  
to the tax imposed by section 5727.24 of the Revised Code, the 81693  
amount of tax paid illegally or erroneously, or paid on an illegal 81694  
or erroneous assessment. Applications for a refund shall be filed 81695  
with the tax commissioner, on a form prescribed by the 81696  
commissioner, within four years of the illegal or erroneous 81697  
payment of the tax. 81698

On the filing of the application, the commissioner shall 81699  
determine the amount of refund to which the applicant is entitled. 81700  
If the amount is not less than that claimed, the commissioner 81701  
shall ~~certify the amount to~~ notify the director of budget and 81702  
management and ~~treasurer of state for payment~~ issue the refund 81703  
from the tax refund fund under section 5703.052 of the Revised 81704  
Code. If the amount is less than that claimed, the commissioner 81705  
shall proceed in accordance with section 5703.70 of the Revised 81706  
Code. 81707

If the application for refund is for taxes paid on an illegal 81708  
or erroneous assessment, the commissioner shall include in the 81709

certified amount interest calculated at the rate per annum 81710  
prescribed by section 5703.47 of the Revised Code from the date of 81711  
overpayment to the date of the commissioner's certification. 81712

(B) If a natural gas company or combined company entitled to 81713  
a refund of taxes under this section, or section 5703.70 of the 81714  
Revised Code, is indebted to the state for any tax or fee 81715  
administered by the tax commissioner that is paid to the state, or 81716  
any charge, penalty, or interest arising from such a tax or fee, 81717  
the amount refundable may be applied in satisfaction of that debt. 81718  
If the amount refundable is less than the amount of the debt, it 81719  
may be applied in partial satisfaction of the debt. If the amount 81720  
refundable is greater than the amount of the debt, the amount 81721  
remaining after satisfaction of the debt shall be refunded. 81722

(C) In lieu of granting a refund under division (A) or (B) of 81723  
this section, the tax commissioner may allow a natural gas company 81724  
or combined company to claim a credit of the amount of the tax 81725  
refund on the return for the period during which the tax became 81726  
refundable. The commissioner may require the company to submit 81727  
information to support a claim for a credit under this division, 81728  
and the commissioner may disallow the credit if the information is 81729  
not provided. 81730

**Sec. 5727.31.** (A) Each public utility subject to the excise 81731  
tax imposed by section 5727.30 of the Revised Code, annually, on 81732  
or before the first day of August, shall file with the tax 81733  
commissioner a statement in such form as the commissioner 81734  
prescribes and shall pay any amount due. 81735

(B)(1) Annually, on or before the fifteenth day of October of 81736  
the current year, each public utility whose estimated excise taxes 81737  
for the current year as based upon the statement required to be 81738  
filed in that year by division (A) of this section are one 81739  
thousand dollars or more shall file with the ~~treasurer of state~~ 81740

commissioner a report, in such form as the ~~tax~~ commissioner 81741  
prescribes, showing the amount of excise tax estimated to be 81742  
charged or levied pursuant to law for the current year upon the 81743  
basis of such annual statement, and shall remit a portion of the 81744  
estimated excise taxes shown to be due by the report. The portion 81745  
of the estimated excise taxes due at the time the report is filed 81746  
shall be one-third of its total excise taxes estimated to be 81747  
charged or levied for the current year based upon the annual 81748  
statement filed under division (A) of this section. 81749

(2) Annually, on or before the first day of March and June, 81750  
each public utility whose excise taxes as based upon its last 81751  
preceding annual statement filed under division (A) of this 81752  
section prior to the first day of January were one thousand 81753  
dollars or more shall file with the ~~treasurer of state~~ 81754  
commissioner a report, in such form as the ~~tax~~ commissioner 81755  
prescribes, showing the amount of excise tax charged or levied 81756  
pursuant to law upon the basis of such annual statement, and shall 81757  
remit a portion of the excise taxes shown to be due by each such 81758  
report. The portion of the excise taxes due at the time each such 81759  
report is filed shall be one-third of its total excise taxes so 81760  
charged or levied based upon such annual statement. 81761

(C) Any public utility subject to the excise taxes imposed by 81762  
section 5727.30 of the Revised Code whose tax as certified under 81763  
section 5727.38 of the Revised Code in a year equals or exceeds 81764  
the amount specified for that year in section 5727.311 of the 81765  
Revised Code shall make the payments required under this section 81766  
in the second ensuing and each succeeding year in the manner 81767  
prescribed by section 5727.311 of the Revised Code, except as 81768  
otherwise prescribed by that section. 81769

(D)(1) For purposes of this section, a report required to be 81770  
filed under division (B) of this section is considered filed when 81771  
it is received by the ~~treasurer of state~~ tax commissioner. 81772

(2) For purposes of this section and sections 5727.311 and 81773  
5727.42 of the Revised Code, remittance of an excise tax required 81774  
to be made under this section is considered to be made when the 81775  
remittance is received by the treasurer of state or tax 81776  
commissioner, or when credited to an account designated by the 81777  
treasurer of state for the receipt of tax remittances. 81778

**Sec. 5727.311.** (A) Any public utility subject to an excise 81779  
tax imposed by section 5727.30 of the Revised Code whose tax ~~as~~ 81780  
~~certified by the tax commissioner under section 5727.38 of the~~ 81781  
~~Revised Code~~ equals or exceeds fifty thousand dollars shall make 81782  
each payment required under division (B) of section 5727.31 of the 81783  
Revised Code for the second ensuing and each succeeding year by 81784  
electronic funds transfer as prescribed by division (C) of this 81785  
section. 81786

If the tax ~~certified by the tax commissioner~~ in each of two 81787  
consecutive years is less than fifty thousand dollars, the public 81788  
utility is relieved of the requirement to remit taxes by 81789  
electronic funds transfer for the year that next follows the 81790  
second of the consecutive years in which the tax certified is less 81791  
than fifty thousand dollars, and is relieved of that requirement 81792  
for each succeeding year unless the tax ~~certified~~ in a subsequent 81793  
year equals or exceeds fifty thousand dollars. 81794

(B) The tax commissioner shall notify each public utility 81795  
required by this section or section 5727.25 of the Revised Code to 81796  
remit taxes by electronic funds transfer of the public utility's 81797  
obligation to do so, and shall maintain an updated list of those 81798  
public utilities, ~~and shall timely certify the list and any~~ 81799  
~~additions thereto or deletions therefrom to the treasurer of~~ 81800  
~~state~~. Failure by the tax commissioner to notify a public utility 81801  
subject to this section to remit taxes by electronic funds 81802  
transfer does not relieve the public utility of its obligation to 81803

remit taxes by electronic funds transfer. 81804

(C) Public utilities required by this section or section 81805  
5727.25 of the Revised Code to remit periodic payments by 81806  
electronic funds transfer shall remit such payments to the 81807  
treasurer of state in the manner prescribed by rules adopted by 81808  
the treasurer of state under section 113.061 of the Revised Code. 81809  
The payment of public utility excise taxes by electronic funds 81810  
transfer does not affect a public utility's obligation to file the 81811  
annual statement and periodic reports in the manner and at the 81812  
times prescribed by section 5727.31 of the Revised Code. 81813

A public utility required by this section or section 5727.25 81814  
of the Revised Code to remit taxes by electronic funds transfer 81815  
may apply to the ~~treasurer of state~~ tax commissioner in the manner 81816  
prescribed by the ~~treasurer of state~~ commissioner to be excused 81817  
from that requirement. The ~~treasurer of state~~ commissioner may 81818  
excuse the public utility from remittance by electronic funds 81819  
transfer for good cause shown for the period of time requested by 81820  
the public utility or for a portion of that period. The ~~treasurer~~ 81821  
~~of state~~ commissioner shall notify the ~~tax commissioner~~ and the 81822  
public utility of the ~~treasurer of state's~~ commissioner's decision 81823  
as soon as is practicable. 81824

(D) If a public utility required by this section or section 81825  
5727.25 of the Revised Code to remit taxes by electronic funds 81826  
transfer remits those taxes by some means other than by electronic 81827  
funds transfer as prescribed by this section and the rules adopted 81828  
by the treasurer of state, and the ~~treasurer of state~~ tax 81829  
commissioner determines that the failure to remit taxes as 81830  
required was not due to reasonable cause or was due to willful 81831  
neglect, the ~~treasurer of state~~ commissioner may impose an 81832  
additional charge on the public utility equal to five per cent of 81833  
the amount of the taxes required to be paid by electronic funds 81834  
transfer, but not to exceed five thousand dollars. Any additional 81835

charge imposed under this section is in addition to any other 81836  
penalty or charge imposed under this chapter, and shall be 81837  
considered as revenue arising from excise taxes imposed by this 81838  
chapter. 81839

No additional charge shall be assessed under this division 81840  
against a public utility that has been notified of its obligation 81841  
to remit taxes under this section and that remits its first two 81842  
tax payments after such notification by some means other than 81843  
electronic funds transfer. The additional charge may be assessed 81844  
upon the remittance of any subsequent tax payment that the public 81845  
utility remits by some means other than electronic funds transfer. 81846

**Sec. 5727.38.** On or before the first Monday of November, 81847  
annually, the tax commissioner ~~shall~~ may assess an excise tax 81848  
against ~~each~~ a public utility subject to the excise tax under 81849  
section 5727.30 of the Revised Code. The tax shall be computed by 81850  
multiplying the taxable gross receipts as determined by the 81851  
commissioner under section 5727.33 of the Revised Code by six and 81852  
three-fourths per cent in the case of pipe-line companies, and 81853  
four and three-fourths per cent in the case of all other 81854  
companies. The minimum tax for any such company for owning 81855  
property or doing business in this state shall be fifty dollars. 81856  
The assessment shall be ~~certified~~ mailed to the taxpayer ~~and~~ 81857  
~~treasurer of state.~~ 81858

**Sec. 5727.42.** (A) The treasurer of state shall ~~maintain a~~ 81859  
~~list of all taxes levied and payments made pursuant to the annual~~ 81860  
notify the tax commissioner of any payment of the excise tax 81861  
imposed by section 5727.30 of the Revised Code. The ~~treasurer of~~ 81862  
~~state~~ commissioner shall collect and the taxpayer shall pay all 81863  
taxes and any penalties thereon. Payments of the tax may be made 81864  
by mail, in person, by electronic funds transfer if required to do 81865  
so by section 5727.311 of the Revised Code, or by any other means 81866

authorized by the ~~treasurer of state~~ commissioner. The ~~treasurer~~ 81867  
~~of state~~ commissioner may adopt rules concerning the methods and 81868  
timeliness of payment. 81869

(B) Each tax ~~bill~~ assessment issued pursuant to this section 81870  
shall separately reflect the taxes and any penalty due, ~~due date,~~ 81871  
and any other information considered necessary. ~~The last day on~~ 81872  
~~which payment may be made without penalty shall be at least twenty~~ 81873  
~~but not more than thirty days from the date of mailing the tax~~ 81874  
~~bill.~~ The ~~treasurer of state~~ commissioner shall mail the ~~tax bill~~ 81875  
assessment to the taxpayer, and the mailing of it shall be 81876  
prima-facie evidence of receipt thereof by the taxpayer. 81877

(C) The ~~treasurer of state~~ commissioner shall refund taxes 81878  
levied and payments made for the tax imposed by section 5727.30 of 81879  
the Revised Code as provided in this section, but no refund shall 81880  
be made to a taxpayer having a delinquent claim certified pursuant 81881  
to this section that remains unpaid. The ~~treasurer of state~~ 81882  
commissioner may consult the attorney general regarding such 81883  
claims. 81884

(D) ~~Within twenty days after receipt of~~ After receiving any 81885  
excise tax ~~assessment certified to the treasurer of state~~ annual 81886  
statement for the tax imposed by section 5727.30 of the Revised 81887  
Code, the ~~treasurer of state~~ commissioner shall: 81888

(1) Ascertain the difference between the total taxes ~~shown on~~ 81889  
~~such assessment~~ owed and the sum of all estimated payments, 81890  
~~exclusive of any penalties thereon, previously~~ made for that year. 81891

(2) If the difference is a deficiency, the ~~treasurer of state~~ 81892  
commissioner shall issue a ~~tax bill~~ an assessment. 81893

(3) If the difference is an excess, the ~~treasurer of state~~ 81894  
commissioner shall ~~certify the name of the taxpayer and the amount~~ 81895  
~~to be refunded to~~ notify the director of budget and management ~~for~~ 81896  
~~payment~~ and issue a refund of that amount to the taxpayer. If the 81897

amount of the refund is less than that claimed by the taxpayer, 81898  
the taxpayer, within sixty days of the issuance of the refund, may 81899  
provide to the commissioner additional information to support the 81900  
claim or may request a hearing. Upon receiving such information or 81901  
request within that time, the commissioner shall follow the same 81902  
procedures set forth in divisions (C) and (D) of section 5703.70 81903  
of the Revised Code for the determination of refund applications. 81904

If the taxpayer has a deficiency for one tax year and an 81905  
excess for another tax year, or any combination thereof for more 81906  
than two years, the ~~treasurer of state~~ commissioner may determine 81907  
the net result and, depending on such result, proceed to ~~mail a~~ 81908  
~~tax bill~~ issue an assessment or certify a refund. 81909

(E) If a taxpayer fails to pay all the amount of taxes ~~on or~~ 81910  
~~before the due date shown on the tax bill~~ required to be paid, or 81911  
fails to make an estimated payment on or before the due date 81912  
prescribed in division (B) of section 5727.31 of the Revised Code, 81913  
~~but makes payment within ten calendar days of such date, the~~ 81914  
~~treasurer of state shall add a penalty equal to five per cent of~~ 81915  
~~the amount that should have been timely paid. If payment is not~~ 81916  
~~made within ten days of such date, the treasurer of state shall~~ 81917  
~~add a penalty equal to fifteen per cent of the amount that should~~ 81918  
~~have been timely paid. The treasurer of state shall prepare a~~ 81919  
~~delinquent claim for each tax bill on which penalties were added~~ 81920  
~~and certify such claims to the attorney general and tax~~ 81921  
~~commissioner. The~~ the commissioner shall impose a penalty in the 81922  
amount of fifteen per cent of the unpaid amount, and the 81923  
commissioner shall issue an assessment for the unpaid amount and 81924  
penalty. Unless a timely petition for reassessment is filed under 81925  
section 5727.47 of the Revised Code, the attorney general shall 81926  
proceed to collect the delinquent taxes and penalties thereon in 81927  
the manner prescribed by law and notify the ~~treasurer of state and~~ 81928  
~~tax~~ commissioner of all collections. 81929

**Sec. 5727.47.** (A) Notice of each assessment certified or 81930  
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 81931  
shall be mailed to the public utility, and its mailing shall be 81932  
prima-facie evidence of its receipt by the public utility to which 81933  
it is addressed. With the notice, the tax commissioner shall 81934  
provide instructions on how to petition for reassessment and 81935  
request a hearing on the petition. If a public utility objects to 81936  
~~any such an assessment certified to it pursuant to such sections,~~ 81937  
it may file with the commissioner, either personally or by 81938  
certified mail, within sixty days after the mailing of the notice 81939  
of assessment a written petition for reassessment signed by the 81940  
utility's authorized agent having knowledge of the facts. The date 81941  
the commissioner receives the petition shall be considered the 81942  
date of filing. The petition shall indicate the utility's 81943  
objections, but additional objections may be raised in writing if 81944  
received by the commissioner prior to the date shown on the final 81945  
determination. 81946

In the case of a petition seeking a reduction in taxable 81947  
value filed with respect to an assessment ~~issued~~ certified under 81948  
section 5727.23 of the Revised Code, the petitioner shall state in 81949  
the petition the total amount of reduction in taxable value sought 81950  
by the petitioner. If the petitioner objects to the percentage of 81951  
true value at which taxable property is assessed by the 81952  
commissioner, the petitioner shall state in the petition the total 81953  
amount of reduction in taxable value sought both with and without 81954  
regard to the objection pertaining to the percentage of true value 81955  
at which its taxable property is assessed. If a petitioner objects 81956  
to the commissioner's apportionment of the taxable value of the 81957  
petitioner's taxable property, the petitioner shall distinctly 81958  
state in the petition that the petitioner objects to the 81959  
commissioner's apportionment, and, within forty-five days after 81960  
filing the petition for reassessment, shall submit the 81961

petitioner's proposed apportionment of the taxable value of its 81962  
taxable property among taxing districts. If a petitioner that 81963  
objects to the commissioner's apportionment fails to state its 81964  
objections to that apportionment in its petition for reassessment 81965  
or fails to submit its proposed apportionment within forty-five 81966  
days after filing the petition for reassessment, the commissioner 81967  
shall dismiss the petitioner's objection to the commissioner's 81968  
apportionment, and the taxable value of the petitioner's taxable 81969  
property, subject to any adjustment to taxable value pursuant to 81970  
the petition or appeal, shall be apportioned in the manner used by 81971  
the commissioner in the preliminary or amended preliminary 81972  
assessment ~~issued~~ certified under section 5727.23 of the Revised 81973  
Code. 81974

If an additional objection seeking a reduction in taxable 81975  
value in excess of the reduction stated in the original petition 81976  
is properly and timely raised with respect to an assessment issued 81977  
under section 5727.23 of the Revised Code, the petitioner shall 81978  
state the total amount of the reduction in taxable value sought in 81979  
the additional objection both with and without regard to any 81980  
reduction in taxable value pertaining to the percentage of true 81981  
value at which taxable property is assessed. If a petitioner fails 81982  
to state the reduction in taxable value sought in the original 81983  
petition or in additional objections properly raised after the 81984  
petition is filed, the commissioner shall notify the petitioner of 81985  
the failure by certified mail. If the petitioner fails to notify 81986  
the commissioner in writing of the reduction in taxable value 81987  
sought in the petition or in an additional objection within thirty 81988  
days after receiving the commissioner's notice, the commissioner 81989  
shall dismiss the petition or the additional objection in which 81990  
that reduction is sought. 81991

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 81992  
public utility filing a petition for reassessment regarding an 81993

assessment certified or issued under section 5727.23 or 5727.38 of 81994  
the Revised Code shall pay the tax with respect to the assessment 81995  
objected to as required by law. The acceptance of any tax payment 81996  
by the treasurer of state, tax commissioner, or any county 81997  
treasurer shall not prejudice any claim for taxes on final 81998  
determination by the commissioner or final decision by the board 81999  
of tax appeals or any court. 82000

(2) If a public utility properly and timely files a petition 82001  
for reassessment regarding an assessment ~~issued~~ certified under 82002  
section 5727.23 of the Revised Code, the petitioner shall pay the 82003  
tax as prescribed by divisions (B)(2)(a), (b), and (c) of this 82004  
section: 82005

(a) If the petitioner does not object to the commissioner's 82006  
apportionment of the taxable value of the petitioner's taxable 82007  
property, the petitioner is not required to pay the part of the 82008  
tax otherwise due on the taxable value that the petitioner seeks 82009  
to have reduced, subject to division (B)(2)(c) of this section. 82010

(b) If the petitioner objects to the commissioner's 82011  
apportionment of the taxable value of the petitioner's taxable 82012  
property, the petitioner is not required to pay the tax otherwise 82013  
due on the part of the taxable value apportioned to any taxing 82014  
district that the petitioner objects to, subject to division 82015  
(B)(2)(c) of this section. If, pursuant to division (A) of this 82016  
section, the petitioner has, in a proper and timely manner, 82017  
apportioned taxable value to a taxing district to which the 82018  
commissioner did not apportion the petitioner's taxable value, the 82019  
petitioner shall pay the tax due on the taxable value that the 82020  
petitioner has apportioned to the taxing district, subject to 82021  
division (B)(2)(c) of this section. 82022

(c) If a petitioner objects to the percentage of true value 82023  
at which taxable property is assessed by the commissioner, the 82024  
petitioner shall pay the tax due on the basis of the percentage of 82025

true value at which the public utility's taxable property is 82026  
assessed by the commissioner. In any case, the petitioner's 82027  
payment of tax shall not be less than the amount of tax due based 82028  
on the taxable value reflected on the last appeal notice issued by 82029  
the commissioner under division (C) of this section. Until the 82030  
county auditor receives notification under division (E) of this 82031  
section and proceeds under section 5727.471 of the Revised Code to 82032  
issue any refund that is found to be due, the county auditor shall 82033  
not issue a refund for any increase in the reduction in taxable 82034  
value that is sought by a petitioner later than forty-five days 82035  
after the petitioner files the original petition as required under 82036  
division (A) of this section. 82037

(3) Any part of the tax that, under division (B)(2)(a) or (b) 82038  
of this section, is not paid shall be collected upon receipt of 82039  
the notification as provided in section 5727.471 of the Revised 82040  
Code with interest thereon computed in the same manner as interest 82041  
is computed under division (E) of section 5715.19 of the Revised 82042  
Code, subject to any correction of the assessment by the 82043  
commissioner under division (E) of this section or the final 82044  
judgment of the board of tax appeals or a court to which the 82045  
board's final judgment is appealed. The penalty imposed under 82046  
section 323.121 of the Revised Code shall apply only to the unpaid 82047  
portion of the tax if the petitioner's tax payment is less than 82048  
the amount of tax due based on the taxable value reflected on the 82049  
last appeal notice issued by the commissioner under division (C) 82050  
of this section. 82051

(C) Upon receipt of a properly filed petition for 82052  
reassessment with respect to an assessment certified under section 82053  
5727.23 of the Revised Code, the tax commissioner shall notify the 82054  
treasurer of state or the auditor of each county to which the 82055  
assessment objected to has been certified. In the case of a 82056  
petition with respect to an assessment ~~issued~~ certified under 82057

section 5727.23 of the Revised Code, the commissioner shall issue 82058  
an appeal notice within thirty days after receiving the amount of 82059  
the taxable value reduction and apportionment changes sought by 82060  
the petitioner in the original petition or in any additional 82061  
objections properly and timely raised by the petitioner. The 82062  
appeal notice shall indicate the amount of the reduction in 82063  
taxable value sought in the petition or in the additional 82064  
objections and the extent to which the reduction in taxable value 82065  
and any change in apportionment requested by the petitioner would 82066  
affect the commissioner's apportionment of the taxable value among 82067  
taxing districts in the county as shown in the assessment. If a 82068  
petitioner is seeking a reduction in taxable value on the basis of 82069  
a lower percentage of true value than the percentage at which the 82070  
commissioner assessed the petitioner's taxable property, the 82071  
appeal notice shall indicate the reduction in taxable value sought 82072  
by the petitioner without regard to the reduction sought on the 82073  
basis of the lower percentage and shall indicate that the 82074  
petitioner is required to pay tax on the reduced taxable value 82075  
determined without regard to the reduction sought on the basis of 82076  
a lower percentage of true value, as provided under division 82077  
(B)(2)(c) of this section. The appeal notice shall include a 82078  
statement that the reduced taxable value and the apportionment 82079  
indicated in the notice are not final and are subject to 82080  
adjustment by the commissioner or by the board of tax appeals or a 82081  
court on appeal. If the commissioner finds an error in the appeal 82082  
notice, the commissioner may amend the notice, but the notice is 82083  
only for informational and tax payment purposes; the notice is not 82084  
subject to appeal by any person. The commissioner also shall mail 82085  
a copy of the appeal notice to the petitioner. Upon the request of 82086  
a taxing authority, the county auditor may disclose to the taxing 82087  
authority the extent to which a reduction in taxable value sought 82088  
by a petitioner would affect the apportionment of taxable value to 82089  
the taxing district or districts under the taxing authority's 82090

jurisdiction, but such a disclosure does not constitute a notice 82091  
required by law to be given for the purpose of section 5717.02 of 82092  
the Revised Code. 82093

(D) If the petitioner requests a hearing on the petition, the 82094  
tax commissioner shall assign a time and place for the hearing on 82095  
the petition and notify the petitioner of such time and place, but 82096  
the commissioner may continue the hearing from time to time as 82097  
necessary. 82098

(E) The tax commissioner may make corrections to the 82099  
assessment as the commissioner finds proper. The commissioner 82100  
shall serve a copy of the commissioner's final determination on 82101  
the petitioner in the manner provided in section 5703.37 of the 82102  
Revised Code. The commissioner's decision in the matter shall be 82103  
final, subject to appeal under section 5717.02 of the Revised 82104  
Code. The With respect to a final determination issued for an 82105  
assessment certified under section 5727.23 of the Revised Code, 82106  
the commissioner also shall transmit a copy of the final 82107  
determination to the ~~treasurer of state or~~ applicable county 82108  
auditor. In the absence of any further appeal, or when a decision 82109  
of the board of tax appeals or of any court to which the decision 82110  
has been appealed becomes final, the commissioner shall notify the 82111  
public utility and, as appropriate, ~~the treasurer of state who~~ 82112  
shall proceed under section 5727.42 of the Revised Code, or notify 82113  
the applicable county auditor, who shall proceed under section 82114  
5727.471 of the Revised Code. 82115

The notification made under this division is not subject to 82116  
further appeal. 82117

(F) On appeal, no adjustment shall be made in the tax 82118  
commissioner's assessment ~~issued~~ certified under section 5727.23 82119  
of the Revised Code that reduces the taxable value of a 82120  
petitioner's taxable property by an amount that exceeds the 82121  
reduction sought by the petitioner in its petition for 82122

reassessment or in any additional objections properly and timely 82123  
raised after the petition is filed with the commissioner. 82124

**Sec. 5727.48.** The tax commissioner, on application by a 82125  
public utility, may extend to the public utility a further 82126  
specified time, not to exceed ~~sixty~~ thirty days, within which to 82127  
file any report or statement required by this chapter to be filed 82128  
with the commissioner, except reports required by sections 5727.24 82129  
to 5727.29 of the Revised Code. A public utility must file such an 82130  
application, in writing, with the commissioner on or before the 82131  
date that the report or statement is otherwise required to be 82132  
filed. 82133

**Sec. 5727.53.** The taxes, fees, and penalties provided by this 82134  
chapter that are remitted to the treasurer of state may be 82135  
recovered by an action brought in the name of the state in the 82136  
court of common pleas of Franklin county, or of any county in 82137  
which such public utility is doing business, or in which the line 82138  
of any railroad company is located, and such court of common pleas 82139  
shall have jurisdiction of the action regardless of the amount 82140  
involved. The attorney general, on request of the tax 82141  
commissioner, shall institute such action in the court of common 82142  
pleas of Franklin county or of any of such counties the 82143  
commissioner directs. ~~In any such action it shall be sufficient to~~ 82144  
~~allege that the tax, fee, or penalty sought to be recovered stands~~ 82145  
~~charged on the delinquent duplicate of the treasurer of state, and~~ 82146  
~~that the same has been unpaid for a period of thirty days after~~ 82147  
~~having been placed thereon.~~ Sums recovered in any such action 82148  
shall be paid into the state treasury in the same manner as the 82149  
tax. 82150

**Sec. 5727.60.** If a person fails to file a report within the 82151  
time prescribed by section 5727.08 or 5727.31 of the Revised Code, 82152

including any extensions of time granted by the tax commissioner, 82153  
a penalty of fifty dollars per month, not to exceed five hundred 82154  
dollars, may be imposed for each month or fraction of a month 82155  
elapsing between the due date of the report, including any 82156  
extensions, and the date the report was filed. The penalty under 82157  
this section for failing to file a report required by section 82158  
5727.08 of the Revised Code shall be paid into the state general 82159  
revenue fund. ~~If the penalty is not paid within fifteen days after~~ 82160  
~~notice of the penalty is mailed to the person who failed to timely~~ 82161  
~~file the report, the tax commissioner shall certify the penalty as~~ 82162  
~~a claim to the attorney general for collection.~~ The penalty under 82163  
this section for failing to file the report required by section 82164  
5727.31 of the Revised Code shall be deposited into the state 82165  
treasury in the same manner as the tax, and the commissioner may 82166  
collect the penalty by assessment pursuant to section 5727.38 of 82167  
the Revised Code. The tax commissioner may abate this penalty in 82168  
full or in part. 82169

**Sec. 5731.46.** The county treasurer shall keep an account 82170  
showing the amount of all taxes and interest received by ~~him~~ the 82171  
treasurer under Chapter 5731. of the Revised Code. On the 82172  
twenty-fifth day of February ~~and the twentieth day of August~~ of 82173  
each year ~~he, the treasurer~~ shall settle with the county auditor 82174  
for all such taxes and interest so received ~~at the time of making~~ 82175  
~~such settlement, in the preceding calendar year and~~ not included 82176  
in any ~~preceding~~ prior settlement, showing for what estate, by 82177  
whom, and when paid. At each such settlement the auditor shall 82178  
allow to the treasurer and ~~himself~~ to the auditor, on the money so 82179  
collected and accounted for by ~~him~~ the auditor, their respective 82180  
fees, ~~at the percentages allowed by law~~ under section 319.54 or 82181  
321.27 of the Revised Code. The correctness thereof, together with 82182  
a statement of the fees allowed at such settlement, and the fees 82183  
and expenses allowed to the officers ~~under such chapter~~ shall be 82184

certified by the auditor. 82185

**Sec. 5731.49.** At each ~~semiannual~~ annual settlement provided 82186  
for by section 5731.46 of the Revised Code, the county auditor 82187  
shall certify to the county auditor of any other county in which 82188  
is located in whole or in part any municipal corporation or 82189  
township to which any of the taxes collected under this chapter 82190  
and not previously accounted for, is due, a statement of the 82191  
amount of such taxes due to each corporation or township in such 82192  
county entitled to share in the distribution thereof. The amount 82193  
due upon such settlement to each such municipal corporation or 82194  
township, and to each municipal corporation and township in the 82195  
county in which the taxes are collected, shall be paid upon the 82196  
warrant of the county auditor to the county treasurer or other 82197  
proper officer of such municipal corporation or township. The 82198  
amount of any refund chargeable against any such municipal 82199  
corporation or township at the time of making such settlement, 82200  
shall be adjusted in determining the amount due to such municipal 82201  
corporation or township at such settlement; provided that if the 82202  
municipal corporation or township against which such refund is 82203  
chargeable is not entitled to share in the fund to be distributed 82204  
at such settlement, the auditor shall draw a warrant for the 82205  
amount in favor of the treasurer payable from any undivided 82206  
general taxes in the possession of such treasurer, unless such 82207  
municipal corporation or township is located in another county, in 82208  
which event the auditor shall issue a certificate for such amount 82209  
to the auditor of the proper county, who shall draw a like warrant 82210  
therefor payable from any undivided general taxes in the 82211  
possession of the treasurer of such county. In either case at the 82212  
next semiannual settlement of such undivided general taxes, the 82213  
amount of such warrant shall be deducted from the distribution of 82214  
taxes of such municipal corporation or township and charged 82215  
against the proceeds of levies for the general fund of such 82216

municipal corporation or township, and a similar deduction shall 82217  
be made at each next semiannual settlement of such undivided 82218  
general taxes until such warrant has been satisfied in full. 82219

If it is discovered that an amount of taxes collected under 82220  
this chapter has been paid in error to a township or municipal 82221  
corporation to which the taxes are not due under this chapter, the 82222  
township or municipal corporation to which the amount was 82223  
erroneously paid, when repaying that amount to any subdivision to 82224  
which the taxes were due, shall not be required to pay interest on 82225  
that amount. 82226

**Sec. 5735.02.** (A) A motor fuel dealer shall not receive, use, 82227  
sell, or distribute any motor fuel or engage in business within 82228  
this state unless the motor fuel dealer holds an unrevoked license 82229  
issued by the tax commissioner to engage in such business. 82230

(B) To procure a motor fuel dealer's license, every motor 82231  
fuel dealer shall file with the commissioner an application 82232  
verified under oath by the applicant and in such form as the 82233  
commissioner prescribes, setting forth, in addition to such other 82234  
information required by the commissioner, the following: 82235

(1) The name under which the motor fuel dealer will transact 82236  
business within the state; 82237

(2) The location, including street number address, of its 82238  
principal office or place of business within this state; 82239

(3) The name and address of the owner, or the names and 82240  
addresses of the partners if such motor fuel dealer is a 82241  
partnership, or the names and addresses of the principal officers 82242  
if such motor fuel dealer is a corporation or an association; 82243

(4) If such motor fuel dealer is a corporation organized 82244  
under the laws of another state, territory, or country, a 82245  
certified copy of the certificate or license issued by the Ohio 82246

secretary of state showing that such corporation is authorized to 82247  
transact business in this state; 82248

(5) An agreement that the motor fuel dealer will assume the 82249  
liability and will pay the tax on any shipment of motor fuel made 82250  
into the state from any other state or foreign country and sold or 82251  
caused to be sold by such motor fuel dealer for delivery to a 82252  
person in this state who is not the holder of an unrevoked motor 82253  
fuel dealer's license. 82254

(C)(1) Except as provided in division (C)(2) of this section, 82255  
an application for a license shall be accompanied by a bond, of 82256  
the character stipulated and in the amount provided for in section 82257  
5735.03 of the Revised Code, which shall be filed with the 82258  
commissioner. 82259

(2) The ~~tax~~ commissioner may exempt a motor fuel dealer from 82260  
the requirements set forth in division (C)(1) of this section and 82261  
section 5735.03 of the Revised Code if the motor fuel dealer only 82262  
sells or distributes motor fuel upon which the motor fuel taxes 82263  
imposed under this chapter have been paid or are not required to 82264  
be paid by the motor fuel dealer. 82265

(D) If any application for a license to transact business as 82266  
a motor fuel dealer in the state is filed by any person who has 82267  
had any license previously canceled for cause by the tax 82268  
commissioner; if the commissioner believes that such application 82269  
is not filed in good faith or that such application is filed as a 82270  
subterfuge by some person for the real person in interest who has 82271  
previously had any license canceled for cause by the tax 82272  
commissioner; ~~or~~ if the person has violated any provision of this 82273  
chapter; or if the person has failed to file any returns, submit 82274  
any information, or pay any outstanding taxes, charges, or fees as 82275  
required for any tax, charge, or fee administered by the 82276  
commissioner, to the extent the commissioner is aware of such 82277  
failure at the time of the application, then the tax commissioner, 82278

after a hearing, of which the applicant shall be given five days' 82279  
notice in writing and at which said applicant shall have the right 82280  
to appear in person or by counsel and present testimony, may 82281  
refuse to issue to such person a license to transact business as a 82282  
motor fuel dealer in the state. 82283

(E) When the application in proper form has been accepted for 82284  
filing, and the bond accepted and approved, the commissioner shall 82285  
issue to such motor fuel dealer a license to transact business as 82286  
a motor fuel dealer in the state, subject to cancellation of such 82287  
license as provided by law. 82288

(F) No person shall make a false or fraudulent statement on 82289  
the application required by this section. 82290

**Sec. 5736.06.** (A) No person subject to the tax imposed by 82291  
section 5736.02 of the Revised Code shall distribute, import, or 82292  
cause the importation of motor fuel for consumption in this state 82293  
without holding a supplier's license issued by the tax 82294  
commissioner to engage in such activities. 82295

(B)(1) ~~A person~~ Within thirty days after first becoming 82296  
subject to the tax imposed by section 5736.02 of the Revised Code 82297  
~~shall, on or before March 1, 2014, or within thirty days of first~~ 82298  
~~becoming subject to the tax imposed by this chapter, whichever is~~ 82299  
~~earlier, a person shall~~ apply to the tax commissioner for a 82300  
supplier's license on the form prescribed by the commissioner. 82301

(2) Each person issued a supplier's license under division 82302  
(B)(1) of this section shall apply to renew the license on or 82303  
before the first day of March of each year. 82304

(3) Each license issued or renewed under division (B)(1) or 82305  
(2) of this section shall be valid from the first day of March 82306  
through the last day of February or, in the case of a new license 82307  
issued after the first day of March, the date of issuance through 82308

the last day of February. 82309

(4) With each license application submitted under division 82310  
(B)(1) or (2) of this section, the applicant shall pay an 82311  
application fee equal to one of the following amounts: 82312

(a) If the applicant solely imports or causes the importation 82313  
of motor fuel for sale, exchange, or transfer by the person in 82314  
this state, three hundred dollars; 82315

(b) If the applicant engages in activities in addition to 82316  
those described in division (B)~~(3)~~(4)(a) of this section, one 82317  
thousand dollars. 82318

If an applicant timely submits an application under division 82319  
(B)(1) of this section on or after the first day of September of 82320  
any year, the fee that would apply to the applicant under division 82321  
(B)~~(3)~~(4)(a) or (b) of this section shall be reduced by one-half. 82322

~~(4)~~(5) The failure to apply to the commissioner for a 82323  
supplier's license does not relieve a person from the requirement 82324  
to file returns and pay the tax imposed by this chapter. 82325

(C) The tax commissioner may refuse to issue a license to any 82326  
applicant under this section in the following circumstances: 82327

(1) The applicant has previously had any license canceled for 82328  
cause by the commissioner. 82329

(2) The commissioner believes that the application is not 82330  
filed in good faith or is filed as a subterfuge in an attempt to 82331  
procure a license for another person. 82332

(3) The applicant has violated any provision of this chapter. 82333

(D) If the tax commissioner refuses to issue a license to an 82334  
applicant under this section, the applicant is entitled to a 82335  
refund of the application fee in accordance with section 5736.08 82336  
of the Revised Code. All application fees collected under this 82337  
section shall be deposited into the petroleum activity tax 82338

administration fund created in section 5736.13 of the Revised Code. 82339  
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(E) No person shall make a false or fraudulent statement on an application required by this section. 82341  
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**Sec. 5739.01.** As used in this chapter: 82343

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form. 82344  
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(B) "Sale" and "selling" include all of the following transactions for a consideration in any manner, whether absolutely or conditionally, whether for a price or rental, in money or by exchange, and by any means whatsoever: 82349  
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(1) All transactions by which title or possession, or both, of tangible personal property, is or is to be transferred, or a license to use or consume tangible personal property is or is to be granted; 82353  
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(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests; 82357  
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(3) All transactions by which: 82359

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code; 82360  
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(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service; 82363  
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(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished; 82369  
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(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided; 82371  
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(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights. 82374  
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(f) Telecommunications service, including prepaid calling service, prepaid wireless calling service, or ancillary service, is or is to be provided, but not including coin-operated telephone service; 82390  
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(g) Landscaping and lawn care service is or is to be provided; 82394  
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(h) Private investigation and security service is or is to be provided; 82396  
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(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call; 82398  
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(j) Building maintenance and janitorial service is or is to be provided; 82400  
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(k) Employment service is or is to be provided; 82402

(l) Employment placement service is or is to be provided; 82403

(m) Exterminating service is or is to be provided; 82404

(n) Physical fitness facility service is or is to be provided; 82405  
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(o) Recreation and sports club service is or is to be provided; 82407  
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(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided; 82409  
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(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair. 82411  
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(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102; 82419  
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(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, 82427  
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disabled, or illegally parked motor vehicle. 82430

(t) On and after August 1, 2003, snow removal service is or 82431  
is to be provided. As used in this division, "snow removal 82432  
service" means the removal of snow by any mechanized means, but 82433  
does not include the providing of such service by a person that 82434  
has less than five thousand dollars in sales of such service 82435  
during the calendar year. 82436

(u) Electronic publishing service is or is to be provided to 82437  
a consumer for use in business, except that such transactions 82438  
occurring between members of an affiliated group, as defined in 82439  
division (B)(3)(e) of this section, are not sales. 82440

(v) A cosmetic medical procedure is or is to be provided. As 82441  
used in division (B)(3)(v) of this section: 82442

(i) "Cosmetic medical procedure" means a medical procedure 82443  
performed on an individual that is directed at improving the 82444  
individual's appearance and that does not meaningfully promote the 82445  
proper function of the body or prevent or treat illness or 82446  
disease. "Cosmetic medical procedure" includes cosmetic surgery, 82447  
hair transplants, cosmetic injections, cosmetic soft tissue 82448  
fillers, dermabrasion and chemical peel, laser hair removal, laser 82449  
skin resurfacing, laser treatment of leg veins, sclerotherapy, and 82450  
cosmetic dentistry. "Cosmetic medical procedure" does not include 82451  
reconstructive surgery or dentistry that is necessary to 82452  
ameliorate a deformity arising from, or directly related to, a 82453  
congenital abnormality, a personal injury resulting from an 82454  
accident or trauma, or a disfiguring disease. 82455

(ii) "Cosmetic surgery" means the surgical reshaping of 82456  
normal structures on the body to improve the body image, 82457  
self-esteem, or appearance of an individual. 82458

(4) All transactions by which printed, imprinted, 82459  
overprinted, lithographic, multilithic, blueprinted, photostatic, 82460

or other productions or reproductions of written or graphic matter 82461  
are or are to be furnished or transferred; 82462

(5) The production or fabrication of tangible personal 82463  
property for a consideration for consumers who furnish either 82464  
directly or indirectly the materials used in the production of 82465  
fabrication work; and include the furnishing, preparing, or 82466  
serving for a consideration of any tangible personal property 82467  
consumed on the premises of the person furnishing, preparing, or 82468  
serving such tangible personal property. Except as provided in 82469  
section 5739.03 of the Revised Code, a construction contract 82470  
pursuant to which tangible personal property is or is to be 82471  
incorporated into a structure or improvement on and becoming a 82472  
part of real property is not a sale of such tangible personal 82473  
property. The construction contractor is the consumer of such 82474  
tangible personal property, provided that the sale and 82475  
installation of carpeting, the sale and installation of 82476  
agricultural land tile, the sale and erection or installation of 82477  
portable grain bins, or the provision of landscaping and lawn care 82478  
service and the transfer of property as part of such service is 82479  
never a construction contract. 82480

As used in division (B)(5) of this section: 82481

(a) "Agricultural land tile" means fired clay or concrete 82482  
tile, or flexible or rigid perforated plastic pipe or tubing, 82483  
incorporated or to be incorporated into a subsurface drainage 82484  
system appurtenant to land used or to be used primarily in 82485  
production by farming, agriculture, horticulture, or floriculture. 82486  
The term does not include such materials when they are or are to 82487  
be incorporated into a drainage system appurtenant to a building 82488  
or structure even if the building or structure is used or to be 82489  
used in such production. 82490

(b) "Portable grain bin" means a structure that is used or to 82491  
be used by a person engaged in farming or agriculture to shelter 82492

the person's grain and that is designed to be disassembled without 82493  
significant damage to its component parts. 82494

(6) All transactions in which all of the shares of stock of a 82495  
closely held corporation are transferred, or an ownership interest 82496  
in a pass-through entity, as defined in section 5733.04 of the 82497  
Revised Code, is transferred, if the corporation or pass-through 82498  
entity is not engaging in business and its entire assets consist 82499  
of boats, planes, motor vehicles, or other tangible personal 82500  
property operated primarily for the use and enjoyment of the 82501  
shareholders or owners; 82502

(7) All transactions in which a warranty, maintenance or 82503  
service contract, or similar agreement by which the vendor of the 82504  
warranty, contract, or agreement agrees to repair or maintain the 82505  
tangible personal property of the consumer is or is to be 82506  
provided; 82507

(8) The transfer of copyrighted motion picture films used 82508  
solely for advertising purposes, except that the transfer of such 82509  
films for exhibition purposes is not a sale; 82510

(9) On and after August 1, 2003, all transactions by which 82511  
tangible personal property is or is to be stored, except such 82512  
property that the consumer of the storage holds for sale in the 82513  
regular course of business; 82514

(10) All transactions in which "guaranteed auto protection" 82515  
is provided whereby a person promises to pay to the consumer the 82516  
difference between the amount the consumer receives from motor 82517  
vehicle insurance and the amount the consumer owes to a person 82518  
holding title to or a lien on the consumer's motor vehicle in the 82519  
event the consumer's motor vehicle suffers a total loss under the 82520  
terms of the motor vehicle insurance policy or is stolen and not 82521  
recovered, if the protection and its price are included in the 82522  
purchase or lease agreement; 82523

(11)(a) Except as provided in division (B)(11)(b) of this section, on and after October 1, 2009, all transactions by which health care services are paid for, reimbursed, provided, delivered, arranged for, or otherwise made available by a medicaid health insuring corporation pursuant to the corporation's contract with the state.

(b) If the centers for medicare and medicaid services of the United States department of health and human services determines that the taxation of transactions described in division (B)(11)(a) of this section constitutes an impermissible health care-related tax under the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, the medicaid director shall notify the tax commissioner of that determination. Beginning with the first day of the month following that notification, the transactions described in division (B)(11)(a) of this section are not sales for the purposes of this chapter or Chapter 5741. of the Revised Code. The tax commissioner shall order that the collection of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code shall cease for transactions occurring on or after that date.

(12) All transactions by which a specified digital product is provided for permanent use or less than permanent use, regardless of whether continued payment is required.

(13) All transactions by which:

(a) Lobbying service is or is to be provided. As used in this division, "lobbying service" means any activity engaged in by a registered lobbyist that serves to influence the behavior or opinion of an elected official, an industry, or an organization. "Lobbying service" does not include an attorney representing the attorney's client in a specific administrative or judicial matter or any form of advertising. As used in division (B)(13)(a) of this

section, "registered lobbyist" means a person registered with the 82556  
state, the clerk of the United States house of representatives, or 82557  
the secretary of the United States senate to engage in lobbying 82558  
service. 82559

(b) Repossession service is or is to be provided. As used in 82560  
this division, "repossession service" means repossessing tangible 82561  
assets for a creditor because of delinquent debts. Such 82562  
repossessed assets include automobiles, boats, equipment, 82563  
aircraft, furniture, and appliances. 82564

(c) Cable television service is or is to be provided. As used 82565  
in this division, "cable television service" means the one-way 82566  
transmission to a subscriber of video programming or other 82567  
programming service and subscriber interaction, if any, that is 82568  
required for the selection or use of such video programming or 82569  
other programming service. 82570

(d) Landscape design service is or is to be provided. As used 82571  
in this division, "landscape design service" means the planning 82572  
and design of exterior spaces, including consultation; research; 82573  
supervision; preparation of general or specific design or detail 82574  
plans, studies, or specifications; or any other similar service. 82575

(e) Interior design and interior decorating service is or is 82576  
to be provided. As used in this division, "interior design and 82577  
interior decorating service" means the planning and design of 82578  
interior spaces, including the preparation of layout drawings, 82579  
schedules, and specifications pertaining to the planning and 82580  
design of interior spaces; furniture arranging; design and 82581  
planning of furniture, fixtures, and cabinetry; staging; lighting 82582  
and sound design; interior floral design; selection, purchase, and 82583  
arrangement of surface coverings, draperies, furniture, and other 82584  
decorations; or any other similar service. 82585

(f) Travel service is or is to be provided. As used in this 82586

division, "travel service" means acting as an agent to sell 82587  
travel, tour, or accommodation services to the general public and 82588  
commercial clients. "Travel service" does not include the cost of 82589  
the travel, tour, or accommodation. 82590

Transactions described in division (B)(13) of this section 82591  
occurring between members of an affiliated group, as defined in 82592  
division (B)(3)(e) of this section, are not sales. 82593

Except as provided in this section, "sale" and "selling" do 82594  
not include transfers of interest in leased property where the 82595  
original lessee and the terms of the original lease agreement 82596  
remain unchanged, or professional, insurance, or personal service 82597  
transactions that involve the transfer of tangible personal 82598  
property as an inconsequential element, for which no separate 82599  
charges are made. 82600

(C) "Vendor" means the person providing the service or by 82601  
whom the transfer effected or license given by a sale is or is to 82602  
be made or given and, for sales described in division (B)(3)(i) of 82603  
this section, the telecommunications service vendor that provides 82604  
the nine hundred telephone service; if two or more persons are 82605  
engaged in business at the same place of business under a single 82606  
trade name in which all collections on account of sales by each 82607  
are made, such persons shall constitute a single vendor. 82608

Physicians, dentists, hospitals, and veterinarians who are 82609  
engaged in selling tangible personal property as received from 82610  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 82611  
articles, are vendors. Veterinarians who are engaged in 82612  
transferring to others for a consideration drugs, the dispensing 82613  
of which does not require an order of a licensed veterinarian or 82614  
physician under federal law, are vendors. 82615

(D)(1) "Consumer" means the person for whom the service is 82616  
provided, to whom the transfer effected or license given by a sale 82617

is or is to be made or given, to whom the service described in 82618  
division (B)(3)(f) or (i) of this section is charged, or to whom 82619  
the admission is granted. 82620

(2) Physicians, dentists, hospitals, and blood banks operated 82621  
by nonprofit institutions and persons licensed to practice 82622  
veterinary medicine, surgery, and dentistry are consumers of all 82623  
tangible personal property and services purchased by them in 82624  
connection with the practice of medicine, dentistry, the rendition 82625  
of hospital or blood bank service, or the practice of veterinary 82626  
medicine, surgery, and dentistry. In addition to being consumers 82627  
of drugs administered by them or by their assistants according to 82628  
their direction, veterinarians also are consumers of drugs that 82629  
under federal law may be dispensed only by or upon the order of a 82630  
licensed veterinarian or physician, when transferred by them to 82631  
others for a consideration to provide treatment to animals as 82632  
directed by the veterinarian. 82633

(3) A person who performs a facility management, or similar 82634  
service contract for a contractee is a consumer of all tangible 82635  
personal property and services purchased for use in connection 82636  
with the performance of such contract, regardless of whether title 82637  
to any such property vests in the contractee. The purchase of such 82638  
property and services is not subject to the exception for resale 82639  
under division (E)(1) of this section. 82640

(4)(a) In the case of a person who purchases printed matter 82641  
for the purpose of distributing it or having it distributed to the 82642  
public or to a designated segment of the public, free of charge, 82643  
that person is the consumer of that printed matter, and the 82644  
purchase of that printed matter for that purpose is a sale. 82645

(b) In the case of a person who produces, rather than 82646  
purchases, printed matter for the purpose of distributing it or 82647  
having it distributed to the public or to a designated segment of 82648  
the public, free of charge, that person is the consumer of all 82649

tangible personal property and services purchased for use or 82650  
consumption in the production of that printed matter. That person 82651  
is not entitled to claim exemption under division (B)(42)(f) of 82652  
section 5739.02 of the Revised Code for any material incorporated 82653  
into the printed matter or any equipment, supplies, or services 82654  
primarily used to produce the printed matter. 82655

(c) The distribution of printed matter to the public or to a 82656  
designated segment of the public, free of charge, is not a sale to 82657  
the members of the public to whom the printed matter is 82658  
distributed or to any persons who purchase space in the printed 82659  
matter for advertising or other purposes. 82660

(5) A person who makes sales of any of the services listed in 82661  
division (B)(3) or (13) of this section is the consumer of any 82662  
tangible personal property used in performing the service. The 82663  
purchase of that property is not subject to the resale exception 82664  
under division (E)(1) of this section. 82665

(6) A person who engages in highway transportation for hire 82666  
is the consumer of all packaging materials purchased by that 82667  
person and used in performing the service, except for packaging 82668  
materials sold by such person in a transaction separate from the 82669  
service. 82670

(7) In the case of a transaction for health care services 82671  
under division (B)(11) of this section, a medicaid health insuring 82672  
corporation is the consumer of such services. The purchase of such 82673  
services by a medicaid health insuring corporation is not subject 82674  
to the exception for resale under division (E)(1) of this section 82675  
or to the exemptions provided under divisions (B)(12), (18), (19), 82676  
and (22) of section 5739.02 of the Revised Code. 82677

(E) "Retail sale" and "sales at retail" include all sales, 82678  
except those in which the purpose of the consumer is to resell the 82679  
thing transferred or benefit of the service provided, by a person 82680

engaging in business, in the form in which the same is, or is to be, received by the person. 82681  
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(F) "Business" includes any activity engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include the activity of a person in managing and investing the person's own funds. 82683  
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(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds itself out to the public as conducting such business. Making a casual sale is not engaging in business. 82687  
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(H)(1)(a) "Price," except as provided in divisions (H)(2), (3), and (4) of this section, means the total amount of consideration, including cash, credit, property, and services, for which tangible personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for any of the following: 82691  
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(i) The vendor's cost of the property sold; 82697

(ii) The cost of materials used, labor or service costs, interest, losses, all costs of transportation to the vendor, all taxes imposed on the vendor, including the tax imposed under Chapter 5751. of the Revised Code, and any other expense of the vendor; 82698  
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(iii) Charges by the vendor for any services necessary to complete the sale; 82703  
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(iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing. 82705  
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(v) Installation charges; 82710

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| (vi) Credit for any trade-in.   | 82711   |
| (b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met: | 82712<br>82713<br>82714<br>82715<br>82716<br>82717<br>82718<br>82719<br>82720 |
| (i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;   | 82721<br>82722<br>82723<br>82724<br>82725<br>82726                            |
| (ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.  | 82727<br>82728<br>82729<br>82730<br>82731                                     |
| (iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.   | 82732<br>82733<br>82734<br>82735  |
| (c) "Price" does not include any of the following:  | 82736   |
| (i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;  | 82737<br>82738<br>82739   |
| (ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if   | 82740<br>82741  |

the amount is separately stated on the invoice, bill of sale, or 82742  
similar document given to the purchaser; 82743

(iii) Any taxes legally imposed directly on the consumer that 82744  
are separately stated on the invoice, bill of sale, or similar 82745  
document given to the consumer. For the purpose of this division, 82746  
the tax imposed under Chapter 5751. of the Revised Code is not a 82747  
tax directly on the consumer, even if the tax or a portion thereof 82748  
is separately stated. 82749

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 82750  
section, any discount allowed by an automobile manufacturer to its 82751  
employee, or to the employee of a supplier, on the purchase of a 82752  
new motor vehicle from a new motor vehicle dealer in this state. 82753

(v) The dollar value of a gift card that is not sold by a 82754  
vendor or purchased by a consumer and that is redeemed by the 82755  
consumer in purchasing tangible personal property or services if 82756  
the vendor is not reimbursed and does not receive compensation 82757  
from a third party to cover all or part of the gift card value. 82758  
For the purposes of this division, a gift card is not sold by a 82759  
vendor or purchased by a consumer if it is distributed pursuant to 82760  
an awards, loyalty, or promotional program. Past and present 82761  
purchases of tangible personal property or services by the 82762  
consumer shall not be treated as consideration exchanged for a 82763  
gift card. 82764

(2) In the case of a sale of any new motor vehicle by a new 82765  
motor vehicle dealer, as defined in section 4517.01 of the Revised 82766  
Code, in which another motor vehicle is accepted by the dealer as 82767  
part of the consideration received, "price" has the same meaning 82768  
as in division (H)(1) of this section, reduced by the credit 82769  
afforded the consumer by the dealer for the motor vehicle received 82770  
in trade. 82771

(3) In the case of a sale of any watercraft or outboard motor 82772

by a watercraft dealer licensed in accordance with section 82773  
1547.543 of the Revised Code, in which another watercraft, 82774  
watercraft and trailer, or outboard motor is accepted by the 82775  
dealer as part of the consideration received, "price" has the same 82776  
meaning as in division (H)(1) of this section, reduced by the 82777  
credit afforded the consumer by the dealer for the watercraft, 82778  
watercraft and trailer, or outboard motor received in trade. As 82779  
used in this division, "watercraft" includes an outdrive unit 82780  
attached to the watercraft. 82781

(4) In the case of transactions for health care services 82782  
under division (B)(11) of this section, "price" means the amount 82783  
of managed care premiums received each month by a medicaid health 82784  
insuring corporation. 82785

(I) "Receipts" means the total amount of the prices of the 82786  
sales of vendors, provided that the dollar value of gift cards 82787  
distributed pursuant to an awards, loyalty, or promotional 82788  
program, and cash discounts allowed and taken on sales at the time 82789  
they are consummated are not included, minus any amount deducted 82790  
as a bad debt pursuant to section 5739.121 of the Revised Code. 82791  
"Receipts" does not include the sale price of property returned or 82792  
services rejected by consumers when the full sale price and tax 82793  
are refunded either in cash or by credit. 82794

(J) "Place of business" means any location at which a person 82795  
engages in business. 82796

(K) "Premises" includes any real property or portion thereof 82797  
upon which any person engages in selling tangible personal 82798  
property at retail or making retail sales and also includes any 82799  
real property or portion thereof designated for, or devoted to, 82800  
use in conjunction with the business engaged in by such person. 82801

(L) "Casual sale" means a sale of an item of tangible 82802  
personal property that was obtained by the person making the sale, 82803

through purchase or otherwise, for the person's own use and was 82804  
previously subject to any state's taxing jurisdiction on its sale 82805  
or use, and includes such items acquired for the seller's use that 82806  
are sold by an auctioneer employed directly by the person for such 82807  
purpose, provided the location of such sales is not the 82808  
auctioneer's permanent place of business. As used in this 82809  
division, "permanent place of business" includes any location 82810  
where such auctioneer has conducted more than two auctions during 82811  
the year. 82812

(M) "Hotel" means every establishment kept, used, maintained, 82813  
advertised, or held out to the public to be a place where sleeping 82814  
accommodations are offered to guests, in which five or more rooms 82815  
are used for the accommodation of such guests, whether the rooms 82816  
are in one or several structures, except as otherwise provided in 82817  
division (G) of section 5739.09 of the Revised Code. 82818

(N) "Transient guests" means persons occupying a room or 82819  
rooms for sleeping accommodations for less than thirty consecutive 82820  
days. 82821

(O) "Making retail sales" means the effecting of transactions 82822  
wherein one party is obligated to pay the price and the other 82823  
party is obligated to provide a service or to transfer title to or 82824  
possession of the item sold. "Making retail sales" does not 82825  
include the preliminary acts of promoting or soliciting the retail 82826  
sales, other than the distribution of printed matter which 82827  
displays or describes and prices the item offered for sale, nor 82828  
does it include delivery of a predetermined quantity of tangible 82829  
personal property or transportation of property or personnel to or 82830  
from a place where a service is performed. 82831

(P) "Used directly in the rendition of a public utility 82832  
service" means that property that is to be incorporated into and 82833  
will become a part of the consumer's production, transmission, 82834  
transportation, or distribution system and that retains its 82835

classification as tangible personal property after such 82836  
incorporation; fuel or power used in the production, transmission, 82837  
transportation, or distribution system; and tangible personal 82838  
property used in the repair and maintenance of the production, 82839  
transmission, transportation, or distribution system, including 82840  
only such motor vehicles as are specially designed and equipped 82841  
for such use. Tangible personal property and services used 82842  
primarily in providing highway transportation for hire are not 82843  
used directly in the rendition of a public utility service. In 82844  
this definition, "public utility" includes a citizen of the United 82845  
States holding, and required to hold, a certificate of public 82846  
convenience and necessity issued under 49 U.S.C. 41102. 82847

(Q) "Refining" means removing or separating a desirable 82848  
product from raw or contaminated materials by distillation or 82849  
physical, mechanical, or chemical processes. 82850

(R) "Assembly" and "assembling" mean attaching or fitting 82851  
together parts to form a product, but do not include packaging a 82852  
product. 82853

(S) "Manufacturing operation" means a process in which 82854  
materials are changed, converted, or transformed into a different 82855  
state or form from which they previously existed and includes 82856  
refining materials, assembling parts, and preparing raw materials 82857  
and parts by mixing, measuring, blending, or otherwise committing 82858  
such materials or parts to the manufacturing process. 82859  
"Manufacturing operation" does not include packaging. 82860

(T) "Fiscal officer" means, with respect to a regional 82861  
transit authority, the secretary-treasurer thereof, and with 82862  
respect to a county that is a transit authority, the fiscal 82863  
officer of the county transit board if one is appointed pursuant 82864  
to section 306.03 of the Revised Code or the county auditor if the 82865  
board of county commissioners operates the county transit system. 82866

(U) "Transit authority" means a regional transit authority 82867  
created pursuant to section 306.31 of the Revised Code or a county 82868  
in which a county transit system is created pursuant to section 82869  
306.01 of the Revised Code. For the purposes of this chapter, a 82870  
transit authority must extend to at least the entire area of a 82871  
single county. A transit authority that includes territory in more 82872  
than one county must include all the area of the most populous 82873  
county that is a part of such transit authority. County population 82874  
shall be measured by the most recent census taken by the United 82875  
States census bureau. 82876

(V) "Legislative authority" means, with respect to a regional 82877  
transit authority, the board of trustees thereof, and with respect 82878  
to a county that is a transit authority, the board of county 82879  
commissioners. 82880

(W) "Territory of the transit authority" means all of the 82881  
area included within the territorial boundaries of a transit 82882  
authority as they from time to time exist. Such territorial 82883  
boundaries must at all times include all the area of a single 82884  
county or all the area of the most populous county that is a part 82885  
of such transit authority. County population shall be measured by 82886  
the most recent census taken by the United States census bureau. 82887

(X) "Providing a service" means providing or furnishing 82888  
anything described in division (B)(3) of this section for 82889  
consideration. 82890

(Y)(1)(a) "Automatic data processing" means processing of 82891  
others' data, including keypunching or similar data entry services 82892  
together with verification thereof, or providing access to 82893  
computer equipment for the purpose of processing data. 82894

(b) "Computer services" means providing services consisting 82895  
of specifying computer hardware configurations and evaluating 82896  
technical processing characteristics, computer programming, and 82897

training of computer programmers and operators, provided in 82898  
conjunction with and to support the sale, lease, or operation of 82899  
taxable computer equipment or systems. 82900

(c) "Electronic information services" means providing access 82901  
to computer equipment by means of telecommunications equipment for 82902  
the purpose of either of the following: 82903

(i) Examining or acquiring data stored in or accessible to 82904  
the computer equipment; 82905

(ii) Placing data into the computer equipment to be retrieved 82906  
by designated recipients with access to the computer equipment. 82907

For transactions occurring on or after the effective date of 82908  
the amendment of this section by H.B. 157 of the 127th general 82909  
assembly, December 21, 2007, "electronic information services" 82910  
does not include electronic publishing as defined in division 82911  
(LLL) of this section. 82912

(d) "Automatic data processing, computer services, or 82913  
electronic information services" shall not include personal or 82914  
professional services. 82915

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 82916  
section, "personal and professional services" means all services 82917  
other than automatic data processing, computer services, or 82918  
electronic information services, including but not limited to: 82919

(a) Accounting and legal services such as advice on tax 82920  
matters, asset management, budgetary matters, quality control, 82921  
information security, and auditing and any other situation where 82922  
the service provider receives data or information and studies, 82923  
alters, analyzes, interprets, or adjusts such material; 82924

(b) Analyzing business policies and procedures; 82925

(c) Identifying management information needs; 82926

(d) Feasibility studies, including economic and technical 82927

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| analysis of existing or potential computer hardware or software needs and alternatives;  | 82928<br>82929                                     |
| (e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;   | 82930<br>82931<br>82932<br>82933                   |
| (f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;  | 82934<br>82935<br>82936                            |
| (g) Testing of business procedures;  | 82937  |
| (h) Training personnel in business procedure applications;   | 82938  |
| (i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium; | 82939<br>82940<br>82941<br>82942<br>82943<br>82944 |
| (j) Providing debt collection services by any oral, written, graphic, or electronic means;   | 82945<br>82946                                     |
| (k) Providing digital advertising services.  | 82947  |
| The services listed in divisions (Y)(2)(a) to (k) of this section are not automatic data processing or computer services.  | 82948<br>82949                                     |
| (Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:   | 82950<br>82951<br>82952                            |
| (1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;  | 82953<br>82954<br>82955<br>82956<br>82957          |

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third

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| parties;  | 82989  |
| (f) Internet access service;  | 82990  |
| (g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3; | 82991<br>82992<br>82993<br>82994<br>82995<br>82996<br>82997<br>82998 |
| (h) Ancillary service;  | 82999  |
| (i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.  | 83000<br>83001   |
| (2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:   | 83002<br>83003<br>83004<br>83005<br>83006                            |
| (a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.  | 83007<br>83008<br>83009<br>83010<br>83011                            |
| (b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.  | 83012<br>83013<br>83014  |
| (c) "Directory assistance" means an ancillary service of providing telephone number or address information.   | 83015<br>83016   |
| (d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications   | 83017<br>83018   |

services, which offers advanced calling features that allow 83019  
customers to identify callers and manage multiple calls and call 83020  
connections, including conference bridging service. 83021

(e) "Voice mail service" means an ancillary service that 83022  
enables the customer to store, send, or receive recorded messages. 83023  
"Voice mail service" does not include any vertical services that 83024  
the customer may be required to have in order to utilize the voice 83025  
mail service. 83026

(3) "900 service" means an inbound toll telecommunications 83027  
service purchased by a subscriber that allows the subscriber's 83028  
customers to call in to the subscriber's prerecorded announcement 83029  
or live service, and which is typically marketed under the name 83030  
"900 service" and any subsequent numbers designated by the federal 83031  
communications commission. "900 service" does not include the 83032  
charge for collection services provided by the seller of the 83033  
telecommunications service to the subscriber, or services or 83034  
products sold by the subscriber to the subscriber's customer. 83035

(4) "Prepaid calling service" means the right to access 83036  
exclusively telecommunications services, which must be paid for in 83037  
advance and which enables the origination of calls using an access 83038  
number or authorization code, whether manually or electronically 83039  
dialed, and that is sold in predetermined units or dollars of 83040  
which the number declines with use in a known amount. 83041

(5) "Prepaid wireless calling service" means a 83042  
telecommunications service that provides the right to utilize 83043  
mobile telecommunications service as well as other 83044  
non-telecommunications services, including the download of digital 83045  
products delivered electronically, and content and ancillary 83046  
services, that must be paid for in advance and that is sold in 83047  
predetermined units or dollars of which the number declines with 83048  
use in a known amount. 83049

(6) "Value-added non-voice data service" means a 83050  
telecommunications service in which computer processing 83051  
applications are used to act on the form, content, code, or 83052  
protocol of the information or data primarily for a purpose other 83053  
than transmission, conveyance, or routing. 83054

(7) "Coin-operated telephone service" means a 83055  
telecommunications service paid for by inserting money into a 83056  
telephone accepting direct deposits of money to operate. 83057

(8) "Customer" has the same meaning as in section 5739.034 of 83058  
the Revised Code. 83059

(BB) "Laundry and dry cleaning services" means removing soil 83060  
or dirt from towels, linens, articles of clothing, or other fabric 83061  
items that belong to others and supplying towels, linens, articles 83062  
of clothing, or other fabric items. "Laundry and dry cleaning 83063  
services" does not include the provision of self-service 83064  
facilities for use by consumers to remove soil or dirt from 83065  
towels, linens, articles of clothing, or other fabric items. 83066

(CC) "Magazines distributed as controlled circulation 83067  
publications" means magazines containing at least twenty-four 83068  
pages, at least twenty-five per cent editorial content, issued at 83069  
regular intervals four or more times a year, and circulated 83070  
without charge to the recipient, provided that such magazines are 83071  
not owned or controlled by individuals or business concerns which 83072  
conduct such publications as an auxiliary to, and essentially for 83073  
the advancement of the main business or calling of, those who own 83074  
or control them. 83075

(DD) "Landscaping and lawn care service" means the services 83076  
of planting, seeding, sodding, removing, cutting, trimming, 83077  
pruning, mulching, aerating, applying chemicals, watering, 83078  
fertilizing, and providing similar services to establish, promote, 83079  
or control the growth of trees, shrubs, flowers, grass, ground 83080

cover, and other flora, or otherwise maintaining a lawn or 83081  
landscape grown or maintained by the owner for ornamentation or 83082  
other nonagricultural purpose. However, "landscaping and lawn care 83083  
service" does not include the providing of such services by a 83084  
person who has less than five thousand dollars in sales of such 83085  
services during the calendar year. 83086

(EE) "Private investigation and security service" means the 83087  
performance of any activity for which the provider of such service 83088  
is required to be licensed pursuant to Chapter 4749. of the 83089  
Revised Code, or would be required to be so licensed in performing 83090  
such services in this state, and also includes the services of 83091  
conducting polygraph examinations and of monitoring or overseeing 83092  
the activities on or in, or the condition of, the consumer's home, 83093  
business, or other facility by means of electronic or similar 83094  
monitoring devices. "Private investigation and security service" 83095  
does not include special duty services provided by off-duty police 83096  
officers, deputy sheriffs, and other peace officers regularly 83097  
employed by the state or a political subdivision. 83098

(FF) "Information services" means providing conversation, 83099  
giving consultation or advice, playing or making a voice or other 83100  
recording, making or keeping a record of the number of callers, 83101  
and any other service provided to a consumer by means of a nine 83102  
hundred telephone call, except when the nine hundred telephone 83103  
call is the means by which the consumer makes a contribution to a 83104  
recognized charity. 83105

(GG) "Research and development" means designing, creating, or 83106  
formulating new or enhanced products, equipment, or manufacturing 83107  
processes, and also means conducting scientific or technological 83108  
inquiry and experimentation in the physical sciences with the goal 83109  
of increasing scientific knowledge which may reveal the bases for 83110  
new or enhanced products, equipment, or manufacturing processes. 83111

(HH) "Qualified research and development equipment" means 83112

capitalized tangible personal property, and leased personal 83113  
property that would be capitalized if purchased, used by a person 83114  
primarily to perform research and development. Tangible personal 83115  
property primarily used in testing, as defined in division (A)(4) 83116  
of section 5739.011 of the Revised Code, or used for recording or 83117  
storing test results, is not qualified research and development 83118  
equipment unless such property is primarily used by the consumer 83119  
in testing the product, equipment, or manufacturing process being 83120  
created, designed, or formulated by the consumer in the research 83121  
and development activity or in recording or storing such test 83122  
results. 83123

(II) "Building maintenance and janitorial service" means 83124  
cleaning the interior or exterior of a building and any tangible 83125  
personal property located therein or thereon, including any 83126  
services incidental to such cleaning for which no separate charge 83127  
is made. However, "building maintenance and janitorial service" 83128  
does not include the providing of such service by a person who has 83129  
less than five thousand dollars in sales of such service during 83130  
the calendar year. As used in this division, "cleaning" does not 83131  
include sanitation services necessary for an establishment 83132  
described in 21 U.S.C. 608 to comply with rules and regulations 83133  
adopted pursuant to that section. 83134

(JJ) "Employment service" means providing or supplying 83135  
personnel, on a temporary or long-term basis, to perform work or 83136  
labor under the supervision or control of another, when the 83137  
personnel so provided or supplied receive their wages, salary, or 83138  
other compensation from the provider or supplier of the employment 83139  
service or from a third party that provided or supplied the 83140  
personnel to the provider or supplier. "Employment service" does 83141  
not include: 83142

(1) Acting as a contractor or subcontractor, where the 83143  
personnel performing the work are not under the direct control of 83144

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| the purchaser.   | 83145   |
| (2) Medical and health care services.  | 83146   |
| (3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.  | 83147<br>83148<br>83149<br>83150                            |
| (4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section.   | 83151<br>83152  |
| (5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party.   | 83153<br>83154<br>83155<br>83156<br>83157                   |
| (KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.  | 83158<br>83159<br>83160                                     |
| (LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.   | 83161<br>83162<br>83163<br>83164<br>83165                   |
| (MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise. | 83166<br>83167<br>83168<br>83169<br>83170<br>83171<br>83172 |
| (NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or  | 83173<br>83174  |

renewed, including initiation fees, membership dues, renewal fees, 83175  
monthly minimum fees, and other similar fees and dues, by a 83176  
recreation and sports club, which entitles the member to use the 83177  
facilities of the organization. "Recreation and sports club" means 83178  
an organization that has ownership of, or controls or leases on a 83179  
continuing, long-term basis, the facilities used by its members 83180  
and includes an aviation club, gun or shooting club, yacht club, 83181  
card club, swimming club, tennis club, golf club, country club, 83182  
riding club, amateur sports club, or similar organization. 83183

(OO) "Livestock" means farm animals commonly raised for food, 83184  
food production, or other agricultural purposes, including, but 83185  
not limited to, cattle, sheep, goats, swine, poultry, and captive 83186  
deer. "Livestock" does not include invertebrates, amphibians, 83187  
reptiles, domestic pets, animals for use in laboratories or for 83188  
exhibition, or other animals not commonly raised for food or food 83189  
production. 83190

(PP) "Livestock structure" means a building or structure used 83191  
exclusively for the housing, raising, feeding, or sheltering of 83192  
livestock, and includes feed storage or handling structures and 83193  
structures for livestock waste handling. 83194

(QQ) "Horticulture" means the growing, cultivation, and 83195  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 83196  
and nursery stock. As used in this division, "nursery stock" has 83197  
the same meaning as in section 927.51 of the Revised Code. 83198

(RR) "Horticulture structure" means a building or structure 83199  
used exclusively for the commercial growing, raising, or 83200  
overwintering of horticultural products, and includes the area 83201  
used for stocking, storing, and packing horticultural products 83202  
when done in conjunction with the production of those products. 83203

(SS) "Newspaper" means an unbound publication bearing a title 83204  
or name that is regularly published, at least as frequently as 83205

biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

(2) "Full-time employee" means an individual who is employed for consideration for thirty-five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(UU)(1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of

the property. "Lease" or "rental" does not include: 83238

(a) A transfer of possession or control of tangible personal 83239  
property under a security agreement or a deferred payment plan 83240  
that requires the transfer of title upon completion of the 83241  
required payments; 83242

(b) A transfer of possession or control of tangible personal 83243  
property under an agreement that requires the transfer of title 83244  
upon completion of required payments and payment of an option 83245  
price that does not exceed the greater of one hundred dollars or 83246  
one per cent of the total required payments; 83247

(c) Providing tangible personal property along with an 83248  
operator for a fixed or indefinite period of time, if the operator 83249  
is necessary for the property to perform as designed. For purposes 83250  
of this division, the operator must do more than maintain, 83251  
inspect, or set up the tangible personal property. 83252

(2) "Lease" and "rental," as defined in division (UU) of this 83253  
section, shall not apply to leases or rentals that exist before 83254  
June 26, 2003. 83255

(3) "Lease" and "rental" have the same meaning as in division 83256  
(UU)(1) of this section regardless of whether a transaction is 83257  
characterized as a lease or rental under generally accepted 83258  
accounting principles, the Internal Revenue Code, Title XIII of 83259  
the Revised Code, or other federal, state, or local laws. 83260

(VV) "Mobile telecommunications service" has the same meaning 83261  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 83262  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 83263  
on and after August 1, 2003, includes related fees and ancillary 83264  
services, including universal service fees, detailed billing 83265  
service, directory assistance, service initiation, voice mail 83266  
service, and vertical services, such as caller ID and three-way 83267  
calling. 83268

(WW) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code. 83269  
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(XX) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service. 83271  
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(YY) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. For purposes of this chapter and Chapter 5741. of the Revised Code, "tangible personal property" includes motor vehicles, electricity, water, gas, steam, and prewritten computer software. 83280  
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~~(ZZ) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the consumer or at the direction of the consumer when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the consumer to the direct mail vendor for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address~~ "Municipal gas utility" means a municipal corporation that owns or operates a system for the distribution of natural gas. 83286  
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(AAA) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions. 83298  
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(BBB) "Computer software" means a set of coded instructions 83301  
designed to cause a computer or automatic data processing 83302  
equipment to perform a task. 83303

(CCC) "Delivered electronically" means delivery of computer 83304  
software from the seller to the purchaser by means other than 83305  
tangible storage media. 83306

(DDD) "Prewritten computer software" means computer software, 83307  
including prewritten upgrades, that is not designed and developed 83308  
by the author or other creator to the specifications of a specific 83309  
purchaser. The combining of two or more prewritten computer 83310  
software programs or prewritten portions thereof does not cause 83311  
the combination to be other than prewritten computer software. 83312  
"Prewritten computer software" includes software designed and 83313  
developed by the author or other creator to the specifications of 83314  
a specific purchaser when it is sold to a person other than the 83315  
purchaser. If a person modifies or enhances computer software of 83316  
which the person is not the author or creator, the person shall be 83317  
deemed to be the author or creator only of such person's 83318  
modifications or enhancements. Prewritten computer software or a 83319  
prewritten portion thereof that is modified or enhanced to any 83320  
degree, where such modification or enhancement is designed and 83321  
developed to the specifications of a specific purchaser, remains 83322  
prewritten computer software; provided, however, that where there 83323  
is a reasonable, separately stated charge or an invoice or other 83324  
statement of the price given to the purchaser for the modification 83325  
or enhancement, the modification or enhancement shall not 83326  
constitute prewritten computer software. 83327

(EEE)(1) "Food" means substances, whether in liquid, 83328  
concentrated, solid, frozen, dried, or dehydrated form, that are 83329  
sold for ingestion or chewing by humans and are consumed for their 83330  
taste or nutritional value. "Food" does not include alcoholic 83331  
beverages, dietary supplements, soft drinks, or tobacco. 83332

- (2) As used in division (EEE)(1) of this section: 83333
- (a) "Alcoholic beverages" means beverages that are suitable 83334  
for human consumption and contain one-half of one per cent or more 83335  
of alcohol by volume. 83336
- (b) "Dietary supplements" means any product, other than 83337  
tobacco, that is intended to supplement the diet and that is 83338  
intended for ingestion in tablet, capsule, powder, softgel, 83339  
gelcap, or liquid form, or, if not intended for ingestion in such 83340  
a form, is not represented as conventional food for use as a sole 83341  
item of a meal or of the diet; that is required to be labeled as a 83342  
dietary supplement, identifiable by the "supplement facts" box 83343  
found on the label, as required by 21 C.F.R. 101.36; and that 83344  
contains one or more of the following dietary ingredients: 83345
- (i) A vitamin; 83346
- (ii) A mineral; 83347
- (iii) An herb or other botanical; 83348
- (iv) An amino acid; 83349
- (v) A dietary substance for use by humans to supplement the 83350  
diet by increasing the total dietary intake; 83351
- (vi) A concentrate, metabolite, constituent, extract, or 83352  
combination of any ingredient described in divisions 83353  
(EEE)(2)(b)(i) to (v) of this section. 83354
- (c) "Soft drinks" means nonalcoholic beverages that contain 83355  
natural or artificial sweeteners. "Soft drinks" does not include 83356  
beverages that contain milk or milk products, soy, rice, or 83357  
similar milk substitutes, or that contains greater than fifty per 83358  
cent vegetable or fruit juice by volume. 83359
- (d) "Tobacco" means cigarettes, cigars, chewing or pipe 83360  
tobacco, or any other item that contains tobacco. 83361
- (FFF) "Drug" means a compound, substance, or preparation, and 83362

any component of a compound, substance, or preparation, other than 83363  
food, dietary supplements, or alcoholic beverages that is 83364  
recognized in the official United States pharmacopoeia, official 83365  
homeopathic pharmacopoeia of the United States, or official 83366  
national formulary, and supplements to them; is intended for use 83367  
in the diagnosis, cure, mitigation, treatment, or prevention of 83368  
disease; or is intended to affect the structure or any function of 83369  
the body. 83370

(GGG) "Prescription" means an order, formula, or recipe 83371  
issued in any form of oral, written, electronic, or other means of 83372  
transmission by a duly licensed practitioner authorized by the 83373  
laws of this state to issue a prescription. 83374

(HHH) "Durable medical equipment" means equipment, including 83375  
repair and replacement parts for such equipment, that can 83376  
withstand repeated use, is primarily and customarily used to serve 83377  
a medical purpose, generally is not useful to a person in the 83378  
absence of illness or injury, and is not worn in or on the body. 83379  
"Durable medical equipment" does not include mobility enhancing 83380  
equipment. 83381

(III) "Mobility enhancing equipment" means equipment, 83382  
including repair and replacement parts for such equipment, that is 83383  
primarily and customarily used to provide or increase the ability 83384  
to move from one place to another and is appropriate for use 83385  
either in a home or a motor vehicle, that is not generally used by 83386  
persons with normal mobility, and that does not include any motor 83387  
vehicle or equipment on a motor vehicle normally provided by a 83388  
motor vehicle manufacturer. "Mobility enhancing equipment" does 83389  
not include durable medical equipment. 83390

(JJJ) "Prosthetic device" means a replacement, corrective, or 83391  
supportive device, including repair and replacement parts for the 83392  
device, worn on or in the human body to artificially replace a 83393  
missing portion of the body, prevent or correct physical deformity 83394

or malfunction, or support a weak or deformed portion of the body. 83395  
As used in this division, "prosthetic device" does not include 83396  
corrective eyeglasses, contact lenses, or dental prosthesis. 83397

(KKK)(1) "Fractional aircraft ownership program" means a 83398  
program in which persons within an affiliated group sell and 83399  
manage fractional ownership program aircraft, provided that at 83400  
least one hundred airworthy aircraft are operated in the program 83401  
and the program meets all of the following criteria: 83402

(a) Management services are provided by at least one program 83403  
manager within an affiliated group on behalf of the fractional 83404  
owners. 83405

(b) Each program aircraft is owned or possessed by at least 83406  
one fractional owner. 83407

(c) Each fractional owner owns or possesses at least a 83408  
one-sixteenth interest in at least one fixed-wing program 83409  
aircraft. 83410

(d) A dry-lease aircraft interchange arrangement is in effect 83411  
among all of the fractional owners. 83412

(e) Multi-year program agreements are in effect regarding the 83413  
fractional ownership, management services, and dry-lease aircraft 83414  
interchange arrangement aspects of the program. 83415

(2) As used in division (KKK)(1) of this section: 83416

(a) "Affiliated group" has the same meaning as in division 83417  
(B)(3)(e) of this section. 83418

(b) "Fractional owner" means a person that owns or possesses 83419  
at least a one-sixteenth interest in a program aircraft and has 83420  
entered into the agreements described in division (KKK)(1)(e) of 83421  
this section. 83422

(c) "Fractional ownership program aircraft" or "program 83423  
aircraft" means a turbojet aircraft that is owned or possessed by 83424

a fractional owner and that has been included in a dry-lease 83425  
aircraft interchange arrangement and agreement under divisions 83426  
(KKK)(1)(d) and (e) of this section, or an aircraft a program 83427  
manager owns or possesses primarily for use in a fractional 83428  
aircraft ownership program. 83429

(d) "Management services" means administrative and aviation 83430  
support services furnished under a fractional aircraft ownership 83431  
program in accordance with a management services agreement under 83432  
division (KKK)(1)(e) of this section, and offered by the program 83433  
manager to the fractional owners, including, at a minimum, the 83434  
establishment and implementation of safety guidelines; the 83435  
coordination of the scheduling of the program aircraft and crews; 83436  
program aircraft maintenance; program aircraft insurance; crew 83437  
training for crews employed, furnished, or contracted by the 83438  
program manager or the fractional owner; the satisfaction of 83439  
record-keeping requirements; and the development and use of an 83440  
operations manual and a maintenance manual for the fractional 83441  
aircraft ownership program. 83442

(e) "Program manager" means the person that offers management 83443  
services to fractional owners pursuant to a management services 83444  
agreement under division (KKK)(1)(e) of this section. 83445

(LLL) "Electronic publishing" means providing access to one 83446  
or more of the following primarily for business customers, 83447  
including the federal government or a state government or a 83448  
political subdivision thereof, to conduct research: news; 83449  
business, financial, legal, consumer, or credit materials; 83450  
editorials, columns, reader commentary, or features; photos or 83451  
images; archival or research material; legal notices, identity 83452  
verification, or public records; scientific, educational, 83453  
instructional, technical, professional, trade, or other literary 83454  
materials; or other similar information which has been gathered 83455  
and made available by the provider to the consumer in an 83456

electronic format. Providing electronic publishing includes the 83457  
functions necessary for the acquisition, formatting, editing, 83458  
storage, and dissemination of data or information that is the 83459  
subject of a sale. 83460

(MMM) "Medicaid health insuring corporation" means a health 83461  
insuring corporation that holds a certificate of authority under 83462  
Chapter 1751. of the Revised Code and is under contract with the 83463  
department of ~~job and family services~~ medicaid pursuant to section 83464  
~~5111.17~~ 5167.10 of the Revised Code. 83465

(NNN) "Managed care premium" means any premium, capitation, 83466  
or other payment a medicaid health insuring corporation receives 83467  
for providing or arranging for the provision of health care 83468  
services to its members or enrollees residing in this state. 83469

(OOO) "Captive deer" means deer and other cervidae that have 83470  
been legally acquired, or their offspring, that are privately 83471  
owned for agricultural or farming purposes. 83472

(PPP) "Gift card" means a document, card, certificate, or 83473  
other record, whether tangible or intangible, that may be redeemed 83474  
by a consumer for a dollar value when making a purchase of 83475  
tangible personal property or services. 83476

(QQQ) "Specified digital product" means an electronically 83477  
transferred digital audiovisual work, digital audio work, or 83478  
digital book. 83479

As used in division (QQQ) of this section: 83480

(1) "Digital audiovisual work" means a series of related 83481  
images that, when shown in succession, impart an impression of 83482  
motion, together with accompanying sounds, if any. 83483

(2) "Digital audio work" means a work that results from the 83484  
fixation of a series of musical, spoken, or other sounds, 83485  
including digitized sound files that are downloaded onto a device 83486

and that may be used to alert the customer with respect to a 83487  
communication. 83488

(3) "Digital book" means a work that is generally recognized 83489  
in the ordinary and usual sense as a book. 83490

(4) "Electronically transferred" means obtained by the 83491  
purchaser by means other than tangible storage media. 83492

(RRR) "Digital advertising services" means providing access, 83493  
by means of telecommunications equipment, to computer equipment 83494  
that is used to enter, upload, download, review, manipulate, 83495  
store, add, or delete data for the purpose of electronically 83496  
displaying, delivering, placing, or transferring promotional 83497  
advertisements to potential customers about products or services 83498  
or about industry or business brands. 83499

~~(SSS) "Municipal gas utility" means a municipal corporation 83500  
that owns or operates a system for the distribution of natural 83501  
gas. 83502~~

**Sec. 5739.02.** For the purpose of providing revenue with which 83503  
to meet the needs of the state, for the use of the general revenue 83504  
fund of the state, for the purpose of securing a thorough and 83505  
efficient system of common schools throughout the state, for the 83506  
purpose of affording revenues, in addition to those from general 83507  
property taxes, permitted under constitutional limitations, and 83508  
from other sources, for the support of local governmental 83509  
functions, and for the purpose of reimbursing the state for the 83510  
expense of administering this chapter, an excise tax is hereby 83511  
levied on each retail sale made in this state. 83512

(A)(1) The tax shall be collected as provided in section 83513  
5739.025 of the Revised Code. The rate of the tax shall be ~~five~~ 83514  
~~six~~ and ~~three-fourths~~ one-fourth per cent. The tax applies and is 83515  
collectible when the sale is made, regardless of the time when the 83516

price is paid or delivered. 83517

(2) In the case of the lease or rental, with a fixed term of 83518  
more than thirty days or an indefinite term with a minimum period 83519  
of more than thirty days, of any motor vehicles designed by the 83520  
manufacturer to carry a load of not more than one ton, watercraft, 83521  
outboard motor, or aircraft, or of any tangible personal property, 83522  
other than motor vehicles designed by the manufacturer to carry a 83523  
load of more than one ton, to be used by the lessee or renter 83524  
primarily for business purposes, the tax shall be collected by the 83525  
vendor at the time the lease or rental is consummated and shall be 83526  
calculated by the vendor on the basis of the total amount to be 83527  
paid by the lessee or renter under the lease agreement. If the 83528  
total amount of the consideration for the lease or rental includes 83529  
amounts that are not calculated at the time the lease or rental is 83530  
executed, the tax shall be calculated and collected by the vendor 83531  
at the time such amounts are billed to the lessee or renter. In 83532  
the case of an open-end lease or rental, the tax shall be 83533  
calculated by the vendor on the basis of the total amount to be 83534  
paid during the initial fixed term of the lease or rental, and for 83535  
each subsequent renewal period as it comes due. As used in this 83536  
division, "motor vehicle" has the same meaning as in section 83537  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 83538  
unit attached to the watercraft. 83539

A lease with a renewal clause and a termination penalty or 83540  
similar provision that applies if the renewal clause is not 83541  
exercised is presumed to be a sham transaction. In such a case, 83542  
the tax shall be calculated and paid on the basis of the entire 83543  
length of the lease period, including any renewal periods, until 83544  
the termination penalty or similar provision no longer applies. 83545  
The taxpayer shall bear the burden, by a preponderance of the 83546  
evidence, that the transaction or series of transactions is not a 83547  
sham transaction. 83548

(3) Except as provided in division (A)(2) of this section, in 83549  
the case of a sale, the price of which consists in whole or in 83550  
part of the lease or rental of tangible personal property, the tax 83551  
shall be measured by the installments of that lease or rental. 83552

(4) In the case of a sale of a physical fitness facility 83553  
service or recreation and sports club service, the price of which 83554  
consists in whole or in part of a membership for the receipt of 83555  
the benefit of the service, the tax applicable to the sale shall 83556  
be measured by the installments thereof. 83557

(B) The tax does not apply to the following: 83558

(1) Sales to the state or any of its political subdivisions, 83559  
or to any other state or its political subdivisions if the laws of 83560  
that state exempt from taxation sales made to this state and its 83561  
political subdivisions; 83562

(2) Sales of food for human consumption off the premises 83563  
where sold; 83564

(3) Sales of food sold to students only in a cafeteria, 83565  
dormitory, fraternity, or sorority maintained in a private, 83566  
public, or parochial school, college, or university; 83567

(4) Sales of newspapers and sales or transfers of magazines 83568  
distributed as controlled circulation publications; 83569

(5) The furnishing, preparing, or serving of meals without 83570  
charge by an employer to an employee provided the employer records 83571  
the meals as part compensation for services performed or work 83572  
done; 83573

(6) Sales of motor fuel upon receipt, use, distribution, or 83574  
sale of which in this state a tax is imposed by the law of this 83575  
state, but this exemption shall not apply to the sale of motor 83576  
fuel on which a refund of the tax is allowable under division (A) 83577  
of section 5735.14 of the Revised Code; and the tax commissioner 83578

may deduct the amount of tax levied by this section applicable to 83579  
the price of motor fuel when granting a refund of motor fuel tax 83580  
pursuant to division (A) of section 5735.14 of the Revised Code 83581  
and shall cause the amount deducted to be paid into the general 83582  
revenue fund of this state; 83583

(7) Sales of natural gas by a natural gas company or 83584  
municipal gas utility, of water by a water-works company, or of 83585  
steam by a heating company, if in each case the thing sold is 83586  
delivered to consumers through pipes or conduits, and all sales of 83587  
communications services by a telegraph company, all terms as 83588  
defined in section 5727.01 of the Revised Code, and sales of 83589  
electricity delivered through wires; 83590

(8) Casual sales by a person, or auctioneer employed directly 83591  
by the person to conduct such sales, except as to such sales of 83592  
motor vehicles, watercraft or outboard motors required to be 83593  
titled under section 1548.06 of the Revised Code, watercraft 83594  
documented with the United States coast guard, snowmobiles, and 83595  
all-purpose vehicles as defined in section 4519.01 of the Revised 83596  
Code; 83597

(9)(a) Sales of services or tangible personal property, other 83598  
than motor vehicles, mobile homes, and manufactured homes, by 83599  
churches, organizations exempt from taxation under section 83600  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 83601  
organizations operated exclusively for charitable purposes as 83602  
defined in division (B)(12) of this section, provided that the 83603  
number of days on which such tangible personal property or 83604  
services, other than items never subject to the tax, are sold does 83605  
not exceed six in any calendar year, except as otherwise provided 83606  
in division (B)(9)(b) of this section. If the number of days on 83607  
which such sales are made exceeds six in any calendar year, the 83608  
church or organization shall be considered to be engaged in 83609  
business and all subsequent sales by it shall be subject to the 83610

tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D)

of section 5709.12 of the Revised Code. 83642

"Charitable purposes" means the relief of poverty; the 83643  
improvement of health through the alleviation of illness, disease, 83644  
or injury; the operation of an organization exclusively for the 83645  
provision of professional, laundry, printing, and purchasing 83646  
services to hospitals or charitable institutions; the operation of 83647  
a home for the aged, as defined in section 5701.13 of the Revised 83648  
Code; the operation of a radio or television broadcasting station 83649  
that is licensed by the federal communications commission as a 83650  
noncommercial educational radio or television station; the 83651  
operation of a nonprofit animal adoption service or a county 83652  
humane society; the promotion of education by an institution of 83653  
learning that maintains a faculty of qualified instructors, 83654  
teaches regular continuous courses of study, and confers a 83655  
recognized diploma upon completion of a specific curriculum; the 83656  
operation of a parent-teacher association, booster group, or 83657  
similar organization primarily engaged in the promotion and 83658  
support of the curricular or extracurricular activities of a 83659  
primary or secondary school; the operation of a community or area 83660  
center in which presentations in music, dramatics, the arts, and 83661  
related fields are made in order to foster public interest and 83662  
education therein; the production of performances in music, 83663  
dramatics, and the arts; or the promotion of education by an 83664  
organization engaged in carrying on research in, or the 83665  
dissemination of, scientific and technological knowledge and 83666  
information primarily for the public. 83667

Nothing in this division shall be deemed to exempt sales to 83668  
any organization for use in the operation or carrying on of a 83669  
trade or business, or sales to a home for the aged for use in the 83670  
operation of independent living facilities as defined in division 83671  
(A) of section 5709.12 of the Revised Code. 83672

(13) Building and construction materials and services sold to 83673

construction contractors for incorporation into a structure or 83674  
improvement to real property under a construction contract with 83675  
this state or a political subdivision of this state, or with the 83676  
United States government or any of its agencies; building and 83677  
construction materials and services sold to construction 83678  
contractors for incorporation into a structure or improvement to 83679  
real property that are accepted for ownership by this state or any 83680  
of its political subdivisions, or by the United States government 83681  
or any of its agencies at the time of completion of the structures 83682  
or improvements; building and construction materials sold to 83683  
construction contractors for incorporation into a horticulture 83684  
structure or livestock structure for a person engaged in the 83685  
business of horticulture or producing livestock; building 83686  
materials and services sold to a construction contractor for 83687  
incorporation into a house of public worship or religious 83688  
education, or a building used exclusively for charitable purposes 83689  
under a construction contract with an organization whose purpose 83690  
is as described in division (B)(12) of this section; building 83691  
materials and services sold to a construction contractor for 83692  
incorporation into a building under a construction contract with 83693  
an organization exempt from taxation under section 501(c)(3) of 83694  
the Internal Revenue Code of 1986 when the building is to be used 83695  
exclusively for the organization's exempt purposes; building and 83696  
construction materials sold for incorporation into the original 83697  
construction of a sports facility under section 307.696 of the 83698  
Revised Code; building and construction materials and services 83699  
sold to a construction contractor for incorporation into real 83700  
property outside this state if such materials and services, when 83701  
sold to a construction contractor in the state in which the real 83702  
property is located for incorporation into real property in that 83703  
state, would be exempt from a tax on sales levied by that state; 83704  
building and construction materials for incorporation into a 83705  
transportation facility pursuant to a public-private agreement 83706

entered into under sections 5501.70 to 5501.83 of the Revised Code; and, until one calendar year after the construction of a convention center that qualifies for property tax exemption under section 5709.084 of the Revised Code is completed, building and construction materials and services sold to a construction contractor for incorporation into the real property comprising that convention center;

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons primarily engaged in any of the activities mentioned in division (B)(42)(a), (g), or (h) of this section, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale, including any machinery, equipment, and supplies used to make labels or packages, to prepare packages or products for labeling, or to label packages or products, by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, but does not include motor vehicles or bulk tanks, trailers, or similar devices attached to motor vehicles. "Packaging" means placing in a package. Division (B)(15) of this section does not apply to persons engaged in highway transportation for hire.

(16) Sales of food to persons using supplemental nutrition assistance program benefits to purchase the food. As used in this

division, "food" has the same meaning as in 7 U.S.C. 2012 and 83739  
federal regulations adopted pursuant to the Food and Nutrition Act 83740  
of 2008. 83741

(17) Sales to persons engaged in farming, agriculture, 83742  
horticulture, or floriculture, of tangible personal property for 83743  
use or consumption primarily in the production by farming, 83744  
agriculture, horticulture, or floriculture of other tangible 83745  
personal property for use or consumption primarily in the 83746  
production of tangible personal property for sale by farming, 83747  
agriculture, horticulture, or floriculture; or material and parts 83748  
for incorporation into any such tangible personal property for use 83749  
or consumption in production; and of tangible personal property 83750  
for such use or consumption in the conditioning or holding of 83751  
products produced by and for such use, consumption, or sale by 83752  
persons engaged in farming, agriculture, horticulture, or 83753  
floriculture, except where such property is incorporated into real 83754  
property; 83755

(18) Sales of drugs for a human being that may be dispensed 83756  
only pursuant to a prescription; insulin as recognized in the 83757  
official United States pharmacopoeia; urine and blood testing 83758  
materials when used by diabetics or persons with hypoglycemia to 83759  
test for glucose or acetone; hypodermic syringes and needles when 83760  
used by diabetics for insulin injections; epoetin alfa when 83761  
purchased for use in the treatment of persons with medical 83762  
disease; hospital beds when purchased by hospitals, nursing homes, 83763  
or other medical facilities; and medical oxygen and medical 83764  
oxygen-dispensing equipment when purchased by hospitals, nursing 83765  
homes, or other medical facilities; 83766

(19) Sales of prosthetic devices, durable medical equipment 83767  
for home use, or mobility enhancing equipment, when made pursuant 83768  
to a prescription and when such devices or equipment are for use 83769  
by a human being. 83770

(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and emergency medical services, for political subdivisions of the state;

(21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state under the circumstances described in division (B) of section 5739.029 of the Revised Code;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats,

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| cartons, closure materials, labels, and labeling materials, and    | 83803 |
| "packaging" means placing therein.                                 | 83804 |
| (25)(a) Sales of water to a consumer for residential use;          | 83805 |
| (b) Sales of water by a nonprofit corporation engaged              | 83806 |
| exclusively in the treatment, distribution, and sale of water to   | 83807 |
| consumers, if such water is delivered to consumers through pipes   | 83808 |
| or tubing.   | 83809 |
| (26) Fees charged for inspection or reinspection of motor          | 83810 |
| vehicles under section 3704.14 of the Revised Code;                | 83811 |
| (27) Sales to persons licensed to conduct a food service           | 83812 |
| operation pursuant to section 3717.43 of the Revised Code, of      | 83813 |
| tangible personal property primarily used directly for the         | 83814 |
| following:   | 83815 |
| (a) To prepare food for human consumption for sale;                | 83816 |
| (b) To preserve food that has been or will be prepared for         | 83817 |
| human consumption for sale by the food service operator, not       | 83818 |
| including tangible personal property used to display food for      | 83819 |
| selection by the consumer;   | 83820 |
| (c) To clean tangible personal property used to prepare or         | 83821 |
| serve food for human consumption for sale.                         | 83822 |
| (28) Sales of animals by nonprofit animal adoption services        | 83823 |
| or county humane societies;  | 83824 |
| (29) Sales of services to a corporation described in division      | 83825 |
| (A) of section 5709.72 of the Revised Code, and sales of tangible  | 83826 |
| personal property that qualifies for exemption from taxation under | 83827 |
| section 5709.72 of the Revised Code;                               | 83828 |
| (30) Sales and installation of agricultural land tile, as          | 83829 |
| defined in division (B)(5)(a) of section 5739.01 of the Revised    | 83830 |
| Code;  | 83831 |
| (31) Sales and erection or installation of portable grain          | 83832 |

bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code; 83833  
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(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property; 83835  
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(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters; 83841  
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(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service. 83846  
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(35)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and 83861  
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describes tangible personal property offered for retail sale. 83865

(b) Sales to direct marketing vendors of preliminary 83866  
materials such as photographs, artwork, and typesetting that will 83867  
be used in printing advertising material; and of printed matter 83868  
that offers free merchandise or chances to win sweepstake prizes 83869  
and that is mailed to potential customers with advertising 83870  
material described in division (B)(35)(a) of this section; 83871

(c) Sales of equipment such as telephones, computers, 83872  
facsimile machines, and similar tangible personal property 83873  
primarily used to accept orders for direct marketing retail sales. 83874

(d) Sales of automatic food vending machines that preserve 83875  
food with a shelf life of forty-five days or less by refrigeration 83876  
and dispense it to the consumer. 83877

For purposes of division (B)(35) of this section, "direct 83878  
marketing" means the method of selling where consumers order 83879  
tangible personal property by United States mail, delivery 83880  
service, or telecommunication and the vendor delivers or ships the 83881  
tangible personal property sold to the consumer from a warehouse, 83882  
catalogue distribution center, or similar fulfillment facility by 83883  
means of the United States mail, delivery service, or common 83884  
carrier. 83885

(36) Sales to a person engaged in the business of 83886  
horticulture or producing livestock of materials to be 83887  
incorporated into a horticulture structure or livestock structure; 83888

(37) Sales of personal computers, computer monitors, computer 83889  
keyboards, modems, and other peripheral computer equipment to an 83890  
individual who is licensed or certified to teach in an elementary 83891  
or a secondary school in this state for use by that individual in 83892  
preparation for teaching elementary or secondary school students; 83893

(38) Sales to a professional racing team of any of the 83894  
following: 83895

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| (a) Motor racing vehicles;   | 83896  |
| (b) Repair services for motor racing vehicles;   | 83897  |
| (c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.  | 83898<br>83899<br>83900<br>83901<br>83902<br>83903<br>83904<br>83905   |
| (39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;  | 83906<br>83907<br>83908  |
| (40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity. | 83909<br>83910<br>83911<br>83912<br>83913<br>83914<br>83915<br>83916<br>83917<br>83918<br>83919<br>83920<br>83921<br>83922<br>83923<br>83924<br>83925<br>83926 |

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| (41) Sales to a person providing services under division           | 83927 |
| (B)(3)(r) of section 5739.01 of the Revised Code of tangible       | 83928 |
| personal property and services used directly and primarily in      | 83929 |
| providing taxable services under that section.                     | 83930 |
| (42) Sales where the purpose of the purchaser is to do any of      | 83931 |
| the following:   | 83932 |
| (a) To incorporate the thing transferred as a material or a        | 83933 |
| part into tangible personal property to be produced for sale by    | 83934 |
| manufacturing, assembling, processing, or refining; or to use or   | 83935 |
| consume the thing transferred directly in producing tangible       | 83936 |
| personal property for sale by mining, including, without           | 83937 |
| limitation, the extraction from the earth of all substances that   | 83938 |
| are classed geologically as minerals, production of crude oil and  | 83939 |
| natural gas, or directly in the rendition of a public utility      | 83940 |
| service, except that the sales tax levied by this section shall be | 83941 |
| collected upon all meals, drinks, and food for human consumption   | 83942 |
| sold when transporting persons. Persons engaged in rendering       | 83943 |
| services in the exploration for, and production of, crude oil and  | 83944 |
| natural gas for others are deemed engaged directly in the          | 83945 |
| exploration for, and production of, crude oil and natural gas.     | 83946 |
| This paragraph does not exempt from "retail sale" or "sales at     | 83947 |
| retail" the sale of tangible personal property that is to be       | 83948 |
| incorporated into a structure or improvement to real property.     | 83949 |
| (b) To hold the thing transferred as security for the              | 83950 |
| performance of an obligation of the vendor;                        | 83951 |
| (c) To resell, hold, use, or consume the thing transferred as      | 83952 |
| evidence of a contract of insurance;                               | 83953 |
| (d) To use or consume the thing directly in commercial             | 83954 |
| fishing;   | 83955 |
| (e) To incorporate the thing transferred as a material or a        | 83956 |
| part into, or to use or consume the thing transferred directly in  | 83957 |

the production of, magazines distributed as controlled circulation 83958  
publications; 83959

(f) To use or consume the thing transferred in the production 83960  
and preparation in suitable condition for market and sale of 83961  
printed, imprinted, overprinted, lithographic, multilithic, 83962  
blueprinted, photostatic, or other productions or reproductions of 83963  
written or graphic matter; 83964

(g) To use the thing transferred, as described in section 83965  
5739.011 of the Revised Code, primarily in a manufacturing 83966  
operation to produce tangible personal property for sale; 83967

(h) To use the benefit of a warranty, maintenance or service 83968  
contract, or similar agreement, as described in division (B)(7) of 83969  
section 5739.01 of the Revised Code, to repair or maintain 83970  
tangible personal property, if all of the property that is the 83971  
subject of the warranty, contract, or agreement would not be 83972  
subject to the tax imposed by this section; 83973

(i) To use the thing transferred as qualified research and 83974  
development equipment; 83975

(j) To use or consume the thing transferred primarily in 83976  
storing, transporting, mailing, or otherwise handling purchased 83977  
sales inventory in a warehouse, distribution center, or similar 83978  
facility when the inventory is primarily distributed outside this 83979  
state to retail stores of the person who owns or controls the 83980  
warehouse, distribution center, or similar facility, to retail 83981  
stores of an affiliated group of which that person is a member, or 83982  
by means of direct marketing. This division does not apply to 83983  
motor vehicles registered for operation on the public highways. As 83984  
used in this division, "affiliated group" has the same meaning as 83985  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 83986  
"direct marketing" has the same meaning as in division (B)(35) of 83987  
this section. 83988

(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(m) To use tangible personal property to perform a service listed in division (B)(3) or (13) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;

(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or

other similar contract or agreement, with respect to the motor 84020  
vehicle that is being repaired or serviced. 84021

As used in division (B)(42) of this section, "thing" includes 84022  
all transactions included in divisions (B)(3)(a), (b), and (e) of 84023  
section 5739.01 of the Revised Code. 84024

(43) Sales conducted through a coin operated device that 84025  
activates vacuum equipment or equipment that dispenses water, 84026  
whether or not in combination with soap or other cleaning agents 84027  
or wax, to the consumer for the consumer's use on the premises in 84028  
washing, cleaning, or waxing a motor vehicle, provided no other 84029  
personal property or personal service is provided as part of the 84030  
transaction. 84031

(44) Sales of replacement and modification parts for engines, 84032  
airframes, instruments, and interiors in, and paint for, aircraft 84033  
used primarily in a fractional aircraft ownership program, and 84034  
sales of services for the repair, modification, and maintenance of 84035  
such aircraft, and machinery, equipment, and supplies primarily 84036  
used to provide those services. 84037

(45) Sales of telecommunications service that is used 84038  
directly and primarily to perform the functions of a call center. 84039  
As used in this division, "call center" means any physical 84040  
location where telephone calls are placed or received in high 84041  
volume for the purpose of making sales, marketing, customer 84042  
service, technical support, or other specialized business 84043  
activity, and that employs at least fifty individuals that engage 84044  
in call center activities on a full-time basis, or sufficient 84045  
individuals to fill fifty full-time equivalent positions. 84046

(46) Sales by a telecommunications service vendor of 900 84047  
service to a subscriber. This division does not apply to 84048  
information services, as defined in division (FF) of section 84049  
5739.01 of the Revised Code. 84050

(47) Sales of value-added non-voice data service. This 84051  
division does not apply to any similar service that is not 84052  
otherwise a telecommunications service. 84053

(48)(a) Sales of machinery, equipment, and software to a 84054  
qualified direct selling entity for use in a warehouse or 84055  
distribution center primarily for storing, transporting, or 84056  
otherwise handling inventory that is held for sale to independent 84057  
salespersons who operate as direct sellers and that is held 84058  
primarily for distribution outside this state; 84059

(b) As used in division (B)(48)(a) of this section: 84060

(i) "Direct seller" means a person selling consumer products 84061  
to individuals for personal or household use and not from a fixed 84062  
retail location, including selling such product at in-home product 84063  
demonstrations, parties, and other one-on-one selling. 84064

(ii) "Qualified direct selling entity" means an entity 84065  
selling to direct sellers at the time the entity enters into a tax 84066  
credit agreement with the tax credit authority pursuant to section 84067  
122.17 of the Revised Code, provided that the agreement was 84068  
entered into on or after January 1, 2007. Neither contingencies 84069  
relevant to the granting of, nor later developments with respect 84070  
to, the tax credit shall impair the status of the qualified direct 84071  
selling entity under division (B)(48) of this section after 84072  
execution of the tax credit agreement by the tax credit authority. 84073

(c) Division (B)(48) of this section is limited to machinery, 84074  
equipment, and software first stored, used, or consumed in this 84075  
state within the period commencing June 24, 2008, and ending on 84076  
the date that is five years after that date. 84077

(49) Sales of materials, parts, equipment, or engines used in 84078  
the repair or maintenance of aircraft or avionics systems of such 84079  
aircraft, and sales of repair, remodeling, replacement, or 84080  
maintenance services in this state performed on aircraft or on an 84081

aircraft's avionics, engine, or component materials or parts. As 84082  
used in division (B)(49) of this section, "aircraft" means 84083  
aircraft of more than six thousand pounds maximum certified 84084  
takeoff weight or used exclusively in general aviation. 84085

(50) Sales of full flight simulators that are used for pilot 84086  
or flight-crew training, sales of repair or replacement parts or 84087  
components, and sales of repair or maintenance services for such 84088  
full flight simulators. "Full flight simulator" means a replica of 84089  
a specific type, or make, model, and series of aircraft cockpit. 84090  
It includes the assemblage of equipment and computer programs 84091  
necessary to represent aircraft operations in ground and flight 84092  
conditions, a visual system providing an out-of-the-cockpit view, 84093  
and a system that provides cues at least equivalent to those of a 84094  
three-degree-of-freedom motion system, and has the full range of 84095  
capabilities of the systems installed in the device as described 84096  
in appendices A and B of part 60 of chapter 1 of title 14 of the 84097  
Code of Federal Regulations. 84098

(51) Any transfer or lease of tangible personal property 84099  
between the state and JobsOhio in accordance with section 4313.02 84100  
of the Revised Code. 84101

(52)(a) Sales to a qualifying corporation. 84102

(b) As used in division (B)(52) of this section: 84103

(i) "Qualifying corporation" means a nonprofit corporation 84104  
organized in this state that leases from an eligible county land, 84105  
buildings, structures, fixtures, and improvements to the land that 84106  
are part of or used in a public recreational facility used by a 84107  
major league professional athletic team or a class A to class AAA 84108  
minor league affiliate of a major league professional athletic 84109  
team for a significant portion of the team's home schedule, 84110  
provided the following apply: 84111

(I) The facility is leased from the eligible county pursuant 84112

to a lease that requires substantially all of the revenue from the 84113  
operation of the business or activity conducted by the nonprofit 84114  
corporation at the facility in excess of operating costs, capital 84115  
expenditures, and reserves to be paid to the eligible county at 84116  
least once per calendar year. 84117

(II) Upon dissolution and liquidation of the nonprofit 84118  
corporation, all of its net assets are distributable to the board 84119  
of commissioners of the eligible county from which the corporation 84120  
leases the facility. 84121

(ii) "Eligible county" has the same meaning as in section 84122  
307.695 of the Revised Code. 84123

(53) Sales to ~~or by~~ a cable service provider, video service 84124  
provider, or radio or television broadcast station regulated by 84125  
the federal government of cable service or programming, video 84126  
service or programming, audio service or programming, or 84127  
electronically transferred digital audiovisual or audio work. As 84128  
used in division (B)(53) of this section, "cable service" and 84129  
"cable service provider" have the same meanings as in section 84130  
1332.01 of the Revised Code, and "video service," "video service 84131  
provider," and "video programming" have the same meanings as in 84132  
section 1332.21 of the Revised Code. 84133

(54) Sales of investment metal bullion and investment coins. 84134  
"Investment metal bullion" means any bullion described in section 84135  
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 84136  
that bullion is in the physical possession of a trustee. 84137  
"Investment coin" means any coin composed primarily of gold, 84138  
silver, platinum, or palladium. 84139

(C) For the purpose of the proper administration of this 84140  
chapter, and to prevent the evasion of the tax, it is presumed 84141  
that all sales made in this state are subject to the tax until the 84142  
contrary is established. 84143

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

~~Sec. 5739.025. As used in this section, "local tax" means a tax imposed pursuant to section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 5741.023 of the Revised Code.~~

~~(A) The taxes levied by sections 5739.02 and 5741.02 of the Revised Code shall be collected as follows:~~

~~(1) On and after July 1, 2003, and on or before June 30, 2005, in accordance with the following schedule:~~

| <del>If the price</del> | <del>The amount of</del>     | <del>84167</del>      |                  |
|-------------------------|------------------------------|-----------------------|------------------|
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del> | <del>84168</del> |
| <del>\$.01</del>        | <del>\$.15</del>             | <del>No tax</del>     | <del>84169</del> |
| <del>.16</del>          | <del>.16</del>               | <del>1¢</del>         | <del>84170</del> |
| <del>.17</del>          | <del>.33</del>               | <del>2¢</del>         | <del>84171</del> |
| <del>.34</del>          | <del>.50</del>               | <del>3¢</del>         | <del>84172</del> |
| <del>.51</del>          | <del>.66</del>               | <del>4¢</del>         | <del>84173</del> |
| <del>.67</del>          | <del>.83</del>               | <del>5¢</del>         | <del>84174</del> |



~~ninety nine cents in accordance with the schedule above.~~ 84207

84208

~~(B) On and after July 1, 2003, and on and before June 30,~~ 84209

~~2005, the combined taxes levied by sections 5739.02 and 5741.02~~ 84210

~~and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021,~~ 84211

~~5741.022, and 5741.023 of the Revised Code shall be collected in~~ 84212

~~accordance with the following schedules:~~ 84213

~~(1) When the combined rate of state and local tax is six and~~ 84214

~~one fourth per cent:~~ 84215

|                         |  |                          |       |
|-------------------------|--|--------------------------|-------|
| <del>If the price</del> |  | <del>The amount of</del> | 84216 |
|-------------------------|--|--------------------------|-------|

|                        |                              |                       |       |
|------------------------|------------------------------|-----------------------|-------|
| <del>is at least</del> | <del>But not more than</del> | <del>the tax is</del> | 84217 |
|------------------------|------------------------------|-----------------------|-------|

|                   |                   |                   |       |
|-------------------|-------------------|-------------------|-------|
| <del>\$ .01</del> | <del>\$ .15</del> | <del>No tax</del> | 84218 |
|-------------------|-------------------|-------------------|-------|

|                |                |               |       |
|----------------|----------------|---------------|-------|
| <del>.16</del> | <del>.16</del> | <del>1¢</del> | 84219 |
|----------------|----------------|---------------|-------|

|                |                |               |       |
|----------------|----------------|---------------|-------|
| <del>.17</del> | <del>.32</del> | <del>2¢</del> | 84220 |
|----------------|----------------|---------------|-------|

|                |                |               |       |
|----------------|----------------|---------------|-------|
| <del>.33</del> | <del>.48</del> | <del>3¢</del> | 84221 |
|----------------|----------------|---------------|-------|

|                |                |               |       |
|----------------|----------------|---------------|-------|
| <del>.49</del> | <del>.64</del> | <del>4¢</del> | 84222 |
|----------------|----------------|---------------|-------|

|                |                |               |       |
|----------------|----------------|---------------|-------|
| <del>.65</del> | <del>.80</del> | <del>5¢</del> | 84223 |
|----------------|----------------|---------------|-------|

|                |                |               |       |
|----------------|----------------|---------------|-------|
| <del>.81</del> | <del>.96</del> | <del>6¢</del> | 84224 |
|----------------|----------------|---------------|-------|

|                |                 |               |       |
|----------------|-----------------|---------------|-------|
| <del>.97</del> | <del>1.12</del> | <del>7¢</del> | 84225 |
|----------------|-----------------|---------------|-------|

|                 |                 |               |       |
|-----------------|-----------------|---------------|-------|
| <del>1.13</del> | <del>1.28</del> | <del>8¢</del> | 84226 |
|-----------------|-----------------|---------------|-------|

|                 |                 |               |       |
|-----------------|-----------------|---------------|-------|
| <del>1.29</del> | <del>1.44</del> | <del>9¢</del> | 84227 |
|-----------------|-----------------|---------------|-------|

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>1.45</del> | <del>1.60</del> | <del>10¢</del> | 84228 |
|-----------------|-----------------|----------------|-------|

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>1.61</del> | <del>1.76</del> | <del>11¢</del> | 84229 |
|-----------------|-----------------|----------------|-------|

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>1.77</del> | <del>1.92</del> | <del>12¢</del> | 84230 |
|-----------------|-----------------|----------------|-------|

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>1.93</del> | <del>2.08</del> | <del>13¢</del> | 84231 |
|-----------------|-----------------|----------------|-------|

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>2.09</del> | <del>2.24</del> | <del>14¢</del> | 84232 |
|-----------------|-----------------|----------------|-------|

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>2.25</del> | <del>2.40</del> | <del>15¢</del> | 84233 |
|-----------------|-----------------|----------------|-------|

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>2.41</del> | <del>2.56</del> | <del>16¢</del> | 84234 |
|-----------------|-----------------|----------------|-------|

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>2.57</del> | <del>2.72</del> | <del>17¢</del> | 84235 |
|-----------------|-----------------|----------------|-------|

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>2.73</del> | <del>2.88</del> | <del>18¢</del> | 84236 |
|-----------------|-----------------|----------------|-------|

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>2.89</del> | <del>3.04</del> | <del>19¢</del> | 84237 |
|-----------------|-----------------|----------------|-------|

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>3.05</del> | <del>3.20</del> | <del>20¢</del> | 84238 |
|-----------------|-----------------|----------------|-------|

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>3.21</del> | <del>3.36</del> | <del>21¢</del> | 84239 |
| <del>3.37</del> | <del>3.52</del> | <del>22¢</del> | 84240 |
| <del>3.53</del> | <del>3.68</del> | <del>23¢</del> | 84241 |
| <del>3.69</del> | <del>3.84</del> | <del>24¢</del> | 84242 |
| <del>3.85</del> | <del>4.00</del> | <del>25¢</del> | 84243 |

~~If the price exceeds four dollars, the tax is twenty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(2) When the combined rate of state and local tax is six and one half per cent:~~

|                         |                              |                          |       |
|-------------------------|------------------------------|--------------------------|-------|
| <del>If the price</del> |                              | <del>The amount of</del> | 84255 |
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del>    | 84256 |
| <del>\$.01</del>        | <del>\$.15</del>             | <del>No tax</del>        | 84257 |
| <del>.16</del>          | <del>.30</del>               | <del>2¢</del>            | 84258 |
| <del>.31</del>          | <del>.46</del>               | <del>3¢</del>            | 84259 |
| <del>.47</del>          | <del>.61</del>               | <del>4¢</del>            | 84260 |
| <del>.62</del>          | <del>.76</del>               | <del>5¢</del>            | 84261 |
| <del>.77</del>          | <del>.92</del>               | <del>6¢</del>            | 84262 |
| <del>.93</del>          | <del>1.07</del>              | <del>7¢</del>            | 84263 |
| <del>1.08</del>         | <del>1.23</del>              | <del>8¢</del>            | 84264 |
| <del>1.24</del>         | <del>1.38</del>              | <del>9¢</del>            | 84265 |
| <del>1.39</del>         | <del>1.53</del>              | <del>10¢</del>           | 84266 |
| <del>1.54</del>         | <del>1.69</del>              | <del>11¢</del>           | 84267 |
| <del>1.70</del>         | <del>1.84</del>              | <del>12¢</del>           | 84268 |
| <del>1.85</del>         | <del>2.00</del>              | <del>13¢</del>           | 84269 |

~~If the price exceeds two dollars, the tax is thirteen cents~~

~~on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(3) When the combined rate of state and local tax is six and three fourths per cent:~~

| <del>If the price is at least</del> | <del>But not more than</del> | <del>The amount of the tax is</del> |       |
|-------------------------------------|------------------------------|-------------------------------------|-------|
| <del>\$.01</del>                    | <del>\$.15</del>             | <del>No tax</del>                   | 84280 |
| <del>.16</del>                      | <del>.29</del>               | <del>2¢</del>                       | 84281 |
| <del>.30</del>                      | <del>.44</del>               | <del>3¢</del>                       | 84282 |
| <del>.45</del>                      | <del>.59</del>               | <del>4¢</del>                       | 84283 |
| <del>.60</del>                      | <del>.74</del>               | <del>5¢</del>                       | 84284 |
| <del>.75</del>                      | <del>.88</del>               | <del>6¢</del>                       | 84285 |
| <del>.89</del>                      | <del>1.03</del>              | <del>7¢</del>                       | 84286 |
| <del>1.04</del>                     | <del>1.18</del>              | <del>8¢</del>                       | 84287 |
| <del>1.19</del>                     | <del>1.33</del>              | <del>9¢</del>                       | 84288 |
| <del>1.34</del>                     | <del>1.48</del>              | <del>10¢</del>                      | 84289 |
| <del>1.49</del>                     | <del>1.62</del>              | <del>11¢</del>                      | 84290 |
| <del>1.63</del>                     | <del>1.77</del>              | <del>12¢</del>                      | 84291 |
| <del>1.78</del>                     | <del>1.92</del>              | <del>13¢</del>                      | 84292 |
| <del>1.93</del>                     | <del>2.07</del>              | <del>14¢</del>                      | 84293 |
| <del>2.08</del>                     | <del>2.22</del>              | <del>15¢</del>                      | 84294 |
| <del>2.23</del>                     | <del>2.37</del>              | <del>16¢</del>                      | 84295 |
| <del>2.38</del>                     | <del>2.51</del>              | <del>17¢</del>                      | 84296 |
| <del>2.52</del>                     | <del>2.66</del>              | <del>18¢</del>                      | 84297 |
| <del>2.67</del>                     | <del>2.81</del>              | <del>19¢</del>                      | 84298 |
| <del>2.82</del>                     | <del>2.96</del>              | <del>20¢</del>                      | 84299 |
| <del>2.97</del>                     | <del>3.11</del>              | <del>21¢</del>                      | 84300 |

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>3.12</del> | <del>3.25</del> | <del>22¢</del> | 84303 |
| <del>3.26</del> | <del>3.40</del> | <del>23¢</del> | 84304 |
| <del>3.41</del> | <del>3.55</del> | <del>24¢</del> | 84305 |
| <del>3.56</del> | <del>3.70</del> | <del>25¢</del> | 84306 |
| <del>3.71</del> | <del>3.85</del> | <del>26¢</del> | 84307 |
| <del>3.86</del> | <del>4.00</del> | <del>27¢</del> | 84308 |

~~If the price exceeds four dollars, the tax is twenty seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty nine cents, the amount of tax is twenty seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty nine cents the amount of tax is twenty seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(4) When the combined rate of state and local tax is seven per cent:~~

|                         |                              |                          |       |
|-------------------------|------------------------------|--------------------------|-------|
| <del>If the price</del> |                              | <del>The amount of</del> | 84323 |
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del>    | 84324 |
| <del>\$ .01</del>       | <del>\$ .15</del>            | <del>No tax</del>        | 84325 |
| <del>.16</del>          | <del>.28</del>               | <del>2¢</del>            | 84326 |
| <del>.29</del>          | <del>.42</del>               | <del>3¢</del>            | 84327 |
| <del>.43</del>          | <del>.57</del>               | <del>4¢</del>            | 84328 |
| <del>.58</del>          | <del>.71</del>               | <del>5¢</del>            | 84329 |
| <del>.72</del>          | <del>.85</del>               | <del>6¢</del>            | 84330 |
| <del>.86</del>          | <del>1.00</del>              | <del>7¢</del>            | 84331 |

~~If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven~~

~~cents for each one dollar plus one cent. If the price exceeds one 84335  
dollar or a multiple thereof by more than fifteen cents, the 84336  
amount of tax is seven cents for each one dollar plus the amount 84337  
of tax for prices sixteen cents through ninety nine cents in 84338  
accordance with the schedule above. 84339~~

~~(5) When the combined rate of state and local tax is seven 84340  
and one fourth per cent: 84341~~

| <del>If the price</del> | <del>But not more than</del> | <del>The amount of</del> |       |
|-------------------------|------------------------------|--------------------------|-------|
| <del>is at least</del>  |                              | <del>the tax is</del>    |       |
| <del>\$.01</del>        | <del>\$.15</del>             | <del>No tax</del>        | 84344 |
| <del>.16</del>          | <del>.27</del>               | <del>2¢</del>            | 84345 |
| <del>.28</del>          | <del>.41</del>               | <del>3¢</del>            | 84346 |
| <del>.42</del>          | <del>.55</del>               | <del>4¢</del>            | 84347 |
| <del>.56</del>          | <del>.68</del>               | <del>5¢</del>            | 84348 |
| <del>.69</del>          | <del>.82</del>               | <del>6¢</del>            | 84349 |
| <del>.83</del>          | <del>.96</del>               | <del>7¢</del>            | 84350 |
| <del>.97</del>          | <del>1.10</del>              | <del>8¢</del>            | 84351 |
| <del>1.11</del>         | <del>1.24</del>              | <del>9¢</del>            | 84352 |
| <del>1.25</del>         | <del>1.37</del>              | <del>10¢</del>           | 84353 |
| <del>1.38</del>         | <del>1.51</del>              | <del>11¢</del>           | 84354 |
| <del>1.52</del>         | <del>1.65</del>              | <del>12¢</del>           | 84355 |
| <del>1.66</del>         | <del>1.79</del>              | <del>13¢</del>           | 84356 |
| <del>1.80</del>         | <del>1.93</del>              | <del>14¢</del>           | 84357 |
| <del>1.94</del>         | <del>2.06</del>              | <del>15¢</del>           | 84358 |
| <del>2.07</del>         | <del>2.20</del>              | <del>16¢</del>           | 84359 |
| <del>2.21</del>         | <del>2.34</del>              | <del>17¢</del>           | 84360 |
| <del>2.35</del>         | <del>2.48</del>              | <del>18¢</del>           | 84361 |
| <del>2.49</del>         | <del>2.62</del>              | <del>19¢</del>           | 84362 |
| <del>2.63</del>         | <del>2.75</del>              | <del>20¢</del>           | 84363 |
| <del>2.76</del>         | <del>2.89</del>              | <del>21¢</del>           | 84364 |
| <del>2.90</del>         | <del>3.03</del>              | <del>22¢</del>           | 84365 |
| <del>3.04</del>         | <del>3.17</del>              | <del>23¢</del>           | 84366 |

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>3.18</del> | <del>3.31</del> | <del>24¢</del> | 84367 |
| <del>3.32</del> | <del>3.44</del> | <del>25¢</del> | 84368 |
| <del>3.45</del> | <del>3.58</del> | <del>26¢</del> | 84369 |
| <del>3.59</del> | <del>3.72</del> | <del>27¢</del> | 84370 |
| <del>3.73</del> | <del>3.86</del> | <del>28¢</del> | 84371 |
| <del>3.87</del> | <del>4.00</del> | <del>29¢</del> | 84372 |

~~If the price exceeds four dollars, the tax is twenty nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus the amount of tax for prices twenty eight cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of state and local tax is seven and one half per cent:~~

|                         |                              |                          |       |
|-------------------------|------------------------------|--------------------------|-------|
| <del>If the price</del> |                              | <del>The amount of</del> | 84387 |
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del>    | 84388 |
| <del>\$ .01</del>       | <del>\$ .15</del>            | <del>No tax</del>        | 84389 |
| <del>.16</del>          | <del>.26</del>               | <del>2¢</del>            | 84390 |
| <del>.27</del>          | <del>.40</del>               | <del>3¢</del>            | 84391 |
| <del>.41</del>          | <del>.53</del>               | <del>4¢</del>            | 84392 |
| <del>.54</del>          | <del>.65</del>               | <del>5¢</del>            | 84393 |
| <del>.66</del>          | <del>.80</del>               | <del>6¢</del>            | 84394 |
| <del>.81</del>          | <del>.93</del>               | <del>7¢</del>            | 84395 |
| <del>.94</del>          | <del>1.06</del>              | <del>8¢</del>            | 84396 |
| <del>1.07</del>         | <del>1.20</del>              | <del>9¢</del>            | 84397 |
| <del>1.21</del>         | <del>1.33</del>              | <del>10¢</del>           | 84398 |

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>1.34</del> | <del>1.46</del> | <del>11¢</del> | 84399 |
| <del>1.47</del> | <del>1.60</del> | <del>12¢</del> | 84400 |
| <del>1.61</del> | <del>1.73</del> | <del>13¢</del> | 84401 |
| <del>1.74</del> | <del>1.86</del> | <del>14¢</del> | 84402 |
| <del>1.87</del> | <del>2.00</del> | <del>15¢</del> | 84403 |

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(7) When the combined rate of state and local tax is seven and three fourths per cent:~~

|                         |                              |                          |       |
|-------------------------|------------------------------|--------------------------|-------|
| <del>If the price</del> |                              | <del>The amount of</del> | 84414 |
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del>    | 84415 |
| <del>\$.01</del>        | <del>\$.15</del>             | <del>No tax</del>        | 84416 |
| <del>.16</del>          | <del>.25</del>               | <del>2¢</del>            | 84417 |
| <del>.26</del>          | <del>.38</del>               | <del>3¢</del>            | 84418 |
| <del>.39</del>          | <del>.51</del>               | <del>4¢</del>            | 84419 |
| <del>.52</del>          | <del>.64</del>               | <del>5¢</del>            | 84420 |
| <del>.65</del>          | <del>.77</del>               | <del>6¢</del>            | 84421 |
| <del>.78</del>          | <del>.90</del>               | <del>7¢</del>            | 84422 |
| <del>.91</del>          | <del>1.03</del>              | <del>8¢</del>            | 84423 |
| <del>1.04</del>         | <del>1.16</del>              | <del>9¢</del>            | 84424 |
| <del>1.17</del>         | <del>1.29</del>              | <del>10¢</del>           | 84425 |
| <del>1.30</del>         | <del>1.41</del>              | <del>11¢</del>           | 84426 |
| <del>1.42</del>         | <del>1.54</del>              | <del>12¢</del>           | 84427 |
| <del>1.55</del>         | <del>1.67</del>              | <del>13¢</del>           | 84428 |
| <del>1.68</del>         | <del>1.80</del>              | <del>14¢</del>           | 84429 |
| <del>1.81</del>         | <del>1.93</del>              | <del>15¢</del>           | 84430 |

|      |      |     |       |
|------|------|-----|-------|
| 1.94 | 2.06 | 16¢ | 84431 |
| 2.07 | 2.19 | 17¢ | 84432 |
| 2.20 | 2.32 | 18¢ | 84433 |
| 2.33 | 2.45 | 19¢ | 84434 |
| 2.46 | 2.58 | 20¢ | 84435 |
| 2.59 | 2.70 | 21¢ | 84436 |
| 2.71 | 2.83 | 22¢ | 84437 |
| 2.84 | 2.96 | 23¢ | 84438 |
| 2.97 | 3.09 | 24¢ | 84439 |
| 3.10 | 3.22 | 25¢ | 84440 |
| 3.23 | 3.35 | 26¢ | 84441 |
| 3.36 | 3.48 | 27¢ | 84442 |
| 3.49 | 3.61 | 28¢ | 84443 |
| 3.62 | 3.74 | 29¢ | 84444 |
| 3.75 | 3.87 | 30¢ | 84445 |
| 3.88 | 4.00 | 31¢ | 84446 |

~~If the price exceeds four dollars, the tax is thirty one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but by not more than twenty five cents, the amount of tax is thirty one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty five cents, the amount of tax is thirty one cents for each four dollars plus the amount of tax for prices twenty six cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(8) When the combined rate of state and local tax is eight per cent:~~

|              |                   |               |       |
|--------------|-------------------|---------------|-------|
| If the price |                   | The amount of | 84461 |
| is at least  | But not more than | the tax is    | 84462 |

|                  |                  |                   |       |
|------------------|------------------|-------------------|-------|
| <del>\$.01</del> | <del>\$.15</del> | <del>No tax</del> | 84463 |
| <del>.16</del>   | <del>.25</del>   | <del>2¢</del>     | 84464 |
| <del>.26</del>   | <del>.37</del>   | <del>3¢</del>     | 84465 |
| <del>.38</del>   | <del>.50</del>   | <del>4¢</del>     | 84466 |
| <del>.51</del>   | <del>.62</del>   | <del>5¢</del>     | 84467 |
| <del>.63</del>   | <del>.75</del>   | <del>6¢</del>     | 84468 |
| <del>.76</del>   | <del>.87</del>   | <del>7¢</del>     | 84469 |
| <del>.88</del>   | <del>1.00</del>  | <del>8¢</del>     | 84470 |

~~If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than twelve cents but not more than twenty five cents, the amount of tax is eight cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty five cents, the amount of tax is eight cents for each one dollar plus the amount of tax for prices twenty six cents through ninety nine cents in accordance with the schedule above.~~

~~(9) When the combined rate of state and local tax is eight and one fourth per cent:~~

|                         |                              |                          |       |
|-------------------------|------------------------------|--------------------------|-------|
| <del>If the price</del> |                              | <del>The amount of</del> | 84484 |
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del>    | 84485 |
| <del>\$.01</del>        | <del>\$.15</del>             | <del>No tax</del>        | 84486 |
| <del>.16</del>          | <del>.24</del>               | <del>2¢</del>            | 84487 |
| <del>.25</del>          | <del>.36</del>               | <del>3¢</del>            | 84488 |
| <del>.37</del>          | <del>.48</del>               | <del>4¢</del>            | 84489 |
| <del>.49</del>          | <del>.60</del>               | <del>5¢</del>            | 84490 |
| <del>.61</del>          | <del>.72</del>               | <del>6¢</del>            | 84491 |
| <del>.73</del>          | <del>.84</del>               | <del>7¢</del>            | 84492 |
| <del>.85</del>          | <del>.96</del>               | <del>8¢</del>            | 84493 |
| <del>.97</del>          | <del>1.09</del>              | <del>9¢</del>            | 84494 |

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>1.10</del> | <del>1.21</del> | <del>10¢</del> | 84495 |
| <del>1.22</del> | <del>1.33</del> | <del>11¢</del> | 84496 |
| <del>1.34</del> | <del>1.45</del> | <del>12¢</del> | 84497 |
| <del>1.46</del> | <del>1.57</del> | <del>13¢</del> | 84498 |
| <del>1.58</del> | <del>1.69</del> | <del>14¢</del> | 84499 |
| <del>1.70</del> | <del>1.81</del> | <del>15¢</del> | 84500 |
| <del>1.82</del> | <del>1.93</del> | <del>16¢</del> | 84501 |
| <del>1.94</del> | <del>2.06</del> | <del>17¢</del> | 84502 |
| <del>2.07</del> | <del>2.18</del> | <del>18¢</del> | 84503 |
| <del>2.19</del> | <del>2.30</del> | <del>19¢</del> | 84504 |
| <del>2.31</del> | <del>2.42</del> | <del>20¢</del> | 84505 |
| <del>2.43</del> | <del>2.54</del> | <del>21¢</del> | 84506 |
| <del>2.55</del> | <del>2.66</del> | <del>22¢</del> | 84507 |
| <del>2.67</del> | <del>2.78</del> | <del>23¢</del> | 84508 |
| <del>2.79</del> | <del>2.90</del> | <del>24¢</del> | 84509 |
| <del>2.91</del> | <del>3.03</del> | <del>25¢</del> | 84510 |
| <del>3.04</del> | <del>3.15</del> | <del>26¢</del> | 84511 |
| <del>3.16</del> | <del>3.27</del> | <del>27¢</del> | 84512 |
| <del>3.28</del> | <del>3.39</del> | <del>28¢</del> | 84513 |
| <del>3.40</del> | <del>3.51</del> | <del>29¢</del> | 84514 |
| <del>3.52</del> | <del>3.63</del> | <del>30¢</del> | 84515 |
| <del>3.64</del> | <del>3.75</del> | <del>31¢</del> | 84516 |
| <del>3.76</del> | <del>3.87</del> | <del>32¢</del> | 84517 |
| <del>3.88</del> | <del>4.00</del> | <del>33¢</del> | 84518 |

~~If the price exceeds four dollars, the tax is thirty three~~ 84519  
~~cents on each four dollars. If the price exceeds four dollars or a~~ 84520  
~~multiple thereof by not more than eleven cents, the amount of tax~~ 84521  
~~is thirty three cents for each four dollars plus one cent. If the~~ 84522  
~~price exceeds four dollars or a multiple thereof by more than~~ 84523  
~~eleven cents but by not more than twenty four cents, the amount of~~ 84524  
~~tax is thirty three cents for each four dollars plus two cents. If~~ 84525  
~~the price exceeds four dollars or a multiple thereof by more than~~ 84526  
~~twenty four cents, the amount of tax is thirty three cents for~~ 84527

~~each four dollars plus the amount of tax for prices twenty six cents through three dollars and ninety nine cents in accordance with the schedule above.~~ 84528  
84529  
84530

~~(10) When the combined rate of state and local tax is eight and one half per cent:~~ 84531  
84532

| <del>If the price</del> | <del>But not more than</del> | <del>The amount of</del> |       |
|-------------------------|------------------------------|--------------------------|-------|
| <del>is at least</del>  |                              | <del>the tax is</del>    |       |
| <del>\$ .01</del>       | <del>\$ .15</del>            | <del>No tax</del>        | 84535 |
| <del>.16</del>          | <del>.23</del>               | <del>2¢</del>            | 84536 |
| <del>.24</del>          | <del>.35</del>               | <del>3¢</del>            | 84537 |
| <del>.36</del>          | <del>.47</del>               | <del>4¢</del>            | 84538 |
| <del>.48</del>          | <del>.58</del>               | <del>5¢</del>            | 84539 |
| <del>.59</del>          | <del>.70</del>               | <del>6¢</del>            | 84540 |
| <del>.71</del>          | <del>.82</del>               | <del>7¢</del>            | 84541 |
| <del>.83</del>          | <del>.94</del>               | <del>8¢</del>            | 84542 |
| <del>.95</del>          | <del>1.05</del>              | <del>9¢</del>            | 84543 |
| <del>1.06</del>         | <del>1.17</del>              | <del>10¢</del>           | 84544 |
| <del>1.18</del>         | <del>1.29</del>              | <del>11¢</del>           | 84545 |
| <del>1.30</del>         | <del>1.41</del>              | <del>12¢</del>           | 84546 |
| <del>1.42</del>         | <del>1.52</del>              | <del>13¢</del>           | 84547 |
| <del>1.53</del>         | <del>1.64</del>              | <del>14¢</del>           | 84548 |
| <del>1.65</del>         | <del>1.76</del>              | <del>15¢</del>           | 84549 |
| <del>1.77</del>         | <del>1.88</del>              | <del>16¢</del>           | 84550 |
| <del>1.89</del>         | <del>2.00</del>              | <del>17¢</del>           | 84551 |

~~If the price exceeds two dollars, the tax is seventeen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than eleven cents, the amount of tax is seventeen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than eleven cents but by not more than twenty three cents, the amount of tax is seventeen cents for each two dollars plus two cents. If the price exceeds two dollars or a multiple thereof by more than~~ 84552  
84553  
84554  
84555  
84556  
84557  
84558  
84559

~~twenty three cents, the amount of tax is seventeen cents for each 84560  
two dollars plus the amount of tax for prices twenty four cents 84561  
through one dollar and ninety nine cents in accordance with the 84562  
schedule above. 84563~~

~~(11) When the combined rate of state and local tax is eight 84564  
and three fourths per cent: 84565~~

| <del>If the price</del> | <del>But not more than</del> | <del>The amount of</del> |       |
|-------------------------|------------------------------|--------------------------|-------|
| <del>is at least</del>  |                              | <del>the tax is</del>    |       |
| <del>\$.01</del>        | <del>\$.15</del>             | <del>No tax</del>        | 84568 |
| <del>.16</del>          | <del>.22</del>               | <del>2¢</del>            | 84569 |
| <del>.23</del>          | <del>.34</del>               | <del>3¢</del>            | 84570 |
| <del>.35</del>          | <del>.45</del>               | <del>4¢</del>            | 84571 |
| <del>.46</del>          | <del>.57</del>               | <del>5¢</del>            | 84572 |
| <del>.58</del>          | <del>.68</del>               | <del>6¢</del>            | 84573 |
| <del>.69</del>          | <del>.80</del>               | <del>7¢</del>            | 84574 |
| <del>.81</del>          | <del>.91</del>               | <del>8¢</del>            | 84575 |
| <del>.92</del>          | <del>1.02</del>              | <del>9¢</del>            | 84576 |
| <del>1.03</del>         | <del>1.14</del>              | <del>10¢</del>           | 84577 |
| <del>1.15</del>         | <del>1.25</del>              | <del>11¢</del>           | 84578 |
| <del>1.26</del>         | <del>1.37</del>              | <del>12¢</del>           | 84579 |
| <del>1.38</del>         | <del>1.48</del>              | <del>13¢</del>           | 84580 |
| <del>1.49</del>         | <del>1.60</del>              | <del>14¢</del>           | 84581 |
| <del>1.61</del>         | <del>1.71</del>              | <del>15¢</del>           | 84582 |
| <del>1.72</del>         | <del>1.82</del>              | <del>16¢</del>           | 84583 |
| <del>1.83</del>         | <del>1.94</del>              | <del>17¢</del>           | 84584 |
| <del>1.95</del>         | <del>2.05</del>              | <del>18¢</del>           | 84585 |
| <del>2.06</del>         | <del>2.17</del>              | <del>19¢</del>           | 84586 |
| <del>2.18</del>         | <del>2.28</del>              | <del>20¢</del>           | 84587 |
| <del>2.29</del>         | <del>2.40</del>              | <del>21¢</del>           | 84588 |
| <del>2.41</del>         | <del>2.51</del>              | <del>22¢</del>           | 84589 |
| <del>2.52</del>         | <del>2.62</del>              | <del>23¢</del>           | 84590 |
| <del>2.63</del>         | <del>2.74</del>              | <del>24¢</del>           | 84591 |

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>2.75</del> | <del>2.85</del> | <del>25¢</del> | 84592 |
| <del>2.86</del> | <del>2.97</del> | <del>26¢</del> | 84593 |
| <del>2.98</del> | <del>3.08</del> | <del>27¢</del> | 84594 |
| <del>3.09</del> | <del>3.20</del> | <del>28¢</del> | 84595 |
| <del>3.21</del> | <del>3.31</del> | <del>29¢</del> | 84596 |
| <del>3.32</del> | <del>3.42</del> | <del>30¢</del> | 84597 |
| <del>3.43</del> | <del>3.54</del> | <del>31¢</del> | 84598 |
| <del>3.55</del> | <del>3.65</del> | <del>32¢</del> | 84599 |
| <del>3.66</del> | <del>3.77</del> | <del>33¢</del> | 84600 |
| <del>3.78</del> | <del>3.88</del> | <del>34¢</del> | 84601 |
| <del>3.89</del> | <del>4.00</del> | <del>35¢</del> | 84602 |

~~If the price exceeds four dollars, the tax is thirty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus the amount of tax for prices twenty three cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(12) When the combined rate of state and local tax is nine per cent:~~

|                         |                              |                          |       |
|-------------------------|------------------------------|--------------------------|-------|
| <del>If the price</del> |                              | <del>The amount of</del> | 84617 |
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del>    | 84618 |
| <del>\$ .01</del>       | <del>\$ .15</del>            | <del>No tax</del>        | 84619 |
| <del>.16</del>          | <del>.22</del>               | <del>2¢</del>            | 84620 |
| <del>.23</del>          | <del>.33</del>               | <del>3¢</del>            | 84621 |
| <del>.34</del>          | <del>.44</del>               | <del>4¢</del>            | 84622 |
| <del>.45</del>          | <del>.55</del>               | <del>5¢</del>            | 84623 |

|                 |                 |               |       |
|-----------------|-----------------|---------------|-------|
| <del>-.56</del> | <del>-.66</del> | <del>6¢</del> | 84624 |
| <del>-.67</del> | <del>-.77</del> | <del>7¢</del> | 84625 |
| <del>-.78</del> | <del>-.88</del> | <del>8¢</del> | 84626 |
| <del>-.89</del> | <del>1.00</del> | <del>9¢</del> | 84627 |

~~If the price exceeds one dollar, the tax is nine cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than eleven cents, the amount of tax is nine cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than eleven cents but by not more than twenty two cents, the amount of tax is nine cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty two cents, the amount of tax is nine cents for each one dollar plus the amount of tax for prices twenty three cents through ninety nine cents in accordance with the schedule above.~~

~~(C) On and after July 1, 2005, and on and before December 31, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:~~

~~(1) When the total rate of local tax is one fourth per cent:~~

| <del>If the price</del> | <del>But not</del>   | <del>The amount</del>    |       |
|-------------------------|----------------------|--------------------------|-------|
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> |       |
| <del>\$.01</del>        | <del>\$.15</del>     | <del>No tax</del>        | 84647 |
| <del>.16</del>          | <del>.17</del>       | <del>1¢</del>            | 84648 |
| <del>.18</del>          | <del>.34</del>       | <del>2¢</del>            | 84649 |
| <del>.35</del>          | <del>.52</del>       | <del>3¢</del>            | 84650 |
| <del>.53</del>          | <del>.69</del>       | <del>4¢</del>            | 84651 |
| <del>.70</del>          | <del>.86</del>       | <del>5¢</del>            | 84652 |
| <del>.87</del>          | <del>1.04</del>      | <del>6¢</del>            | 84653 |
| <del>1.05</del>         | <del>1.21</del>      | <del>7¢</del>            | 84654 |
| <del>1.22</del>         | <del>1.39</del>      | <del>8¢</del>            | 84655 |

|      |      |     |       |
|------|------|-----|-------|
| 1.40 | 1.56 | 9¢  | 84656 |
| 1.57 | 1.73 | 10¢ | 84657 |
| 1.74 | 1.91 | 11¢ | 84658 |
| 1.92 | 2.08 | 12¢ | 84659 |
| 2.09 | 2.26 | 13¢ | 84660 |
| 2.27 | 2.43 | 14¢ | 84661 |
| 2.44 | 2.60 | 15¢ | 84662 |
| 2.61 | 2.78 | 16¢ | 84663 |
| 2.79 | 2.95 | 17¢ | 84664 |
| 2.96 | 3.13 | 18¢ | 84665 |
| 3.14 | 3.30 | 19¢ | 84666 |
| 3.31 | 3.47 | 20¢ | 84667 |
| 3.48 | 3.65 | 21¢ | 84668 |
| 3.66 | 3.82 | 22¢ | 84669 |
| 3.83 | 4.00 | 23¢ | 84670 |

~~If the price exceeds four dollars, the tax is twenty three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(2) When the combined rate of local tax is one half per cent:~~

|                         |                      |                          |       |
|-------------------------|----------------------|--------------------------|-------|
| <del>If the price</del> | <del>But not</del>   | <del>The amount</del>    | 84681 |
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> | 84682 |
| <del>\$.01</del>        | <del>\$.15</del>     | <del>No tax</del>        | 84683 |
| <del>.16</del>          | <del>.17</del>       | <del>1¢</del>            | 84684 |
| <del>.18</del>          | <del>.34</del>       | <del>2¢</del>            | 84685 |
| <del>.35</del>          | <del>.50</del>       | <del>3¢</del>            | 84686 |
| <del>.51</del>          | <del>.67</del>       | <del>4¢</del>            | 84687 |

|                |                 |               |       |
|----------------|-----------------|---------------|-------|
| <del>.68</del> | <del>.83</del>  | <del>5¢</del> | 84688 |
| <del>.84</del> | <del>1.00</del> | <del>6¢</del> | 84689 |

~~If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety nine cents in accordance with the schedule above.~~

~~(3) When the combined rate of local tax is three fourths per cent:~~

| <del>If the price</del> | <del>But not</del>   | <del>The amount</del>    |       |
|-------------------------|----------------------|--------------------------|-------|
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> |       |
| <del>\$.01</del>        | <del>\$.15</del>     | <del>No tax</del>        | 84700 |
| <del>.16</del>          | <del>.16</del>       | <del>1¢</del>            | 84701 |
| <del>.17</del>          | <del>.32</del>       | <del>2¢</del>            | 84702 |
| <del>.33</del>          | <del>.48</del>       | <del>3¢</del>            | 84703 |
| <del>.49</del>          | <del>.64</del>       | <del>4¢</del>            | 84704 |
| <del>.65</del>          | <del>.80</del>       | <del>5¢</del>            | 84705 |
| <del>.81</del>          | <del>.96</del>       | <del>6¢</del>            | 84706 |
| <del>.97</del>          | <del>1.12</del>      | <del>7¢</del>            | 84707 |
| <del>1.13</del>         | <del>1.28</del>      | <del>8¢</del>            | 84708 |
| <del>1.29</del>         | <del>1.44</del>      | <del>9¢</del>            | 84709 |
| <del>1.45</del>         | <del>1.60</del>      | <del>10¢</del>           | 84710 |
| <del>1.61</del>         | <del>1.76</del>      | <del>11¢</del>           | 84711 |
| <del>1.77</del>         | <del>1.92</del>      | <del>12¢</del>           | 84712 |
| <del>1.93</del>         | <del>2.08</del>      | <del>13¢</del>           | 84713 |
| <del>2.09</del>         | <del>2.24</del>      | <del>14¢</del>           | 84714 |
| <del>2.25</del>         | <del>2.40</del>      | <del>15¢</del>           | 84715 |
| <del>2.41</del>         | <del>2.56</del>      | <del>16¢</del>           | 84716 |
| <del>2.57</del>         | <del>2.72</del>      | <del>17¢</del>           | 84717 |

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>2.73</del> | <del>2.88</del> | <del>18¢</del> | 84720 |
| <del>2.89</del> | <del>3.04</del> | <del>19¢</del> | 84721 |
| <del>3.05</del> | <del>3.20</del> | <del>20¢</del> | 84722 |
| <del>3.21</del> | <del>3.36</del> | <del>21¢</del> | 84723 |
| <del>3.37</del> | <del>3.52</del> | <del>22¢</del> | 84724 |
| <del>3.53</del> | <del>3.68</del> | <del>23¢</del> | 84725 |
| <del>3.69</del> | <del>3.84</del> | <del>24¢</del> | 84726 |
| <del>3.85</del> | <del>4.00</del> | <del>25¢</del> | 84727 |

~~If the price exceeds four dollars, the tax is twenty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

|   |                      |                          |       |
|---|----------------------|--------------------------|-------|
| <del>(4) When the combined rate of local tax is one per cent:</del> |                      |                          | 84737 |
| <del>If the price</del>   | <del>But not</del>   | <del>The amount</del>    | 84738 |
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> | 84739 |
| <del>\$.01</del>  | <del>\$.15</del>     | <del>No tax</del>        | 84740 |
| <del>.16</del>  | <del>.30</del>       | <del>2¢</del>            | 84741 |
| <del>.31</del>  | <del>.46</del>       | <del>3¢</del>            | 84742 |
| <del>.47</del>  | <del>.61</del>       | <del>4¢</del>            | 84743 |
| <del>.62</del>  | <del>.76</del>       | <del>5¢</del>            | 84744 |
| <del>.77</del>  | <del>.92</del>       | <del>6¢</del>            | 84745 |
| <del>.93</del>  | <del>1.07</del>      | <del>7¢</del>            | 84746 |
| <del>1.08</del>   | <del>1.23</del>      | <del>8¢</del>            | 84747 |
| <del>1.24</del>   | <del>1.38</del>      | <del>9¢</del>            | 84748 |
| <del>1.39</del>   | <del>1.53</del>      | <del>10¢</del>           | 84749 |
| <del>1.54</del>   | <del>1.69</del>      | <del>11¢</del>           | 84750 |
| <del>1.70</del>   | <del>1.84</del>      | <del>12¢</del>           | 84751 |



|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>2.82</del> | <del>2.96</del> | <del>20¢</del> | 84784 |
| <del>2.97</del> | <del>3.11</del> | <del>21¢</del> | 84785 |
| <del>3.12</del> | <del>3.25</del> | <del>22¢</del> | 84786 |
| <del>3.26</del> | <del>3.40</del> | <del>23¢</del> | 84787 |
| <del>3.41</del> | <del>3.55</del> | <del>24¢</del> | 84788 |
| <del>3.56</del> | <del>3.70</del> | <del>25¢</del> | 84789 |
| <del>3.71</del> | <del>3.85</del> | <del>26¢</del> | 84790 |
| <del>3.86</del> | <del>4.00</del> | <del>27¢</del> | 84791 |

~~If the price exceeds four dollars, the tax is twenty seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty nine cents, the amount of tax is twenty seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty nine cents the amount of tax is twenty seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of local tax is one and one half per cent:~~

|                         |                      |                          |       |
|-------------------------|----------------------|--------------------------|-------|
| <del>If the price</del> | <del>But not</del>   | <del>The amount</del>    | 84806 |
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> | 84807 |
| <del>\$.01</del>        | <del>\$.15</del>     | <del>No tax</del>        | 84808 |
| <del>.16</del>          | <del>.28</del>       | <del>2¢</del>            | 84809 |
| <del>.29</del>          | <del>.42</del>       | <del>3¢</del>            | 84810 |
| <del>.43</del>          | <del>.57</del>       | <del>4¢</del>            | 84811 |
| <del>.58</del>          | <del>.71</del>       | <del>5¢</del>            | 84812 |
| <del>.72</del>          | <del>.85</del>       | <del>6¢</del>            | 84813 |
| <del>.86</del>          | <del>1.00</del>      | <del>7¢</del>            | 84814 |

~~If the price exceeds one dollar, the tax is seven cents on~~

~~each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than fifteen cents, the amount of tax is seven cents for each one dollar plus the amount of tax for prices sixteen cents through ninety nine cents in accordance with the schedule above.~~

~~(7) When the combined rate of local tax is one and three fourths per cent:~~

| <del>If the price</del> | <del>But not</del>   | <del>The amount</del>    |       |
|-------------------------|----------------------|--------------------------|-------|
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> |       |
| <del>\$.01</del>        | <del>\$.15</del>     | <del>No tax</del>        | 84825 |
| <del>.16</del>          | <del>.27</del>       | <del>2¢</del>            | 84826 |
| <del>.28</del>          | <del>.41</del>       | <del>3¢</del>            | 84827 |
| <del>.42</del>          | <del>.55</del>       | <del>4¢</del>            | 84828 |
| <del>.56</del>          | <del>.68</del>       | <del>5¢</del>            | 84829 |
| <del>.69</del>          | <del>.82</del>       | <del>6¢</del>            | 84830 |
| <del>.83</del>          | <del>.96</del>       | <del>7¢</del>            | 84831 |
| <del>.97</del>          | <del>1.10</del>      | <del>8¢</del>            | 84832 |
| <del>1.11</del>         | <del>1.24</del>      | <del>9¢</del>            | 84833 |
| <del>1.25</del>         | <del>1.37</del>      | <del>10¢</del>           | 84834 |
| <del>1.38</del>         | <del>1.51</del>      | <del>11¢</del>           | 84835 |
| <del>1.52</del>         | <del>1.65</del>      | <del>12¢</del>           | 84836 |
| <del>1.66</del>         | <del>1.79</del>      | <del>13¢</del>           | 84837 |
| <del>1.80</del>         | <del>1.93</del>      | <del>14¢</del>           | 84838 |
| <del>1.94</del>         | <del>2.06</del>      | <del>15¢</del>           | 84839 |
| <del>2.07</del>         | <del>2.20</del>      | <del>16¢</del>           | 84840 |
| <del>2.21</del>         | <del>2.34</del>      | <del>17¢</del>           | 84841 |
| <del>2.35</del>         | <del>2.48</del>      | <del>18¢</del>           | 84842 |
| <del>2.49</del>         | <del>2.62</del>      | <del>19¢</del>           | 84843 |
| <del>2.63</del>         | <del>2.75</del>      | <del>20¢</del>           | 84844 |
| <del>2.76</del>         | <del>2.89</del>      | <del>21¢</del>           | 84845 |

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>2.90</del> | <del>3.03</del> | <del>22¢</del> | 84848 |
| <del>3.04</del> | <del>3.17</del> | <del>23¢</del> | 84849 |
| <del>3.18</del> | <del>3.31</del> | <del>24¢</del> | 84850 |
| <del>3.32</del> | <del>3.44</del> | <del>25¢</del> | 84851 |
| <del>3.45</del> | <del>3.58</del> | <del>26¢</del> | 84852 |
| <del>3.59</del> | <del>3.72</del> | <del>27¢</del> | 84853 |
| <del>3.73</del> | <del>3.86</del> | <del>28¢</del> | 84854 |
| <del>3.87</del> | <del>4.00</del> | <del>29¢</del> | 84855 |

~~If the price exceeds four dollars, the tax is twenty nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus the amount of tax for prices twenty eight cents through three dollars and ninety nine cents in accordance with the schedule above.~~

|   |                      |                          |       |
|---|----------------------|--------------------------|-------|
| <del>(8) When the combined rate of local tax is two per cent:</del> |                      |                          | 84868 |
| <del>If the price</del>   | <del>But not</del>   | <del>The amount</del>    | 84869 |
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> | 84870 |
| <del>\$.01</del>  | <del>\$.15</del>     | <del>No tax</del>        | 84871 |
| <del>.16</del>  | <del>.26</del>       | <del>2¢</del>            | 84872 |
| <del>.27</del>  | <del>.40</del>       | <del>3¢</del>            | 84873 |
| <del>.41</del>  | <del>.53</del>       | <del>4¢</del>            | 84874 |
| <del>.54</del>  | <del>.65</del>       | <del>5¢</del>            | 84875 |
| <del>.66</del>  | <del>.80</del>       | <del>6¢</del>            | 84876 |
| <del>.81</del>  | <del>.93</del>       | <del>7¢</del>            | 84877 |
| <del>.94</del>  | <del>1.06</del>      | <del>8¢</del>            | 84878 |
| <del>1.07</del>   | <del>1.20</del>      | <del>9¢</del>            | 84879 |

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>1.21</del> | <del>1.33</del> | <del>10¢</del> | 84880 |
| <del>1.34</del> | <del>1.46</del> | <del>11¢</del> | 84881 |
| <del>1.47</del> | <del>1.60</del> | <del>12¢</del> | 84882 |
| <del>1.61</del> | <del>1.73</del> | <del>13¢</del> | 84883 |
| <del>1.74</del> | <del>1.86</del> | <del>14¢</del> | 84884 |
| <del>1.87</del> | <del>2.00</del> | <del>15¢</del> | 84885 |

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(9) When the combined rate of local tax is two and one fourth per cent:~~

| <del>If the price</del> | <del>But not</del>   | <del>The amount</del>    |       |
|-------------------------|----------------------|--------------------------|-------|
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> |       |
| <del>\$.01</del>        | <del>\$.15</del>     | <del>No tax</del>        | 84896 |
| <del>.16</del>          | <del>.25</del>       | <del>2¢</del>            | 84897 |
| <del>.26</del>          | <del>.38</del>       | <del>3¢</del>            | 84898 |
| <del>.39</del>          | <del>.51</del>       | <del>4¢</del>            | 84899 |
| <del>.52</del>          | <del>.64</del>       | <del>5¢</del>            | 84900 |
| <del>.65</del>          | <del>.77</del>       | <del>6¢</del>            | 84901 |
| <del>.78</del>          | <del>.90</del>       | <del>7¢</del>            | 84902 |
| <del>.91</del>          | <del>1.03</del>      | <del>8¢</del>            | 84903 |
| <del>1.04</del>         | <del>1.16</del>      | <del>9¢</del>            | 84904 |
| <del>1.17</del>         | <del>1.29</del>      | <del>10¢</del>           | 84905 |
| <del>1.30</del>         | <del>1.41</del>      | <del>11¢</del>           | 84906 |
| <del>1.42</del>         | <del>1.54</del>      | <del>12¢</del>           | 84907 |
| <del>1.55</del>         | <del>1.67</del>      | <del>13¢</del>           | 84908 |
| <del>1.68</del>         | <del>1.80</del>      | <del>14¢</del>           | 84909 |

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>1.81</del> | <del>1.93</del> | <del>15¢</del> | 84912 |
| <del>1.94</del> | <del>2.06</del> | <del>16¢</del> | 84913 |
| <del>2.07</del> | <del>2.19</del> | <del>17¢</del> | 84914 |
| <del>2.20</del> | <del>2.32</del> | <del>18¢</del> | 84915 |
| <del>2.33</del> | <del>2.45</del> | <del>19¢</del> | 84916 |
| <del>2.46</del> | <del>2.58</del> | <del>20¢</del> | 84917 |
| <del>2.59</del> | <del>2.70</del> | <del>21¢</del> | 84918 |
| <del>2.71</del> | <del>2.83</del> | <del>22¢</del> | 84919 |
| <del>2.84</del> | <del>2.96</del> | <del>23¢</del> | 84920 |
| <del>2.97</del> | <del>3.09</del> | <del>24¢</del> | 84921 |
| <del>3.10</del> | <del>3.22</del> | <del>25¢</del> | 84922 |
| <del>3.23</del> | <del>3.35</del> | <del>26¢</del> | 84923 |
| <del>3.36</del> | <del>3.48</del> | <del>27¢</del> | 84924 |
| <del>3.49</del> | <del>3.61</del> | <del>28¢</del> | 84925 |
| <del>3.62</del> | <del>3.74</del> | <del>29¢</del> | 84926 |
| <del>3.75</del> | <del>3.87</del> | <del>30¢</del> | 84927 |
| <del>3.88</del> | <del>4.00</del> | <del>31¢</del> | 84928 |

~~If the price exceeds four dollars, the tax is thirty one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but not more than twenty five cents, the amount of tax is thirty one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty five cents, the amount of tax is thirty one cents for each four dollars plus the amount of tax for prices twenty six cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(10) When the combined rate of local tax is two and one half per cent:~~

|                         |                    |                       |       |
|-------------------------|--------------------|-----------------------|-------|
| <del>If the price</del> | <del>But not</del> | <del>The amount</del> | 84943 |
|-------------------------|--------------------|-----------------------|-------|

|                        |                      |                          |       |
|------------------------|----------------------|--------------------------|-------|
| <del>is at least</del> | <del>more than</del> | <del>of the tax is</del> | 84944 |
| <del>\$.01</del>       | <del>\$.15</del>     | <del>No tax</del>        | 84945 |
| <del>.16</del>         | <del>.25</del>       | <del>2¢</del>            | 84946 |
| <del>.26</del>         | <del>.37</del>       | <del>3¢</del>            | 84947 |
| <del>.38</del>         | <del>.50</del>       | <del>4¢</del>            | 84948 |
| <del>.51</del>         | <del>.62</del>       | <del>5¢</del>            | 84949 |
| <del>.63</del>         | <del>.75</del>       | <del>6¢</del>            | 84950 |
| <del>.76</del>         | <del>.87</del>       | <del>7¢</del>            | 84951 |
| <del>.88</del>         | <del>1.00</del>      | <del>8¢</del>            | 84952 |

~~If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than twelve cents but not more than twenty five cents, the amount of tax is eight cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty five cents, the amount of tax is eight cents for each one dollar plus the amount of tax for prices twenty six cents through ninety nine cents in accordance with the schedule above.~~

~~(11) When the combined rate of local tax is two and three fourths per cent:~~

|                         |                      |                          |       |
|-------------------------|----------------------|--------------------------|-------|
| <del>If the price</del> | <del>But not</del>   | <del>The amount</del>    | 84966 |
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> | 84967 |
| <del>\$.01</del>        | <del>\$.15</del>     | <del>No tax</del>        | 84968 |
| <del>.16</del>          | <del>.24</del>       | <del>2¢</del>            | 84969 |
| <del>.25</del>          | <del>.36</del>       | <del>3¢</del>            | 84970 |
| <del>.37</del>          | <del>.48</del>       | <del>4¢</del>            | 84971 |
| <del>.49</del>          | <del>.60</del>       | <del>5¢</del>            | 84972 |
| <del>.61</del>          | <del>.72</del>       | <del>6¢</del>            | 84973 |
| <del>.73</del>          | <del>.84</del>       | <del>7¢</del>            | 84974 |
| <del>.85</del>          | <del>.96</del>       | <del>8¢</del>            | 84975 |

|                 |                 |                |       |
|-----------------|-----------------|----------------|-------|
| <del>.97</del>  | <del>1.09</del> | <del>9¢</del>  | 84976 |
| <del>1.10</del> | <del>1.21</del> | <del>10¢</del> | 84977 |
| <del>1.22</del> | <del>1.33</del> | <del>11¢</del> | 84978 |
| <del>1.34</del> | <del>1.45</del> | <del>12¢</del> | 84979 |
| <del>1.46</del> | <del>1.57</del> | <del>13¢</del> | 84980 |
| <del>1.58</del> | <del>1.69</del> | <del>14¢</del> | 84981 |
| <del>1.70</del> | <del>1.81</del> | <del>15¢</del> | 84982 |
| <del>1.82</del> | <del>1.93</del> | <del>16¢</del> | 84983 |
| <del>1.94</del> | <del>2.06</del> | <del>17¢</del> | 84984 |
| <del>2.07</del> | <del>2.18</del> | <del>18¢</del> | 84985 |
| <del>2.19</del> | <del>2.30</del> | <del>19¢</del> | 84986 |
| <del>2.31</del> | <del>2.42</del> | <del>20¢</del> | 84987 |
| <del>2.43</del> | <del>2.54</del> | <del>21¢</del> | 84988 |
| <del>2.55</del> | <del>2.66</del> | <del>22¢</del> | 84989 |
| <del>2.67</del> | <del>2.78</del> | <del>23¢</del> | 84990 |
| <del>2.79</del> | <del>2.90</del> | <del>24¢</del> | 84991 |
| <del>2.91</del> | <del>3.03</del> | <del>25¢</del> | 84992 |
| <del>3.04</del> | <del>3.15</del> | <del>26¢</del> | 84993 |
| <del>3.16</del> | <del>3.27</del> | <del>27¢</del> | 84994 |
| <del>3.28</del> | <del>3.39</del> | <del>28¢</del> | 84995 |
| <del>3.40</del> | <del>3.51</del> | <del>29¢</del> | 84996 |
| <del>3.52</del> | <del>3.63</del> | <del>30¢</del> | 84997 |
| <del>3.64</del> | <del>3.75</del> | <del>31¢</del> | 84998 |
| <del>3.76</del> | <del>3.87</del> | <del>32¢</del> | 84999 |
| <del>3.88</del> | <del>4.00</del> | <del>33¢</del> | 85000 |

~~If the price exceeds four dollars, the tax is thirty three~~ 85001  
~~cents on each four dollars. If the price exceeds four dollars or a~~ 85002  
~~multiple thereof by not more than eleven cents, the amount of tax~~ 85003  
~~is thirty three cents for each four dollars plus one cent. If the~~ 85004  
~~price exceeds four dollars or a multiple thereof by more than~~ 85005  
~~eleven cents but not more than twenty four cents, the amount of~~ 85006  
~~tax is thirty three cents for each four dollars plus two cents. If~~ 85007  
~~the price exceeds four dollars or a multiple thereof by more than~~ 85008

~~twenty four cents, the amount of tax is thirty three cents for 85009  
each four dollars plus the amount of tax for prices twenty six 85010  
cents through three dollars and ninety nine cents in accordance 85011  
with the schedule above. 85012~~

~~(12) When the combined rate of local tax is three per cent: 85013~~

| <del>If the price</del> | <del>But not</del>   | <del>The amount</del>    |       |
|-------------------------|----------------------|--------------------------|-------|
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> |       |
| <del>\$.01</del>        | <del>\$.15</del>     | <del>No tax</del>        | 85016 |
| <del>.16</del>          | <del>.23</del>       | <del>2¢</del>            | 85017 |
| <del>.24</del>          | <del>.35</del>       | <del>3¢</del>            | 85018 |
| <del>.36</del>          | <del>.47</del>       | <del>4¢</del>            | 85019 |
| <del>.48</del>          | <del>.58</del>       | <del>5¢</del>            | 85020 |
| <del>.59</del>          | <del>.70</del>       | <del>6¢</del>            | 85021 |
| <del>.71</del>          | <del>.82</del>       | <del>7¢</del>            | 85022 |
| <del>.83</del>          | <del>.94</del>       | <del>8¢</del>            | 85023 |
| <del>.95</del>          | <del>1.05</del>      | <del>9¢</del>            | 85024 |
| <del>1.06</del>         | <del>1.17</del>      | <del>10¢</del>           | 85025 |
| <del>1.18</del>         | <del>1.29</del>      | <del>11¢</del>           | 85026 |
| <del>1.30</del>         | <del>1.41</del>      | <del>12¢</del>           | 85027 |
| <del>1.42</del>         | <del>1.52</del>      | <del>13¢</del>           | 85028 |
| <del>1.53</del>         | <del>1.64</del>      | <del>14¢</del>           | 85029 |
| <del>1.65</del>         | <del>1.76</del>      | <del>15¢</del>           | 85030 |
| <del>1.77</del>         | <del>1.88</del>      | <del>16¢</del>           | 85031 |
| <del>1.89</del>         | <del>2.00</del>      | <del>17¢</del>           | 85032 |

~~If the price exceeds two dollars, the tax is seventeen cents 85033  
on each two dollars. If the price exceeds two dollars or a 85034  
multiple thereof by not more than eleven cents, the amount of tax 85035  
is seventeen cents for each two dollars plus one cent. If the 85036  
price exceeds two dollars or a multiple thereof by more than 85037  
eleven cents but not more than twenty three cents, the amount of 85038  
tax is seventeen cents for each two dollars plus two cents. If the 85039  
price exceeds two dollars or a multiple thereof by more than 85040~~

~~twenty three cents, the amount of tax is seventeen cents for each 85041  
two dollars plus the amount of tax for prices twenty four cents 85042  
through one dollar and ninety nine cents in accordance with the 85043  
schedule above. 85044~~

~~(D) In lieu of collecting the tax pursuant to the schedules 85045  
set forth in divisions (A), (B), and (C) of this section, a vendor 85046  
may compute the tax on each sale as follows: 85047~~

~~(1) On sales of fifteen cents or less, no tax shall apply. 85048~~

~~(2) On sales in excess of fifteen cents, multiply the price 85049  
by the aggregate rate of taxes in effect under sections 5739.02 85050  
and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021, 85051  
5741.022, and 5741.023 of the Revised Code. The computation shall 85052  
be carried out to six decimal places. If the result is a 85053  
fractional amount of a cent, the calculated tax shall be increased 85054  
to the next highest cent and that amount shall be collected by the 85055  
vendor. 85056~~

~~(E) On and after January 1, 2006, a (A) A vendor shall 85057  
compute the tax on each sale by multiplying the price by the 85058  
aggregate rate of taxes in effect under sections 5739.02 and 85059  
5741.02, and sections 5739.021, 5739.023, 5739.026, 5741.021, 85060  
5741.022, and 5741.023 of the Revised Code. The computation shall 85061  
be carried out to three decimal places. If the result is a 85062  
fractional amount of a cent, the calculated tax shall be rounded 85063  
to a whole cent using a method that rounds up to the next cent 85064  
whenever the third decimal place is greater than four. A vendor 85065  
may elect to compute the tax due on a transaction on an item or an 85066  
invoice basis. 85067~~

~~(F)(B) In auditing a vendor, the tax commissioner shall 85068  
consider the method prescribed by this section that was used by 85069  
the vendor in determining and collecting the tax due under this 85070  
chapter on taxable transactions. If the vendor correctly collects 85071~~

and remits the tax due under this chapter in accordance with the 85072  
~~schedules in divisions (A), (B), and (C) of this section or in~~ 85073  
~~accordance with the~~ computation prescribed in division ~~(D) or (E)~~ 85074  
(A) of this section, the commissioner shall not assess any 85075  
additional tax on those transactions. 85076

~~(G)(C)~~(1) With respect to a sale of a fractional ownership 85077  
program aircraft used primarily in a fractional aircraft ownership 85078  
program, including all accessories attached to such aircraft, the 85079  
tax shall be calculated pursuant to ~~divisions~~ division (A) ~~to (E)~~ 85080  
of this section, provided that the tax commissioner shall modify 85081  
those calculations so that the maximum tax on each program 85082  
aircraft is eight hundred dollars. In the case of a sale of a 85083  
fractional interest that is less than one hundred per cent of the 85084  
program aircraft, the tax charged on the transaction shall be 85085  
eight hundred dollars multiplied by a fraction, the numerator of 85086  
which is the percentage of ownership or possession in the aircraft 85087  
being purchased in the transaction, and the denominator of which 85088  
is one hundred per cent. 85089

(2) Notwithstanding any other provision of law to the 85090  
contrary, the tax calculated under division ~~(G)(C)~~(1) of this 85091  
section and paid with respect to the sale of a fractional 85092  
ownership program aircraft used primarily in a fractional aircraft 85093  
ownership program shall be credited to the general revenue fund. 85094

**Sec. 5739.033.** (A) The amount of tax due pursuant to sections 85095  
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 85096  
the sum of the taxes imposed pursuant to those sections at the 85097  
sourcing location of the sale as determined under this section or, 85098  
if applicable, under division (C) of section 5739.031 or section 85099  
5739.034 of the Revised Code. This section applies only to a 85100  
vendor's or seller's obligation to collect and remit sales taxes 85101  
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 85102

Revised Code or use taxes under section 5741.02, 5741.021, 85103  
5741.022, or 5741.023 of the Revised Code. Division (A) of this 85104  
section does not apply in determining the jurisdiction for which 85105  
sellers are required to collect the use tax under section 5741.05 85106  
of the Revised Code. This section does not affect the obligation 85107  
of a consumer to remit use taxes on the storage, use, or other 85108  
consumption of tangible personal property or on the benefit 85109  
realized of any service provided, to the jurisdiction of that 85110  
storage, use, or consumption, or benefit realized. 85111

(B)(1) Beginning January 1, 2010, retail sales, excluding the 85112  
lease or rental, of tangible personal property or digital goods 85113  
shall be sourced to the location where the vendor receives an 85114  
order for the sale of such property or goods if: 85115

(a) The vendor receives the order in this state and the 85116  
consumer receives the property or goods in this state; 85117

(b) The location where the consumer receives the property or 85118  
goods is determined under division (C)(2), (3), or (4) of this 85119  
section; and 85120

(c) The record-keeping system used by the vendor to calculate 85121  
the tax imposed captures the location where the order is received 85122  
at the time the order is received. 85123

(2) A consumer has no additional liability to this state 85124  
under this chapter or Chapter 5741. of the Revised Code for tax, 85125  
penalty, or interest on a sale for which the consumer remits tax 85126  
to the vendor in the amount invoiced by the vendor if the invoice 85127  
amount is calculated at either the rate applicable to the location 85128  
where the consumer receives the property or digital good or at the 85129  
rate applicable to the location where the order is received by the 85130  
vendor. A consumer may rely on a written representation by the 85131  
vendor as to the location where the order for the sale was 85132  
received by the vendor. If the consumer does not have a written 85133

representation by the vendor as to the location where the order 85134  
was received by the vendor, the consumer may use a location 85135  
indicated by a business address for the vendor that is available 85136  
from records that are maintained in the ordinary course of the 85137  
consumer's business to determine the rate applicable to the 85138  
location where the order was received. 85139

(3) For the purposes of division (B) of this section, the 85140  
location where an order is received by or on behalf of a vendor 85141  
means the physical location of the vendor or a third party such as 85142  
an established outlet, office location, or automated order receipt 85143  
system operated by or on behalf of the vendor, where an order is 85144  
initially received by or on behalf of the vendor, and not where 85145  
the order may be subsequently accepted, completed, or fulfilled. 85146  
An order is received when all necessary information to determine 85147  
whether the order can be accepted has been received by or on 85148  
behalf of the vendor. The location from which the property or 85149  
digital good is shipped shall not be used to determine the 85150  
location where the order is received by the vendor. 85151

(4) For the purposes of division (B) of this section, if 85152  
services subject to taxation under this chapter or Chapter 5741. 85153  
of the Revised Code are sold with tangible personal property or 85154  
digital goods pursuant to a single contract or in the same 85155  
transaction, the services are billed on the same billing statement 85156  
or invoice, and, because of the application of division (B) of 85157  
this section, the transaction would be sourced to more than one 85158  
jurisdiction, the situs of the transaction shall be the location 85159  
where the order is received by or on behalf of the vendor. 85160

(C) Except for sales, other than leases, of titled motor 85161  
vehicles, titled watercraft, or titled outboard motors as provided 85162  
in section 5741.05 of the Revised Code, or as otherwise provided 85163  
in this section and section 5739.034 of the Revised Code, all 85164  
sales shall be sourced as follows: 85165

(1) If the consumer or a donee designated by the consumer receives tangible personal property or a service at a vendor's place of business, the sale shall be sourced to that place of business.

(2) When the tangible personal property or service is not received at a vendor's place of business, the sale shall be sourced to the location known to the vendor where the consumer or the donee designated by the consumer receives the tangible personal property or service, including the location indicated by instructions for delivery to the consumer or the consumer's donee.

(3) If divisions (C)(1) and (2) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer that is available from the vendor's business records that are maintained in the ordinary course of the vendor's business, when use of that address does not constitute bad faith.

(4) If divisions (C)(1), (2), and (3) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer obtained during the consummation of the sale, including the address associated with the consumer's payment instrument, if no other address is available, when use of that address does not constitute bad faith.

(5) If divisions (C)(1), (2), (3), and (4) of this section do not apply, including in the circumstance where the vendor is without sufficient information to apply any of those divisions, the sale shall be sourced to the address from which tangible personal property was shipped, or from which the service was provided, disregarding any location that merely provided the electronic transfer of the property sold or service provided.

(6) As used in division (C) of this section, "receive" means taking possession of tangible personal property or making first use of a service. "Receive" does not include possession by a

shipping company on behalf of a consumer. 85197

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 85198  
section, a business consumer that is not a holder of a direct 85199  
payment permit granted under section 5739.031 of the Revised Code, 85200  
that purchases a digital good, computer software, except computer 85201  
software received in person by a business consumer at a vendor's 85202  
place of business, or a service, and that knows at the time of 85203  
purchase that such digital good, software, or service will be 85204  
concurrently available for use in more than one taxing 85205  
jurisdiction shall deliver to the vendor in conjunction with its 85206  
purchase an exemption certificate claiming multiple points of use, 85207  
or shall meet the requirements of division (D)(2) of this section. 85208  
On receipt of the exemption certificate claiming multiple points 85209  
of use, the vendor is relieved of its obligation to collect, pay, 85210  
or remit the tax due, and the business consumer must pay the tax 85211  
directly to the state. 85212

(b) A business consumer that delivers the exemption 85213  
certificate claiming multiple points of use to a vendor may use 85214  
any reasonable, consistent, and uniform method of apportioning the 85215  
tax due on the digital good, computer software, or service that is 85216  
supported by the consumer's business records as they existed at 85217  
the time of the sale. The business consumer shall report and pay 85218  
the appropriate tax to each jurisdiction where concurrent use 85219  
occurs. The tax due shall be calculated as if the apportioned 85220  
amount of the digital good, computer software, or service had been 85221  
delivered to each jurisdiction to which the sale is apportioned 85222  
under this division. 85223

(c) The exemption certificate claiming multiple points of use 85224  
shall remain in effect for all future sales by the vendor to the 85225  
business consumer until it is revoked in writing by the business 85226  
consumer, except as to the business consumer's specific 85227  
apportionment of a subsequent sale under division (D)(1)(b) of 85228

this section and the facts existing at the time of the sale. 85229

(2) When the vendor knows that a digital good, computer 85230  
software, or service sold will be concurrently available for use 85231  
by the business consumer in more than one jurisdiction, but the 85232  
business consumer does not provide an exemption certificate 85233  
claiming multiple points of use as required by division (D)(1) of 85234  
this section, the vendor may work with the business consumer to 85235  
produce the correct apportionment. Governed by the principles of 85236  
division (D)(1)(b) of this section, the vendor and business 85237  
consumer may use any reasonable, but consistent and uniform, 85238  
method of apportionment that is supported by the vendor's and 85239  
business consumer's books and records as they exist at the time 85240  
the sale is reported for purposes of the taxes levied under this 85241  
chapter. If the business consumer certifies to the accuracy of the 85242  
apportionment and the vendor accepts the certification, the vendor 85243  
shall collect and remit the tax accordingly. In the absence of bad 85244  
faith, the vendor is relieved of any further obligation to collect 85245  
tax on any transaction where the vendor has collected tax pursuant 85246  
to the information certified by the business consumer. 85247

(3) When the vendor knows that the digital good, computer 85248  
software, or service will be concurrently available for use in 85249  
more than one jurisdiction, and the business consumer does not 85250  
have a direct pay permit and does not provide to the vendor an 85251  
exemption certificate claiming multiple points of use as required 85252  
in division (D)(1) of this section, or certification pursuant to 85253  
division (D)(2) of this section, the vendor shall collect and 85254  
remit the tax based on division (C) of this section. 85255

(4) Nothing in this section shall limit a person's obligation 85256  
for sales or use tax to any state in which a digital good, 85257  
computer software, or service is concurrently available for use, 85258  
nor limit a person's ability under local, state, or federal law, 85259  
to claim a credit for sales or use taxes legally due and paid to 85260

other jurisdictions. 85261

(E) A person who holds a direct payment permit issued under 85262  
section 5739.031 of the Revised Code is not required to deliver an 85263  
exemption certificate claiming multiple points of use to a vendor. 85264  
But such permit holder shall comply with division (D)(2) of this 85265  
section in apportioning the tax due on a digital good, computer 85266  
software, or a service for use in business that will be 85267  
concurrently available for use in more than one taxing 85268  
jurisdiction. 85269

(F)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 85270  
section, the consumer of advertising and promotional direct mail 85271  
or other direct mail that is not a holder of a direct payment 85272  
permit ~~shall~~ may provide to the vendor in conjunction with the 85273  
sale ~~either an~~ a fully completed exemption certificate claiming 85274  
direct mail prescribed by the tax commissioner, or, if the direct 85275  
mail is advertising and promotional direct mail, information to 85276  
show the jurisdictions to which ~~the~~ that direct mail is delivered 85277  
to recipients. 85278

~~(2) Upon~~ (b) In the absence of bad faith, upon receipt of 85279  
such an exemption certificate, the vendor is relieved of all 85280  
obligations to collect, pay, or remit the applicable tax and the 85281  
consumer is obligated to pay that tax on a direct pay basis. An 85282  
exemption certificate claiming direct mail shall remain in effect 85283  
for all future sales of direct mail by the vendor to the consumer 85284  
until it is revoked in writing. 85285

~~(3)(c)~~ Upon receipt of information from the consumer showing 85286  
the jurisdictions to which ~~the~~ advertising and promotional direct 85287  
mail is delivered to recipients, the vendor shall collect the tax 85288  
according to the delivery information provided by the consumer. In 85289  
the absence of bad faith, the vendor is relieved of any further 85290  
obligation to collect tax on any transaction where the vendor has 85291  
collected tax pursuant to the delivery information provided by the 85292

consumer. 85293

~~(4)~~(d) If the consumer of advertising and promotional direct mail or other direct mail does not have a direct payment permit and does not provide the vendor with either an exemption certificate claiming direct mail or, if applicable, delivery information as required by division (F)(1)(a) of this section, the vendor shall collect the tax according to division (C)(5) of this section in the case of advertising and promotional direct mail or division (C)(3) of this section in the case of other direct mail. Nothing in division (F)~~(4)~~(1)(d) of this section shall limit a consumer's obligation to pay sales or use tax to any state to which the direct mail is delivered. 85294  
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~~(5)~~(e) If a consumer of advertising and promotional direct mail or other direct mail provides the vendor with documentation of direct payment authority, the consumer shall not be required to provide an exemption certificate claiming direct mail or, if applicable, delivery information to the vendor. 85305  
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(2) As used in division (F) of this section: 85310

(a) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the consumer or at the direction of the consumer when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the consumer to the direct mail vendor for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address. 85311  
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(b) "Advertising and promotional direct mail" means direct mail, the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to 85321  
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sell, popularize, or secure financial support for a product, 85324  
person, business, or organization. As used in division (F)(2)(b) 85325  
of this section, "product" means tangible personal property, 85326  
whether transferred electronically or otherwise, or a service. 85327

(c) "Other direct mail" means direct mail that is not 85328  
advertising and promotional direct mail, regardless of whether 85329  
advertising and promotional direct mail is included in the same 85330  
mailing. "Other direct mail" includes all of the following: 85331

(i) Transactional direct mail that contains personal 85332  
information specific to the addressee, including invoices, bills, 85333  
statements of account, and payroll advices; 85334

(ii) Any legally required mailings, including privacy 85335  
notices, tax reports, and stockholder reports; 85336

(iii) Other nonpromotional direct mail delivered to existing 85337  
or former shareholders, customers, employees, or agents, including 85338  
newsletter and informational pieces. 85339

"Other direct mail" does not include the development of 85340  
billing information or the provision of any data processing 85341  
service that is more than incidental. 85342

(G) If the vendor provides lodging to transient guests as 85343  
specified in division (B)(2) of section 5739.01 of the Revised 85344  
Code, the sale shall be sourced to the location where the lodging 85345  
is located. 85346

(H)(1) As used in this division and division (I) of this 85347  
section, "transportation equipment" means any of the following: 85348

(a) Locomotives and railcars that are utilized for the 85349  
carriage of persons or property in interstate commerce. 85350

(b) Trucks and truck-tractors with a gross vehicle weight 85351  
rating of greater than ten thousand pounds, trailers, 85352  
semi-trailers, or passenger buses that are registered through the 85353

international registration plan and are operated under authority 85354  
of a carrier authorized and certificated by the United States 85355  
department of transportation or another federal authority to 85356  
engage in the carriage of persons or property in interstate 85357  
commerce. 85358

(c) Aircraft that are operated by air carriers authorized and 85359  
certificated by the United States department of transportation or 85360  
another federal authority to engage in the carriage of persons or 85361  
property in interstate or foreign commerce. 85362

(d) Containers designed for use on and component parts 85363  
attached to or secured on the items set forth in division 85364  
(H)(1)(a), (b), or (c) of this section. 85365

(2) A sale, lease, or rental of transportation equipment 85366  
shall be sourced pursuant to division (C) of this section. 85367

(I)(1) A lease or rental of tangible personal property that 85368  
does not require recurring periodic payments shall be sourced 85369  
pursuant to division (C) of this section. 85370

(2) A lease or rental of tangible personal property that 85371  
requires recurring periodic payments shall be sourced as follows: 85372

(a) In the case of a motor vehicle, other than a motor 85373  
vehicle that is transportation equipment, or an aircraft, other 85374  
than an aircraft that is transportation equipment, such lease or 85375  
rental shall be sourced as follows: 85376

(i) An accelerated tax payment on a lease or rental taxed 85377  
pursuant to division (A)(2) of section 5739.02 of the Revised Code 85378  
shall be sourced to the primary property location at the time the 85379  
lease or rental is consummated. Any subsequent taxable charges on 85380  
the lease or rental shall be sourced to the primary property 85381  
location for the period in which the charges are incurred. 85382

(ii) For a lease or rental taxed pursuant to division (A)(3) 85383

of section 5739.02 of the Revised Code, each lease or rental 85384  
installment shall be sourced to the primary property location for 85385  
the period covered by the installment. 85386

(b) In the case of a lease or rental of all other tangible 85387  
personal property, other than transportation equipment, such lease 85388  
or rental shall be sourced as follows: 85389

(i) An accelerated tax payment on a lease or rental that is 85390  
taxed pursuant to division (A)(2) of section 5739.02 of the 85391  
Revised Code shall be sourced pursuant to division (C) of this 85392  
section at the time the lease or rental is consummated. Any 85393  
subsequent taxable charges on the lease or rental shall be sourced 85394  
to the primary property location for the period in which the 85395  
charges are incurred. 85396

(ii) For a lease or rental that is taxed pursuant to division 85397  
(A)(3) of section 5739.02 of the Revised Code, the initial lease 85398  
or rental installment shall be sourced pursuant to division (C) of 85399  
this section. Each subsequent installment shall be sourced to the 85400  
primary property location for the period covered by the 85401  
installment. 85402

(3) As used in division (I) of this section, "primary 85403  
property location" means an address for tangible personal property 85404  
provided by the lessee or renter that is available to the lessor 85405  
or owner from its records maintained in the ordinary course of 85406  
business, when use of that address does not constitute bad faith. 85407

(J) If the vendor provides a service specified in division 85408  
(B)(11) of section 5739.01 of the Revised Code, the situs of the 85409  
sale is the location of the enrollee for whom a medicaid health 85410  
insurance corporation receives managed care premiums. Such sales 85411  
shall be sourced to the locations of the enrollees in the same 85412  
proportion as the managed care premiums received by the medicaid 85413  
health insuring corporation on behalf of enrollees located in a 85414

particular taxing jurisdiction in Ohio as compared to all managed 85415  
care premiums received by the medicaid health insuring 85416  
corporation. 85417

**Sec. 5739.10.** (A) In addition to the tax levied by section 85418  
5739.02 of the Revised Code and any tax levied pursuant to section 85419  
5739.021, 5739.023, or 5739.026 of the Revised Code, and to secure 85420  
the same objectives specified in those sections, there is hereby 85421  
levied upon the privilege of engaging in the business of making 85422  
retail sales, an excise tax equal to the tax levied by section 85423  
5739.02 of the Revised Code, or, in the case of retail sales 85424  
subject to a tax levied pursuant to section 5739.021, 5739.023, or 85425  
5739.026 of the Revised Code, a percentage equal to the aggregate 85426  
rate of such taxes and the tax levied by section 5739.02 of the 85427  
Revised Code of the receipts derived from all retail sales, except 85428  
those to which the excise tax imposed by section 5739.02 of the 85429  
Revised Code is made inapplicable by division (B) of that section. 85430

(B) For the purpose of this section, no vendor shall be 85431  
required to maintain records of sales of food for human 85432  
consumption off the premises where sold, and no assessment shall 85433  
be made against any vendor for sales of food for human consumption 85434  
off the premises where sold, solely because the vendor has no 85435  
records of, or has inadequate records of, such sales; provided 85436  
that where a vendor does not have adequate records of receipts 85437  
from the vendor's sales of food for human consumption on the 85438  
premises where sold, the tax commissioner may refuse to accept the 85439  
vendor's return and, upon the basis of test checks of the vendor's 85440  
business for a representative period, and other information 85441  
relating to the sales made by such vendor, determine the 85442  
proportion that taxable retail sales bear to all of the vendor's 85443  
retail sales. The tax imposed by this section shall be determined 85444  
by deducting from the sum representing ~~five six and three-fourths~~ 85445  
one-fourth per cent, as applicable under division (A) of this 85446

section, or, in the case of retail sales subject to a tax levied 85447  
pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised 85448  
Code, a percentage equal to the aggregate rate of such taxes and 85449  
the tax levied by section 5739.02 of the Revised Code of the 85450  
receipts from such retail sales, the amount of tax paid to the 85451  
state or to a clerk of a court of common pleas. The section does 85452  
not affect any duty of the vendor under sections 5739.01 to 85453  
5739.19 and 5739.26 to 5739.31 of the Revised Code, nor the 85454  
liability of any consumer to pay any tax imposed by or pursuant to 85455  
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 85456  
Code. 85457

**Sec. 5739.132.** (A) If a tax ~~payment originally, fee, or~~ 85458  
charge due under this chapter or Chapter 128. or 5741. of the 85459  
Revised Code ~~on or after January 1, 1998,~~ is not paid on or before 85460  
the day the ~~tax payment~~ is required to be paid, interest shall 85461  
accrue on the unpaid tax, fee, or charge at the rate per annum 85462  
prescribed by section 5703.47 of the Revised Code from the day the 85463  
tax, fee, or charge was required to be paid until the tax, fee, or 85464  
charge is paid or until the day an assessment is issued under 85465  
section 5739.13 or 5739.15 of the Revised Code, whichever occurs 85466  
first. Interest shall be paid in the same manner as the tax, fee, 85467  
or charge, and may be collected by assessment. 85468

(B) ~~For tax payments due prior to January 1, 1998, interest~~ 85469  
~~shall be allowed and paid upon any refund granted in respect to~~ 85470  
~~the payment of an illegal or erroneous assessment issued by the~~ 85471  
~~department for the tax imposed under this chapter or Chapter 5741.~~ 85472  
~~of the Revised Code from the date of the overpayment. For tax~~ 85473  
~~payments due on or after January 1, 1998, interest~~ Interest shall 85474  
be allowed and paid on any refund granted pursuant to section 85475  
128.47, 5739.07, or 5741.10 of the Revised Code from the date of 85476  
the overpayment. The interest shall be computed at the rate per 85477  
annum prescribed by section 5703.47 of the Revised Code. 85478

Sec. 5739.18. The tax commissioner shall provide and maintain a system that will allow county auditors to issue vendor's licenses. County auditors shall use that system to issue vendor's licenses. 85479  
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The commissioner shall publish lists of the following information on the department of taxation's web site: 85483  
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(A) The name, account number, and business address of each holder of a vendor's license issued under section 5739.17 of the Revised Code, and information regarding the active or inactive status of the license; 85485  
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(B) The name, account number, and business address of each holder of a direct payment permit issued under section 5739.031 of the Revised Code and information regarding the active or inactive status of the permit; 85489  
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(C) The name, account number, and business address of each seller that has registered with the commissioner under section 5741.17 of the Revised Code and information regarding the active or inactive status of the registration. 85493  
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**Sec. 5739.30.** (A) No person, including any officer, employee, or trustee of a corporation or business trust, shall fail to file any return or report required to be filed by this chapter, or file or cause to be filed any incomplete, false or fraudulent return, report, or statement, or aid or abet another in the filing of any false or fraudulent return, report, or statement. 85497  
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(B) If any vendor required to file monthly returns under section 5739.12 of the Revised Code fails, on two consecutive months or on three or more months within a twelve-month period, to file such returns when due or to pay the tax thereon, or if any vendor authorized by the tax commissioner to file semiannual 85504  
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returns fails on two or more occasions within a twenty-four month 85509  
period, to file such returns when due or to pay the tax due 85510  
thereon, the commissioner may do any of the following: 85511

(1) Require the vendor to furnish security in an amount equal 85512  
to the average tax liability of the vendor for a period of one 85513  
year, as determined by the commissioner from a review of returns 85514  
or other information pertaining to the vendor, which amount shall 85515  
in no event be less than one thousand dollars. The security may be 85516  
in the form of a corporate surety bond, satisfactory to the 85517  
commissioner, conditioned upon payment of the tax due with the 85518  
returns from the vendor. The security shall be filed within ten 85519  
days following the vendor's receipt of the notice from the 85520  
commissioner of its requirements. 85521

(2) Suspend the license issued to the vendor pursuant to 85522  
section 5739.17 of the Revised Code. The suspension shall be 85523  
effective ten days after service of written notice to the vendor 85524  
of the commissioner's intention to do so. The notice shall be 85525  
served upon the vendor personally, by certified mail, or by an 85526  
alternative delivery service as authorized under section 5703.37 85527  
of the Revised Code. On the first day of the suspension, the 85528  
commissioner shall cause to be posted, at every public entrance of 85529  
the vendor's premises, a notice identifying the vendor and the 85530  
location and informing the public that the vendor's license is 85531  
under suspension and that no retail sales may be transacted at 85532  
that location. No person, other than the commissioner or the 85533  
commissioner's agent or employee, shall remove, cover, or deface 85534  
the posted notice. No license which has been suspended under this 85535  
section shall be reinstated, and no posted notice shall be 85536  
removed, until the vendor has filed complete and correct returns 85537  
under this chapter and section 5747.07 of the Revised Code for all 85538  
periods in which no return had been filed and has paid the full 85539  
amount of the tax, penalties, ~~and or~~ other charges due ~~on these~~ 85540

returns. 85541

A corporate surety bond filed under this section shall be 85542  
returned to the vendor if, for a period of twelve consecutive 85543  
months following the date the bond was filed, the vendor has filed 85544  
all returns and remitted payment with them within the time 85545  
prescribed in section 5739.12 of the Revised Code. 85546

(C) The tax commissioner may suspend a license issued to a 85547  
vendor pursuant to section 5739.17 of the Revised Code if the 85548  
vendor is required, as an employer, to file returns or make 85549  
payments under section 5747.07 of the Revised Code and the vendor 85550  
fails to do either of the following: 85551

(1) File such returns when due on two consecutive occasions 85552  
or on three or more occasions within a twelve-month period; 85553

(2) Pay the undeposited taxes when due on two consecutive 85554  
occasions or on three or more occasions within a twelve-month 85555  
period. 85556

Any such suspension shall comply with the provisions of 85557  
division (B)(2) of this section. 85558

(D) If a vendor whose license has been suspended under 85559  
division (B)(2) of this section fails to file returns or make 85560  
payments under section 5747.07 of the Revised Code during such 85561  
suspension, the license may not be reinstated, and the notice 85562  
required by that division shall not be removed, until the vendor 85563  
files complete and correct returns and pays the amounts due, plus 85564  
any penalties and other related charges, under section 5747.07 of 85565  
the Revised Code for all periods for which the vendor failed to 85566  
file such returns and make such payments. 85567

**Sec. 5741.02.** (A)(1) For the use of the general revenue fund 85568  
of the state, an excise tax is hereby levied on the storage, use, 85569  
or other consumption in this state of tangible personal property 85570

or the benefit realized in this state of any service provided. The 85571  
tax shall be collected as provided in section 5739.025 of the 85572  
Revised Code. The rate of the tax shall be ~~five~~ six and 85573  
~~three-fourths~~ one-fourth per cent. 85574

(2) In the case of the lease or rental, with a fixed term of 85575  
more than thirty days or an indefinite term with a minimum period 85576  
of more than thirty days, of any motor vehicles designed by the 85577  
manufacturer to carry a load of not more than one ton, watercraft, 85578  
outboard motor, or aircraft, or of any tangible personal property, 85579  
other than motor vehicles designed by the manufacturer to carry a 85580  
load of more than one ton, to be used by the lessee or renter 85581  
primarily for business purposes, the tax shall be collected by the 85582  
seller at the time the lease or rental is consummated and shall be 85583  
calculated by the seller on the basis of the total amount to be 85584  
paid by the lessee or renter under the lease or rental agreement. 85585  
If the total amount of the consideration for the lease or rental 85586  
includes amounts that are not calculated at the time the lease or 85587  
rental is executed, the tax shall be calculated and collected by 85588  
the seller at the time such amounts are billed to the lessee or 85589  
renter. In the case of an open-end lease or rental, the tax shall 85590  
be calculated by the seller on the basis of the total amount to be 85591  
paid during the initial fixed term of the lease or rental, and for 85592  
each subsequent renewal period as it comes due. As used in this 85593  
division, "motor vehicle" has the same meaning as in section 85594  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 85595  
unit attached to the watercraft. 85596

(3) Except as provided in division (A)(2) of this section, in 85597  
the case of a transaction, the price of which consists in whole or 85598  
part of the lease or rental of tangible personal property, the tax 85599  
shall be measured by the installments of those leases or rentals. 85600

(B) Each consumer, storing, using, or otherwise consuming in 85601  
this state tangible personal property or realizing in this state 85602

the benefit of any service provided, shall be liable for the tax, 85603  
and such liability shall not be extinguished until the tax has 85604  
been paid to this state; provided, that the consumer shall be 85605  
relieved from further liability for the tax if the tax has been 85606  
paid to a seller in accordance with section 5741.04 of the Revised 85607  
Code or prepaid by the seller in accordance with section 5741.06 85608  
of the Revised Code. 85609

(C) The tax does not apply to the storage, use, or 85610  
consumption in this state of the following described tangible 85611  
personal property or services, nor to the storage, use, or 85612  
consumption or benefit in this state of tangible personal property 85613  
or services purchased under the following described circumstances: 85614

(1) When the sale of property or service in this state is 85615  
subject to the excise tax imposed by sections 5739.01 to 5739.31 85616  
of the Revised Code, provided said tax has been paid; 85617

(2) Except as provided in division (D) of this section, 85618  
tangible personal property or services, the acquisition of which, 85619  
if made in Ohio, would be a sale not subject to the tax imposed by 85620  
sections 5739.01 to 5739.31 of the Revised Code; 85621

(3) Property or services, the storage, use, or other 85622  
consumption of or benefit from which this state is prohibited from 85623  
taxing by the Constitution of the United States, laws of the 85624  
United States, or the Constitution of this state. This exemption 85625  
shall not exempt from the application of the tax imposed by this 85626  
section the storage, use, or consumption of tangible personal 85627  
property that was purchased in interstate commerce, but that has 85628  
come to rest in this state, provided that fuel to be used or 85629  
transported in carrying on interstate commerce that is stopped 85630  
within this state pending transfer from one conveyance to another 85631  
is exempt from the excise tax imposed by this section and section 85632  
5739.02 of the Revised Code; 85633

(4) Transient use of tangible personal property in this state 85634  
by a nonresident tourist or vacationer, or a nonbusiness use 85635  
within this state by a nonresident of this state, if the property 85636  
so used was purchased outside this state for use outside this 85637  
state and is not required to be registered or licensed under the 85638  
laws of this state; 85639

(5) Tangible personal property or services rendered, upon 85640  
which taxes have been paid to another jurisdiction to the extent 85641  
of the amount of the tax paid to such other jurisdiction. Where 85642  
the amount of the tax imposed by this section and imposed pursuant 85643  
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 85644  
exceeds the amount paid to another jurisdiction, the difference 85645  
shall be allocated between the tax imposed by this section and any 85646  
tax imposed by a county or a transit authority pursuant to section 85647  
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 85648  
to the respective rates of such taxes. 85649

As used in this subdivision, "taxes paid to another 85650  
jurisdiction" means the total amount of retail sales or use tax or 85651  
similar tax based upon the sale, purchase, or use of tangible 85652  
personal property or services rendered legally, levied by and paid 85653  
to another state or political subdivision thereof, or to the 85654  
District of Columbia, where the payment of such tax does not 85655  
entitle the taxpayer to any refund or credit for such payment. 85656

(6) The transfer of a used manufactured home or used mobile 85657  
home, as defined by section 5739.0210 of the Revised Code, made on 85658  
or after January 1, 2000; 85659

(7) Drugs that are or are intended to be distributed free of 85660  
charge to a practitioner licensed to prescribe, dispense, and 85661  
administer drugs to a human being in the course of a professional 85662  
practice and that by law may be dispensed only by or upon the 85663  
order of such a practitioner-; 85664

(8) Computer equipment and related software leased from a lessor located outside this state and initially received in this state on behalf of the consumer by a third party that will retain possession of such property for not more than ninety days and that will, within that ninety-day period, deliver such property to the consumer at a location outside this state. Division (C)(8) of this section does not provide exemption from taxation for any otherwise taxable charges associated with such property while it is in this state or for any subsequent storage, use, or consumption of such property in this state by or on behalf of the consumer.

(9) Tangible personal property held for sale by a person but not for that person's own use and donated by that person, without charge or other compensation, to either of the following:

(a) A nonprofit organization operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; or

(b) This state or any political subdivision of this state, but only if donated for exclusively public purposes.

For the purposes of division (C)~~(10)~~(9) of this section, "charitable purposes" has the same meaning as in division (B)(12) of section 5739.02 of the Revised Code.

(D) The tax applies to the storage, use, or other consumption in this state of tangible personal property or services, the acquisition of which at the time of sale was excepted under division (E) of section 5739.01 of the Revised Code from the tax imposed by section 5739.02 of the Revised Code, but which has subsequently been temporarily or permanently stored, used, or otherwise consumed in a taxable manner.

(E)(1)(a) If any transaction is claimed to be exempt under 85696  
division (E) of section 5739.01 of the Revised Code or under 85697  
section 5739.02 of the Revised Code, with the exception of 85698  
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 85699  
Code, the consumer shall provide to the seller, and the seller 85700  
shall obtain from the consumer, a certificate specifying the 85701  
reason that the transaction is not subject to the tax. The 85702  
certificate shall be in such form, and shall be provided either in 85703  
a hard copy form or electronic form, as the tax commissioner 85704  
prescribes. 85705

(b) A seller that obtains a fully completed exemption 85706  
certificate from a consumer is relieved of liability for 85707  
collecting and remitting tax on any sale covered by that 85708  
certificate. If it is determined the exemption was improperly 85709  
claimed, the consumer shall be liable for any tax due on that sale 85710  
under this chapter. Relief under this division from liability does 85711  
not apply to any of the following: 85712

(i) A seller that fraudulently fails to collect tax; 85713

(ii) A seller that solicits consumers to participate in the 85714  
unlawful claim of an exemption; 85715

(iii) A seller that accepts an exemption certificate from a 85716  
consumer that claims an exemption based on who purchases or who 85717  
sells property or a service, when the subject of the transaction 85718  
sought to be covered by the exemption certificate is actually 85719  
received by the consumer at a location operated by the seller in 85720  
this state, and this state has posted to its web site an exemption 85721  
certificate form that clearly and affirmatively indicates that the 85722  
claimed exemption is not available in this state; 85723

(iv) A seller that accepts an exemption certificate from a 85724  
consumer who claims a multiple points of use exemption under 85725  
division (D) of section 5739.033 of the Revised Code, if the item 85726

purchased is tangible personal property, other than prewritten 85727  
computer software. 85728

(2) The seller shall maintain records, including exemption 85729  
certificates, of all sales on which a consumer has claimed an 85730  
exemption, and provide them to the tax commissioner on request. 85731

(3) If no certificate is provided or obtained within ninety 85732  
days after the date on which the transaction is consummated, it 85733  
shall be presumed that the tax applies. Failure to have so 85734  
provided or obtained a certificate shall not preclude a seller, 85735  
within one hundred twenty days after the tax commissioner gives 85736  
written notice of intent to levy an assessment, from either 85737  
establishing that the transaction is not subject to the tax, or 85738  
obtaining, in good faith, a fully completed exemption certificate. 85739

(4) If a transaction is claimed to be exempt under division 85740  
(B)(13) of section 5739.02 of the Revised Code, the contractor 85741  
shall obtain certification of the claimed exemption from the 85742  
contractee. This certification shall be in addition to an 85743  
exemption certificate provided by the contractor to the seller. A 85744  
contractee that provides a certification under this division shall 85745  
be deemed to be the consumer of all items purchased by the 85746  
contractor under the claim of exemption, if it is subsequently 85747  
determined that the exemption is not properly claimed. The 85748  
certification shall be in such form as the tax commissioner 85749  
prescribes. 85750

(F) A seller who files a petition for reassessment contesting 85751  
the assessment of tax on transactions for which the seller 85752  
obtained no valid exemption certificates, and for which the seller 85753  
failed to establish that the transactions were not subject to the 85754  
tax during the one-hundred-twenty-day period allowed under 85755  
division (E) of this section, may present to the tax commissioner 85756  
additional evidence to prove that the transactions were exempt. 85757  
The seller shall file such evidence within ninety days of the 85758

receipt by the seller of the notice of assessment, except that, 85759  
upon application and for reasonable cause, the tax commissioner 85760  
may extend the period for submitting such evidence thirty days. 85761

(G) For the purpose of the proper administration of sections 85762  
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 85763  
of the tax hereby levied, it shall be presumed that any use, 85764  
storage, or other consumption of tangible personal property in 85765  
this state is subject to the tax until the contrary is 85766  
established. 85767

(H) The tax collected by the seller from the consumer under 85768  
this chapter is not part of the price, but is a tax collection for 85769  
the benefit of the state, and of counties levying an additional 85770  
use tax pursuant to section 5741.021 or 5741.023 of the Revised 85771  
Code and of transit authorities levying an additional use tax 85772  
pursuant to section 5741.022 of the Revised Code. Except for the 85773  
discount authorized under section 5741.12 of the Revised Code and 85774  
the effects of any rounding pursuant to section 5703.055 of the 85775  
Revised Code, no person other than the state or such a county or 85776  
transit authority shall derive any benefit from the collection of 85777  
such tax. 85778

**Sec. 5743.01.** As used in this chapter: 85779

(A) "Person" includes individuals, firms, partnerships, 85780  
associations, joint-stock companies, corporations, combinations of 85781  
individuals of any form, and the state and any of its political 85782  
subdivisions. 85783

(B) "Wholesale dealer" includes only those persons: 85784

(1) Who bring in or cause to be brought into this state 85785  
unstamped cigarettes purchased directly from the manufacturer, 85786  
producer, or importer of cigarettes for sale in this state but 85787  
does not include persons who bring in or cause to be brought into 85788

this state cigarettes with respect to which no evidence of tax 85789  
payment is required thereon as provided in section 5743.04 of the 85790  
Revised Code; or 85791

(2) Who are engaged in the business of selling cigarettes or 85792  
tobacco products to others for the purpose of resale. 85793

"Wholesale dealer" does not include any cigarette 85794  
manufacturer, export warehouse proprietor, or importer with a 85795  
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 85796  
in this state only to wholesale dealers holding valid and current 85797  
licenses under section 5743.15 of the Revised Code or to an export 85798  
warehouse proprietor or another manufacturer. 85799

(C) "Retail dealer" includes: 85800

(1) In reference to dealers in cigarettes, every person other 85801  
than a wholesale dealer engaged in the business of selling 85802  
cigarettes in this state, regardless of whether the person is 85803  
located in this state or elsewhere, and regardless of quantity, 85804  
amount, or number of sales; 85805

(2) In reference to dealers in tobacco products, any person 85806  
in this state engaged in the business of selling tobacco products 85807  
to ultimate consumers in this state, regardless of quantity, 85808  
amount, or number of sales; 85809

(3) In reference to dealers in vapor products, any person in 85810  
this state engaged in the business of selling vapor products to 85811  
ultimate consumers in this state, regardless of quantity, amount, 85812  
or number of sales. 85813

(D) "Sale" includes exchange, barter, gift, offer for sale, 85814  
and distribution, and includes transactions in interstate or 85815  
foreign commerce. 85816

(E) "Cigarettes" includes any roll for smoking made wholly or 85817  
in part of tobacco, irrespective of size or shape, and whether or 85818

not such tobacco is flavored, adulterated, or mixed with any other 85819  
ingredient, the wrapper or cover of which is made of paper, 85820  
reconstituted cigarette tobacco, homogenized cigarette tobacco, 85821  
cigarette tobacco sheet, or any similar materials other than cigar 85822  
tobacco. 85823

(F) "Package" means the individual package, box, or other 85824  
container in or from which retail sales of cigarettes are normally 85825  
made or intended to be made. 85826

(G) "Storage" includes any keeping or retention of cigarettes 85827  
~~or~~ tobacco products, or vapor products for use or consumption in 85828  
this state. 85829

(H) "Use" includes the exercise of any right or power 85830  
incidental to the ownership of cigarettes ~~or~~ tobacco products, or 85831  
vapor products. 85832

(I) "Tobacco product" or "other tobacco product" means any 85833  
product made from tobacco, other than cigarettes, that is made for 85834  
smoking or chewing, or both, and snuff. 85835

(J) "Wholesale price" means ~~the~~: 85836

(1) If the taxpayer buys from a manufacturer, the invoice 85837  
price, including all federal excise taxes, at which the 85838  
manufacturer of the tobacco product sells the tobacco product to 85839  
unaffiliated distributors, excluding any discounts based on the 85840  
method of payment of the invoice or on time of payment of the 85841  
invoice. ~~If~~ 85842

(2) If the taxpayer buys from other than a manufacturer, 85843  
~~"wholesale price" means~~ the invoice price, including all federal 85844  
excise taxes and excluding any discounts based on the method of 85845  
payment of the invoice or on time of payment of the invoice. 85846

(3) If the tobacco product received by the taxpayer is gratis 85847  
or free, the greater of the following: 85848

(a) The wholesale price computed under division (J)(1) or (2) of this section for a transaction occurring in the preceding thirty days, involving the same or similar parties, and in which the same tobacco product was purchased at regular price;

(b) The manufacturer's list price for the tobacco product applicable to transactions involving unaffiliated distributors, including all federal excise taxes, and excluding any discounts based on the method of payment of the invoice or on the time of payment of the invoice.

(K) "Distributor" means:

(1) Any manufacturer who sells, barter, exchanges, or distributes tobacco products to a retail dealer in the state, except when selling to a retail dealer that has filed with the manufacturer a signed statement agreeing to pay and be liable for the tax imposed by section 5743.51 of the Revised Code;

(2) Any wholesale dealer located in the state who receives tobacco products from a manufacturer, or who receives tobacco products on which the tax imposed by this chapter has not been paid;

(3) Any wholesale dealer located outside the state who sells, barter, exchanges, or distributes tobacco products to a wholesale or retail dealer in the state; or

(4) Any retail dealer who receives tobacco products on which the tax has not or will not be paid by another distributor, including a retail dealer that has filed a signed statement with a manufacturer in which the retail dealer agrees to pay and be liable for the tax that would otherwise be imposed on the manufacturer by section 5743.51 of the Revised Code.

(L) "Taxpayer" means any person liable for the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code.

(M) "Seller" means any person located outside this state 85879  
engaged in the business of selling tobacco products or vapor 85880  
products to consumers for storage, use, or other consumption in 85881  
this state. 85882

(N) "Manufacturer" means any person who manufactures and 85883  
sells cigarettes or tobacco products. 85884

(O) "Importer" means any person that is authorized, under a 85885  
valid permit issued under Section 5713 of the Internal Revenue 85886  
Code, to import finished cigarettes into the United States, either 85887  
directly or indirectly. 85888

(P) "~~Little Specialty~~ cigar" means any roll for smoking, 85889  
other than cigarettes, that is made wholly or in part of tobacco 85890  
and that uses an integrated cellulose acetate filter or other 85891  
filter and is wrapped in any substance containing tobacco, other 85892  
than natural leaf tobacco has all of the following 85893  
characteristics: 85894

(1) The binder and wrapper of the roll consist entirely of 85895  
leaf tobacco. 85896

(2) The roll does not contain a filter or tip, or any 85897  
mouthpiece consisting of a material other than tobacco. 85898

(3) The weight of one thousand such rolls is at least six 85899  
pounds. 85900

(Q) "Secondary manufacturer" means any person in this state 85901  
engaged in the business of repackaging, reconstituting, diluting, 85902  
or reprocessing a vapor product for resale to consumers. 85903

(R) "Vapor product" means a noncombustible product that 85904  
contains or is made or derived from nicotine, that is intended and 85905  
marketed for human consumption, including by smoking, inhaling, 85906  
snorting, or sniffing, and that includes any component, part, or 85907  
additive that is intended for use in a mechanical heating element, 85908

battery, or electronic circuit and is used to deliver the product. 85909

"Vapor product" does not include any product that is a drug, 85910

device, or combination product, as those terms are defined or 85911

described in 21 U.S.C. 321 and 353(g). "Vapor product" includes 85912

any product containing nicotine, regardless of concentration. 85913

(S) "Vapor distributor" means any person that: 85914

(1) Sells vapor products to a retail dealer; 85915

(2) Is a retail dealer that receives vapor products with 85916

respect to which the tax imposed by this chapter has not or will 85917

not be paid by another person that is a vapor distributor; or 85918

(3) Is a secondary manufacturer. 85919

(T) "First invoice price" means: 85920

(1) Except as provided in division (T)(2) of this section, 85921

the invoice price of the vapor product, excluding any discounts 85922

based on the method of payment of the invoice or on the time of 85923

payment of the invoice; 85924

(2) If the vapor product received by the taxpayer is gratis 85925

or free, the greater of the following: 85926

(a) The vapor product price computed under division (T)(1) of 85927

this section for a transaction occurring in the preceding thirty 85928

days, involving the same or similar parties, and in which the same 85929

vapor product was purchased at regular price; 85930

(b) The manufacturer's list price for the vapor product 85931

applicable to transactions involving unaffiliated vapor 85932

distributors, excluding any discounts based on the method of 85933

payment of the invoice or on the time of payment of the invoice. 85934

**Sec. 5743.02.** To provide revenues for the general revenue 85935

fund, an excise tax on sales of cigarettes is hereby levied at the 85936

rate of ~~eighty~~ eighty one hundred twelve and one-half mills on each 85937

cigarette. 85938

Only one sale of the same article shall be used in computing 85939  
the amount of tax due. 85940

The treasurer of state shall place to the credit of the tax 85941  
refund fund created by section 5703.052 of the Revised Code, out 85942  
of receipts from the tax levied by this section, amounts equal to 85943  
the refunds certified by the tax commissioner pursuant to section 85944  
5743.05 of the Revised Code. The balance of taxes collected under 85945  
such section, after the credits to the tax refund fund, shall be 85946  
paid into the general revenue fund. 85947

**Sec. 5743.025.** In addition to the return required by section 85948  
5743.03 of the Revised Code, each retail dealer of cigarettes in a 85949  
county in which a tax is levied under section 5743.021, 5743.024, 85950  
or 5743.026 of the Revised Code shall, within thirty days after 85951  
the date on which the tax takes effect, make and file a return, on 85952  
forms prescribed by the tax commissioner, showing the total number 85953  
of cigarettes which such retail dealer had on hand as of the 85954  
beginning of business on the date on which the tax takes effect, 85955  
and such other information as the commissioner deems necessary for 85956  
the administration of section 5743.021, 5743.024, or 5743.026 of 85957  
the Revised Code. Each such retail dealer shall deliver the return 85958  
together with a remittance of the additional amount of tax due on 85959  
the cigarettes shown on such return to the commissioner. Any 85960  
retail dealer of cigarettes who fails to file a return under this 85961  
section shall, for each day the retail dealer so fails, forfeit 85962  
and pay into the state treasury the sum of one dollar as revenue 85963  
arising from the tax imposed by section 5743.021, 5743.024, or 85964  
5743.026 of the Revised Code, and such sum may be collected by 85965  
assessment in the manner provided in section 5743.081 of the 85966  
Revised Code. For thirty days after the effective date of a tax 85967  
imposed by section 5743.021, 5743.024, or 5743.026 of the Revised 85968

Code, a retail dealer may possess for sale or sell in the county 85969  
in which the tax is levied cigarettes not bearing the stamp 85970  
required by section 5743.03 of the Revised Code to evidence 85971  
payment of the county tax but on which the tax has or will be 85972  
paid. 85973

**Sec. 5743.03.** (A) Except as provided in section 5743.04 of 85974  
the Revised Code, the taxes imposed under sections 5743.02, 85975  
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 85976  
by the purchase of tax stamps. A tax stamp shall be affixed to 85977  
each package of an aggregate denomination not less than the amount 85978  
of the tax upon the contents thereof. The tax stamp, so affixed, 85979  
shall be prima-facie evidence of payment of the tax. 85980

Except as is provided in the rules prescribed by the tax 85981  
commissioner under authority of sections 5743.01 to 5743.20 of the 85982  
Revised Code, and unless tax stamps have been previously affixed, 85983  
they shall be so affixed by each wholesale dealer, and canceled by 85984  
writing or stamping across the face thereof the number assigned to 85985  
such wholesale dealer by the tax commissioner for that purpose, 85986  
prior to the delivery of any cigarettes to any person in this 85987  
state, or in the case of a tax levied pursuant to section 85988  
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 85989  
delivery of cigarettes to any person in the county in which the 85990  
tax is levied. 85991

(B) Except as provided in the rules prescribed by the 85992  
commissioner under authority of sections 5743.01 to 5743.20 of the 85993  
Revised Code, each retail dealer, within twenty-four hours after 85994  
the receipt of any cigarettes at the retail dealer's place of 85995  
business, shall inspect the cigarettes to ensure that tax stamps 85996  
are affixed. The inspection shall be completed before the 85997  
cigarettes are delivered to any person in this state, or, in the 85998  
case of a tax levied pursuant to section 5743.021, 5743.024, or 85999

5743.026 of the Revised Code, before the cigarettes are delivered 86000  
to any person in the county in which the tax is levied. 86001

(C) Whenever any cigarettes are found in the place of 86002  
business of any retail dealer without proper tax stamps affixed 86003  
thereto and canceled, it is presumed that such cigarettes are kept 86004  
therein in violation of sections 5743.01 to 5743.20 of the Revised 86005  
Code. 86006

(D) Each wholesale dealer who purchases cigarettes without 86007  
proper tax stamps affixed thereto shall, on or before the 86008  
~~thirty first last~~ day of the each month ~~following the close of~~ 86009  
~~each semiannual period, which period shall end on the thirtieth~~ 86010  
~~day of June and the thirty first day of December of each year,~~ 86011  
make and file a return ~~of~~ for the preceding ~~semiannual period~~ 86012  
calendar month, on such form as is prescribed by the tax 86013  
commissioner, showing the dealer's entire purchases and sales of 86014  
cigarettes and stamps for such ~~semiannual period~~ month and 86015  
accurate inventories as of the beginning and end of each 86016  
~~semiannual period~~ month of cigarettes, stamped or unstamped; 86017  
cigarette tax stamps affixed or unaffixed; and such other 86018  
information as the commissioner finds necessary to the proper 86019  
administration of sections 5743.01 to 5743.20 of the Revised Code. 86020  
The commissioner may extend the time for making and filing returns 86021  
and may remit all or any part of amounts of penalties that may 86022  
become due under sections 5743.01 to 5743.20 of the Revised Code. 86023  
The wholesale dealer shall deliver the return together with a 86024  
remittance of the tax deficiency reported thereon to the 86025  
commissioner. 86026

(E) Any wholesale dealer who fails to file a return under 86027  
this section and the rules of the commissioner, other than a 86028  
report required pursuant to division (F) of this section, may be 86029  
required, for each day the dealer so fails, to forfeit and pay 86030  
into the state treasury the sum of one dollar as revenue arising 86031

from the tax imposed by sections 5743.01 to 5743.20 of the Revised Code and such sum may be collected by assessment in the manner provided in section 5743.081 of the Revised Code. If the commissioner finds it necessary in order to insure the payment of the tax imposed by sections 5743.01 to 5743.20 of the Revised Code, the commissioner may require returns and payments to be made other than ~~semi-annually~~ monthly. The returns shall be signed by the wholesale dealer or an authorized agent thereof.

(F) Each person required to file a tax return under section 5743.03, 5743.52, or 5743.62 of the Revised Code shall report to the commissioner the quantity of all cigarettes and roll-your-own cigarette tobacco sold in Ohio for each brand not covered by the tobacco master settlement agreement for which the person is liable for the taxes levied under section 5743.02, 5743.51, or 5743.62 of the Revised Code.

As used in this division, "tobacco master settlement agreement" has the same meaning as in section 183.01 of the Revised Code.

(G) The report required by division (F) of this section shall be made on a form prescribed by the commissioner and shall be filed not later than the last day of each month for the previous month, except that if the commissioner determines that the quantity reported by a person does not warrant monthly reporting, the commissioner may authorize reporting at less frequent intervals. The commissioner may assess a penalty of not more than two hundred fifty dollars for each month or portion thereof that a person fails to timely file a required report, and such sum may be collected by assessment in the manner provided in section 5743.081 of the Revised Code. All money collected under this division shall be considered as revenue arising from the taxes imposed by sections 5743.01 to 5743.20 of the Revised Code.

(H) The commissioner may sell tax stamps only to a licensed

wholesale dealer, except as otherwise authorized by the 86064  
commissioner. The commissioner may charge the costs associated 86065  
with the shipment of tax stamps to the licensed wholesale dealer. 86066  
Amounts collected from such charges shall be credited to the 86067  
cigarette tax enforcement fund created under section 5743.15 of 86068  
the Revised Code. 86069

**Sec. 5743.05.** The tax commissioner shall sell all stamps 86070  
provided for by section 5743.03 of the Revised Code. The stamps 86071  
shall be sold at their face value, ~~except the commissioner shall,~~ 86072  
~~by rule, authorize the sale of stamps to wholesale dealers in this~~ 86073  
~~state, or to wholesale dealers outside this state, at less a~~ 86074  
discount of ~~not less than one and eight tenths per cent or more~~ 86075  
~~than ten per cent of their face value~~ one thousand one hundred 86076  
twenty-five ten thousandths of one cent per cigarette, as a 86077  
commission for affixing and canceling the stamps. 86078

The commissioner, by rule, shall authorize the delivery of 86079  
stamps to wholesale dealers in this state and to wholesale dealers 86080  
outside this state on credit. If such a dealer has not been in 86081  
good credit standing with this state for five consecutive years 86082  
preceding the purchase, the commissioner shall require the dealer 86083  
to file with the commissioner a bond to the state in the amount 86084  
and in the form prescribed by the commissioner, with surety to the 86085  
satisfaction of the commissioner, conditioned on payment to the 86086  
treasurer of state or the commissioner within thirty days or the 86087  
following twenty-third day of June, whichever comes first for 86088  
stamps delivered within that time. If such a dealer has been in 86089  
good credit standing with this state for five consecutive years 86090  
preceding the purchase, the commissioner shall not require that 86091  
the dealer file such a bond but shall require payment for the 86092  
stamps within thirty days after purchase of the stamps or the 86093  
following twenty-third day of June, whichever comes first. Stamps 86094  
sold to a dealer not required to file a bond shall be sold at face 86095

value. The maximum amount that may be sold on credit to a dealer 86096  
not required to file a bond shall equal one hundred ten per cent 86097  
of the dealer's average monthly purchases over the preceding 86098  
calendar year. The maximum amount shall be adjusted to reflect any 86099  
changes in the tax rate and may be adjusted, upon application to 86100  
the commissioner by the dealer, to reflect changes in the business 86101  
operations of the dealer. The maximum amount shall be applicable 86102  
to the period between the first day of July to the following 86103  
twenty-third day of June. Payment by a dealer not required to file 86104  
a bond shall be remitted by electronic funds transfer as 86105  
prescribed by section 5743.051 of the Revised Code. If a dealer 86106  
not required to file a bond fails to make the payment in full 86107  
within the required payment period, the commissioner shall not 86108  
thereafter sell stamps to that dealer until the dealer pays the 86109  
outstanding amount, including penalty and interest on that amount 86110  
as prescribed in this chapter, and the commissioner thereafter may 86111  
require the dealer to file a bond until the dealer is restored to 86112  
good standing. The commissioner shall limit delivery of stamps on 86113  
credit to the period running from the first day of July of the 86114  
fiscal year until the twenty-third day of the following June. Any 86115  
discount allowed as a commission for affixing and canceling stamps 86116  
shall be allowed with respect to sales of stamps on credit. 86117

The commissioner shall redeem and pay for any destroyed, 86118  
unused, or spoiled tax stamps at their net value, and shall refund 86119  
to wholesale dealers the net amount of state and county taxes paid 86120  
erroneously or paid on cigarettes that have been sold in 86121  
interstate or foreign commerce or that have become unsalable, and 86122  
the net amount of county taxes that were paid on cigarettes that 86123  
have been sold at retail or for retail sale outside a taxing 86124  
county. 86125

An application for a refund of tax shall be filed with the 86126  
commissioner, on the form prescribed by the commissioner for that 86127

purpose, within three years from the date the tax stamps are 86128  
destroyed or spoiled, from the date of the erroneous payment, or 86129  
from the date that cigarettes on which taxes have been paid have 86130  
been sold in interstate or foreign commerce or have become 86131  
unsalable. 86132

On the filing of the application, the commissioner shall 86133  
determine the amount of refund to which the applicant is entitled, 86134  
payable from receipts of the state tax, and, if applicable, 86135  
payable from receipts of a county tax. If the amount is less than 86136  
that claimed, the commissioner shall certify the amount to the 86137  
director of budget and management and treasurer of state for 86138  
payment from the tax refund fund created by section 5703.052 of 86139  
the Revised Code. If the amount is less than that claimed, the 86140  
commissioner shall proceed in accordance with section 5703.70 of 86141  
the Revised Code. 86142

If a refund is granted for payment of an illegal or erroneous 86143  
assessment issued by the department, the refund shall include 86144  
interest on the amount of the refund from the date of the 86145  
overpayment. The interest shall be computed at the rate per annum 86146  
prescribed by section 5703.47 of the Revised Code. 86147

**Sec. 5743.081.** (A) If any wholesale dealer or retail dealer 86148  
fails to pay the tax levied under section 5743.02, 5743.021, 86149  
5743.024, or 5743.026 of the Revised Code as required by sections 86150  
5743.01 to 5743.20 of the Revised Code, and by the rules of the 86151  
tax commissioner, or fails to collect the tax from the purchaser 86152  
or consumer, the commissioner may make an assessment against the 86153  
wholesale or retail dealer based upon any information in the 86154  
commissioner's possession. 86155

The commissioner may make an assessment against any wholesale 86156  
or retail dealer who fails to file a return required by section 86157  
5743.03 or 5743.025 of the Revised Code. 86158

No assessment shall be made against any wholesale or retail dealer for any taxes imposed under section 5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code more than three years after the last day of the calendar month that immediately follows the ~~semiannual~~ monthly period prescribed in section 5743.03 of the Revised Code in which the sale was made, or more than three years after the ~~semiannual~~ return for ~~such period~~ the month in which the sale was made is filed, whichever is later. This section does not bar an assessment against any wholesale or retail dealer who fails to file a return as required by section 5743.025 or 5743.03 of the Revised Code, or who files a fraudulent return.

A penalty of up to thirty per cent may be added to the amount of every assessment made under this section. The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments made under this section.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. The notice shall specify separately any portion of the assessment that represents a county tax. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall

proceed under section 5703.60 of the Revised Code. 86191

(C) After an assessment becomes final, if any portion of the 86192  
assessment remains unpaid, including accrued interest, a certified 86193  
copy of the tax commissioner's entry making the assessment final 86194  
may be filed in the office of the clerk of the court of common 86195  
pleas in the county in which the wholesale or retail dealer's 86196  
place of business is located or the county in which the party 86197  
assessed resides. If the party assessed maintains no place of 86198  
business in this state and is not a resident of this state, the 86199  
certified copy of the entry may be filed in the office of the 86200  
clerk of the court of common pleas of Franklin county. 86201

Immediately upon the filing of the commissioner's entry, the 86202  
clerk shall enter a judgment for the state against the party 86203  
assessed in the amount shown on the entry. The judgment may be 86204  
filed by the clerk in a loose-leaf book entitled "special 86205  
judgments for state cigarette sales tax," and shall have the same 86206  
effect as other judgments. Execution shall issue upon the judgment 86207  
upon the request of the tax commissioner, and all laws applicable 86208  
to sales on execution shall apply to sales made under the 86209  
judgment, except as otherwise provided in sections 5743.01 to 86210  
5743.20 of the Revised Code. 86211

If the assessment is not paid in its entirety within sixty 86212  
days after the assessment was issued, the portion of the 86213  
assessment consisting of tax due shall bear interest at the rate 86214  
per annum prescribed by section 5703.47 of the Revised Code from 86215  
the day the commissioner issues the assessment until it is paid or 86216  
until it is certified to the attorney general for collection under 86217  
section 131.02 of the Revised Code, whichever comes first. If the 86218  
unpaid portion of the assessment is certified to the attorney 86219  
general for collection, the entire unpaid portion of the 86220  
assessment shall bear interest at the rate per annum prescribed by 86221  
section 5703.47 of the Revised Code from the date of certification 86222

until the date it is paid in its entirety. Interest shall be paid 86223  
in the same manner as the tax and may be collected by the issuance 86224  
of an assessment under this section. 86225

(D) All money collected by the tax commissioner under this 86226  
section shall be paid to the treasurer of state, and when paid 86227  
shall be considered as revenue arising from the taxes imposed by 86228  
sections 5743.01 to 5743.20 of the Revised Code. 86229

**Sec. 5743.14.** (A) The tax commissioner or an agent of the ~~tax~~ 86230  
commissioner may enter and inspect the facilities and records of a 86231  
person selling cigarettes ~~or~~, other tobacco products, or vapor 86232  
products. Such entrance and inspection requires a properly issued 86233  
search warrant if conducted outside the normal business hours of 86234  
the person, but does not require a search warrant if conducted 86235  
during the normal business hours of the person. No person shall 86236  
prevent or hinder the ~~tax~~ commissioner or an agent of the ~~tax~~ 86237  
commissioner from carrying out the authority granted under this 86238  
division. 86239

(B) If a peace officer as defined in section 2935.01 of the 86240  
Revised Code knows or has reasonable cause to believe that a motor 86241  
vehicle is transporting cigarettes or other tobacco products in 86242  
violation of this chapter or section 2927.023 of the Revised Code, 86243  
the peace officer may stop the vehicle and inspect the vehicle to 86244  
determine the presence of such cigarettes or other tobacco 86245  
products. 86246

**Sec. 5743.15.** (A) Except as otherwise provided in this 86247  
division, no person shall engage in this state in the wholesale or 86248  
retail business of trafficking in cigarettes or in the business of 86249  
a manufacturer or importer of cigarettes without having a license 86250  
to conduct each such activity issued by a county auditor under 86251  
division (B) of this section or the tax commissioner under 86252

divisions (C) and (F) of this section. On dissolution of a 86253  
partnership by death, the surviving partner may operate under the 86254  
license of the partnership until expiration of the license, and 86255  
the heirs or legal representatives of deceased persons, and 86256  
receivers and trustees in bankruptcy appointed by any competent 86257  
authority, may operate under the license of the person succeeded 86258  
in possession by such heir, representative, receiver, or trustee 86259  
in bankruptcy if the partner or successor notifies the issuer of 86260  
the license of the dissolution or succession within thirty days 86261  
after the dissolution or succession. 86262

(B)(1) Each applicant for a license to engage in the retail 86263  
business of trafficking in cigarettes under this section, 86264  
annually, on or before the fourth Monday of May, shall make and 86265  
deliver to the county auditor of the county in which the applicant 86266  
desires to engage in the retail business of trafficking in 86267  
cigarettes, upon a blank form furnished by such auditor for that 86268  
purpose, a statement showing the name of the applicant, each 86269  
physical place in the county where the applicant's business is 86270  
conducted, the nature of the business, and any other information 86271  
the tax commissioner requires in the form of statement prescribed 86272  
by the commissioner. If the applicant is a firm, partnership, or 86273  
association other than a corporation, the application shall state 86274  
the name and address of each of its members. If the applicant is a 86275  
corporation, the application shall state the name and address of 86276  
each of its officers. At the time of making the application 86277  
required by this section, every person desiring to engage in the 86278  
retail business of trafficking in cigarettes shall pay an 86279  
application fee in the sum of one hundred twenty-five dollars for 86280  
each physical place where the person proposes to carry on such 86281  
business. Each place of business shall be deemed such space, under 86282  
lease or license to, or under the control of, or under the 86283  
supervision of the applicant, as is contained in one or more 86284  
contiguous, adjacent, or adjoining buildings constituting an 86285

industrial plant or a place of business operated by, or under the control of, one person, or under one roof and connected by doors, halls, stairways, or elevators, which space may contain any number of points at which cigarettes are offered for sale, provided that each additional point at which cigarettes are offered for sale shall be listed in the application.

(2) Upon receipt of the application and exhibition of the county treasurer's receipt showing the payment of the application fee, the county auditor shall issue to the applicant a license for each place of business designated in the application, authorizing the applicant to engage in such business at such place for one year commencing on the fourth Monday of May. The form of the license shall be prescribed by the commissioner. A duplicate license may be obtained from the county auditor upon payment of a five-dollar fee if the original license is lost, destroyed, or defaced. When an application is filed after the fourth Monday of May, the application fee required to be paid shall be proportioned in amount to the remainder of the license year, except that it shall not be less than twenty-five dollars in any one year.

(3) The holder of a retail dealer's cigarette license may transfer the license to a place of business within the same county other than that designated on the license on condition that the licensee's ownership interest and business structure remain unchanged, and that the licensee applies to the county auditor therefor, upon forms approved by the commissioner and the payment of a fee of five dollars into the county treasury.

(C)(1) Each applicant for a license to engage in the wholesale business of trafficking in cigarettes under this section, annually, on or before the fourth Monday in May, shall make and deliver to the tax commissioner, upon a blank form furnished by the commissioner for that purpose, a statement showing the name of the applicant, physical street address where

the applicant's business is conducted, the nature of the business, 86318  
and any other information required by the commissioner. If the 86319  
applicant is a firm, partnership, or association other than a 86320  
corporation, the applicant shall state the name and address of 86321  
each of its members. If the applicant is a corporation, the 86322  
applicant shall state the name and address of each of its 86323  
officers. At the time of making the application required by this 86324  
section, every person desiring to engage in the wholesale business 86325  
of trafficking in cigarettes shall pay an application fee of one 86326  
thousand dollars for each physical place where the person proposes 86327  
to carry on such business. Each place of business shall be deemed 86328  
such space, under lease or license to, or under the control of, or 86329  
under the supervision of the applicant, as is contained in one or 86330  
more contiguous, adjacent, or adjoining buildings constituting an 86331  
industrial plant or a place of business operated by, or under the 86332  
control of, one person, or under one roof and connected by doors, 86333  
halls, stairways, or elevators. A duplicate license may be 86334  
obtained from the commissioner upon payment of a 86335  
twenty-five-dollar fee if the original license is lost, destroyed, 86336  
or defaced. 86337

(2) Upon receipt of the application and payment of any 86338  
application fee required by this section, the commissioner shall 86339  
verify that the applicant is not in violation of any provision of 86340  
Chapter 1346. or Title LVII of the Revised Code. The commissioner 86341  
shall also verify that the applicant has filed any returns, 86342  
submitted any information, and paid any outstanding taxes, 86343  
charges, or fees as required for any tax, charge, or fee 86344  
administered by the commissioner, to the extent that the 86345  
commissioner is aware of the returns, information, ~~taxes, or fees~~ 86346  
payments at the time of the application. Upon approval, the 86347  
commissioner shall issue to the applicant a license for each 86348  
physical place of business designated in the application 86349  
authorizing the applicant to engage in business at that location 86350

for one year commencing on the fourth Monday in May. For licenses 86351  
issued after the fourth Monday in May, the application fee shall 86352  
be reduced proportionately by the remainder of the twelve-month 86353  
period for which the license is issued, except that the 86354  
application fee required to be paid under this section shall be 86355  
not less than two hundred dollars in any one year. 86356

(3) The holder of a wholesale dealer cigarette license may 86357  
transfer the license to a place of business other than that 86358  
designated on the license on condition that the licensee's 86359  
ownership or business structure remains unchanged, and that the 86360  
licensee applies to the commissioner for such a transfer upon a 86361  
form promulgated by the commissioner and pays a fee of twenty-five 86362  
dollars, which shall be deposited into the cigarette tax 86363  
enforcement fund created in division (E) of this section. 86364

(D)(1) The wholesale cigarette license application fees 86365  
collected under this section shall be paid into the cigarette tax 86366  
enforcement fund. 86367

(2) The retail cigarette license application fees collected 86368  
under this section shall be distributed as follows: 86369

(a) Thirty per cent shall be paid upon the warrant of the 86370  
county auditor into the treasury of the municipal corporation or 86371  
township in which the places of business for which the tax revenue 86372  
was received are located; 86373

(b) Ten per cent shall be credited to the general fund of the 86374  
county; 86375

(c) Sixty per cent shall be paid into the cigarette tax 86376  
enforcement fund. 86377

(3) The remainder of the revenues and fines collected under 86378  
this section and the penal laws relating to cigarettes shall be 86379  
distributed as follows: 86380

(a) Three-fourths shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the place of business, on account of which the revenues and fines were received, is located;

(b) One-fourth shall be credited to the general fund of the county.

(E) There is hereby created within the state treasury the cigarette tax enforcement fund for the purpose of providing funds to assist in paying the costs of enforcing sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code.

The portion of cigarette license application fees received by a county auditor during the annual application period that ends on the fourth Monday in May and that is required to be deposited in the cigarette tax enforcement fund shall be sent to the treasurer of state by the thirtieth day of June each year accompanied by the form prescribed by the tax commissioner. The portion of cigarette license application fees received by each county auditor after the fourth Monday in May and that is required to be deposited in the cigarette tax enforcement fund shall be sent to the treasurer of state by the last day of the month following the month in which such fees were collected.

(F)(1) Every person who desires to engage in the business of a manufacturer or importer of cigarettes shall, annually, on or before the fourth Monday of May, make and deliver to the tax commissioner, upon a blank form furnished by the commissioner for that purpose, a statement showing the name of the applicant, the nature of the applicant's business, and any other information required by the commissioner. If the applicant is a firm, partnership, or association other than a corporation, the applicant shall state the name and address of each of its members. If the applicant is a corporation, the applicant shall state the name and address of each of its officers.

(2) Upon receipt of the application required under this 86413  
section, the commissioner shall verify that the applicant is not 86414  
in violation of any provision of Chapter 1346. ~~or Title LVIII~~ of 86415  
the Revised Code. The commissioner shall also verify that the 86416  
applicant has filed any returns, submitted any information, and 86417  
paid any outstanding taxes, charges, or fees as required for any 86418  
tax, charge, or fee administered by the commissioner, to the 86419  
extent that the commissioner is aware of the returns, information, 86420  
taxes, charges, or fees at the time of the application. Upon 86421  
approval, the commissioner shall issue to the applicant a license 86422  
authorizing the applicant to engage in the business of 86423  
manufacturer or importer, whichever the case may be, for one year 86424  
commencing on the fourth Monday of May. 86425

(3) The issuing of a license under division (F)(1) of this 86426  
section to a manufacturer does not excuse a manufacturer from the 86427  
certification process required under section 1346.05 of the 86428  
Revised Code. A manufacturer who is issued a license under 86429  
division (F)(1) of this section and who is not listed on the 86430  
directory required under section 1346.05 of the Revised Code shall 86431  
not be permitted to sell cigarettes in this state other than to a 86432  
licensed cigarette wholesaler for sale outside this state. Such a 86433  
manufacturer shall provide documentation to the commissioner 86434  
evidencing that the cigarettes are legal for sale in another 86435  
state. 86436

(G) The tax commissioner may adopt rules necessary to 86437  
administer this section. 86438

**Sec. 5743.20.** No person shall sell any cigarettes both as a 86439  
retail dealer and as a wholesale dealer at the same place of 86440  
business. No person other than a licensed wholesale dealer shall 86441  
sell cigarettes to a licensed retail dealer. No retail dealer 86442  
shall purchase cigarettes from any person other than a licensed 86443

wholesale dealer. 86444

Subject to section 5743.031 of the Revised Code, a licensed 86445  
wholesale dealer may not sell cigarettes to any person in this 86446  
state other than a licensed retail dealer, except a licensed 86447  
wholesale dealer may sell cigarettes to another licensed wholesale 86448  
dealer if the tax commissioner has authorized the sale of the 86449  
cigarettes between those wholesale dealers and the wholesale 86450  
dealer that sells the cigarettes received them directly from a 86451  
licensed manufacturer or licensed importer. 86452

The tax commissioner shall adopt rules governing sales of 86453  
cigarettes between licensed wholesale dealers, including rules 86454  
establishing criteria for authorizing such sales. 86455

No manufacturer or importer shall sell cigarettes to any 86456  
person in this state other than to a licensed wholesale dealer or 86457  
licensed importer. No importer shall purchase cigarettes from any 86458  
person other than a licensed manufacturer or licensed importer. 86459

A retail dealer may purchase other tobacco products only from 86460  
a licensed distributor. A licensed distributor may sell tobacco 86461  
products only to a retail dealer, except a licensed distributor 86462  
may sell tobacco products to another licensed distributor if the 86463  
tax commissioner has authorized the sale of the tobacco products 86464  
between those distributors and the distributor that sells the 86465  
tobacco products received them directly from a manufacturer or 86466  
importer of tobacco products. 86467

The tax commissioner may adopt rules governing sales of 86468  
tobacco products between licensed distributors, including rules 86469  
establishing criteria for authorizing such sales. 86470

No person other than a secondary manufacturer that is a 86471  
licensed vapor distributor shall reconstitute, dilute, or 86472  
reprocess vapor products for resale to consumers. All secondary 86473  
manufacturers shall package reconstituted, diluted, or reprocessed 86474

vapor products in compliance with Chapter 39A of Title 15 of the 86475  
United States Code. A licensed vapor distributor may sell vapor 86476  
products only to a retail dealer or to another licensed vapor 86477  
distributor, except that, if the licensed vapor distributor is a 86478  
retail dealer, the licensed vapor distributor may also sell vapor 86479  
products to consumers. 86480

The identities of cigarette manufacturers and importers, 86481  
licensed cigarette wholesalers, licensed distributors of other 86482  
tobacco products, ~~and~~ registered manufacturers and importers of 86483  
other tobacco products, and licensed vapor distributors are 86484  
subject to public disclosure. The tax commissioner shall maintain 86485  
an alphabetical list of all such manufacturers, importers, 86486  
wholesalers, and distributors, shall post the list on a web site 86487  
accessible to the public through the internet, and shall 86488  
periodically update the web site posting. 86489

As used in this section, "licensed" means the manufacturer, 86490  
importer, wholesale dealer, or distributor or vapor distributor 86491  
holds a current and valid license issued under section 5743.15 or 86492  
5743.61 of the Revised Code, and "registered" means registered 86493  
with the commissioner under section 5743.66 of the Revised Code. 86494

**Sec. 5743.32.** To provide revenue for the general revenue fund 86495  
of the state, an excise tax is hereby levied on the use, 86496  
consumption, or storage for consumption of cigarettes by consumers 86497  
in this state at the rate of ~~eighty~~ one hundred twelve and 86498  
one-half mills on each cigarette. The tax shall not apply if the 86499  
tax levied by section 5743.02 of the Revised Code has been paid. 86500

The money received into the state treasury from the excise 86501  
tax levied by this section shall be credited to the general 86502  
revenue fund. 86503

**Sec. 5743.41.** No person engaged in the business of 86504

trafficking in cigarettes or in the business of distributing 86505  
tobacco products or vapor products shall fail to post and keep 86506  
constantly displayed in a conspicuous place in the building where 86507  
such business is carried on the license required by section 86508  
5743.15 or 5743.61 of the Revised Code, or sell or offer to sell 86509  
cigarettes, cigarette wrappers, or a substitute for either, or 86510  
sell or offer to sell tobacco products or vapor products, without 86511  
complying with the law relating to cigarettes ~~and~~ tobacco 86512  
products, and vapor products. 86513

**Sec. 5743.44.** (A) Any person, other than an employee of the 86514  
state, who furnishes to the department of taxation, attorney 86515  
general, or any law enforcement agency original information 86516  
concerning any violation of Chapter 5743. of the Revised Code, 86517  
which information results in the collection and recovery of any 86518  
tax or penalty or leads to the forfeiture of any cigarettes, may 86519  
be awarded and paid by the treasurer of state, upon the 86520  
certification of the tax commissioner, a compensation of not more 86521  
than twenty per cent of the net amount received from the sale of 86522  
any forfeited cigarettes, but not exceeding ten thousand dollars 86523  
in any case, which shall be paid out of the receipts of such sale. 86524  
If in the opinion of the attorney general and the tax commissioner 86525  
it is necessary to preserve the identity of the person furnishing 86526  
such information, they shall file with the treasurer of state an 86527  
affidavit stating such necessity and a warrant may be issued 86528  
jointly to the attorney general and the tax commissioner. Upon 86529  
payment of such money to the person furnishing the information, 86530  
the attorney general and the tax commissioner shall file with the 86531  
treasurer of state an affidavit that the money has been paid by 86532  
them to the person entitled thereto. 86533

(B) Except for the minimum quantity of cigarettes ~~or~~ tobacco 86534  
products, or vapor products needed as evidence to establish a 86535  
violation under this chapter, all cigarettes ~~or~~ tobacco products, 86536

or vapor products seized under this chapter shall be within the 86537  
sole control and jurisdiction of the tax commissioner for sale 86538  
pursuant to section 5743.08 or 5743.55 of the Revised Code. 86539

**Sec. 5743.51.** (A) To provide revenue for the general revenue 86540  
fund of the state, an excise tax on tobacco products and vapor 86541  
products is hereby levied at one of the following rates: 86542

(1) For tobacco products other than ~~little~~ specialty cigars, 86543  
~~seventeen~~ sixty-nine per cent of the wholesale price of the 86544  
tobacco product received by a distributor or sold by a 86545  
manufacturer to a retail dealer located in this state;~~i~~ 86546

(2) For ~~invoices dated October 1, 2013, or later,~~ 86547  
~~thirty seven per cent of the wholesale price of little~~ specialty 86548  
cigars received by a distributor or sold by a manufacturer to a 86549  
retail dealer located in this state, the lesser of sixty-nine per 86550  
cent of the wholesale price or two dollars per specialty cigar; 86551

(3) For invoices dated January 1, 2018, or later, sixty-nine 86552  
per cent of the first invoice price of vapor products the first 86553  
time the products are received by a vapor distributor in this 86554  
state. 86555

Each distributor or vapor distributor who brings tobacco 86556  
products or vapor products, or causes tobacco products or vapor 86557  
products to be brought, into this state for distribution within 86558  
this state, or any out-of-state distributor or vapor distributor 86559  
who sells tobacco products or vapor products to wholesale or 86560  
retail dealers located in this state for resale by those wholesale 86561  
or retail dealers is liable for the tax imposed by this section. 86562  
Only one sale of the same article shall be used in computing the 86563  
amount of the tax due. If a vapor product is repackaged, 86564  
reconstituted, diluted, or reprocessed, the subsequent sale of 86565  
that vapor product is not considered another sale of the same 86566  
article for purposes of computing the amount of tax due. 86567

(B) The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of the receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.53 of the Revised Code. The balance of the taxes collected under this section shall be paid into the general revenue fund.

(C) The commissioner may adopt rules as are necessary to assist in the enforcement and administration of sections 5743.51 to 5743.66 of the Revised Code, including rules providing for the remission of penalties imposed.

(D) A manufacturer is not liable for payment of the tax imposed by this section for sales of tobacco products to a retail dealer that has filed a signed statement with the manufacturer in which the retail dealer agrees to pay and be liable for the tax, as long as the manufacturer has provided a copy of the statement to the tax commissioner.

**Sec. 5743.52.** (A) Each distributor of tobacco products subject to the tax levied by section 5743.51 of the Revised Code, on or before the twenty-third day of each month, shall file with the tax commissioner a return for the preceding month showing any information the tax commissioner finds necessary for the proper administration of sections 5743.51 to 5743.66 of the Revised Code, together with remittance of the tax due. The return and payment of the tax required by this section shall be filed in such a manner that it is received by the commissioner on or before the twenty-third day of the month following the reporting period. ~~If the return is filed and the amount of tax shown on the return to be due is paid on or before the date the return is required to be filed, the distributor is entitled to a discount equal to two and five tenths per cent of the amount shown on the return to be due.~~

(B) Each vapor distributor subject to the tax levied by 86599  
section 5743.51 of the Revised Code, on or before the twenty-third 86600  
day of each month, shall file with the commissioner a return for 86601  
the preceding month showing any information the commissioner finds 86602  
necessary for the proper administration of this chapter, together 86603  
with remittance of the tax due. The return and payment of the tax 86604  
required by this section shall be filed and made electronically on 86605  
or before the twenty-third day of the month following the 86606  
reporting period. If the return is filed and the amount of tax 86607  
shown on the return to be due is paid on or before the date the 86608  
return is required to be filed, the vapor distributor is entitled 86609  
to a discount equal to two and five-tenths per cent of the amount 86610  
shown on the return to be due. 86611

(C) Any person who fails to timely file the return and make 86612  
payment of taxes as required under this section, section 5743.62, 86613  
or section 5743.63 of the Revised Code may be required to pay an 86614  
additional charge not exceeding the greater of fifty dollars or 86615  
ten per cent of the tax due. Any additional charge imposed under 86616  
this section may be collected by assessment as provided in section 86617  
5743.56 of the Revised Code. 86618

~~(C)~~(D) If any tax due is not paid timely in accordance with 86619  
sections 5743.52, 5743.62, or 5743.63 of the Revised Code, the 86620  
person liable for the tax shall pay interest, calculated at the 86621  
rate per annum as prescribed by section 5703.47 of the Revised 86622  
Code, from the date the tax payment was due to the date of payment 86623  
or to the date an assessment is issued under section 5743.56 of 86624  
the Revised Code, whichever occurs first. The commissioner may 86625  
collect such interest by assessment pursuant to section 5743.56 of 86626  
the Revised Code. 86627

~~(D)~~(E) The commissioner may authorize the filing of returns 86628  
and the payment of the tax required by this section, section 86629  
5743.62, or section 5743.63 of the Revised Code for periods longer 86630

than a calendar month. 86631

~~(E)~~(F) The commissioner may order any taxpayer to file with 86632  
the commissioner security to the satisfaction of the commissioner 86633  
conditioned upon filing the return and paying the taxes required 86634  
under this section, section 5743.62, or section 5743.63 of the 86635  
Revised Code if the commissioner believes that the collection of 86636  
the tax may be in jeopardy. 86637

**Sec. 5743.53.** (A) The treasurer of state shall refund to a 86638  
taxpayer any of the following: 86639

(1) Any tobacco products or vapor products tax paid 86640  
erroneously; 86641

(2) Any tobacco products or vapor products tax paid on an 86642  
illegal or erroneous assessment; 86643

(3) Any tax paid on tobacco products or vapor products that 86644  
have been sold or shipped to retail ~~or~~ dealers, wholesale dealers, 86645  
vapor distributors, or secondary manufacturers outside this state, 86646  
returned to the manufacturer, or destroyed by the taxpayer with 86647  
the prior approval of the tax commissioner. 86648

Any application for refund shall be filed with the ~~tax~~ 86649  
commissioner on a form prescribed by the commissioner for that 86650  
purpose. The commissioner may not pay any refund on an application 86651  
for refund filed with the commissioner more than three years from 86652  
the date of payment of the tax. 86653

(B) On the filing of the application for refund, the 86654  
commissioner shall determine the amount of the refund to which the 86655  
applicant is entitled. If the amount is not less than that 86656  
claimed, the commissioner shall certify the amount to the director 86657  
of budget and management and to the treasurer of state for payment 86658  
from the tax refund fund created by section 5703.052 of the 86659  
Revised Code. If the amount is less than that claimed, the 86660

commissioner shall proceed in accordance with section 5703.70 of 86661  
the Revised Code. 86662

If a refund is granted for payment of an illegal or erroneous 86663  
assessment issued by the department of taxation, the refund shall 86664  
include interest on the amount of the refund from the date of the 86665  
overpayment. The interest shall be computed at the rate per annum 86666  
in the manner prescribed by section 5703.47 of the Revised Code. 86667

(C) If any person entitled to a refund of tax under this 86668  
section or section 5703.70 of the Revised Code is indebted to the 86669  
state for any tax administered by the tax commissioner, or any 86670  
charge, penalties, or interest arising from such tax, the amount 86671  
allowable on the application for refund first shall be applied in 86672  
satisfaction of the debt. 86673

(D) In lieu of granting a refund payable under division 86674  
(A)(3) of this section, the tax commissioner may allow a taxpayer 86675  
to claim a credit of the amount of refundable tax on the return 86676  
for the period during which the tax became refundable. The 86677  
commissioner may require taxpayers to submit any information 86678  
necessary to support a claim for a credit under this section, and 86679  
the commissioner shall allow no credit if that information is not 86680  
provided. 86681

**Sec. 5743.54.** (A) Each distributor of tobacco products and 86682  
each vapor distributor of vapor products shall maintain complete 86683  
and accurate records of all purchases and sales of tobacco 86684  
products or vapor products, and shall procure and retain all 86685  
invoices, bills of lading, and other documents relating to the 86686  
purchases and sales of ~~tobacco~~ those products. The distributor or 86687  
vapor distributor shall keep open records and documents during 86688  
business hours for the inspection of the tax commissioner, and 86689  
shall preserve them for a period of three years from the date the 86690  
return was due or was filed, whichever is later, unless the 86691

commissioner, in writing, consents to their destruction within 86692  
that period, or orders that they be kept for a longer period of 86693  
time. 86694

(B) Each distributor of tobacco products and each vapor 86695  
distributor of vapor products subject to the tax levied by section 86696  
5743.51 of the Revised Code shall mark on the invoices of tobacco 86697  
products or vapor products sold that the tax levied by that 86698  
section has been paid and shall indicate the distributor's or 86699  
vapor distributor's account number as assigned by the ~~tax~~ 86700  
commissioner. 86701

(C) No person shall make a false entry upon any invoice or 86702  
record upon which an entry is required by this section and no 86703  
person shall present any false entry for the inspection of the 86704  
commissioner with the intent to evade the tax levied under section 86705  
5743.51, 5743.62, or 5743.63 of the Revised Code. 86706

**Sec. 5743.55.** Whenever the tax commissioner discovers any 86707  
tobacco products or vapor products, subject to the tax levied 86708  
under section 5743.51, 5743.62, or 5743.63 of the Revised Code, ~~and~~ 86709  
~~and~~ upon which the tax has not been paid or the commissioner has 86710  
reason to believe the tax is being avoided, the commissioner may 86711  
seize and take possession of the tobacco products or vapor 86712  
products, which, upon seizure, shall be forfeited to the state. 86713  
Within a reasonable time after seizure, the commissioner may sell 86714  
the forfeited ~~tobacco~~ products. From the proceeds of this sale, 86715  
the ~~tax~~ commissioner shall pay the costs incurred in the seizure 86716  
and sale, and any proceeds remaining after the sale shall be 86717  
considered as revenue arising from the tax. The seizure and sale 86718  
shall not relieve any person from the fine or imprisonment 86719  
provided for violation of sections 5743.51 to 5743.66 of the 86720  
Revised Code. The commissioner shall make the sale where it is 86721  
most convenient and economical, but may order the destruction of 86722

the forfeited ~~tobacco~~ products if the quantity or quality of 86723  
~~tobacco products~~ is not sufficient to warrant their sale. 86724

**Sec. 5743.59.** (A) No retail dealer of tobacco products or 86725  
vapor products shall have in the retail dealer's possession 86726  
tobacco products or vapor products on which the tax imposed by 86727  
section 5743.51 of the Revised Code has not been paid, unless the 86728  
retail dealer is licensed under section 5743.61 of the Revised 86729  
Code. Payment may be evidenced by invoices from distributors or 86730  
vapor distributors stating the tax has been paid. 86731

(B) The tax commissioner may inspect any place where tobacco 86732  
products or vapor products subject to the tax levied under section 86733  
5743.51 of the Revised Code are sold or stored. 86734

(C) No person shall prevent or hinder the ~~tax~~ commissioner 86735  
from making a full inspection of any place where tobacco products 86736  
or vapor products subject to the tax imposed by section 5743.51 of 86737  
the Revised Code are sold or stored, or prevent or hinder the full 86738  
inspection of invoices, books, or records required to be kept by 86739  
section 5743.54 of the Revised Code. 86740

**Sec. 5743.60.** No person shall prepare for shipment, ship, 86741  
transport, deliver, prepare for distribution, or distribute 86742  
tobacco products or vapor products, or otherwise engage or 86743  
participate in the business of distributing tobacco products or 86744  
vapor products, with the intent to avoid payment of the tax levied 86745  
by section 5743.51, 5743.62, or 5743.63 of the Revised Code, when 86746  
the wholesale price of the tobacco products or the first invoice 86747  
price of the vapor products exceeds three hundred dollars during 86748  
any twelve-month period. 86749

**Sec. 5743.61.** (A) ~~Except as otherwise provided in this~~ 86750  
~~division, no~~ (1)(a) No distributor shall engage in the business of 86751  
distributing tobacco products within this state without having a 86752

license issued by the department of taxation to engage in that 86753  
business. ~~On~~ 86754

(b) No vapor distributor shall engage in the business of 86755  
distributing vapor products within this state without first having 86756  
a license issued by the department of taxation to engage in that 86757  
business. 86758

(2) On the dissolution of a partnership by death, the 86759  
surviving partner may operate under the license of the partnership 86760  
until the expiration of the license, and the heirs or legal 86761  
representatives of deceased persons, and receivers and trustees in 86762  
bankruptcy appointed by any competent authority, may operate under 86763  
the license of the person succeeded in possession by the heir, 86764  
representative, receiver, or trustee in bankruptcy if the partner 86765  
or successor notifies the department of taxation of the 86766  
dissolution or succession within thirty days after the dissolution 86767  
or succession. 86768

(B)(1) Each applicant for a license ~~to engage in the business~~ 86769  
~~of distributing tobacco products~~ described by division (A)(1) of 86770  
this section, annually, on or before the first day of February, 86771  
shall make and deliver to the tax commissioner, upon a form 86772  
furnished by the commissioner for that purpose, a statement 86773  
showing the name of the applicant, each physical place from which 86774  
the applicant distributes to distributors, vapor distributors, 86775  
retail dealers, ~~or~~ wholesale dealers, or secondary manufacturers, 86776  
and any other information the commissioner considers necessary for 86777  
the administration of sections 5743.51 to 5743.66 of the Revised 86778  
Code. 86779

(2) At the time of making the license application, the 86780  
applicant shall pay an application fee of one thousand dollars for 86781  
each place listed on the application where the applicant proposes 86782  
to carry on that business. The fee charged for the application 86783  
shall accompany the application and shall be made payable to the 86784

treasurer of state for deposit into the cigarette tax enforcement fund. 86785  
86786

(3) Upon receipt of the application and payment of any 86787  
licensing fee required by this section, the commissioner shall 86788  
verify that the applicant has filed all returns, submitted all 86789  
information, and paid all outstanding taxes, charges, or fees as 86790  
required for any taxes, charges, or fees administered by the 86791  
commissioner, to the extent the commissioner is aware of the 86792  
returns, information, taxes, charges, or fees at the time of the 86793  
application. Upon approval, the commissioner shall issue to the 86794  
applicant a license for each place of distribution designated in 86795  
the application authorizing the applicant to engage in business at 86796  
that location for one year commencing on the first day of 86797  
February. For licenses issued after the first day of February, the 86798  
license application fee shall be reduced proportionately by the 86799  
remainder of the twelve-month period for which the license is 86800  
issued, except that the application fee required to be paid under 86801  
this section shall be not less than two hundred dollars. If the 86802  
original license is lost, destroyed, or defaced, a duplicate 86803  
license may be obtained from the commissioner upon payment of a 86804  
license replacement fee of twenty-five dollars. 86805

(4)(a) License application fees for the tobacco products 86806  
license described in division (A)(1)(a) of this section shall be 86807  
deposited into the cigarette tax enforcement fund. 86808

(b) License application fees for the vapor products license 86809  
described in division (A)(1)(b) of this section shall be deposited 86810  
into the general revenue fund. 86811

(C) The holder of a tobacco products license or vapor 86812  
products license may transfer the license to a place of business 86813  
on condition that the licensee's ownership and business structure 86814  
remains unchanged and the licensee applies to the commissioner for 86815  
the transfer on a form issued by the commissioner, and pays a 86816

transfer fee of twenty-five dollars. 86817

(D) If a distributor or vapor distributor fails to file forms 86818  
as required under Chapter 1346. or section 5743.52 of the Revised 86819  
Code or pay the tax due for two consecutive periods or three 86820  
periods during any twelve-month period, the commissioner may 86821  
suspend the license issued to the distributor or vapor distributor 86822  
under this section. The suspension is effective ten days after the 86823  
commissioner notifies the distributor or vapor distributor of the 86824  
suspension in writing personally or by certified mail. The 86825  
commissioner shall lift the suspension when the distributor or 86826  
vapor distributor files the delinquent forms and pays the tax due, 86827  
including any penalties, interest, and additional charges. The 86828  
commissioner may refuse to issue the annual renewal of the license 86829  
required by this section and may refuse to issue a new license for 86830  
~~the same~~ a location of the distributor or vapor distributor until 86831  
all delinquent forms are filed and outstanding taxes are paid. 86832  
This division does not apply to any unpaid or underpaid tax 86833  
liability that is the subject of a petition or appeal filed 86834  
pursuant to section 5743.56, 5717.02, or 5717.04 of the Revised 86835  
Code. 86836

(E)~~(1)~~ The ~~tax~~ commissioner may impose a penalty of up to one 86837  
thousand dollars on any person found to be engaging in the 86838  
business of distributing tobacco products or vapor products 86839  
without a license as required by this section. 86840

~~(2) Any person engaging in the business of distributing 86841  
tobacco products without a license as required by this section 86842  
shall comply with divisions (B)(1) and (2) of this section within 86843  
ten days after being notified of the requirement to do so. Failure 86844  
to comply with division (E)(2) of this section subjects a person 86845  
to penalties imposed under section 5743.99 of the Revised Code. 86846~~

**Sec. 5743.62.** (A) To provide revenue for the general revenue 86847

fund of the state, an excise tax is hereby levied on the seller of 86848  
tobacco products or vapor products in this state at one of the 86849  
following rates: 86850

(1) For tobacco products other than ~~little~~ specialty cigars, 86851  
~~seventeen~~ sixty-nine per cent of the wholesale price of the 86852  
tobacco product whenever the tobacco product is delivered to a 86853  
consumer in this state for the storage, use, or other consumption 86854  
of such tobacco products-; 86855

(2) For ~~little~~ specialty cigars, ~~thirty-seven~~ the lesser of 86856  
sixty-nine per cent of the wholesale price ~~of the little cigars~~ or 86857  
two dollars per specialty cigar whenever the ~~little~~ specialty 86858  
cigars are delivered to a consumer in this state for the storage, 86859  
use, or other consumption of the ~~little~~ specialty cigars; 86860

(3) For vapor products, sixty-nine per cent of the first 86861  
invoice price when, on or after January 1, 2018, the vapor 86862  
products are delivered to a consumer in this state for the 86863  
storage, use, or other consumption of the vapor products. 86864

The tax imposed by this section applies only to sellers 86865  
having nexus in this state, as defined in section 5741.01 of the 86866  
Revised Code. 86867

(B) A seller of tobacco products or vapor products who has 86868  
nexus in this state as defined in section 5741.01 of the Revised 86869  
Code shall register with the tax commissioner and supply any 86870  
information concerning the seller's contacts with this state as 86871  
may be required by the ~~tax~~ commissioner. A seller who does not 86872  
have nexus in this state may voluntarily register with the ~~tax~~ 86873  
commissioner. A seller who voluntarily registers with the ~~tax~~ 86874  
commissioner is entitled to the same benefits and is subject to 86875  
the same duties and requirements as a seller required to be 86876  
registered with the ~~tax~~ commissioner under this division. 86877

(C) Each seller of tobacco products or vapor products subject 86878

to the tax levied by this section, on or before the last day of 86879  
each month, shall file with the ~~tax~~ commissioner a return for the 86880  
preceding month showing any information the ~~tax~~ commissioner finds 86881  
necessary for the proper administration of sections 5743.51 to 86882  
5743.66 of the Revised Code, together with remittance of the tax 86883  
due, payable to the treasurer of state. The return and payment of 86884  
the tax required by this section shall be filed in such a manner 86885  
that it is received by the ~~tax~~ commissioner on or before the last 86886  
day of the month following the reporting period. ~~If the return is~~ 86887  
~~filed and the amount of the tax shown on the return to be due is~~ 86888  
~~paid on or before the date the return is required to be filed, the~~ 86889  
~~seller is entitled to a discount equal to two and five tenths per~~ 86890  
~~cent of the amount shown on the return to be due.~~ 86891

(D) The ~~tax~~ commissioner shall immediately forward to the 86892  
treasurer of state all money received from the tax levied by this 86893  
section, and the treasurer shall credit the amount to the general 86894  
revenue fund. 86895

(E) Each seller of tobacco products or vapor products subject 86896  
to the tax levied by this section shall mark on the invoices of 86897  
tobacco products or vapor products sold that the tax levied by 86898  
that section has been paid and shall indicate the seller's account 86899  
number as assigned by the ~~tax~~ commissioner. 86900

**Sec. 5743.63.** (A) To provide revenue for the general revenue 86901  
fund of the state, an excise tax is hereby levied on the storage, 86902  
use, or other consumption of tobacco products or vapor products at 86903  
one of the following rates: 86904

(1) For tobacco products other than little specialty cigars, 86905  
~~seventeen~~ sixty-nine per cent of the wholesale price of the 86906  
tobacco product-; 86907

(2) For little specialty cigars, ~~thirty-seven~~ the lesser of 86908  
sixty-nine per cent of the wholesale price ~~of the little cigars or~~ 86909

two dollars per specialty cigar; 86910

(3) On and after January 1, 2018, for vapor products, 86911

sixty-nine per cent of the first invoice price. 86912

The tax levied under division (A) of this section is imposed 86913  
only if the tax has not been paid by the seller as provided in 86914  
section 5743.62 of the Revised Code, or by the distributor or 86915  
vapor distributor as provided in section 5743.51 of the Revised 86916  
Code. 86917

(B) Each person subject to the tax levied by this section, on 86918  
or before the last day of each month, shall file with the tax 86919  
commissioner a return for the preceding month showing any 86920  
information the ~~tax~~ commissioner finds necessary for the proper 86921  
administration of sections 5743.51 to 5743.66 of the Revised Code, 86922  
together with remittance of the tax due, payable to the treasurer 86923  
of state. The return and payment of the tax required by this 86924  
section shall be filed in such a manner that it is received by the 86925  
tax commissioner on or before the last day of the month following 86926  
the reporting period. 86927

(C) The ~~tax~~ commissioner shall immediately forward to the 86928  
treasurer of state all money received from the tax levied by this 86929  
section, and the treasurer shall credit the amount to the general 86930  
revenue fund. 86931

**Sec. 5747.02.** (A) For the purpose of providing revenue for 86932  
the support of schools and local government functions, to provide 86933  
relief to property taxpayers, to provide revenue for the general 86934  
revenue fund, and to meet the expenses of administering the tax 86935  
levied by this chapter, there is hereby levied on every 86936  
individual, trust, and estate residing in or earning or receiving 86937  
income in this state, on every individual, trust, and estate 86938  
earning or receiving lottery winnings, prizes, or awards pursuant 86939  
to Chapter 3770. of the Revised Code, on every individual, trust, 86940

and estate earning or receiving winnings on casino gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured as prescribed in divisions (A)(1) to (4) of this section.

(1) In the case of trusts, the tax imposed by this section shall be measured by modified Ohio taxable income under division (D) of this section and levied at the same rates prescribed in division (A)(3) of this section for individuals.

(2) In the case of estates, the tax imposed by this section shall be measured by Ohio taxable income and levied at the same rates prescribed in division (A)(3) of this section for individuals.

(3) In the case of individuals, ~~for taxable years beginning in 2015 or thereafter~~, the tax imposed by this section on income other than taxable business income shall be measured by Ohio adjusted gross income, less taxable business income and less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code. ~~The~~

(a) For taxable years beginning in 2017, the tax imposed on the balance thus obtained is hereby levied as follows:

|  |  |     |       |
|--|--|-----|-------|
| OHIO ADJUSTED GROSS INCOME LESS                      |  |     | 86962 |
| TAXABLE BUSINESS INCOME AND                          |  |     |       |
| EXEMPTIONS (INDIVIDUALS)                             |  |     |       |
| OR   |  |     | 86963 |
| MODIFIED OHIO  |  |     | 86964 |
| TAXABLE INCOME (TRUSTS)                              |  |     | 86965 |
| OR   |  |     | 86966 |
| OHIO TAXABLE INCOME (ESTATES)                        |  | TAX | 86967 |
| <del>\$5,000</del> <u>\$10,000</u> or less           | <del>-.495%</del> <u>.500%</u>   |     | 86968 |
| More than <del>\$5,000</del> <u>\$10,000</u> but not | <del>\$24.75</del> <u>\$50.00</u> plus <del>-.990%</del> <u>1.500%</u> |     | 86969 |

|   |   |       |
|---|---|-------|
| more than <del>\$10,000</del> <u>\$25,000</u>                             | of the amount in excess of<br><del>\$5,000</del> <u>\$10,000</u>  |       |
| <del>More than \$10,000 but not more than \$15,000</del>                  | <del>\$74.25 plus 1.980% of the amount in excess of \$10,000</del>  | 86970 |
| <del>More than \$15,000 but not more than \$20,000</del>                  | <del>\$173.25 plus 2.476% of the amount in excess of \$15,000</del>   | 86971 |
| <del>More than \$20,000 but not more than \$40,000</del>                  | <del>\$297.05 plus 2.969% of the amount in excess of \$20,000</del>   | 86972 |
| <del>More than \$40,000 but not more than \$80,000</del>                  | <del>\$890.85 plus 3.465% of the amount in excess of \$40,000</del>   | 86973 |
| More than <del>\$80,000</del> <u>\$25,000</u> but not more than \$100,000 | <del>\$2,276.85</del> <u>\$275.00</u> plus 3.960%<br><u>3.250%</u> of the amount in excess of <del>\$80,000</del> <u>\$25,000</u> | 86974 |
| More than \$100,000 but not more than \$200,000                           | <del>\$3,068.85</del> <u>\$2,712.50</u> plus 4.597%<br><u>4.250%</u> of the amount in excess of \$100,000                         | 86975 |
| More than \$200,000   | <del>\$7,665.85</del> <u>\$6,962.50</u> plus 4.997%<br><u>4.750%</u> of the amount in excess of \$200,000                         | 86976 |
| <u>(b) For taxable years beginning in 2018 and thereafter, the</u>        |   | 86977 |
| <u>tax imposed on the balance thus obtained is hereby levied as</u>       |   | 86978 |
| <u>follows:</u>   |   | 86979 |
| <u>OHIO ADJUSTED GROSS INCOME LESS</u>                                    |   | 86980 |
| <u>TAXABLE BUSINESS INCOME AND</u>  |   |       |
| <u>EXEMPTIONS (INDIVIDUALS)</u>   |   |       |
| <u>OR</u>   |   | 86981 |
| <u>MODIFIED OHIO</u>  |   | 86982 |
| <u>TAXABLE INCOME (TRUSTS)</u>  |   | 86983 |
| <u>OR</u>   |   | 86984 |
| <u>OHIO TAXABLE INCOME (ESTATES)</u>                                      | <u>TAX</u>  | 86985 |
| <u>\$10,000 or less</u>   | <u>.456%</u>  | 86986 |
| <u>More than \$10,000 but not more than \$25,000</u>                      | <u>\$45.60 plus 1.367% of the amount in excess of \$10,000</u>  | 86987 |

|  |  |       |
|--|--|-------|
| <u>More than \$25,000 but not more than \$100,000</u>  | <u>\$250.65 plus 2.963% of the amount in excess of \$25,000</u>    | 86988 |
| <u>More than \$100,000 but not more than \$200,000</u> | <u>\$2,472.90 plus 3.874% of the amount in excess of \$100,000</u> | 86989 |
| <u>More than \$200,000</u>                             | <u>\$6,346.90 plus 4.330% of the amount in excess of \$200,000</u> | 86990 |

~~(4)(a) In the case of individuals, for taxable years beginning in 2015, the tax imposed by this section on taxable business income shall be measured by taxable business income less any amount allowed under division (A)(4)(c) of this section. The tax imposed on the balance thus obtained is hereby levied as follows:~~

|  |   |       |
|--|---|-------|
| <del>TAXABLE BUSINESS INCOME</del>                       |   | 86997 |
| <del>LESS ALLOWED EXEMPTION AMOUNT</del>                 | <del>TAX</del>  | 86998 |
| <del>\$5,000 or less</del>                               | <del>.495%</del>  | 86999 |
| <del>More than \$5,000 but not more than \$10,000</del>  | <del>\$24.75 plus .990% of the amount in excess of \$5,000</del>    | 87000 |
| <del>More than \$10,000 but not more than \$15,000</del> | <del>\$74.25 plus 1.980% of the amount in excess of \$10,000</del>  | 87001 |
| <del>More than \$15,000 but not more than \$20,000</del> | <del>\$173.25 plus 2.476% of the amount in excess of \$15,000</del> | 87002 |
| <del>More than \$20,000 but not more than \$40,000</del> | <del>\$297.05 plus 2.969% of the amount in excess of \$20,000</del> | 87003 |
| <del>More than \$40,000</del>                            | <del>\$890.85 plus 3% of the amount in excess of \$40,000</del>     | 87004 |

~~(b) In the case of individuals, for taxable years beginning in 2016 or thereafter, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(e)(b) of this section from the individual's taxable business income.~~

~~(e)(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio~~

adjusted gross income less taxable business income, the excess 87012  
shall be deducted from taxable business income before computing 87013  
the tax under division (A)(4)(a) ~~or (b)~~ of this section. 87014

Except as otherwise provided in this division, in August of 87015  
each year, the tax commissioner shall make a new adjustment to the 87016  
income amounts prescribed in division (A)(3) of this section by 87017  
multiplying the percentage increase in the gross domestic product 87018  
deflator computed that year under section 5747.025 of the Revised 87019  
Code by each of the income amounts resulting from the adjustment 87020  
under this division in the preceding year, adding the resulting 87021  
product to the corresponding income amount resulting from the 87022  
adjustment in the preceding year, and rounding the resulting sum 87023  
to the nearest multiple of fifty dollars. The tax commissioner 87024  
also shall recompute each of the tax dollar amounts to the extent 87025  
necessary to reflect the new adjustment of the income amounts. The 87026  
rates of taxation shall not be adjusted. 87027

The adjusted amounts apply to taxable years beginning in the 87028  
calendar year in which the adjustments are made and to taxable 87029  
years beginning in each ensuing calendar year until a calendar 87030  
year in which a new adjustment is made pursuant to this division. 87031  
The tax commissioner shall not make a new adjustment in any year 87032  
in which the amount resulting from the adjustment would be less 87033  
than the amount resulting from the adjustment in the preceding 87034  
year. The commissioner shall not make a new adjustment for taxable 87035  
years beginning in ~~2013, 2014, or 2015~~ 2017 or 2018. 87036

(B) If the director of budget and management makes a 87037  
certification to the tax commissioner under division (B) of 87038  
section 131.44 of the Revised Code, the amount of tax as 87039  
determined under divisions (A)(1) to (3) of this section shall be 87040  
reduced by the percentage prescribed in that certification for 87041  
taxable years beginning in the calendar year in which that 87042  
certification is made. 87043

(C) The levy of this tax on income does not prevent a 87044  
municipal corporation, a joint economic development zone created 87045  
under section 715.691, or a joint economic development district 87046  
created under section 715.70, 715.71, or 715.72 of the Revised 87047  
Code from levying a tax on income. 87048

(D) This division applies only to taxable years of a trust 87049  
beginning in 2002 or thereafter. 87050

(1) The tax imposed by this section on a trust shall be 87051  
computed by multiplying the Ohio modified taxable income of the 87052  
trust by the rates prescribed by division (A) of this section. 87053

(2) A resident trust may claim a credit against the tax 87054  
computed under division (D) of this section equal to the lesser of 87055  
(1) the tax paid to another state or the District of Columbia on 87056  
the resident trust's modified nonbusiness income, other than the 87057  
portion of the resident trust's nonbusiness income that is 87058  
qualifying investment income as defined in section 5747.012 of the 87059  
Revised Code, or (2) the effective tax rate, based on modified 87060  
Ohio taxable income, multiplied by the resident trust's modified 87061  
nonbusiness income other than the portion of the resident trust's 87062  
nonbusiness income that is qualifying investment income. The 87063  
credit applies before any other applicable credits. 87064

(3) The credits enumerated in divisions (A)(1) to ~~(10)~~(9) and 87065  
(A)~~(19)~~(18) to ~~(21)~~(20) of section 5747.98 of the Revised Code do 87066  
not apply to a trust subject to division (D) of this section. Any 87067  
credits enumerated in other divisions of section 5747.98 of the 87068  
Revised Code apply to a trust subject to division (D) of this 87069  
section. To the extent that the trust distributes income for the 87070  
taxable year for which a credit is available to the trust, the 87071  
credit shall be shared by the trust and its beneficiaries. The tax 87072  
commissioner and the trust shall be guided by applicable 87073  
regulations of the United States treasury regarding the sharing of 87074  
credits. 87075

(E) For the purposes of this section, "trust" means any trust 87076  
described in Subchapter J of Chapter 1 of the Internal Revenue 87077  
Code, excluding trusts that are not irrevocable as defined in 87078  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 87079  
have no modified Ohio taxable income for the taxable year, 87080  
charitable remainder trusts, qualified funeral trusts and preneed 87081  
funeral contract trusts established pursuant to sections 4717.31 87082  
to 4717.38 of the Revised Code that are not qualified funeral 87083  
trusts, endowment and perpetual care trusts, qualified settlement 87084  
trusts and funds, designated settlement trusts and funds, and 87085  
trusts exempted from taxation under section 501(a) of the Internal 87086  
Revenue Code. 87087

**Sec. 5747.025.** (A) For taxable years beginning in ~~2014~~ 2017 87088  
or ~~2015~~ 2018, the personal exemption for the taxpayer, the 87089  
taxpayer's spouse, and each dependent shall be one of the 87090  
following amounts: 87091

(1) ~~Two~~ Three thousand ~~two hundred~~ dollars if the taxpayer's 87092  
Ohio adjusted gross income for the taxable year as shown on an 87093  
individual or joint annual return is less than or equal to forty 87094  
thousand dollars; 87095

(2) ~~One~~ Two thousand ~~nine~~ five hundred ~~fifty~~ dollars if the 87096  
taxpayer's Ohio adjusted gross income for the taxable year as 87097  
shown on an individual or joint annual return is greater than 87098  
forty thousand dollars but less than or equal to eighty thousand 87099  
dollars; 87100

(3) One thousand seven hundred fifty dollars if the 87101  
taxpayer's Ohio adjusted gross income for the taxable year as 87102  
shown on an individual or joint annual return is greater than 87103  
eighty thousand dollars. 87104

(B) For taxable years beginning in ~~2016~~ 2019 and thereafter, 87105  
the personal exemption amounts prescribed in division (A) of this 87106

section shall be adjusted each year in the manner prescribed in 87107  
division (C) of this section. In the case of an individual with 87108  
respect to whom an exemption under section 5747.02 of the Revised 87109  
Code is allowable to another taxpayer for a taxable year beginning 87110  
in the calendar year in which the individual's taxable year 87111  
begins, the exemption amount applicable to such individual for 87112  
such individual's taxable year shall be zero. 87113

(C) Except as otherwise provided in this division, in August 87114  
of each year, the tax commissioner shall determine the percentage 87115  
increase in the gross domestic product deflator determined by the 87116  
bureau of economic analysis of the United States department of 87117  
commerce from the first day of January of the preceding calendar 87118  
year to the last day of December of the preceding year, and make a 87119  
new adjustment to the personal exemption amount for taxable years 87120  
beginning in the current calendar year by multiplying that amount 87121  
by the percentage increase in the gross domestic product deflator 87122  
for that period; adding the resulting product to the personal 87123  
exemption amount for taxable years beginning in the preceding 87124  
calendar year; and rounding the resulting sum upward to the 87125  
nearest multiple of fifty dollars. The adjusted amount applies to 87126  
taxable years beginning in the calendar year in which the 87127  
adjustment is made and to taxable years beginning in each ensuing 87128  
calendar year until a calendar year in which a new adjustment is 87129  
made pursuant to this division. The commissioner shall not make a 87130  
new adjustment in any calendar year in which the amount resulting 87131  
from the adjustment would be less than the amount resulting from 87132  
the adjustment in the preceding calendar year. 87133

**Sec. 5747.056.** For taxable years beginning in ~~2015~~ 2017 or 87134  
thereafter, a nonrefundable credit equal to ~~eighty-eight dollars~~ 87135  
the tax otherwise due on the return shall be allowed ~~per return~~ 87136  
against the aggregate amount of tax due under section 5747.02 of 87137  
the Revised Code on an ~~individual's~~ individual or jointly filed 87138

return that indicates Ohio adjusted gross income less exemptions 87139  
of ~~ten~~ fifteen thousand dollars or less. The credit shall be 87140  
claimed in the order required under section 5747.98 of the Revised 87141  
Code. 87142

**Sec. 5747.113.** (A) Any taxpayer claiming a refund under 87143  
section 5747.11 of the Revised Code who wishes to contribute any 87144  
part of the taxpayer's refund to the natural areas and preserves 87145  
fund created in section 1517.11 of the Revised Code, the nongame 87146  
and endangered wildlife fund created in section 1531.26 of the 87147  
Revised Code, the military injury relief fund created in section 87148  
5902.05 of the Revised Code, the Ohio history fund created in 87149  
section 149.308 of the Revised Code, the breast and cervical 87150  
cancer project income tax contribution fund created in section 87151  
3701.601 of the Revised Code, the wishes for sick children income 87152  
tax contribution fund created in section 3701.602 of the Revised 87153  
Code, or all of those funds may designate on the taxpayer's income 87154  
tax return the amount that the taxpayer wishes to contribute to 87155  
the fund or funds. A designated contribution is irrevocable upon 87156  
the filing of the return and shall be made in the full amount 87157  
designated if the refund found due the taxpayer upon the initial 87158  
processing of the taxpayer's return, after any deductions 87159  
including those required by section 5747.12 of the Revised Code, 87160  
is greater than or equal to the designated contribution. If the 87161  
refund due as initially determined is less than the designated 87162  
contribution, the contribution shall be made in the full amount of 87163  
the refund. The tax commissioner shall subtract the amount of the 87164  
contribution from the amount of the refund initially found due the 87165  
taxpayer and shall certify the difference to the director of 87166  
budget and management and treasurer of state for payment to the 87167  
taxpayer in accordance with section 5747.11 of the Revised Code. 87168  
For the purpose of any subsequent determination of the taxpayer's 87169

net tax payment, the contribution shall be considered a part of 87170  
the refund paid to the taxpayer. 87171

(B) The tax commissioner shall provide a space on the income 87172  
tax return form in which a taxpayer may indicate that the taxpayer 87173  
wishes to make a donation in accordance with this section. The tax 87174  
commissioner shall also print in the instructions accompanying the 87175  
income tax return form a description of the purposes for which the 87176  
natural areas and preserves fund, the nongame and endangered 87177  
wildlife fund, the military injury relief fund, the Ohio history 87178  
fund, the breast and cervical cancer project income tax 87179  
contribution fund, and the wishes for sick children income tax 87180  
contribution fund were created and the use of moneys from the 87181  
income tax refund contribution system established in this section. 87182  
No person shall designate on the person's income tax return any 87183  
part of a refund claimed under section 5747.11 of the Revised Code 87184  
as a contribution to any fund other than the natural areas and 87185  
preserves fund, the nongame and endangered wildlife fund, the 87186  
military injury relief fund, the Ohio history fund, the breast and 87187  
cervical cancer project income tax contribution fund, or the 87188  
wishes for sick children income tax contribution fund. 87189

(C) The money collected under the income tax refund 87190  
contribution system established in this section shall be deposited 87191  
by the tax commissioner into the natural areas and preserves fund, 87192  
the nongame and endangered wildlife fund, the military injury 87193  
relief fund, the Ohio history fund, the breast and cervical cancer 87194  
project income tax contribution fund, and the wishes for sick 87195  
children income tax contribution fund in the amounts designated on 87196  
the tax returns. 87197

~~(D) No later than the thirtieth day of September each year, 87198  
the tax commissioner shall determine the total amount contributed 87199  
to each fund under this section during the preceding eight months, 87200~~

~~any adjustments to prior months, and the cost to the department of 87201  
taxation of administering the income tax refund contribution 87202  
system during that eight month period. The commissioner shall make 87203  
an additional determination no later than the thirty first day of 87204  
January of each year of the total amount contributed to each fund 87205  
under this section during the preceding four calendar months, any 87206  
adjustments to prior years made during that four month period, and 87207  
the cost to the department of taxation of administering the income 87208  
tax contribution system during that period. The cost of 87209  
administering the income tax contribution system shall be 87210  
certified by the tax commissioner to the director of budget and 87211  
management, who shall transfer an amount equal to one sixth of 87212  
such administrative costs from each of the six funds to the income 87213  
tax contribution fund, which is hereby created, provided that the 87214  
moneys that the department receives to pay the cost of 87215  
administering the income tax refund contribution system in any 87216  
year shall not exceed two and one half per cent of the total 87217  
amount contributed under that system during that year. 87218~~

~~(E)~~ If the total amount contributed to a fund under this 87219  
section ~~in each of five consecutive calendar years, as annually 87220  
determined by the tax commissioner,~~ is less than fifty thousand 87221  
dollars ~~in each of five consecutive calendar years,~~ no person may 87222  
designate a contribution to that fund for any taxable year ending 87223  
after the last day of that five-year period. In such a case, the 87224  
~~tax~~ commissioner shall remove the space dedicated to the fund on 87225  
the income tax return and the description of the fund in the 87226  
instructions accompanying the income tax return. 87227

~~(F)~~(E) The general assembly may authorize taxpayer refund 87228  
contributions to no more than six funds under the income tax 87229  
refund contribution system established in this section. If the 87230  
general assembly authorizes income tax refund contributions to a 87231  
fund other than the natural areas and preserves fund, the nongame 87232

and endangered wildlife fund, the military injury relief fund, the 87233  
Ohio history fund, the breast and cervical cancer project income 87234  
tax contribution fund, or the wishes for sick children income tax 87235  
contribution fund, such contributions may be authorized only for a 87236  
period of two calendar years. 87237

With the exception of the Ohio history fund, the general 87238  
assembly may authorize income tax refund contributions to a fund 87239  
only if all the money in the fund will be expended or distributed 87240  
by a state agency as defined in section 1.60 of the Revised Code. 87241

~~(G)~~(F)(1) The director of natural resources, in January of 87242  
every odd-numbered year, shall report to the general assembly on 87243  
the effectiveness of the income tax refund contribution system as 87244  
it pertains to the natural areas and preserves fund and the 87245  
nongame and endangered wildlife fund. The report shall include the 87246  
amount of money contributed to each fund in each of the previous 87247  
five years, the amount of money contributed directly to each fund 87248  
in addition to or independently of the income tax refund 87249  
contribution system in each of the previous five years, and the 87250  
purposes for which the money was expended. 87251

(2) The director of veterans services, the director of the 87252  
Ohio history connection, and the director of health, in January of 87253  
every odd-numbered year, each shall report to the general assembly 87254  
on the effectiveness of the income tax refund contribution system 87255  
as it pertains to the military injury relief fund, the Ohio 87256  
history fund, the breast and cervical cancer project income tax 87257  
contribution fund, and the wishes for sick children income tax 87258  
contribution fund respectively. The report shall include the 87259  
amount of money contributed to the fund in each of the previous 87260  
five years, the amount of money contributed directly to the fund 87261  
in addition to or independently of the income tax refund 87262  
contribution system in each of the previous five years, and the 87263  
purposes for which the money was expended. 87264

Sec. 5747.122. (A) The tax commissioner, in accordance with 87265  
section 5101.184 of the Revised Code, shall cooperate with the 87266  
director of job and family services to collect overpayments of 87267  
assistance under Chapter 5107. ~~or~~, former Chapter 5115., former 87268  
Chapter 5113., or section 5101.54 of the Revised Code from refunds 87269  
of state income taxes for taxable year 1992 and thereafter that 87270  
are payable to the recipients of such overpayments. 87271

(B) At the request of the department of job and family 87272  
services in connection with the collection of an overpayment of 87273  
assistance from a refund of state income taxes pursuant to this 87274  
section and section 5101.184 of the Revised Code, the tax 87275  
commissioner shall release to the department the home address and 87276  
social security number of any recipient of assistance whose 87277  
overpayment may be collected from a refund of state income taxes 87278  
under those sections. 87279

(C) In the case of a joint income tax return for two people 87280  
who were not married to each other at the time one of them 87281  
received an overpayment of assistance, only the portion of a 87282  
refund that is due to the recipient of the overpayment shall be 87283  
available for collection of the overpayment under this section and 87284  
section 5101.184 of the Revised Code. The tax commissioner shall 87285  
determine such portion. A recipient's spouse who objects to the 87286  
portion as determined by the commissioner may file a complaint 87287  
with the commissioner within twenty-one days after receiving 87288  
notice of the collection, and the commissioner shall afford the 87289  
spouse an opportunity to be heard on the complaint. The 87290  
commissioner shall waive or extend the twenty-one-day period if 87291  
the recipient's spouse establishes that such action is necessary 87292  
to avoid unjust, unfair, or unreasonable results. After the 87293  
hearing, the commissioner shall make a final determination of the 87294  
portion of the refund available for collection of the overpayment. 87295

(D) The welfare overpayment intercept fund is hereby created 87296  
in the state treasury. The tax commissioner shall deposit amounts 87297  
collected from income tax refunds under this section to the credit 87298  
of the welfare overpayment intercept fund. The director of job and 87299  
family services shall distribute money in the fund in accordance 87300  
with appropriate federal or state laws and procedures regarding 87301  
collection of welfare overpayments. 87302

**Sec. 5747.50.** (A) As used in this section: 87303

(1) "County's proportionate share of the calendar year ~~2007~~ 87304  
2017 LGF and LGRAF distributions" means ~~the percentage computed~~ 87305  
~~for the county~~ a county's calendar year 2017 undivided local 87306  
government fund distributions as a percentage of the total 87307  
calendar year 2017 undivided local government fund distributions 87308  
made to all counties under division (B)(1)(a) of this section 87309  
5747.501 of the Revised Code. 87310

(2) "~~County's proportionate share of the total amount of the~~ 87311  
~~local government fund additional revenue formula~~" means each 87312  
~~county's proportionate share of the state's population as~~ 87313  
~~determined for and certified to the county for distributions to be~~ 87314  
~~made during the current calendar year under division (B)(2)(a) of~~ 87315  
~~section 5747.501 of the Revised Code. If prior to the first day of~~ 87316  
~~January of the current calendar year the federal government has~~ 87317  
~~issued a revision to the population figures reflected in the~~ 87318  
~~estimate produced pursuant to division (B)(2)(a) of section~~ 87319  
~~5747.501 of the Revised Code, such revised population figures~~ 87320  
~~shall be used for making the distributions during the current~~ 87321  
~~calendar year.~~ 87322

~~(3) "2007 County LGF and LGRAF county distribution base~~ 87323  
~~available in that month" means the lesser product of the amounts~~ 87324  
~~described in division (A)(3)(2)(a) and (b) of this section,~~ 87325  
~~provided that the amount shall not be less than zero:~~ 87326

(a) The total amount available for distribution ~~to counties~~ 87327  
from the local government fund during the current month after 87328  
distributions are made from the fund under section 5747.503 of the 87329  
Revised Code. 87330

~~(b) The total amount distributed to counties from the local~~ 87331  
~~government fund and the local government revenue assistance fund~~ 87332  
~~to counties in calendar year 2007 less the total amount~~ 87333  
~~distributed to counties under division (B)(1) of this section~~ 87334  
~~during previous months of the current calendar year.~~ 87335

~~(4) "Local government fund additional revenue distribution~~ 87336  
~~base available during that month" means the total amount available~~ 87337  
~~for distribution to counties during the month from the local~~ 87338  
~~government fund, less any amounts to be distributed in that month~~ 87339  
~~from the local government fund under division (B)(1) of this~~ 87340  
~~section, provided that the local government fund additional~~ 87341  
~~revenue distribution base available during that month shall not be~~ 87342  
~~less than zero.~~ 87343

~~(5) "Total amount available for distribution to counties"~~ 87344  
~~means the total amount available for distribution from the local~~ 87345  
~~government fund during the current month less the total amount~~ 87346  
~~available for distribution to municipal corporations during the~~ 87347  
~~current month under division (C) of this section (i) For~~ 87348  
~~distributions made under this section in calendar year 2018,~~ 87349  
~~ninety-five per cent;~~ 87350

(ii) For distributions made under this section in calendar 87351  
year 2019, eighty-seven per cent; 87352

(iii) For distributions made under this section in calendar 87353  
year 2020 and thereafter, eighty per cent. 87354

(B)(1) On or before the tenth day of each month other than 87355  
December, the tax commissioner shall provide for payment to each 87356  
county an amount equal to the ~~sum~~ product of: 87357

~~(1)(a) The county's proportionate share of the calendar year 2007 2017 LGF and LGRAF distributions multiplied by the 2007 LGF and LGRAF county distribution base available in that month, provided that if the 2007 LGF and LGRAF county distribution base available in that month is zero, no payment shall be made under division (B)(1) of this section for the month or the remainder of the calendar year; and, or, if the most recent distribution estimate under section 5747.501 of the Revised Code for the county for the current year was calculated using division (B)(2)(a)(ii) of that section, the county's proportionate share calculated under that division;~~

(b) The county LGF distribution base available in that month.

~~(2) The county's proportionate share of the total amount of the local government fund additional revenue formula multiplied by the local government fund additional revenue distribution base available during that month.~~

~~Money received into the treasury of a county under this division shall be credited to the undivided local government fund in the treasury of the county on or before the fifteenth day of each month. On or before the twentieth day of each month, the county auditor shall issue warrants against all of the undivided local government fund in the county treasury in the respective amounts allowed as provided in section 5747.51 of the Revised Code, and the treasurer shall distribute and pay such sums to the subdivision therein On or before the tenth day of December of each year, the commissioner shall provide for payment to each county of the amount in division (B)(2)(a) of this section less the amount in division (B)(2)(b) of this section, subject to division (B)(2)(c) of this section.~~

(a) The total amount to be distributed to the county during the calendar year, calculated under the formula set forth in section 5747.501 of the Revised Code. For purposes of this

division, division (B) of section 5747.501 of the Revised Code 87390  
shall exclude any reference to the phrase "projected to be." 87391

(b) The total amount distributed to the county under this 87392  
section during the preceding eleven months of the calendar year. 87393

(c)(i) If the difference calculated by subtracting the amount 87394  
in division (B)(2)(b) of this section from the amount in division 87395  
(B)(2)(a) of this section is less than zero, the distribution made 87396  
to the county in December shall be adjusted to equal zero. The 87397  
amount of the county's adjustment shall be divided by six and the 87398  
resulting quotient shall be deducted from the distributions made 87399  
to the county under this section during the first six months of 87400  
the next calendar year. 87401

(ii) If the difference calculated by subtracting the total 87402  
amount for all counties under division (B)(2)(b) of this section 87403  
from the total amount for all counties under division (B)(2)(a) of 87404  
this section exceeds the total amount available for distribution 87405  
from the local government fund in December as a result of 87406  
adjustments made under division (A)(1)(a) of section 5747.504 of 87407  
the Revised Code, the amounts distributed to each county under 87408  
this section shall be reduced proportionately. The amount of a 87409  
county's reduction shall be divided by six and the resulting 87410  
quotient shall be added to the distributions made to the county 87411  
under this section during the first six months of the next 87412  
calendar year. 87413

~~(C)(1) As used in division (C) of this section:~~ 87414

~~(a) "Total amount available for distribution to~~ 87415  
~~municipalities during the current month" means the product~~ 87416  
~~obtained by multiplying the total amount available for~~ 87417  
~~distribution from the local government fund during the current~~ 87418  
~~month by the aggregate municipal share.~~ 87419

~~(b) "Aggregate municipal share" means the quotient obtained~~ 87420

~~by dividing the total amount distributed directly from the local government fund to municipal corporations during calendar year 2007 by the total distributions from the local government fund and local government revenue assistance fund during calendar year 2007.~~

~~(2) On or before the tenth day of each month, the tax commissioner shall provide for payment from the local government fund to each municipal corporation an amount equal to the product derived by multiplying the municipal corporation's percentage of the total amount distributed to all such municipal corporations under this division during calendar year 2007 by the total amount available for distribution to municipal corporations during the current month.~~

~~(3) Payments received by a municipal corporation under this division shall be paid into its general fund and may be used for any lawful purpose.~~

~~(4) The amount distributed to municipal corporations under this division during any calendar year shall not exceed the amount distributed directly from the local government fund to municipal corporations during calendar year 2007. If that maximum amount is reached during any month, distributions to municipal corporations in that month shall be as provided in divisions (C)(1) and (2) of this section, but no further distributions shall be made to municipal corporations under division (C) of this section during the remainder of the calendar year.~~

~~(5) Upon being informed of a municipal corporation's dissolution, the tax commissioner shall cease providing for payments to that municipal corporation under division (C) of this section. The proportionate shares of the total amount available for distribution to each of the remaining municipal corporations under this division shall be increased on a pro rata basis.~~

~~The tax commissioner shall reduce payments under division (C) of this section to municipal corporations for which reduced payments are required under section 5747.502 of the Revised Code.~~

~~(D)~~ Each municipal corporation which has in effect a tax imposed under Chapter 718. of the Revised Code shall, no later than the thirty-first day of August of each year, certify to the tax commissioner, on a form prescribed by the commissioner, the amount of income tax revenue collected and refunded by such municipal corporation pursuant to such chapter during the preceding calendar year, arranged, when possible, by the type of income from which the revenue was collected or the refund was issued. The municipal corporation shall also report the amount of income tax revenue collected and refunded on behalf of a joint economic development district or a joint economic development zone that levies an income tax administered by the municipal corporation and the amount of such revenue distributed to contracting parties during the preceding calendar year. The tax commissioner may withhold payment of local government fund moneys pursuant to division (C) of this section from any municipal corporation for failure to comply with this reporting requirement.

**Sec. 5747.501.** (A) On or before the twenty-fifth day of July of each year, the tax commissioner shall estimate and certify to each county auditor the amount to be distributed from the local government fund to each undivided local government fund during the following calendar year under section 5747.50 of the Revised Code. The estimate shall equal the sum of the separate amounts computed under divisions (B)(1) and (2) of this section On or after the first day of December, but not later than the thirty-first day of December, the commissioner may also estimate the amount to be distributed from the local government fund to each undivided local government fund during the following calendar year under sections 5747.50 and 5747.504 of the Revised Code. If estimates are

produced in December, the commissioner is not required to certify 87484  
the estimates to county auditors, but shall make the estimates 87485  
available on the web site established by the commissioner under 87486  
section 5703.49 of the Revised Code. 87487

The estimated amount to be distributed to each county under 87488  
section 5747.50 of the Revised Code shall equal one of the 87489  
following amounts: 87490

(1) The amount computed for the county under division (B)(1) 87491  
of this section, if the amount determined under division (B)(1)(b) 87492  
of this section is greater than the amount determined under 87493  
division (B)(2)(b) of this section. 87494

(2) The amount computed for the county under division (B)(2) 87495  
of this section, if the amount determined under division (B)(2)(b) 87496  
of this section is greater than the amount determined under 87497  
division (B)(1)(b) of this section. 87498

(B)(1) The product obtained by multiplying the percentage 87499  
described in division (B)(1)(a) of this section by the amount 87500  
described in division (B)(1)(b) of this section. 87501

(a) Each county's proportionate share of the total amount 87502  
distributed to the counties from the local government fund ~~and the~~ 87503  
~~local government revenue assistance fund~~ under section 5747.50 of 87504  
~~the Revised Code~~ during calendar year ~~2007~~ 2017. ~~In fiscal year~~ 87505  
~~2014 and thereafter, the amount distributed to any county~~ 87506  
~~undivided local government fund shall be an amount not less than~~ 87507  
~~seven hundred fifty thousand dollars or the amount distributed to~~ 87508  
~~such fund in fiscal year 2013, whichever amount is smaller. To the~~ 87509  
~~extent necessary to implement this minimum distribution~~ 87510  
~~requirement, the proportionate shares computed under this division~~ 87511  
~~shall be adjusted accordingly.~~ 87512

(b) The lesser of the amounts in division (B)(1)(b)(i) or 87513  
(ii) of this section. 87514

(i) The total amount distributed to counties from the local government fund and the local government revenue assistance fund during calendar year 2007 adjusted downward if, and to the extent that, total local government fund distributions to counties for the following year are projected to be less than what was distributed to counties from the local government fund and local government revenue assistance fund during calendar year 2007 2017 multiplied by (I) ninety-five per cent, for distributions to be made in calendar year 2018 or (II) ninety per cent, for distributions made in calendar year 2019 or thereafter.

(ii) The total amount projected to be available for distribution from the local government fund after the distributions required by section 5747.503 of the Revised Code.

(2) The product obtained by multiplying the percentage described in division (B)(2)(a) of this section by the amount described in division (B)(2)(b) of this section.

(a) Each (i) Except as provided in division (B)(2)(a)(ii) of this section, each county's proportionate share of the state's population as reflected in the most recent federal decennial census or the federal government's most recent census estimates, whichever represents the most recent year total amount distributed to counties from the local government fund under section 5747.50 of the Revised Code during calendar year 2017.

(ii) If the amount in division (B)(2)(b) of this section exceeds the total amount distributed to counties during calendar year 2017 under section 5747.50 of the Revised Code, each county's proportionate share of the total amount distributed to counties from the local government fund under section 5747.50 of the Revised Code during calendar year 2011, provided that, if necessary, all such proportionate shares shall be proportionately adjusted to ensure that each county receives at least the lesser of (I) seven hundred fifty thousand dollars or (II) the amount

distributed to the county in calendar year 2011. 87547

(b) ~~The amount by which total estimated distributions from~~ 87548  
~~the local government fund during the immediately succeeding~~ 87549  
~~calendar year, less the total estimated amount to be distributed~~ 87550  
~~from the fund to municipal corporations under division (C) of~~ 87551  
~~section 5747.50 of the Revised Code during the immediately~~ 87552  
~~succeeding calendar year, exceed the total amount distributed to~~ 87553  
~~counties from the local government fund and local government~~ 87554  
~~revenue assistance fund during calendar year 2007~~ Eighty per cent 87555  
of the total amount projected to be available for distribution 87556  
from the local government fund during the calendar year after the 87557  
distributions required by section 5747.503 of the Revised Code. 87558

**Sec. 5747.502.** (A) As used in this section: 87559

(1) "Delinquent subdivision" means a municipal corporation, 87560  
township, or county that has not filed a report or signed 87561  
statement under section 4511.0915 of the Revised Code, as required 87562  
under that section. 87563

(2) "Noncompliant subdivision" means a municipal corporation, 87564  
township, or county that files a report under division (A)(1) of 87565  
section 4511.0915 of the Revised Code for the most recent calendar 87566  
quarter. 87567

(B)(1)(a) Upon receiving notification of a delinquent 87568  
subdivision under division (C)(2) of section 4511.0915 of the 87569  
Revised Code, the tax commissioner shall ~~do both of the following:~~ 87570

~~(i) If the delinquent subdivision is a municipal corporation,~~ 87571  
~~cease providing for payments to the municipal corporation under~~ 87572  
~~division (C) of section 5747.50 of the Revised Code, beginning~~ 87573  
~~with the next required payment;~~ 87574

~~(ii) Immediately~~ immediately notify the county auditor and 87575  
county treasurer required to provide for payments to the 87576

delinquent subdivision from a county undivided local government 87577  
fund that such payments are to cease until the tax commissioner 87578  
notifies the auditor and treasurer under division (B)(3)(a)(ii) of 87579  
this section. 87580

(b) A county treasurer receiving the notice under division 87581  
(B)(1)(a)~~(ii)~~ of this section shall cease providing for payments 87582  
to the delinquent subdivision from a county undivided local 87583  
government fund, beginning with the next required payment. 87584

(2)(a) Upon receiving notification that a county, township, 87585  
or municipal corporation is no longer a delinquent subdivision 87586  
under division (C)(3) of section 4511.0915 of the Revised Code, 87587  
the tax commissioner shall ~~do both of the following:~~ 87588

~~(i) If the formerly delinquent subdivision is a municipal 87589  
corporation, begin providing for payments to the municipal 87590  
corporation as required under division (C) of section 5747.50 of 87591  
the Revised Code, beginning with the next required payment. 87592~~

~~(ii) Immediately immediately notify the county auditor and 87593  
county treasurer who ceased payments to the formerly delinquent 87594  
subdivision under division (B)(1)(b) of this section that the 87595  
treasurer shall begin providing for payment from a county 87596  
undivided local government fund to the formerly delinquent 87597  
subdivision under section 5747.51 or 5747.53 of the Revised Code. 87598~~

(b) A county treasurer receiving notice under division 87599  
(B)(2)(a)~~(ii)~~ of this section shall provide for payments to the 87600  
formerly delinquent subdivision from a county undivided local 87601  
government fund, beginning with the next required payment. 87602

~~(C)(1) Upon receiving notification of a noncompliant 87603  
subdivision under division (C)(1) of section 4511.0915 of the 87604  
Revised Code, the tax commissioner shall do both of the following: 87605~~

~~(a) If the delinquent subdivision is a municipal corporation, 87606  
reduce the amount of each of the next three local government fund 87607~~

~~payments the noncompliant subdivision would otherwise receive 87608  
under division (C) of section 5747.50 of the Revised Code in an 87609  
amount equal to one third of the gross amount of fines reported by 87610  
the noncompliant subdivision on the report filed for the calendar 87611  
quarter. 87612~~

~~(b) If the reduction described in division (C)(1)(a) of this 87613  
section exceeds the amount of money the noncompliant subdivision 87614  
would otherwise receive under division (C) of section 5747.50 of 87615  
the Revised Code, immediately notify the county auditor and county 87616  
treasurer required to provide for payments to the noncompliant 87617  
subdivision from a county undivided local government fund that 87618  
each of the next three such payments are to be reduced to that 87619  
subdivision in an amount equal to one third of that excess. 87620~~

~~(2) A county treasurer receiving notice under division 87621  
(C)(1)(b) of this section shall reduce the payments to the 87622  
noncompliant subdivision from a county undivided local government 87623  
fund as required by the notice. 87624~~

~~(D)(1) The tax commissioner shall provide for payment of an 87625  
amount equal to amounts withheld from municipal corporations under 87626  
divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the 87627  
undivided local government fund of the county from which the 87628  
municipal corporation receives payments under section 5747.51 or 87629  
5747.53 of the Revised Code. The county treasurer shall distribute 87630  
that money among subdivisions that are not delinquent or 87631  
noncompliant subdivisions and that are entitled to receive 87632  
distributions under those sections by increasing each such 87633  
subdivision's distribution on a pro rata basis. 87634~~

~~(2) A county treasurer shall distribute any amount withheld 87635  
from a delinquent or noncompliant subdivision under division 87636  
(B)(1)(b) or (C)(2) of this section among other subdivisions that 87637  
are not delinquent or noncompliant subdivisions by increasing each 87638  
such subdivision's distribution from the county's undivided local 87639~~

government fund on a pro rata basis. 87640

~~(E)~~(D) A county, township, or municipal corporation receiving 87641  
an increased distribution under division ~~(B)~~~~or~~ (C) of this 87642  
section shall use such money for the current operating expenses of 87643  
the subdivision. 87644

Sec. 5747.503. (A) On or before the tenth day of each month, 87645  
the tax commissioner shall provide for payment to each county 87646  
undivided local government fund of a supplement for townships. The 87647  
commissioner shall determine the amounts paid to each fund as 87648  
follows: 87649

(1) Four hundred sixteen thousand six hundred sixty-six 87650  
dollars and sixty-seven cents shall be divided among every county 87651  
fund so that each township in the state receives an equal amount. 87652

(2) Four hundred sixteen thousand six hundred sixty-six 87653  
dollars and sixty-six cents shall be divided among every county 87654  
fund so that each township receives a proportionate share based on 87655  
the proportion that the total township road miles in the township 87656  
is of the total township road miles in all townships in the state. 87657

(B)(1) As used in this division, "qualifying village" means a 87658  
village with a population of less than one thousand according to 87659  
the most recent federal decennial census. 87660

(2) On or before the tenth day of each month, the tax 87661  
commissioner shall provide for payment to each county undivided 87662  
local government fund of a supplement for qualifying villages. The 87663  
commissioner shall determine the amounts paid to each fund as 87664  
follows: 87665

(a) Eighty-three thousand three hundred thirty-three dollars 87666  
and thirty-four cents shall be divided among every county fund so 87667  
that each qualifying village in the state receives an equal 87668  
amount. 87669

(b) Eighty-three thousand three hundred thirty-three dollars and thirty-three cents shall be divided among every county fund so that each qualifying village receives a proportionate share based on the proportion that the total village road miles in the qualifying village is of the total village road miles in all qualifying villages in the state. 87670  
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(C) The tax commissioner shall separately identify to the county treasurer the amounts to be allocated to each township under divisions (A)(1) and (2) of this section and to each qualifying village under divisions (B)(2)(a) and (b) of this section. The treasurer shall transfer those amounts to townships and qualifying villages from the undivided local government fund. 87676  
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(D) The tax commissioner shall update the road mile information used to determine payments under divisions (A) and (B) of this section at least once every five years, and may update such information more often at the commissioner's discretion. 87682  
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**Sec. 5747.504.** (A) As used in this section: 87686

(1) "Available direct distribution base" means the amount available for distribution in a month from the local government fund after amounts are distributed pursuant to sections 5747.50 and 5747.503 of the Revised Code, subject to the adjustments required by divisions (A)(1)(a) and (b) of this section. 87687  
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(a) If the calculation required by division (B)(2) of section 5747.50 of the Revised Code, before application of division (B)(2)(c)(ii) of that section, would result in an available direct distribution base equal to an amount less than zero, the available direct distribution base in that month shall be adjusted to equal zero. The total amount of that adjustment shall be divided by six and the resulting quotient shall be deducted from the available direct distribution base for each of the first six months of the next calendar year. 87692  
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(b) If the calculation required by division (B)(2) of section 5747.50 of the Revised Code results in an adjustment required by division (B)(2)(c)(i) of that section, the total amount of such adjustment shall be divided by six and the resulting quotient shall be added to the available direct distribution base for each of the first six months of the next calendar year. 87701  
87702  
87703  
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87705  
87706

(2) "Qualifying village" means a village that has levied an income tax and has certified the rate of its tax to the tax commissioner pursuant to section 5745.03 of the Revised Code for at least three of the immediately preceding taxable years. 87707  
87708  
87709  
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(3) "Assigned value" means one of the following: 87711

(a) For counties, the product obtained by multiplying the amount in division (A)(3)(a)(i) of this section by the amount in division (A)(3)(a)(ii) of this section. 87712  
87713  
87714

(i) The fraction obtained by dividing the county's population by the total population of all counties; 87715  
87716

(ii) The sum of (I) the fraction obtained by dividing the statewide average annual per capita taxable sales by the county's average annual per capita taxable sales, as determined under section (B)(1) of this section, multiplied by eighty per cent, and (II) the fraction obtained by dividing the statewide average annual per capita taxable property value by the county's average annual per capita taxable property value, as determined under division (B)(3) of this section, multiplied by twenty per cent. 87717  
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(b) For cities, the product obtained by multiplying the amount in division (A)(3)(b)(i) of this section by the amount in division (A)(3)(b)(ii) of this section. 87725  
87726  
87727

(i) The fraction obtained by dividing the city's population by the total population of all cities; 87728  
87729

(ii) The fraction obtained by dividing the statewide average 87730

annual per capita municipal effective taxable income by the city's 87731  
average annual per capita municipal effective taxable income, as 87732  
determined under division (B)(2) of this section. In the case of a 87733  
city that did not levy an income tax for at least one of the three 87734  
preceding calendar years, the value determined under this section 87735  
shall be one. 87736

(c) For villages, the product obtained by multiplying the 87737  
amount in division (A)(3)(c)(i) of this section by the amount in 87738  
division (A)(3)(c)(ii) or (iii) of this section, as appropriate. 87739

(i) The fraction obtained by dividing the village's 87740  
population by the total population of all villages; 87741

(ii) In the case of qualifying villages, the fraction 87742  
obtained by dividing the statewide average annual per capita 87743  
municipal effective taxable income by the village's average annual 87744  
per capita municipal effective taxable income, as determined under 87745  
division (B)(2) of this section. 87746

(iii) In the case of all other villages, the fraction 87747  
obtained by dividing the statewide average annual per capita 87748  
taxable property value by the village's average annual per capita 87749  
taxable property value, as determined under division (B)(3) of 87750  
this section. 87751

(d) For townships, the product obtained by multiplying the 87752  
amount in division (A)(3)(d)(i) of this section by the amount in 87753  
division (A)(3)(d)(ii) of this section. 87754

(i) The fraction obtained by dividing the township's 87755  
population by the total population of all townships; 87756

(ii) The fraction obtained by dividing the statewide average 87757  
annual per capita taxable property value by the township's average 87758  
annual per capita taxable property value, as determined under 87759  
division (B)(3) of this section. 87760

(4) "Capacity share" means one of the following: 87761

(a) For counties, the fraction obtained by dividing the 87762  
county's assigned value for that year by the total assigned values 87763  
of all counties for that year. 87764

(b) For cities, the fraction obtained by dividing the city's 87765  
assigned value for that year by the total assigned values of all 87766  
cities for that year. 87767

(c)(i) For qualifying villages, the fraction obtained by 87768  
dividing the qualifying village's assigned value for that year by 87769  
the total assigned values of all qualifying villages for that 87770  
year. 87771

(ii) For all other villages, the fraction obtained by 87772  
dividing the village's assigned value for that year by the total 87773  
assigned values of all villages that were not qualifying villages 87774  
for that year. 87775

(d) For townships, the fraction obtained by dividing the 87776  
township's assigned value for that year by the total assigned 87777  
values of all townships for that year. 87778

(5) "Calculation period" means the five-year period beginning 87779  
on the first day of the fifth year before the year in which the 87780  
tax commissioner makes the determinations required under division 87781  
(B) of this section. 87782

(6) "Population" means population according to the most 87783  
recent federal decennial census. 87784

(B) On or before the thirty-first day of December of each 87785  
year, the tax commissioner shall determine all of the following 87786  
amounts: 87787

(1)(a) The "average annual taxable sales" made in each county 87788  
during the calculation period, which shall be computed by adding 87789  
together the county's estimated taxable sales for all of the years 87790

of the calculation period, and dividing that sum by five. The 87791  
commissioner shall develop and use a standard methodology for 87792  
calculating estimated taxable sales made in each county based on 87793  
sales tax distributions to counties, but may make adjustments as 87794  
deemed necessary to produce reasonable estimates. 87795

(b) The "average annual per capita taxable sales" made in 87796  
each county, which shall equal the county's average annual taxable 87797  
sales determined for that year, divided by the county's 87798  
population. 87799

(c) The "statewide average annual per capita taxable sales" 87800  
for that year, which is calculated by adding together the amounts 87801  
determined in division (B)(1)(a) of this section for all counties, 87802  
and dividing that sum by the total population of the state. 87803

(2)(a) The "municipal tax liability" due in each municipal 87804  
corporation that levies an income tax for a taxable year, which 87805  
shall equal the total income taxes due from all taxpayers to a 87806  
municipal corporation for that year, after allowing for any 87807  
credits to which such taxpayers were entitled during that year, 87808  
but prior to applying estimated tax payments, withholding 87809  
payments, or credits from another year. 87810

On or before the thirty-first day of August of each year, 87811  
each municipal corporation shall certify to the commissioner, in 87812  
the manner prescribed by the commissioner, the municipal tax 87813  
liability of the municipal corporation for the immediately 87814  
preceding taxable year. Certification is required even if the 87815  
municipal corporation did not levy an income tax during that 87816  
taxable year. A municipal corporation that does not provide a 87817  
certification required by this division or division (F) of section 87818  
5745.03 of the Revised Code in a year shall not receive any 87819  
distribution under this section during the following year. 87820

(b) The "municipal effective taxable income" of each such 87821

municipal corporation for a taxable year, which shall equal the 87822  
municipal corporation's municipal tax liability for that year 87823  
divided by the income tax rate in effect in that municipal 87824  
corporation for that year. 87825

The commissioner shall develop and use a standard methodology 87826  
for calculating municipal effective taxable income, but may make 87827  
adjustments as deemed necessary to produce reasonable estimates. 87828  
The commissioner may use a reasonable alternative to municipal tax 87829  
liability at the commissioner's discretion. 87830

(c) A municipal corporation's "average annual municipal 87831  
effective taxable income" which shall be computed by adding 87832  
together the municipal corporation's municipal effective taxable 87833  
income for all of the years of the calculation period, and 87834  
dividing that sum by five. If a municipal corporation did not levy 87835  
an income tax for all five years of the calculation period, the 87836  
computation shall be adjusted to reflect only the years in which a 87837  
tax was levied. 87838

(d) The "average annual per capita municipal effective 87839  
taxable income" of each municipal corporation, which shall equal 87840  
the municipal corporation's average annual municipal effective 87841  
taxable income determined for that year, divided by the municipal 87842  
corporation's population. 87843

(e) The "statewide average annual per capita municipal 87844  
effective taxable income of cities" for that year, which is 87845  
calculated by adding together the amounts determined for all 87846  
cities under division (B)(2)(c) of this section, and dividing that 87847  
sum by the total population of all of the cities included in 87848  
determining that sum. 87849

(f) The "statewide average annual per capita municipal 87850  
effective taxable income of villages" for that year, which is 87851  
calculated by adding together the amounts determined for all 87852

qualifying villages under division (B)(2)(c) of this section, and 87853  
dividing that sum by the total population of all of the qualifying 87854  
villages included in determining that sum. 87855

(3)(a) The "taxable property value" of each township, each 87856  
village that is not a qualifying village, and each county, which 87857  
shall equal the total amount of taxable property listed on the 87858  
general tax list of real and public utility property of that 87859  
political subdivision for the preceding tax year. 87860

(b) The "average annual taxable property value" of each 87861  
township, each village that is not a qualifying village, and each 87862  
county, which shall be computed by adding together the political 87863  
subdivision's taxable property value for all of the years of the 87864  
calculation period, and dividing that sum by five. 87865

(c) The "average annual per capita taxable property value" of 87866  
each township, each village that is not a qualifying village, and 87867  
each county, which shall equal the political subdivision's average 87868  
annual taxable property value determined for that year, divided by 87869  
the political subdivision's population. 87870

(d) The "average annual per capita taxable property value of 87871  
counties" for that year, which is calculated by adding together 87872  
the amounts determined for all counties under division (B)(3)(b) 87873  
of this section, and dividing that sum by the total population of 87874  
all counties. 87875

(e) The "average annual per capita taxable property value of 87876  
villages" for that year, which is calculated by adding together 87877  
the amounts determined for all villages under division (B)(3)(b) 87878  
of this section, and dividing that sum by the total population of 87879  
all of the villages included in determining that sum. 87880

(f) The "average annual per capita taxable property value of 87881  
townships" for that year, which is calculated by adding together 87882  
the amounts determined for all townships under division (B)(3)(b) 87883

of this section, and dividing that sum by the total population of 87884  
all of the townships. 87885

(C) On or before the tenth day of each month, the tax 87886  
commissioner shall provide for payment to each county, municipal 87887  
corporation, and township of one of the following amounts: 87888

(1) For counties, the product of (a) thirty-seven and 87889  
three-tenths per cent of the available direct distribution base 87890  
for that month and (b) the county's capacity share. 87891

(2) For cities, the product of (a) forty-seven and 87892  
seven-tenths per cent of the available direct distribution base 87893  
for that month and (b) the city's capacity share. 87894

(3) For qualifying villages, the product of (a) three and 87895  
seven-tenths per cent of the available direct distribution base 87896  
for that month and (b) the qualifying village's capacity share. 87897

(4) For all other villages, the product of (a) one and 87898  
one-half per cent of the available direct distribution base for 87899  
that month and (b) the village's capacity share. 87900

(5) For townships, the product of (a) nine and four-fifths 87901  
per cent of the available direct distribution base for that month 87902  
and (b) the township's capacity share. 87903

(D) All money received into the treasury of a political 87904  
subdivision from the local government fund under this section 87905  
shall be paid into the general fund and used for the current 87906  
operating expenses of the subdivision. 87907

**Sec. 5747.51.** (A) On or before the twenty-fifth day of July 87908  
of each year, the tax commissioner shall make and certify to the 87909  
county auditor of each county an estimate of the amount of the 87910  
local government fund to be allocated to the undivided local 87911  
government fund of each county for the ensuing calendar year, 87912  
adjusting the total as required to account for subdivisions 87913

receiving local government funds under section 5747.502 of the Revised Code. 87914  
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(B) At each annual regular session of the county budget commission convened pursuant to section 5705.27 of the Revised Code, each auditor shall present to the commission the certificate of the commissioner, the annual tax budget and estimates, and the records showing the action of the commission in its last preceding regular session. The commission, after extending to the representatives of each subdivision an opportunity to be heard, under oath administered by any member of the commission, and considering all the facts and information presented to it by the auditor, shall determine the amount of the undivided local government fund needed by and to be apportioned to each subdivision for current operating expenses, as shown in the tax budget of the subdivision. This determination shall be made pursuant to divisions (C) to (I) of this section, unless the commission has provided for a formula pursuant to section 5747.53 of the Revised Code. The commissioner shall reduce or increase the amount of funds from the undivided local government fund to a subdivision required to receive reduced or increased funds under section 5747.502 of the Revised Code. 87916  
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Nothing in this section prevents the budget commission, for the purpose of apportioning the undivided local government fund, from inquiring into the claimed needs of any subdivision as stated in its tax budget, or from adjusting claimed needs to reflect actual needs. For the purposes of this section, "current operating expenses" means the lawful expenditures of a subdivision, except those for permanent improvements and except payments for interest, sinking fund, and retirement of bonds, notes, and certificates of indebtedness of the subdivision. 87935  
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(C) The commission shall determine the combined total of the estimated expenditures, including transfers, from the general fund 87944  
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and any special funds other than special funds established for 87946  
road and bridge; street construction, maintenance, and repair; 87947  
state highway improvement; and gas, water, sewer, and electric 87948  
public utilities operated by a subdivision, as shown in the 87949  
subdivision's tax budget for the ensuing calendar year. 87950

(D) From the combined total of expenditures calculated 87951  
pursuant to division (C) of this section, the commission shall 87952  
deduct the following expenditures, if included in these funds in 87953  
the tax budget: 87954

(1) Expenditures for permanent improvements as defined in 87955  
division (E) of section 5705.01 of the Revised Code; 87956

(2) In the case of counties and townships, transfers to the 87957  
road and bridge fund, and in the case of municipalities, transfers 87958  
to the street construction, maintenance, and repair fund and the 87959  
state highway improvement fund; 87960

(3) Expenditures for the payment of debt charges; 87961

(4) Expenditures for the payment of judgments. 87962

(E) In addition to the deductions made pursuant to division 87963  
(D) of this section, revenues accruing to the general fund and any 87964  
special fund considered under division (C) of this section from 87965  
the following sources shall be deducted from the combined total of 87966  
expenditures calculated pursuant to division (C) of this section: 87967

(1) Taxes levied within the ten-mill limitation, as defined 87968  
in section 5705.02 of the Revised Code; 87969

(2) The budget commission allocation of estimated county 87970  
public library fund revenues to be distributed pursuant to section 87971  
5747.48 of the Revised Code; 87972

(3) Estimated unencumbered balances as shown on the tax 87973  
budget as of the thirty-first day of December of the current year 87974  
in the general fund, but not any estimated balance in any special 87975

fund considered in division (C) of this section; 87976

(4) Revenue, including transfers, shown in the general fund 87977  
and any special funds other than special funds established for 87978  
road and bridge; street construction, maintenance, and repair; 87979  
state highway improvement; and gas, water, sewer, and electric 87980  
public utilities, from all other sources except those that a 87981  
subdivision receives from an additional tax or service charge 87982  
voted by its electorate or receives from special assessment or 87983  
revenue bond collection. For the purposes of this division, where 87984  
the charter of a municipal corporation prohibits the levy of an 87985  
income tax, an income tax levied by the legislative authority of 87986  
such municipal corporation pursuant to an amendment of the charter 87987  
of that municipal corporation to authorize such a levy represents 87988  
an additional tax voted by the electorate of that municipal 87989  
corporation. For the purposes of this division, any measure 87990  
adopted by a board of county commissioners pursuant to section 87991  
322.02, 4504.02, or 5739.021 of the Revised Code, including those 87992  
measures upheld by the electorate in a referendum conducted 87993  
pursuant to section 322.021, 4504.021, or 5739.022 of the Revised 87994  
Code, shall not be considered an additional tax voted by the 87995  
electorate. 87996

Subject to division (G) of section 5705.29 of the Revised 87997  
Code, money in a reserve balance account established by a county, 87998  
township, or municipal corporation under section 5705.13 of the 87999  
Revised Code shall not be considered an unencumbered balance or 88000  
revenue under division (E)(3) or (4) of this section. Money in a 88001  
reserve balance account established by a township under section 88002  
5705.132 of the Revised Code shall not be considered an 88003  
unencumbered balance or revenue under division (E)(3) or (4) of 88004  
this section. 88005

If a county, township, or municipal corporation has created 88006  
and maintains a nonexpendable trust fund under section 5705.131 of 88007

the Revised Code, the principal of the fund, and any additions to 88008  
the principal arising from sources other than the reinvestment of 88009  
investment earnings arising from such a fund, shall not be 88010  
considered an unencumbered balance or revenue under division 88011  
(E)(3) or (4) of this section. Only investment earnings arising 88012  
from investment of the principal or investment of such additions 88013  
to principal may be considered an unencumbered balance or revenue 88014  
under those divisions. 88015

(F) The total expenditures calculated pursuant to division 88016  
(C) of this section, less the deductions authorized in divisions 88017  
(D) and (E) of this section, shall be known as the "relative need" 88018  
of the subdivision, for the purposes of this section. 88019

(G) The budget commission shall total the relative need of 88020  
all participating subdivisions in the county, and shall compute a 88021  
relative need factor by dividing the total estimate of the 88022  
undivided local government fund by the total relative need of all 88023  
participating subdivisions. 88024

(H) The relative need of each subdivision shall be multiplied 88025  
by the relative need factor to determine the proportionate share 88026  
of the subdivision in the undivided local government fund of the 88027  
county; provided, that the maximum proportionate share of a county 88028  
shall not exceed the following maximum percentages of the total 88029  
estimate of the undivided local government fund governed by the 88030  
relationship of the percentage of the population of the county 88031  
that resides within municipal corporations within the county to 88032  
the total population of the county as reported in the reports on 88033  
population in Ohio by the department of development as of the 88034  
twentieth day of July of the year in which the tax budget is filed 88035  
with the budget commission: 88036

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|-------------------------------|--------------------------------|-------|
| Percentage of municipal       | Percentage share of the county | 88037 |
| population within the county: | shall not exceed:              |       |

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| Less than forty-one per cent                                    | Sixty per cent  | 88039 |
| Forty-one per cent or more but<br>less than eighty-one per cent | Fifty per cent  | 88040 |
| Eighty-one per cent or more                                     | Thirty per cent | 88041 |

Where the proportionate share of the county exceeds the 88042  
limitations established in this division, the budget commission 88043  
shall adjust the proportionate shares determined pursuant to this 88044  
division so that the proportionate share of the county does not 88045  
exceed these limitations, and it shall increase the proportionate 88046  
shares of all other subdivisions on a pro rata basis. In counties 88047  
having a population of less than one hundred thousand, not less 88048  
than ten per cent shall be distributed to the townships therein. 88049

(I) The proportionate share of each subdivision in the 88050  
undivided local government fund determined pursuant to division 88051  
(H) of this section for any calendar year shall not be less than 88052  
the product of the average of the percentages of the undivided 88053  
local government fund of the county as apportioned to that 88054  
subdivision for the calendar years 1968, 1969, and 1970, 88055  
multiplied by the total amount of the undivided local government 88056  
fund of the county apportioned pursuant to former section 5735.23 88057  
of the Revised Code for the calendar year 1970. For the purposes 88058  
of this division, the total apportioned amount for the calendar 88059  
year 1970 shall be the amount actually allocated to the county in 88060  
1970 from the state collected intangible tax as levied by section 88061  
5707.03 of the Revised Code and distributed pursuant to section 88062  
5725.24 of the Revised Code, plus the amount received by the 88063  
county in the calendar year 1970 pursuant to division (B)(1) of 88064  
former section 5739.21 of the Revised Code, and distributed 88065  
pursuant to former section 5739.22 of the Revised Code. If the 88066  
total amount of the undivided local government fund for any 88067  
calendar year is less than the amount of the undivided local 88068  
government fund apportioned pursuant to former section 5739.23 of 88069  
the Revised Code for the calendar year 1970, the minimum amount 88070

guaranteed to each subdivision for that calendar year pursuant to 88071  
this division shall be reduced on a basis proportionate to the 88072  
amount by which the amount of the undivided local government fund 88073  
for that calendar year is less than the amount of the undivided 88074  
local government fund apportioned for the calendar year 1970. 88075

(J) On the basis of ~~such an~~ apportionment determined under 88076  
this section or section 5747.53 of the Revised Code, the county 88077  
auditor shall compute the percentage share of each such 88078  
subdivision in the undivided local government fund and shall at 88079  
the same time certify to the tax commissioner the percentage share 88080  
of ~~the county as a~~ each such subdivision. No payment shall be made 88081  
from the undivided local government fund, except in accordance 88082  
with such percentage shares. 88083

Each calendar year, the commissioner shall collect from the 88084  
auditor information pertaining to the distributions made from the 88085  
undivided local government fund during the previous calendar year 88086  
to each subdivision, including the amounts distributed and other 88087  
pertinent details requested by the commissioner. If the auditor 88088  
fails to provide such information, money allocated to the county 88089  
from the local government fund may be withheld until such time as 88090  
the auditor has provided the required information. 88091

Within ten days after the budget commission has made its 88092  
apportionment, whether conducted pursuant to section 5747.51 or 88093  
5747.53 of the Revised Code, the auditor shall publish a list of 88094  
the subdivisions and the amount each is to receive from the 88095  
undivided local government fund and the percentage share of each 88096  
subdivision, in a newspaper or newspapers of countywide 88097  
circulation, and send a copy of such allocation to the tax 88098  
commissioner. 88099

The county auditor shall also send a copy of such allocation 88100  
by ordinary or electronic mail to the fiscal officer of each 88101  
subdivision entitled to participate in the allocation of the 88102

undivided local government fund of the county. This copy shall 88103  
constitute the official notice of the commission action referred 88104  
to in section 5705.37 of the Revised Code. 88105

All money received into the treasury of a subdivision from 88106  
the undivided local government fund in a county treasury shall be 88107  
paid into the general fund and used for the current operating 88108  
expenses of the subdivision. 88109

If a municipal corporation maintains a municipal university, 88110  
such municipal university, when the board of trustees so requests 88111  
the legislative authority of the municipal corporation, shall 88112  
participate in the money apportioned to such municipal corporation 88113  
from the total local government fund, however created and 88114  
constituted, in such amount as requested by the board of trustees, 88115  
provided such sum does not exceed nine per cent of the total 88116  
amount paid to the municipal corporation. 88117

If any public official fails to maintain the records required 88118  
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 88119  
issued by the tax commissioner, the auditor of state, or the 88120  
treasurer of state pursuant to such sections, or fails to comply 88121  
with any law relating to the enforcement of such sections, the 88122  
local government fund money allocated to the county may be 88123  
withheld until such time as the public official has complied with 88124  
such sections or such law or the rules issued pursuant thereto. 88125

**Sec. 5747.98.** (A) To provide a uniform procedure for 88126  
calculating a taxpayer's aggregate tax liability under section 88127  
5747.02 of the Revised Code, a taxpayer shall claim any credits to 88128  
which the taxpayer is entitled in the following order: 88129

(1) Either the retirement income credit under division (B) of 88130  
section 5747.055 of the Revised Code or the lump sum retirement 88131  
income credits under divisions (C), (D), and (E) of that section; 88132

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| (2) Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section; | 88133<br>88134<br>88135 |
| (3) The dependent care credit under section 5747.054 of the Revised Code;   | 88136<br>88137          |
| (4) The low-income credit under section 5747.056 of the Revised Code;   | 88138<br>88139          |
| (5) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;  | 88140<br>88141          |
| <del>(6) The campaign contribution credit under section 5747.29 of the Revised Code;</del>  | 88142<br>88143          |
| <del>(7)</del> The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;  | 88144<br>88145          |
| <del>(8)</del> <u>(7)</u> The joint filing credit under division (G) of section 5747.05 of the Revised Code;  | 88146<br>88147          |
| <del>(9)</del> <u>(8)</u> The earned income credit under section 5747.71 of the Revised Code;   | 88148<br>88149          |
| <del>(10)</del> <u>(9)</u> The credit for adoption of a minor child under section 5747.37 of the Revised Code;  | 88150<br>88151          |
| <del>(11)</del> <u>(10)</u> The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;  | 88152<br>88153          |
| <del>(12)</del> <u>(11)</u> The enterprise zone credit under section 5709.66 of the Revised Code;   | 88154<br>88155          |
| <del>(13)</del> <u>(12)</u> The ethanol plant investment credit under section 5747.75 of the Revised Code;  | 88156<br>88157          |
| <del>(14)</del> <u>(13)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;                                 | 88158<br>88159          |
| <del>(15)</del> <u>(14)</u> The small business investment credit under section 5747.81 of the Revised Code;   | 88160<br>88161          |

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| <del>(16)</del> <u>(15)</u> The enterprise zone credits under section 5709.65 of the Revised Code;  | 88162<br>88163          |
| <del>(17)</del> <u>(16)</u> The research and development credit under section 5747.331 of the Revised Code;   | 88164<br>88165          |
| <del>(18)</del> <u>(17)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;  | 88166<br>88167          |
| <del>(19)</del> <u>(18)</u> The nonresident credit under division (A) of section 5747.05 of the Revised Code;   | 88168<br>88169          |
| <del>(20)</del> <u>(19)</u> The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;  | 88170<br>88171          |
| <del>(21)</del> <u>(20)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code;  | 88172<br>88173          |
| <del>(22)</del> <u>(21)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;   | 88174<br>88175          |
| <del>(23)</del> <u>(22)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;   | 88176<br>88177          |
| <del>(24)</del> <u>(23)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;                                      | 88178<br>88179<br>88180 |
| <del>(25)</del> <u>(24)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code; | 88181<br>88182<br>88183 |
| <del>(26)</del> <u>(25)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;   | 88184<br>88185          |
| <del>(27)</del> <u>(26)</u> The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.  | 88186<br>88187<br>88188 |
| (B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of   | 88189<br>88190          |

section 5747.08 of the Revised Code, the amount of the credit for 88191  
a taxable year shall not exceed the taxpayer's aggregate amount of 88192  
tax due under section 5747.02 of the Revised Code, after allowing 88193  
for any other credit that precedes it in the order required under 88194  
this section. Any excess amount of a particular credit may be 88195  
carried forward if authorized under the section creating that 88196  
credit. Nothing in this chapter shall be construed to allow a 88197  
taxpayer to claim, directly or indirectly, a credit more than once 88198  
for a taxable year. 88199

**Sec. 5748.10.** (A) As used in this section: 88200

(1) "School district consolidation" means a consolidation of 88201  
some or all of the territories of two or more school districts by 88202  
transfer, merger, joinder, or creation pursuant to any of such 88203  
procedures under Chapter 3311. of the Revised Code. 88204

(2) "Surviving school district" means a school district into 88205  
which territory of another school district will be consolidated 88206  
pursuant to a school district consolidation. 88207

(3) "Identification number" means the number designated by 88208  
the tax commissioner for the purpose of enabling a taxpayer to 88209  
identify the taxpayer's school district of residence pursuant to 88210  
rules adopted by the commissioner in accordance with section 88211  
5747.04 of the Revised Code. 88212

(B) On or before ninety days before the effective date of a 88213  
school district consolidation, the board of education of a 88214  
surviving school district that levies a school district income tax 88215  
pursuant to a resolution that will be in effect on and after that 88216  
effective date shall notify the tax commissioner in writing of all 88217  
of the following: 88218

(1) The name and identification number of each of the school 88219  
districts involved in the consolidation, designating which is the 88220

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|--|-------|
| <u>surviving school district;</u>  | 88221 |
| <u>(2) The effective date of the consolidation;</u>                            | 88222 |
| <u>(3) The rate of school district income tax levied by the</u>                | 88223 |
| <u>surviving school district and, if applicable, any of the other</u>          | 88224 |
| <u>school districts, pursuant to a resolution levying such a tax that</u>      | 88225 |
| <u>will be in effect on and after the effective date of the</u>                | 88226 |
| <u>consolidation.</u>  | 88227 |
| <u>(C) School district income tax shall be levied on the school</u>            | 88228 |
| <u>district income of residents of a school district resulting from a</u>      | 88229 |
| <u>school district consolidation pursuant to a resolution, if any,</u>         | 88230 |
| <u>levying such a tax on such income of the surviving school</u>               | 88231 |
| <u>district's residents adopted by the board of education of that</u>          | 88232 |
| <u>district and in effect on and after that effective date. Nothing</u>        | 88233 |
| <u>in this division prohibits the board of education of a school</u>           | 88234 |
| <u>district from amending or adopting a resolution to levy a school</u>        | 88235 |
| <u>district income tax in accordance with this chapter after a school</u>      | 88236 |
| <u>district consolidation.</u>   | 88237 |
| <br>   |       |
| <b>Sec. 5749.01.</b> As used in this chapter:                                  | 88238 |
| (A) "Ton" shall mean two thousand pounds as measured at the                    | 88239 |
| point and time of severance, after the removal of any impurities,              | 88240 |
| under such rules and regulations as the tax commissioner may                   | 88241 |
| prescribe.   | 88242 |
| (B) "Taxpayer" means any person required to pay the tax                        | 88243 |
| levied by Chapter 5749. of the Revised Code.                                   | 88244 |
| (C) "Natural resource" means all forms of coal, salt,                          | 88245 |
| limestone, dolomite, sand, gravel, <del>natural</del> gas, <del>and</del> oil, | 88246 |
| <u>condensate, and natural gas liquids.</u>                                    | 88247 |
| (D) "Owner," <del>has</del> <u>"exempt domestic well," "oil," and</u>          | 88248 |
| <u>"condensate," have the same meaning meanings</u> as in section 1509.01      | 88249 |
| of the Revised Code.   | 88250 |

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| (E) "Person" means any individual, firm, partnership, association, joint stock company, corporation, or estate, or combination thereof.  | 88251<br>88252<br>88253                   |
| (F) "Return" means any report or statement required to be filed pursuant to Chapter 5749. of the Revised Code used to determine the tax due.   | 88254<br>88255<br>88256                   |
| (G) "Severance" means the extraction or other removal of a natural resource from the soil or water of this state.  | 88257<br>88258                            |
| (H) "Severed" means the point at which the natural resource has been separated from the soil or water in this state.   | 88259<br>88260                            |
| (I) "Severer" means any person who actually removes the natural resources from the soil or water in this state.  | 88261<br>88262                            |
| <u>(J) "Gas" means all hydrocarbons that are in a gaseous state at standard temperature and pressure.</u>  | 88263<br>88264                            |
| <u>(K) "Natural gas liquids" means hydrocarbons separated from gas, including ethane, propane, butanes, pentanes, hexanes, and natural gasolines.</u>  | 88265<br>88266<br>88267                   |
| <u>(L) "Average quarterly spot price" means the following:</u>   | 88268                                     |
| <u>(1) For oil, the average of each day's closing spot price reported for one barrel of crude oil for the calendar quarter that begins six months before the current calendar quarter, as reported by a publicly available source determined by the commissioner;</u>                | 88269<br>88270<br>88271<br>88272          |
| <u>(2) For gas, the average of each day's closing spot price reported for one thousand cubic feet of natural gas for the calendar quarter that begins six months before the current calendar quarter, as reported by a publicly available source determined by the commissioner.</u> | 88273<br>88274<br>88275<br>88276<br>88277 |
| <u>(3) For condensate, the average of each day's closing spot price reported for one barrel of Appalachian condensate for the calendar quarter that begins six months before the current</u>   | 88278<br>88279<br>88280                   |

calendar quarter, as reported by a source determined by the 88281  
commissioner; 88282

(4) For natural gas liquids, the average of each day's 88283  
closing spot price reported for one million British thermal units 88284  
of natural gas plant liquids composite for the calendar quarter 88285  
that begins six months before the current calendar quarter, as 88286  
reported by a publicly available source determined by the 88287  
commissioner. 88288

(M) "Former section 1509.50 of the Revised Code" means 88289  
section 1509.50 of the Revised Code as it existed before its 88290  
repeal by ...B... of the 131st general assembly. 88291

**Sec. 5749.02.** (A) For the purpose of providing revenue to 88292  
administer the state's coal mining and reclamation regulatory 88293  
program, to meet the environmental and resource management needs 88294  
of this state, to provide revenue to the general revenue fund, and 88295  
to reclaim land affected by mining, an excise tax is hereby levied 88296  
on the privilege of engaging in the severance of natural resources 88297  
from the soil or water of this state. The tax shall be imposed 88298  
upon the severer at the rates prescribed by ~~divisions (A)(1) to~~ 88299  
~~(9) of~~ this section: 88300

(1) Ten cents per ton of coal; 88301

(2) Four cents per ton of salt; 88302

(3) Two cents per ton of limestone or dolomite; 88303

(4) Two cents per ton of sand and gravel; 88304

(5) ~~Ten cents per barrel of oil;~~ 88305

~~(6) Two and one half cents per thousand cubic feet of natural~~ 88306  
~~gas;~~ 88307

~~(7) Six and one-half per cent of the product of the total~~ 88308  
~~volume of oil severed during the calendar quarter multiplied by~~ 88309

the average quarterly spot price for oil applicable to that 88310  
quarter; 88311

(6)(a) For gas that enters the natural gas distribution 88312  
system without further processing, six and one-half per cent of 88313  
the product of the total volume of such gas severed during the 88314  
calendar quarter multiplied by the average quarterly spot price 88315  
for gas applicable to that quarter; 88316

(b) For gas other than that described in division (A)(6)(a) 88317  
of this section, four and one-half per cent of the product of the 88318  
total volume of such gas after the gas is processed during the 88319  
calendar quarter, regardless of where the processing facility is 88320  
located, multiplied by the average quarterly spot price for gas 88321  
applicable to that quarter. 88322

(7) Six and one-half per cent of the product of the volume of 88323  
condensate collected during the calendar quarter at a point other 88324  
than the wellhead, regardless of where title is transferred, 88325  
multiplied by the average quarterly spot price for condensate 88326  
applicable to that quarter; 88327

(8) Four and one-half per cent of the product of the volume 88328  
of natural gas liquids collected during the calendar year at a 88329  
point other than the wellhead, regardless of where title is 88330  
transferred, multiplied by the average quarterly spot price for 88331  
natural gas liquids applicable to that quarter; 88332

(9) One cent per ton of clay, sandstone or conglomerate, 88333  
shale, gypsum, or quartzite; 88334

~~(8)~~(10) Except as otherwise provided in this division or in 88335  
rules adopted by the reclamation forfeiture fund advisory board 88336  
under section 1513.182 of the Revised Code, an additional fourteen 88337  
cents per ton of coal produced from an area under a coal mining 88338  
and reclamation permit issued under Chapter 1513. of the Revised 88339  
Code for which the performance security is provided under division 88340

(C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 88341  
2007, if at the end of a fiscal biennium the balance of the 88342  
reclamation forfeiture fund created in section 1513.18 of the 88343  
Revised Code is equal to or greater than ten million dollars, the 88344  
rate levied shall be twelve cents per ton. Beginning July 1, 2007, 88345  
if at the end of a fiscal biennium the balance of the fund is at 88346  
least five million dollars, but less than ten million dollars, the 88347  
rate levied shall be fourteen cents per ton. Beginning July 1, 88348  
2007, if at the end of a fiscal biennium the balance of the fund 88349  
is less than five million dollars, the rate levied shall be 88350  
sixteen cents per ton. Beginning July 1, 2009, not later than 88351  
thirty days after the close of a fiscal biennium, the chief of the 88352  
division of mineral resources management shall certify to the tax 88353  
commissioner the amount of the balance of the reclamation 88354  
forfeiture fund as of the close of the fiscal biennium. Any 88355  
necessary adjustment of the rate levied shall take effect on the 88356  
first day of the following January and shall remain in effect 88357  
during the calendar biennium that begins on that date. 88358

~~(9)~~(11) An additional one and two-tenths cents per ton of 88359  
coal mined by surface mining methods. 88360

(B) After the director of budget and management transfers 88361  
money from the severance tax receipts fund as required in division 88362  
(H) of section 5749.06 of the Revised Code, money remaining in the 88363  
severance tax receipts fund, ~~except for money in the fund from the~~ 88364  
~~amounts due under section 1509.50 of the Revised Code,~~ shall be 88365  
credited as follows: 88366

(1) ~~Of~~ All of the moneys in the fund from the tax levied in 88367  
division (A)(1) of this section, ~~four and seventy six hundredths~~ 88368  
~~per cent shall be credited to the geological mapping fund created~~ 88369  
~~in section 1505.09 of the Revised Code, eighty and~~ 88370  
~~ninety five hundredths per cent shall be credited to the coal~~ 88371  
~~mining administration and reclamation reserve fund created in~~ 88372

~~section 1513.181 of the Revised Code, and fourteen and~~ 88373  
~~twenty nine hundredths per cent shall be credited to the~~ 88374  
~~unreclaimed lands~~ mining regulation and safety fund created in 88375  
section 1513.30 of the Revised Code. 88376

(2) The money in the fund from the tax levied in division 88377  
(A)(2) of this section shall be credited to the ~~geological mapping~~ 88378  
mining regulation and safety fund. 88379

(3) Of the moneys in the fund from the tax levied in 88380  
divisions (A)(3) and (4) of this section, seven and five-tenths 88381  
per cent shall be credited to the geological mapping fund, 88382  
~~forty two and five tenths per cent shall be credited to the~~ 88383  
~~unreclaimed lands fund,~~ and the remainder shall be credited to the 88384  
~~surface~~ mining regulation and safety fund created in section 88385  
~~1514.06~~ 1513.30 of the Revised Code. 88386

(4) ~~Of~~ All of the moneys in the fund from the tax levied in 88387  
divisions (A)(5) and ~~(6)~~ to (8) of this section, ~~ninety per cent~~ 88388  
shall be credited to the ~~oil and gas well~~ general revenue fund 88389  
~~created in section 1509.02 of the Revised Code and ten per cent~~ 88390  
~~shall be credited to the geological mapping fund. All~~ 88391

(5) All of the moneys in the fund from the tax levied in 88392  
division (A)~~(7)~~(9) of this section shall be credited to the 88393  
~~surface~~ mining regulation and safety fund. 88394

~~(5)~~(6) All of the moneys in the fund from the tax levied in 88395  
division (A)~~(8)~~(10) of this section shall be credited to the 88396  
reclamation forfeiture fund. 88397

~~(6)~~(7) All of the moneys in the fund from the tax levied in 88398  
division (A)~~(9)~~(11) of this section shall be credited to the 88399  
~~unreclaimed lands~~ mining regulation and safety fund. 88400

(C) When, at the close of any fiscal year, the chief finds 88401  
that the balance of the reclamation forfeiture fund, ~~plus~~ 88402  
~~estimated transfers to it from the coal mining administration and~~ 88403

~~reclamation reserve fund under section 1513.181 of the Revised Code, plus the estimated revenues from the tax levied by division (A)~~(8)~~(10) of this section for the remainder of the calendar year that includes the close of the fiscal year, are sufficient to complete the reclamation of all lands for which the performance security has been provided under division (C)(2) of section 1513.08 of the Revised Code, the purposes for which the tax under division (A)~~(8)~~(10) of this section is levied shall be deemed accomplished at the end of that calendar year. The chief, within thirty days after the close of the fiscal year, shall certify those findings to the tax commissioner, and the tax levied under division (A)~~(8)~~(10) of this section shall cease to be imposed for the subsequent calendar year after the last day of that calendar year on coal produced under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code if the permittee has made tax payments under division (A)~~(8)~~(10) of this section during each of the preceding five full calendar years. Not later than thirty days after the close of a fiscal year, the chief shall certify to the tax commissioner the identity of any permittees who accordingly no longer are required to pay the tax levied under division (A)~~(8)~~(10) of this section for the subsequent calendar year.~~

(D) On or before the last day of the first month of each calendar quarter, the tax commissioner shall certify and post to the department of taxation's web site the average quarterly spot price applicable to oil, gas, condensate, and natural gas liquids for that quarter.

**Sec. 5749.03.** ~~The following Natural resources severed from an exempt domestic well shall be exempt from the tax imposed by section 5749.02 of the Revised Code and the amount due under section 1509.50 of the Revised Code:~~

~~The severance of natural resources from land or water in this state owned legally or beneficially by the severer, which natural resources will be used on the land from which they are taken by the severer as part of the improvement of or use in the severer's homestead and which have a yearly cumulative market value of not greater than one thousand dollars. When severed natural resources so used exceed a cumulative market value of one thousand dollars during any year, the further severance of natural resources shall be subject to the tax imposed by section 5749.02 of the Revised Code.~~ 88435  
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**Sec. 5749.04.** No severer shall sever or sell a natural resource in this state without first having obtained a ~~license or permit therefor~~ from or having registered with the department of natural resources. 88445  
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~~Unless the severer has obtained a license or permit from another department of this state, the license or permit shall be issued by the tax commissioner upon receipt of a completed application on a form which he shall prescribe. The license or permit shall become effective on the date the application is accepted by the commissioner, who shall notify the applicant in writing of the acceptance, and shall remain in effect until such time as the commissioner revokes the license or permit. The commissioner may request that the department of natural resources revoke the license or permit or registration of a severer or owner if he the commissioner finds that the applicant severer or owner has failed to fully and truthfully complete the application or has failed to pay the tax required by comply with former section 1509.50 or Chapter 5749. of the Revised Code.~~ 88449  
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~~The fee charged for the license or permit shall be fifty dollars. The remittance for such fee shall accompany the application and shall be made payable to the treasurer of state~~ 88463  
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~~for deposit in the general revenue fund~~ Upon receipt of such a 88466  
request, that officer may revoke the permit or registration. 88467

Except as provided in section 5749.03 of the Revised Code, 88468  
before severing a natural resource each severer shall file an 88469  
application with the commissioner on a form prescribed by the 88470  
commissioner to establish a severance tax account. The application 88471  
may require the severer to disclose any information the 88472  
commissioner considers necessary to establish that account. 88473

**Sec. 5749.06.** (A)(1) Each severer liable for the tax imposed 88474  
by section 5749.02 of the Revised Code ~~and each severer or owner~~ 88475  
~~liable for the amounts due under section 1509.50 of the Revised~~ 88476  
Code shall make and file returns with the tax commissioner in the 88477  
prescribed form and ~~as of~~ at the prescribed times, computing and 88478  
reflecting therein the tax as required by this chapter ~~and amounts~~ 88479  
~~due under section 1509.50 of the Revised Code.~~ 88480

(2) The returns shall be filed for every ~~quarterly period,~~ 88481  
~~which periods shall end on the thirty first day of March, the~~ 88482  
~~thirtieth day of June, the thirtieth day of September, and the~~ 88483  
~~thirty first day of December of each year~~ calendar quarter, as 88484  
required by this section, unless a different return period is 88485  
prescribed for a taxpayer by the commissioner. 88486

(B)(1) A separate return shall be filed for each calendar 88487  
~~quarterly period~~ quarter, or other period, or any part thereof, 88488  
during which the severer holds a ~~license~~ permit or has registered 88489  
as provided by section 5749.04 of the Revised Code, or is required 88490  
to hold the ~~license,~~ or during which an owner is required to file 88491  
~~a return~~ permit or be registered. The return shall be filed ~~within~~ 88492  
~~forty five days after the last~~ on or before the fifteenth day of 88493  
~~each such calendar month, or other period, or any part thereof,~~ 88494  
~~for which the return is required~~ the second month following the 88495  
end of each return period. The tax due is payable along with the 88496

return. All such returns shall contain such information as the commissioner may require to fairly administer the tax.

(2) All returns shall be signed by the severer ~~or owner, as applicable,~~ shall contain the full and complete information requested, and shall be made under penalty of perjury.

(C) If the commissioner believes that quarterly payments of tax would result in a delay that might jeopardize the collection of such tax payments, the commissioner may order that such payments be made weekly, or more frequently if necessary, such payments to be made not later than seven days following the close of the period for which the jeopardy payment is required. Such an order shall be delivered to the taxpayer personally or by certified mail and shall remain in effect until the commissioner notifies the taxpayer to the contrary.

(D) Upon good cause the commissioner may extend for thirty days the period for filing any notice or return required to be filed under this section, and may remit all or a part of penalties that may become due under this chapter.

(E) Any tax ~~and any amount due under section 1509.50 of the Revised Code~~ not paid by the day the tax ~~or amount~~ is due shall bear interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code ~~on that amount due~~ from the day that the ~~amount tax~~ was originally required to be paid to the day of actual payment or to the day an assessment was issued under section 5749.07 or 5749.10 of the Revised Code, whichever occurs first.

(F) A severer ~~or owner, as applicable,~~ that fails to file a complete return or pay the full amount due under this chapter within the time prescribed, including any extensions of time granted by the commissioner, shall be subject to a penalty not to exceed the greater of fifty dollars or ten per cent of the amount

due for the period. 88528

(G)(1) A severer ~~or owner~~, ~~as applicable~~, shall remit 88529  
payments electronically and, if required by the commissioner, file 88530  
each return electronically. The commissioner may require that the 88531  
severer ~~or owner~~ use the Ohio business gateway, as defined in 88532  
section 718.01 of the Revised Code, or another electronic means to 88533  
file returns and remit payments electronically. 88534

(2) A severer ~~or owner~~ that is required to remit payments 88535  
electronically under this section may apply to the commissioner, 88536  
in the manner prescribed by the commissioner, to be excused from 88537  
that requirement. The commissioner may excuse a severer ~~or owner~~ 88538  
from the requirements of division (G) of this section for good 88539  
cause. 88540

(3) If a severer ~~or owner~~ that is required to remit payments 88541  
or file returns electronically under this section fails to do so, 88542  
the commissioner may impose a penalty on the severer ~~or owner~~ not 88543  
to exceed the following: 88544

(a) For the first or second payment or return the severer ~~or~~ 88545  
~~owner~~ fails to remit or file electronically, the greater of five 88546  
per cent of the amount of the payment that was required to be 88547  
remitted or twenty-five dollars; 88548

(b) For every payment or return after the second that the 88549  
severer ~~or owner~~ fails to remit or file electronically, the 88550  
greater of ten per cent of the amount of the payment that was 88551  
required to be remitted or fifty dollars. 88552

(H)(1) All amounts that the commissioner receives under this 88553  
section shall be deemed to be revenue from taxes imposed under 88554  
this chapter or from the amount due under former section 1509.50 88555  
of the Revised Code, as applicable, and shall be deposited in the 88556  
severance tax receipts fund, which is hereby created in the state 88557  
treasury. 88558

(2) The director of budget and management shall transfer from 88559  
the severance tax receipts fund, as necessary, to the tax refund 88560  
fund amounts equal to the refunds certified by the commissioner 88561  
under section 5749.08 of the Revised Code. Any amount transferred 88562  
under division (H)(2) of this section shall be derived from 88563  
receipts of the same tax or other amount from which the refund 88564  
arose. 88565

(3) After the director of budget and management makes any 88566  
transfer required by division (H)(2) of this section, but not 88567  
later than the ~~fifteenth~~ twenty-fifth day of ~~the~~ each month 88568  
~~following the end of each calendar quarter~~, the commissioner shall 88569  
certify to the director the total amount remaining in the 88570  
severance tax receipts fund organized according to the amount 88571  
attributable to each natural resource and according to the amount 88572  
attributable to a tax imposed by this chapter ~~and the amounts due~~ 88573  
~~under section 1509.50 of the Revised Code~~ and provide for payment 88574  
to the funds specified in division (B) of section 5749.02 of the 88575  
Revised Code. 88576

(I) Penalties imposed under this section are in addition to 88577  
any other penalty imposed under this chapter and shall be 88578  
considered as revenue arising from the tax levied under this 88579  
chapter or the amount due under former section 1509.50 of the 88580  
Revised Code, as applicable. The commissioner may collect any 88581  
penalty or interest imposed under this section in the same manner 88582  
as provided for the making of an assessment in section 5749.07 of 88583  
the Revised Code. The commissioner may abate all or a portion of 88584  
such interest or penalties and may adopt rules governing such 88585  
abatements. 88586

(J) For the purposes of this section: 88587

(1) "Tax imposed by section 5749.02 of the Revised Code" and 88588  
"tax" includes amounts due under former section 1509.50 of the 88589  
Revised Code. 88590

(2) "Severer" includes an owner as defined in section 1509.01 88591  
of the Revised Code, with regard to amounts due from an owner 88592  
under former section 1509.50 of the Revised Code. 88593

**Sec. 5749.07.** (A) If any severer required by this chapter to 88594  
make and file returns and pay the tax ~~levied~~ imposed by section 88595  
5749.02 of the Revised Code, ~~or any severer or owner liable for~~ 88596  
~~the amounts due under section 1509.50 of the Revised Code,~~ fails 88597  
to make such return or pay such tax ~~or amounts,~~ the tax 88598  
commissioner may make an assessment against the severer ~~or owner~~ 88599  
based upon any information in the commissioner's possession. 88600

No assessment shall be made or issued against any severer for 88601  
any tax imposed by section 5749.02 of the Revised Code ~~or against~~ 88602  
~~any severer or owner for any amount due under section 1509.50 of~~ 88603  
~~the Revised Code~~ more than four years after the return was due or 88604  
was filed, whichever is later. This section does not bar an 88605  
assessment against a severer ~~or owner~~ who fails to file a return 88606  
as required by this chapter, or who files a fraudulent return. 88607

The commissioner shall give the party assessed written notice 88608  
of such assessment in the manner provided in section 5703.37 of 88609  
the Revised Code. With the notice, the commissioner shall provide 88610  
instructions on how to petition for reassessment and request a 88611  
hearing on the petition. 88612

(B) Unless the party assessed files with the commissioner 88613  
within sixty days after service of the notice of assessment, 88614  
either personally or by certified mail, a written petition for 88615  
reassessment signed by the party assessed or that party's 88616  
authorized agent having knowledge of the facts, the assessment 88617  
becomes final and the amount of the assessment is due and payable 88618  
from the party assessed to the treasurer of state. The petition 88619  
shall indicate the objections of the party assessed, but 88620  
additional objections may be raised in writing if received by the 88621

commissioner prior to the date shown on the final determination. 88622  
If the petition has been properly filed, the commissioner shall 88623  
proceed under section 5703.60 of the Revised Code. 88624

(C) After an assessment becomes final, if any portion of the 88625  
assessment remains unpaid, including accrued interest, a certified 88626  
copy of the commissioner's entry making the assessment final may 88627  
be filed in the office of the clerk of the court of common pleas 88628  
in the county in which the party assessed resides or in which the 88629  
party's business is conducted. If the party assessed maintains no 88630  
place of business in this state and is not a resident of this 88631  
state, the certified copy of the entry may be filed in the office 88632  
of the clerk of the court of common pleas of Franklin county. 88633

Immediately upon the filing of such entry, the clerk shall 88634  
enter a judgment for the state against the party assessed in the 88635  
amount shown on the entry. The judgment may be filed by the clerk 88636  
in a loose-leaf book entitled "special judgments for state 88637  
severance tax," and shall have the same effect as other judgments. 88638  
Execution shall issue upon the judgment upon the request of the 88639  
commissioner, and all laws applicable to sales on execution shall 88640  
apply to sales made under the judgment. 88641

If the assessment is not paid in its entirety within sixty 88642  
days after the day the assessment is issued, the portion of the 88643  
assessment consisting of tax due ~~or amounts due under section~~ 88644  
~~1509.50 of the Revised Code~~ shall bear interest at the rate per 88645  
annum prescribed by section 5703.47 of the Revised Code from the 88646  
day the commissioner issues the assessment until it is paid or 88647  
until it is certified to the attorney general for collection under 88648  
section 131.02 of the Revised Code, whichever comes first. If the 88649  
unpaid portion of the assessment is certified to the attorney 88650  
general for collection, the entire unpaid portion of the 88651  
assessment shall bear interest at the rate per annum prescribed by 88652  
section 5703.47 of the Revised Code from the date of certification 88653

until the date it is paid in its entirety. Interest shall be paid 88654  
in the same manner as the tax and may be collected by the issuance 88655  
of an assessment under this section. 88656

(D) All money collected by the commissioner under this 88657  
section shall be paid to the treasurer of state, and when paid 88658  
shall be considered as revenue arising from the tax imposed by 88659  
section 5749.02 of the Revised Code ~~and the amount due under~~ 88660  
~~section 1509.50 of the Revised Code, as applicable.~~ 88661

(E) For the purposes of this section: 88662

(1) "Tax imposed by section 5749.02 of the Revised Code" and 88663  
"tax" includes amounts due under former section 1509.50 of the 88664  
Revised Code. 88665

(2) "Severer" includes an owner as defined in section 1509.01 88666  
of the Revised Code, with regard to amounts due from an owner 88667  
under former section 1509.50 of the Revised Code. 88668

**Sec. 5749.08.** The tax commissioner shall refund ~~to taxpayers~~ 88669  
the amount of taxes levied by section 5749.02 of the Revised Code 88670  
and amounts due under former section 1509.50 of the Revised Code 88671  
that were paid illegally or erroneously or paid on an illegal or 88672  
erroneous assessment. Applications for refund shall be filed with 88673  
the commissioner, on the form prescribed by the commissioner, 88674  
within four years from the date of the illegal or erroneous 88675  
payment. On the filing of the application, the commissioner shall 88676  
determine the amount of refund to which the applicant is entitled, 88677  
plus interest computed in accordance with section 5703.47 of the 88678  
Revised Code from the date of the payment of an erroneous or 88679  
illegal assessment until the date the refund is paid. If the 88680  
amount is not less than that claimed, the commissioner shall 88681  
certify the amount to the director of budget and management and 88682  
treasurer of state for payment from the tax refund fund created by 88683  
section 5703.052 of the Revised Code. If the amount is less than 88684

that claimed, the commissioner shall proceed in accordance with 88685  
section 5703.70 of the Revised Code. 88686

**Sec. 5749.10.** If the tax commissioner finds that a ~~taxpayer,~~ 88687  
person liable for tax under this chapter or for any amount due 88688  
under former section 1509.50 of the Revised Code is about to 88689  
depart from the state, or remove the ~~taxpayer's~~ person's property 88690  
therefrom, or conceal ~~the taxpayer's person~~ themselves or their 88691  
property, or do any other act tending to prejudice or to render 88692  
wholly or partly ineffectual proceedings to collect such tax or 88693  
other amount due unless such proceedings are brought without 88694  
delay, or if the commissioner believes that the collection of the 88695  
tax or amount due from any ~~taxpayer~~ person will be jeopardized by 88696  
delay, the commissioner shall give notice of such findings to ~~such~~ 88697  
~~taxpayer~~ the person together with the demand for an immediate 88698  
return and immediate payment of such tax or other amount due, with 88699  
penalty as provided in section 5749.15 of the Revised Code, 88700  
whereupon such tax or other amount due shall become immediately 88701  
due and payable. In such cases the commissioner may immediately 88702  
file an entry with the clerk of the court of common pleas in the 88703  
same manner and with the same effect as provided in section 88704  
5749.07 of the Revised Code, provided that if ~~such taxpayer~~ the 88705  
person, within five days from notice of the assessment, furnishes 88706  
evidence satisfactory to the commissioner, under ~~the regulations~~ 88707  
~~prescribed~~ rules adopted by the commissioner, that the ~~taxpayer~~ 88708  
person is not in default in making returns or paying any tax 88709  
prescribed by this chapter or amount due under former section 88710  
1509.50 of the Revised Code, or that the ~~taxpayer~~ person will duly 88711  
return and pay, or post bond satisfactory to the commissioner 88712  
conditioned upon payment of the tax or other amount finally 88713  
determined to be due, then such tax or other amount due shall not 88714  
be payable prior to the time and manner otherwise fixed for 88715  
payment under section 5749.07 of the Revised Code, and the person 88716

assessed shall be restored the rights granted under such section. 88717  
Upon satisfaction of the assessment the commissioner shall order 88718  
the bond cancelled, securities released, and judgment vacated. 88719

Any assessment issued under this section shall bear interest 88720  
as prescribed under section 5749.07 of the Revised Code. 88721

**Sec. 5749.11.** (A) There is hereby allowed a nonrefundable 88722  
credit against the taxes imposed under division (A)~~(8)~~(10) of 88723  
section 5749.02 of the Revised Code for any severer to which a 88724  
reclamation tax credit certificate is issued under section 88725  
1513.171 of the Revised Code. The credit shall be claimed in the 88726  
amount shown on the certificate. The credit shall be claimed by 88727  
deducting the amount of the credit from the amount of the first 88728  
tax payment due under section 5749.06 of the Revised Code after 88729  
the certificate is issued. 88730

If the amount of the credit shown on a certificate exceeds 88731  
the amount of the tax otherwise due with that first payment, the 88732  
excess shall be claimed against the amount of tax otherwise due on 88733  
succeeding payment dates until the entire credit amount has been 88734  
deducted. The total amount of credit claimed against payments 88735  
shall not exceed the total amount of credit shown on the 88736  
certificate. 88737

(B) A severer claiming a credit under this section shall 88738  
retain a reclamation tax credit certificate for not less than four 88739  
years following the date of the last tax payment against which the 88740  
credit allowed under that certificate was applied. Severers shall 88741  
make tax credit certificates available for inspection by the tax 88742  
commissioner upon the tax commissioner's request. 88743

**Sec. 5749.12.** Any nonresident of this state who accepts the 88744  
privilege extended by the laws of this state to nonresidents 88745  
severing natural resources in this state, and any resident of this 88746

state who subsequently becomes a nonresident or conceals the 88747  
resident's whereabouts, makes the secretary of state of Ohio the 88748  
person's agent for the service of process or notice in any 88749  
assessment, action, or proceedings instituted in this state 88750  
against such person under this chapter or for purposes of amounts 88751  
due under former section 1509.50 of the Revised Code. 88752

Such process or notice shall be served as provided under 88753  
section 5703.37 of the Revised Code. 88754

**Sec. 5749.13.** The tax commissioner may prescribe requirements 88755  
as to the keeping of records and other pertinent documents and the 88756  
filing of copies of federal income tax returns and determinations. 88757  
The commissioner may require any person, by rule or by notice 88758  
served on that person, to keep such records as the commissioner 88759  
considers necessary to show whether that person is liable, and the 88760  
extent of liability, for the tax imposed under this chapter and 88761  
the amount due under former section 1509.50 of the Revised Code. 88762  
Such records and other documents shall be open during business 88763  
hours to the inspection of the commissioner, and shall be 88764  
preserved for a period of four years after the date the return was 88765  
required to be filed or actually was filed, whichever is later, 88766  
unless the commissioner, in writing, consents to their destruction 88767  
within that period, or by order requires that they be kept longer. 88768  
88769

**Sec. 5749.14.** The tax commissioner shall enforce and 88770  
administer this chapter ~~and applicable provisions of section~~ 88771  
~~1509.50 of the Revised Code.~~ In addition to any other powers 88772  
conferred upon the commissioner by law, the commissioner may: 88773

(A) Prescribe all forms required to be filed pursuant to this 88774  
chapter; 88775

(B) ~~Promulgate~~ Adopt such rules as the commissioner finds 88776

necessary to carry out this chapter and applicable provisions of 88777  
~~section 1509.50 of the Revised Code;~~ 88778

(C) Appoint and employ such personnel as may be necessary to 88779  
carry out the duties imposed upon the commissioner by this 88780  
chapter. 88781

**Sec. 5749.15.** Any person who fails to file a return or pay 88782  
the tax as required under this chapter or other amount due under 88783  
former section 1509.50 of the Revised Code who is assessed such 88784  
taxes or other amount due pursuant to section 5749.07 or 5749.10 88785  
of the Revised Code may be liable for a penalty of up to 88786  
twenty-five per cent of the amount assessed. The tax commissioner 88787  
may adopt rules relating to the imposition and remission of 88788  
penalties imposed under this section. 88789

**Sec. 5749.17.** ~~Except for purposes of enforcing Chapter 1509.~~ 88790  
~~of the Revised Code, any~~ Any information provided to the 88791  
department of natural resources by the department of taxation in 88792  
accordance with division (C)(12) of section 5703.21 of the Revised 88793  
Code shall not be disclosed publicly by the department of natural 88794  
resources. However the department of natural resources may provide 88795  
such information to the attorney general for purposes of 88796  
enforcement of Chapter 1509. of the Revised Code. 88797

**Sec. 5751.01.** As used in this chapter: 88798

(A) "Person" means, but is not limited to, individuals, 88799  
combinations of individuals of any form, receivers, assignees, 88800  
trustees in bankruptcy, firms, companies, joint-stock companies, 88801  
business trusts, estates, partnerships, limited liability 88802  
partnerships, limited liability companies, associations, joint 88803  
ventures, clubs, societies, for-profit corporations, S 88804  
corporations, qualified subchapter S subsidiaries, qualified 88805  
subchapter S trusts, trusts, entities that are disregarded for 88806

federal income tax purposes, and any other entities. 88807

(B) "Consolidated elected taxpayer" means a group of two or 88808  
more persons treated as a single taxpayer for purposes of this 88809  
chapter as the result of an election made under section 5751.011 88810  
of the Revised Code. 88811

(C) "Combined taxpayer" means a group of two or more persons 88812  
treated as a single taxpayer for purposes of this chapter under 88813  
section 5751.012 of the Revised Code. 88814

(D) "Taxpayer" means any person, or any group of persons in 88815  
the case of a consolidated elected taxpayer or combined taxpayer 88816  
treated as one taxpayer, required to register or pay tax under 88817  
this chapter. "Taxpayer" does not include excluded persons. 88818

(E) "Excluded person" means any of the following: 88819

(1) Any person with not more than one hundred fifty thousand 88820  
dollars of taxable gross receipts during the calendar year. 88821  
Division (E)(1) of this section does not apply to a person that is 88822  
a member of a consolidated elected taxpayer; 88823

(2) A public utility that paid the excise tax imposed by 88824  
section 5727.24 or 5727.30 of the Revised Code based on one or 88825  
more measurement periods that include the entire tax period under 88826  
this chapter, except that a public utility that is a combined 88827  
company is a taxpayer with regard to the following gross receipts: 88828

(a) Taxable gross receipts directly attributed to a public 88829  
utility activity, but not directly attributed to an activity that 88830  
is subject to the excise tax imposed by section 5727.24 or 5727.30 88831  
of the Revised Code; 88832

(b) Taxable gross receipts that cannot be directly attributed 88833  
to any activity, multiplied by a fraction whose numerator is the 88834  
taxable gross receipts described in division (E)(2)(a) of this 88835  
section and whose denominator is the total taxable gross receipts 88836

that can be directly attributed to any activity; 88837

(c) Except for any differences resulting from the use of an 88838  
accrual basis method of accounting for purposes of determining 88839  
gross receipts under this chapter and the use of the cash basis 88840  
method of accounting for purposes of determining gross receipts 88841  
under section 5727.24 of the Revised Code, the gross receipts 88842  
directly attributed to the activity of a natural gas company shall 88843  
be determined in a manner consistent with division (D) of section 88844  
5727.03 of the Revised Code. 88845

As used in division (E)(2) of this section, "combined 88846  
company" and "public utility" have the same meanings as in section 88847  
5727.01 of the Revised Code. 88848

(3) A financial institution, as defined in section 5726.01 of 88849  
the Revised Code, that paid the tax imposed by section 5726.02 of 88850  
the Revised Code based on one or more taxable years that include 88851  
the entire tax period under this chapter; 88852

(4) A person directly or indirectly owned by one or more 88853  
financial institutions, as defined in section 5726.01 of the 88854  
Revised Code, that paid the tax imposed by section 5726.02 of the 88855  
Revised Code based on one or more taxable years that include the 88856  
entire tax period under this chapter. 88857

For the purposes of division (E)(4) of this section, a person 88858  
owns another person under the following circumstances: 88859

(a) In the case of corporations issuing capital stock, one 88860  
corporation owns another corporation if it owns fifty per cent or 88861  
more of the other corporation's capital stock with current voting 88862  
rights; 88863

(b) In the case of a limited liability company, one person 88864  
owns the company if that person's membership interest, as defined 88865  
in section 1705.01 of the Revised Code, is fifty per cent or more 88866  
of the combined membership interests of all persons owning such 88867

interests in the company; 88868

(c) In the case of a partnership, trust, or other 88869  
unincorporated business organization other than a limited 88870  
liability company, one person owns the organization if, under the 88871  
articles of organization or other instrument governing the affairs 88872  
of the organization, that person has a beneficial interest in the 88873  
organization's profits, surpluses, losses, or distributions of 88874  
fifty per cent or more of the combined beneficial interests of all 88875  
persons having such an interest in the organization. 88876

(5) A domestic insurance company or foreign insurance 88877  
company, as defined in section 5725.01 of the Revised Code, that 88878  
paid the insurance company premiums tax imposed by section 5725.18 88879  
or Chapter 5729. of the Revised Code, or an unauthorized insurance 88880  
company whose gross premiums are subject to tax under section 88881  
3905.36 of the Revised Code based on one or more measurement 88882  
periods that include the entire tax period under this chapter; 88883

(6) A person that solely facilitates or services one or more 88884  
securitizations of phase-in-recovery property pursuant to a final 88885  
financing order as those terms are defined in section 4928.23 of 88886  
the Revised Code. For purposes of this division, "securitization" 88887  
means transferring one or more assets to one or more persons and 88888  
then issuing securities backed by the right to receive payment 88889  
from the asset or assets so transferred. 88890

(7) Except as otherwise provided in this division, a 88891  
pre-income tax trust as defined in division (FF)(4) of section 88892  
5747.01 of the Revised Code and any pass-through entity of which 88893  
such pre-income tax trust owns or controls, directly, indirectly, 88894  
or constructively through related interests, more than five per 88895  
cent of the ownership or equity interests. If the pre-income tax 88896  
trust has made a qualifying pre-income tax trust election under 88897  
division (FF)(3) of section 5747.01 of the Revised Code, then the 88898  
trust and the pass-through entities of which it owns or controls, 88899

directly, indirectly, or constructively through related interests, 88900  
more than five per cent of the ownership or equity interests, 88901  
shall not be excluded persons for purposes of the tax imposed 88902  
under section 5751.02 of the Revised Code. 88903

(8) Nonprofit organizations or the state and its agencies, 88904  
instrumentalities, or political subdivisions. 88905

(F) Except as otherwise provided in divisions (F)(2), (3), 88906  
and (4) of this section, "gross receipts" means the total amount 88907  
realized by a person, without deduction for the cost of goods sold 88908  
or other expenses incurred, that contributes to the production of 88909  
gross income of the person, including the fair market value of any 88910  
property and any services received, and any debt transferred or 88911  
forgiven as consideration. 88912

(1) The following are examples of gross receipts: 88913

(a) Amounts realized from the sale, exchange, or other 88914  
disposition of the taxpayer's property to or with another; 88915

(b) Amounts realized from the taxpayer's performance of 88916  
services for another; 88917

(c) Amounts realized from another's use or possession of the 88918  
taxpayer's property or capital; 88919

(d) Any combination of the foregoing amounts. 88920

(2) "Gross receipts" excludes the following amounts: 88921

(a) Interest income, except interest on credit sales and 88922  
interest on loans made in the normal course of the taxpayer's 88923  
business; 88924

(b) Dividends and distributions from corporations, and 88925  
distributive or proportionate shares of receipts and income from a 88926  
pass-through entity as defined under section 5733.04 of the 88927  
Revised Code; 88928

(c) Receipts from the sale, exchange, or other disposition of 88929

an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance

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| premiums, or employee expenses, or on account of a dependent care  | 88962 |
| spending account, legal services plan, any cafeteria plan          | 88963 |
| described in section 125 of the Internal Revenue Code, or any      | 88964 |
| similar employee reimbursement;                                    | 88965 |
| (h) Proceeds received from the issuance of the taxpayer's own      | 88966 |
| stock, options, warrants, puts, or calls, or from the sale of the  | 88967 |
| taxpayer's treasury stock;   | 88968 |
| (i) Proceeds received on the account of payments from              | 88969 |
| insurance policies, except those proceeds received for the loss of | 88970 |
| business revenue;  | 88971 |
| (j) Gifts or charitable contributions received; membership         | 88972 |
| dues received by trade, professional, homeowners', or condominium  | 88973 |
| associations; and payments received for educational courses,       | 88974 |
| meetings, meals, or similar payments to a trade, professional, or  | 88975 |
| other similar association; and fundraising receipts received by    | 88976 |
| any person when any excess receipts are donated or used            | 88977 |
| exclusively for charitable purposes;                               | 88978 |
| (k) Damages received as the result of litigation in excess of      | 88979 |
| amounts that, if received without litigation, would be gross       | 88980 |
| receipts;  | 88981 |
| (l) Property, money, and other amounts received or acquired        | 88982 |
| by an agent on behalf of another in excess of the agent's          | 88983 |
| commission, fee, or other remuneration;                            | 88984 |
| (m) Tax refunds, other tax benefit recoveries, and                 | 88985 |
| reimbursements for the tax imposed under this chapter made by      | 88986 |
| entities that are part of the same combined taxpayer or            | 88987 |
| consolidated elected taxpayer group, and reimbursements made by    | 88988 |
| entities that are not members of a combined taxpayer or            | 88989 |
| consolidated elected taxpayer group that are required to be made   | 88990 |
| for economic parity among multiple owners of an entity whose tax   | 88991 |
| obligation under this chapter is required to be reported and paid  | 88992 |

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| entirely by one owner, pursuant to the requirements of sections    | 88993 |
| 5751.011 and 5751.012 of the Revised Code;                         | 88994 |
| (n) Pension reversions;  | 88995 |
| (o) Contributions to capital;                                      | 88996 |
| (p) Sales or use taxes collected as a vendor or an                 | 88997 |
| out-of-state seller on behalf of the taxing jurisdiction from a    | 88998 |
| consumer or other taxes the taxpayer is required by law to collect | 88999 |
| directly from a purchaser and remit to a local, state, or federal  | 89000 |
| tax authority;   | 89001 |
| (q) In the case of receipts from the sale of cigarettes or         | 89002 |
| tobacco products by a wholesale dealer, retail dealer,             | 89003 |
| distributor, manufacturer, or seller, all as defined in section    | 89004 |
| 5743.01 of the Revised Code, an amount equal to the federal and    | 89005 |
| state excise taxes paid by any person on or for such cigarettes or | 89006 |
| tobacco products under subtitle E of the Internal Revenue Code or  | 89007 |
| Chapter 5743. of the Revised Code;                                 | 89008 |
| (r) In the case of receipts from the sale, transfer,               | 89009 |
| exchange, or other disposition of motor fuel as "motor fuel" is    | 89010 |
| defined in section 5736.01 of the Revised Code, an amount equal to | 89011 |
| the value of the motor fuel, including federal and state motor     | 89012 |
| fuel excise taxes and receipts from billing or invoicing the tax   | 89013 |
| imposed under section 5736.02 of the Revised Code to another       | 89014 |
| person;  | 89015 |
| (s) In the case of receipts from the sale of beer or               | 89016 |
| intoxicating liquor, as defined in section 4301.01 of the Revised  | 89017 |
| Code, by a person holding a permit issued under Chapter 4301. or   | 89018 |
| 4303. of the Revised Code, an amount equal to federal and state    | 89019 |
| excise taxes paid by any person on or for such beer or             | 89020 |
| intoxicating liquor under subtitle E of the Internal Revenue Code  | 89021 |
| or Chapter 4301. or 4305. of the Revised Code;                     | 89022 |
| (t) Receipts realized by a new motor vehicle dealer or used        | 89023 |

motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the

professional employer organization to the client employer; 89056

(y) In the case of amounts retained as commissions by a 89057  
permit holder under Chapter 3769. of the Revised Code, an amount 89058  
equal to the amounts specified under that chapter that must be 89059  
paid to or collected by the tax commissioner as a tax and the 89060  
amounts specified under that chapter to be used as purse money; 89061

(z) Qualifying distribution center receipts. 89062

(i) For purposes of division (F)(2)(z) of this section: 89063

(I) "Qualifying distribution center receipts" means receipts 89064  
of a supplier from qualified property that is delivered to a 89065  
qualified distribution center, multiplied by a quantity that 89066  
equals one minus the Ohio delivery percentage. If the qualified 89067  
distribution center is a refining facility, "supplier" includes 89068  
all dealers, brokers, processors, sellers, vendors, cosigners, and 89069  
distributors of qualified property. 89070

(II) "Qualified property" means tangible personal property 89071  
delivered to a qualified distribution center that is shipped to 89072  
that qualified distribution center solely for further shipping by 89073  
the qualified distribution center to another location in this 89074  
state or elsewhere or, in the case of gold, silver, platinum, or 89075  
palladium delivered to a refining facility solely for refining to 89076  
a grade and fineness acceptable for delivery to a registered 89077  
commodities exchange. "Further shipping" includes storing and 89078  
repackaging property into smaller or larger bundles, so long as 89079  
the property is not subject to further manufacturing or 89080  
processing. "Refining" is limited to extracting impurities from 89081  
gold, silver, platinum, or palladium through smelting or some 89082  
other process at a refining facility. 89083

(III) "Qualified distribution center" means a warehouse, a 89084  
facility similar to a warehouse, or a refining facility in this 89085  
state that, for the qualifying year, is operated by a person that 89086

is not part of a combined taxpayer group and that has a qualifying certificate. All warehouses or facilities similar to warehouses that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center. All refining facilities that are operated by persons in the same taxpayer group and that are located in the same or adjacent counties may be treated as one qualified distribution center.

(IV) "Qualifying year" means the calendar year to which the qualifying certificate applies.

(V) "Qualifying period" means the period of the first day of July of the second year preceding the qualifying year through the thirtieth day of June of the year preceding the qualifying year.

(VI) "Qualifying certificate" means the certificate issued by the tax commissioner after the operator of a distribution center files an annual application with the commissioner. The application and annual fee shall be filed and paid for each qualified distribution center on or before the first day of September before the qualifying year or within forty-five days after the distribution center opens, whichever is later.

The applicant must substantiate to the commissioner's satisfaction that, for the qualifying period, all persons operating the distribution center have more than fifty per cent of the cost of the qualified property shipped to a location such that it would be situated outside this state under the provisions of division (E) of section 5751.033 of the Revised Code. The applicant must also substantiate that the distribution center cumulatively had costs from its suppliers equal to or exceeding five hundred million dollars during the qualifying period. (For purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified

distribution center.) The commissioner may require the applicant 89119  
to have an independent certified public accountant certify that 89120  
the calculation of the minimum thresholds required for a qualified 89121  
distribution center by the operator of a distribution center has 89122  
been made in accordance with generally accepted accounting 89123  
principles. The commissioner shall issue or deny the issuance of a 89124  
certificate within sixty days after the receipt of the 89125  
application. A denial is subject to appeal under section 5717.02 89126  
of the Revised Code. If the operator files a timely appeal under 89127  
section 5717.02 of the Revised Code, the operator shall be granted 89128  
a qualifying certificate effective for the remainder of the 89129  
qualifying year or until the appeal is finalized, whichever is 89130  
earlier. If the operator does not prevail in the appeal, the 89131  
operator shall pay the ineligible operator's supplier tax 89132  
liability. 89133

(VII) "Ohio delivery percentage" means the proportion of the 89134  
total property delivered to a destination inside Ohio from the 89135  
qualified distribution center during the qualifying period 89136  
compared with total deliveries from such distribution center 89137  
everywhere during the qualifying period or ten per cent, whichever 89138  
is greater. 89139

(VIII) "Refining facility" means one or more buildings 89140  
located in a county in the Appalachian region of this state as 89141  
defined by section 107.21 of the Revised Code and utilized for 89142  
refining or smelting gold, silver, platinum, or palladium to a 89143  
grade and fineness acceptable for delivery to a registered 89144  
commodities exchange. 89145

(IX) "Registered commodities exchange" means a board of 89146  
trade, such as New York mercantile exchange, inc. or commodity 89147  
exchange, inc., designated as a contract market by the commodity 89148  
futures trading commission under the "Commodity Exchange Act," 7 89149  
U.S.C. 1 et seq., as amended. 89150

(X) "Ineligible operator's supplier tax liability" means an amount equal to the tax liability of all suppliers of a distribution center had the distribution center not been issued a qualifying certificate for the qualifying year. Ineligible operator's supplier tax liability shall not include interest or penalties. The tax commissioner shall determine an ineligible operator's supplier tax liability based on information that the commissioner may request from the operator of the distribution center. An operator shall provide a list of all suppliers of the distribution center and the corresponding costs of qualified property for the qualifying year at issue within sixty days of a request by the commissioner under this division.

(ii)(I) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be situated outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall pay the ineligible operator's supplier tax liability. (For purposes of division (F)(2)(z)(ii) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.)

(II) The commissioner may grant a qualifying certificate to a distribution center that does not qualify as a qualified distribution center for an entire qualifying period if the operator of the distribution center demonstrates that the business

operations of the distribution center have changed or will change 89183  
such that the distribution center will qualify as a qualified 89184  
distribution center within thirty-six months after the date the 89185  
operator first applies for a certificate. If, at the end of that 89186  
thirty-six-month period, the business operations of the 89187  
distribution center have not changed such that the distribution 89188  
center qualifies as a qualified distribution center, the operator 89189  
of the distribution center shall pay the ineligible operator's 89190  
supplier tax liability for each year that the distribution center 89191  
received a certificate but did not qualify as a qualified 89192  
distribution center. For each year the distribution center 89193  
receives a certificate under division (F)(2)(z)(ii)(II) of this 89194  
section, the distribution center shall pay all applicable fees 89195  
required under division (F)(2)(z) of this section and shall submit 89196  
an updated business plan showing the progress the distribution 89197  
center made toward qualifying as a qualified distribution center 89198  
during the preceding year. 89199

(III) An operator may appeal a determination under division 89200  
(F)(2)(z)(ii)(I) or (II) of this section that the ineligible 89201  
operator is liable for the operator's supplier tax liability as a 89202  
result of not qualifying as a qualified distribution center, as 89203  
provided in section 5717.02 of the Revised Code. 89204

(iii) When filing an application for a qualifying certificate 89205  
under division (F)(2)(z)(i)(VI) of this section, the operator of a 89206  
qualified distribution center also shall provide documentation, as 89207  
the commissioner requires, for the commissioner to ascertain the 89208  
Ohio delivery percentage. The commissioner, upon issuing the 89209  
qualifying certificate, also shall certify the Ohio delivery 89210  
percentage. The operator of the qualified distribution center may 89211  
appeal the commissioner's certification of the Ohio delivery 89212  
percentage in the same manner as an appeal is taken from the 89213  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 89214

of this section. 89215

(iv)(I) In the case where the distribution center is new and 89216  
not open for the entire qualifying period, the operator shall make 89217  
a good faith estimate of an Ohio delivery percentage for use by 89218  
suppliers in their reports of taxable gross receipts for the 89219  
remainder of the qualifying period. The operator of the facility 89220  
shall disclose to the suppliers that such Ohio delivery percentage 89221  
is an estimate and is subject to recalculation. By the due date of 89222  
the next application for a qualifying certificate, the operator 89223  
shall determine the actual Ohio delivery percentage for the 89224  
estimated qualifying period and proceed as provided in division 89225  
(F)(2)(z)(iii) of this section with respect to the calculation and 89226  
recalculation of the Ohio delivery percentage. The supplier is 89227  
required to file, within sixty days after receiving notice from 89228  
the operator of the qualified distribution center, amended reports 89229  
for the impacted calendar quarter or quarters or calendar year, 89230  
whichever the case may be. Any additional tax liability or tax 89231  
overpayment shall be subject to interest but shall not be subject 89232  
to the imposition of any penalty so long as the amended returns 89233  
are timely filed. 89234

(II) The operator of a distribution center that receives a 89235  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 89236  
section shall make a good faith estimate of the Ohio delivery 89237  
percentage that the operator estimates will apply to the 89238  
distribution center at the end of the thirty-six-month period 89239  
after the operator first applied for a qualifying certificate 89240  
under that division. The result of the estimate shall be 89241  
multiplied by a factor of one and seventy-five one-hundredths. The 89242  
product of that calculation shall be the Ohio delivery percentage 89243  
used by suppliers in their reports of taxable gross receipts for 89244  
each qualifying year that the distribution center receives a 89245  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 89246

section, except that, if the product is less than five per cent, 89247  
the Ohio delivery percentage used shall be five per cent and that, 89248  
if the product exceeds forty-nine per cent, the Ohio delivery 89249  
percentage used shall be forty-nine per cent. 89250

(v) Qualifying certificates and Ohio delivery percentages 89251  
issued by the commissioner shall be open to public inspection and 89252  
shall be timely published by the commissioner. A supplier relying 89253  
in good faith on a certificate issued under this division shall 89254  
not be subject to tax on the qualifying distribution center 89255  
receipts under division (F)(2)(z) of this section. An operator 89256  
receiving a qualifying certificate is liable for the ineligible 89257  
operator's supplier tax liability for each year the operator 89258  
received a certificate but did not qualify as a qualified 89259  
distribution center. 89260

(vi) The annual fee for a qualifying certificate shall be one 89261  
hundred thousand dollars for each qualified distribution center. 89262  
If a qualifying certificate is not issued, the annual fee is 89263  
subject to refund after the exhaustion of all appeals provided for 89264  
in division (F)(2)(z)(i)(VI) of this section. The first one 89265  
hundred thousand dollars of the annual application fees collected 89266  
each calendar year shall be credited to the revenue enhancement 89267  
fund. The remainder of the annual application fees collected shall 89268  
be distributed in the same manner required under section 5751.20 89269  
of the Revised Code. 89270

(vii) The tax commissioner may require that adequate security 89271  
be posted by the operator of the distribution center on appeal 89272  
when the commissioner disagrees that the applicant has met the 89273  
minimum thresholds for a qualified distribution center as set 89274  
forth in division (F)(2)(z) of this section. 89275

(aa) Receipts of an employer from payroll deductions relating 89276  
to the reimbursement of the employer for advancing moneys to an 89277  
unrelated third party on an employee's behalf; 89278

|  |  |
|--|--|
| (bb) Cash discounts allowed and taken;   | 89279  |
| (cc) Returns and allowances;   | 89280  |
| (dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered; | 89281<br>89282<br>89283<br>89284<br>89285<br>89286<br>89287<br>89288<br>89289<br>89290<br>89291<br>89292<br>89293<br>89294 |
| (ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;  | 89295<br>89296<br>89297<br>89298   |
| (ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.   | 89299<br>89300<br>89301  |
| (gg)(i) As used in this division:  | 89302  |
| (I) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other disposition of uranium within a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section. "Qualified uranium receipts" does not include any receipts with a situs in this state outside a uranium enrichment zone certified by the tax commissioner under division   | 89303<br>89304<br>89305<br>89306<br>89307<br>89308<br>89309  |

(F)(2)(gg)(ii) of this section. 89310

(II) "Uranium enrichment zone" means all real property that 89311  
is part of a uranium enrichment facility licensed by the United 89312  
States nuclear regulatory commission and that was or is owned or 89313  
controlled by the United States department of energy or its 89314  
successor. 89315

(ii) Any person that owns, leases, or operates real or 89316  
tangible personal property constituting or located within a 89317  
uranium enrichment zone may apply to the tax commissioner to have 89318  
the uranium enrichment zone certified for the purpose of excluding 89319  
qualified uranium receipts under division (F)(2)(gg) of this 89320  
section. The application shall include such information that the 89321  
tax commissioner prescribes. Within sixty days after receiving the 89322  
application, the tax commissioner shall certify the zone for that 89323  
purpose if the commissioner determines that the property qualifies 89324  
as a uranium enrichment zone as defined in division (F)(2)(gg) of 89325  
this section, or, if the tax commissioner determines that the 89326  
property does not qualify, the commissioner shall deny the 89327  
application or request additional information from the applicant. 89328  
If the tax commissioner denies an application, the commissioner 89329  
shall state the reasons for the denial. The applicant may appeal 89330  
the denial of an application to the board of tax appeals pursuant 89331  
to section 5717.02 of the Revised Code. If the applicant files a 89332  
timely appeal, the tax commissioner shall conditionally certify 89333  
the applicant's property. The conditional certification shall 89334  
expire when all of the applicant's appeals are exhausted. Until 89335  
final resolution of the appeal, the applicant shall retain the 89336  
applicant's records in accordance with section 5751.12 of the 89337  
Revised Code, notwithstanding any time limit on the preservation 89338  
of records under that section. 89339

(hh) In the case of amounts collected by a licensed casino 89340  
operator from casino gaming, amounts in excess of the casino 89341

operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state.

(jj) Qualifying integrated supply chain receipts.

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

(i) "Qualifying integrated supply chain receipts" means receipts of a qualified integrated supply chain vendor from the sale of qualified property delivered to, or integrated supply chain services provided to, another qualified integrated supply chain vendor or to a retailer that is a member of the integrated supply chain. "Qualifying integrated supply chain receipts" does not include receipts of a person that is not a qualified integrated supply chain vendor from the sale of raw materials to a member of an integrated supply chain, or receipts of a member of an integrated supply chain from the sale of qualified property or integrated supply chain services to a person that is not a member of the integrated supply chain.

(ii) "Qualified property" means any of the following:

(I) Component parts used to hold, contain, package, or dispense qualified products, excluding equipment;

(II) Work-in-process inventory that will become, comprise, or form a component part of a qualified product capable of being sold at retail, excluding equipment, machinery, furniture, and fixtures;

(III) Finished goods inventory that is a qualified product 89372  
capable of being sold at retail in the inventory's present form. 89373

(iii) "Qualified integrated supply chain vendor" means a 89374  
person that is a member of an integrated supply chain and that 89375  
provides integrated supply chain services within a qualified 89376  
integrated supply chain district to a retailer that is a member of 89377  
the integrated supply chain or to another qualified integrated 89378  
supply chain vendor that is located within the same such district 89379  
as the person but does not share a common owner with that person. 89380

(iv) "Qualified product" means a personal care, health, or 89381  
beauty product or an aromatic product, including a candle. 89382  
"Qualified product" does not include a drug that may be dispensed 89383  
only pursuant to a prescription, durable medical equipment, 89384  
mobility enhancing equipment, or a prosthetic device, as those 89385  
terms are defined in section 5739.01 of the Revised Code. 89386

(v) "Integrated supply chain" means two or more qualified 89387  
integrated supply chain vendors certified on the most recent list 89388  
certified to the tax commissioner under this division that 89389  
systematically collaborate and coordinate business operations with 89390  
a retailer on the flow of tangible personal property from material 89391  
sourcing through manufacturing, assembly, packaging, and delivery 89392  
to the retailer to improve long-term financial performance of each 89393  
vendor and the supply chain that includes the retailer. 89394

For the purpose of the certification required under this 89395  
division, the reporting person for each retailer, on or before the 89396  
first day of October of each year, shall certify to the tax 89397  
commissioner a list of the qualified integrated supply chain 89398  
vendors providing or receiving integrated supply chain services 89399  
within a qualified integrated supply chain district for the 89400  
ensuing calendar year. On or before the following first day of 89401  
November, the commissioner shall issue a certificate to the 89402  
retailer and to each vendor certified to the commissioner on that 89403

list. The certificate shall include the names of the retailer and 89404  
of the qualified integrated supply chain vendors. 89405

The retailer shall notify the commissioner of any changes to 89406  
the list, including additions to or subtractions from the list or 89407  
changes in the name or legal entity of vendors certified on the 89408  
list, within sixty days after the date the retailer becomes aware 89409  
of the change. Within thirty days after receiving that 89410  
notification, the commissioner shall issue a revised certificate 89411  
to the retailer and to each vendor certified on the list. The 89412  
revised certificate shall include the effective date of the 89413  
change. 89414

Each recipient of a certificate issued pursuant to this 89415  
division shall maintain a copy of the certificate for four years 89416  
from the date the certificate was received. 89417

(vi) "Integrated supply chain services" means procuring raw 89418  
materials or manufacturing, processing, refining, assembling, 89419  
packaging, or repackaging tangible personal property that will 89420  
become finished goods inventory capable of being sold at retail by 89421  
a retailer that is a member of an integrated supply chain. 89422

(vii) "Retailer" means a person primarily engaged in making 89423  
retail sales and any member of that person's consolidated elected 89424  
taxpayer group or combined taxpayer group, whether or not that 89425  
member is primarily engaged in making retail sales. 89426

(viii) "Qualified integrated supply chain district" means the 89427  
parcel or parcels of land from which a retailer's integrated 89428  
supply chain that existed on September 29, 2015, provides or 89429  
receives integrated supply chain services, and to which all of the 89430  
following apply: 89431

(I) The parcel or parcels are located wholly in a county 89432  
having a population of greater than one hundred sixty-five 89433  
thousand but less than one hundred seventy thousand based on the 89434

2010 federal decennial census. 89435

(II) The parcel or parcels are located wholly in the 89436  
corporate limits of a municipal corporation with a population 89437  
greater than seven thousand five hundred and less than eight 89438  
thousand based on the 2010 federal decennial census that is partly 89439  
located in the county described in division (F)(2)(jj)(viii)(I) of 89440  
this section, as those corporate limits existed on September 29, 89441  
2015. 89442

(III) The aggregate acreage of the parcel or parcels equals 89443  
or exceeds one hundred acres. 89444

(kk) In the case of a railroad company described in division 89445  
(D)(9) of section 5727.01 of the Revised Code that purchases dyed 89446  
diesel fuel directly from a supplier as defined by section 5736.01 89447  
of the Revised Code, an amount equal to the product of the number 89448  
of gallons of dyed diesel fuel purchased directly from such a 89449  
supplier multiplied by the average wholesale price for a gallon of 89450  
diesel fuel as determined under section 5736.02 of the Revised 89451  
Code for the period during which the fuel was purchased multiplied 89452  
by a fraction, the numerator of which equals the rate of tax 89453  
levied by section 5736.02 of the Revised Code less the rate of tax 89454  
computed in section 5751.03 of the Revised Code, and the 89455  
denominator of which equals the rate of tax computed in section 89456  
5751.03 of the Revised Code. 89457

(ll) Any receipts for which the tax imposed by this chapter 89458  
is prohibited by the constitution or laws of the United States or 89459  
the constitution of this state. 89460

(3) In the case of a taxpayer when acting as a real estate 89461  
broker, "gross receipts" includes only the portion of any fee for 89462  
the service of a real estate broker, or service of a real estate 89463  
salesperson associated with that broker, that is retained by the 89464  
broker and not paid to an associated real estate salesperson or 89465

another real estate broker. For the purposes of this division, 89466  
"real estate broker" and "real estate salesperson" have the same 89467  
meanings as in section 4735.01 of the Revised Code. 89468

(4) A taxpayer's method of accounting for gross receipts for 89469  
a tax period shall be the same as the taxpayer's method of 89470  
accounting for federal income tax purposes for the taxpayer's 89471  
federal taxable year that includes the tax period. If a taxpayer's 89472  
method of accounting for federal income tax purposes changes, its 89473  
method of accounting for gross receipts under this chapter shall 89474  
be changed accordingly. 89475

(G) "Taxable gross receipts" means gross receipts sitused to 89476  
this state under section 5751.033 of the Revised Code. 89477

(H) A person has "substantial nexus with this state" if any 89478  
of the following applies. The person: 89479

(1) Owns or uses a part or all of its capital in this state; 89480

(2) Holds a certificate of compliance with the laws of this 89481  
state authorizing the person to do business in this state; 89482

(3) Has bright-line presence in this state; 89483

(4) Otherwise has nexus with this state to an extent that the 89484  
person can be required to remit the tax imposed under this chapter 89485  
under the Constitution of the United States. 89486

(I) A person has "bright-line presence" in this state for a 89487  
reporting period and for the remaining portion of the calendar 89488  
year if any of the following applies. The person: 89489

(1) Has at any time during the calendar year property in this 89490  
state with an aggregate value of at least fifty thousand dollars. 89491  
For the purpose of division (I)(1) of this section, owned property 89492  
is valued at original cost and rented property is valued at eight 89493  
times the net annual rental charge. 89494

(2) Has during the calendar year payroll in this state of at 89495

least fifty thousand dollars. Payroll in this state includes all 89496  
of the following: 89497

(a) Any amount subject to withholding by the person under 89498  
section 5747.06 of the Revised Code; 89499

(b) Any other amount the person pays as compensation to an 89500  
individual under the supervision or control of the person for work 89501  
done in this state; and 89502

(c) Any amount the person pays for services performed in this 89503  
state on its behalf by another. 89504

(3) Has during the calendar year taxable gross receipts of at 89505  
least five hundred thousand dollars. 89506

(4) Has at any time during the calendar year within this 89507  
state at least twenty-five per cent of the person's total 89508  
property, total payroll, or total gross receipts. 89509

(5) Is domiciled in this state as an individual or for 89510  
corporate, commercial, or other business purposes. 89511

(J) "Tangible personal property" has the same meaning as in 89512  
section 5739.01 of the Revised Code. 89513

(K) "Internal Revenue Code" means the Internal Revenue Code 89514  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 89515  
this chapter that is not otherwise defined has the same meaning as 89516  
when used in a comparable context in the laws of the United States 89517  
relating to federal income taxes unless a different meaning is 89518  
clearly required. Any reference in this chapter to the Internal 89519  
Revenue Code includes other laws of the United States relating to 89520  
federal income taxes. 89521

(L) "Calendar quarter" means a three-month period ending on 89522  
the thirty-first day of March, the thirtieth day of June, the 89523  
thirtieth day of September, or the thirty-first day of December. 89524

(M) "Tax period" means the calendar quarter or calendar year 89525

on the basis of which a taxpayer is required to pay the tax 89526  
imposed under this chapter. 89527

(N) "Calendar year taxpayer" means a taxpayer for which the 89528  
tax period is a calendar year. 89529

(O) "Calendar quarter taxpayer" means a taxpayer for which 89530  
the tax period is a calendar quarter. 89531

(P) "Agent" means a person authorized by another person to 89532  
act on its behalf to undertake a transaction for the other, 89533  
including any of the following: 89534

(1) A person receiving a fee to sell financial instruments; 89535

(2) A person retaining only a commission from a transaction 89536  
with the other proceeds from the transaction being remitted to 89537  
another person; 89538

(3) A person issuing licenses and permits under section 89539  
1533.13 of the Revised Code; 89540

(4) A lottery sales agent holding a valid license issued 89541  
under section 3770.05 of the Revised Code; 89542

(5) A person acting as an agent of the division of liquor 89543  
control under section 4301.17 of the Revised Code. 89544

(Q) "Received" includes amounts accrued under the accrual 89545  
method of accounting. 89546

(R) "Reporting person" means a person in a consolidated 89547  
elected taxpayer or combined taxpayer group that is designated by 89548  
that group to legally bind the group for all filings and tax 89549  
liabilities and to receive all legal notices with respect to 89550  
matters under this chapter, or, for the purposes of section 89551  
5751.04 of the Revised Code, a separate taxpayer that is not a 89552  
member of such a group. 89553

**Sec. 5751.02.** (A) For the purpose of funding the needs of 89554

this state and its local governments, there is hereby levied a 89555  
commercial activity tax on each person with taxable gross receipts 89556  
for the privilege of doing business in this state. For the 89557  
purposes of this chapter, "doing business" means engaging in any 89558  
activity, whether legal or illegal, that is conducted for, or 89559  
results in, gain, profit, or income, at any time during a calendar 89560  
year. Persons on which the commercial activity tax is levied 89561  
include, but are not limited to, persons with substantial nexus 89562  
with this state. The tax imposed under this section is not a 89563  
transactional tax and is not subject to Public Law No. 86-272, 73 89564  
Stat. 555. The tax imposed under this section is in addition to 89565  
any other taxes or fees imposed under the Revised Code. The tax 89566  
levied under this section is imposed on the person receiving the 89567  
gross receipts and is not a tax imposed directly on a purchaser. 89568  
The tax imposed by this section is an annual privilege tax for the 89569  
calendar year that, in the case of calendar year taxpayers, is the 89570  
annual tax period and, in the case of calendar quarter taxpayers, 89571  
contains all quarterly tax periods in the calendar year. A 89572  
taxpayer is subject to the annual privilege tax for doing business 89573  
during any portion of such calendar year. 89574

(B) The tax imposed by this section is a tax on the taxpayer 89575  
and shall not be billed or invoiced to another person. Even if the 89576  
tax or any portion thereof is billed or invoiced and separately 89577  
stated, such amounts remain part of the price for purposes of the 89578  
sales and use taxes levied under Chapters 5739. and 5741. of the 89579  
Revised Code. Nothing in division (B) of this section prohibits: 89580

(1) A person from including in the price charged for a good 89581  
or service an amount sufficient to recover the tax imposed by this 89582  
section; or 89583

(2) A lessor from including an amount sufficient to recover 89584  
the tax imposed by this section in a lease payment charged, or 89585

from including such an amount on a billing or invoice pursuant to 89586  
the terms of a written lease agreement providing for the recovery 89587  
of the lessor's tax costs. The recovery of such costs shall be 89588  
based on an estimate of the total tax cost of the lessor during 89589  
the tax period, as the tax liability of the lessor cannot be 89590  
calculated until the end of that period. 89591

(C)(1) The commercial activities tax receipts fund is hereby 89592  
created in the state treasury and shall consist of money arising 89593  
from the tax imposed under this chapter. Eighty-five 89594  
one-hundredths of one per cent of the money credited to that fund 89595  
shall be credited to the revenue enhancement fund and shall be 89596  
used to defray the costs incurred by the department of taxation in 89597  
administering the tax imposed by this chapter and in implementing 89598  
tax reform measures. The remainder of the money in the commercial 89599  
activities tax receipts fund shall first be credited to the 89600  
commercial activity tax motor fuel receipts fund, pursuant to 89601  
division (C)(2) of this section, and the remainder shall be 89602  
credited in the following percentages each fiscal year to the 89603  
general revenue fund, to the school district tangible property tax 89604  
replacement fund, which is hereby created in the state treasury 89605  
for the purpose of making the payments described in section 89606  
5709.92 of the Revised Code, and to the local government tangible 89607  
property tax replacement fund, which is hereby created in the 89608  
state treasury for the purpose of making the payments described in 89609  
section 5709.93 of the Revised Code, in the following percentages: 89610

| Fiscal year          | General Revenue<br>Fund | School District<br>Tangible<br>Property Tax<br>Replacement Fund | Local Government<br>Tangible<br>Property Tax<br>Replacement Fund |       |
|----------------------|-------------------------|---|--|-------|
| 2014 and 2015        | 50.0%                   | 35.0%   | 15.0%  | 89611 |
| 2016 and <u>2017</u> | 75.0%                   | 20.0%   | 5.0%   | 89612 |
| <u>2018 and</u>      | <u>85.0%</u>            | <u>13.0%</u>  | <u>2.0%</u>  | 89613 |
|                      |                         |   |  | 89614 |

thereafter

(2) Not later than the twentieth day of February, May, 89615  
August, and November of each year, the commissioner shall provide 89616  
for payment from the commercial activities tax receipts fund to 89617  
the commercial activity tax motor fuel receipts fund an amount 89618  
that bears the same ratio to the balance in the commercial 89619  
activities tax receipts fund that (a) the taxable gross receipts 89620  
attributed to motor fuel used for propelling vehicles on public 89621  
highways as indicated by returns filed by the tenth day of that 89622  
month for a liability that is due and payable on or after July 1, 89623  
2013, for a tax period ending before July 1, 2014, bears to (b) 89624  
all taxable gross receipts as indicated by those returns for such 89625  
liabilities. 89626

(D)(1) If the total amount in the school district tangible 89627  
property tax replacement fund is insufficient to make all payments 89628  
under section 5709.92 of the Revised Code at the times the 89629  
payments are to be made, the director of budget and management 89630  
shall transfer from the general revenue fund to the school 89631  
district tangible property tax replacement fund the difference 89632  
between the total amount to be paid and the amount in the school 89633  
district tangible property tax replacement fund. 89634

(2) If the total amount in the local government tangible 89635  
property tax replacement fund is insufficient to make all payments 89636  
under section 5709.93 of the Revised Code at the times the 89637  
payments are to be made, the director of budget and management 89638  
shall transfer from the general revenue fund to the local 89639  
government tangible property tax replacement fund the difference 89640  
between the total amount to be paid and the amount in the local 89641  
government tangible property tax replacement fund. 89642

(E)(1) On or after the first day of June of each year, the 89643  
director of budget and management may transfer any balance in the 89644  
school district tangible property tax replacement fund to the 89645

general revenue fund. 89646

(2) On or after the first day of June of each year, the 89647  
director of budget and management may transfer any balance in the 89648  
local government tangible property tax replacement fund to the 89649  
general revenue fund. 89650

(F)(1) There is hereby created in the state treasury the 89651  
commercial activity tax motor fuel receipts fund. 89652

(2) On or before the fifteenth day of June of each fiscal 89653  
year beginning with fiscal year 2015, the director of the Ohio 89654  
public works commission shall certify to the director of budget 89655  
and management the amount of debt service paid from the general 89656  
revenue fund in the current fiscal year on bonds issued to finance 89657  
or assist in the financing of the cost of local subdivision public 89658  
infrastructure capital improvement projects, as provided for in 89659  
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 89660  
that are attributable to costs for construction, reconstruction, 89661  
maintenance, or repair of public highways and bridges and other 89662  
statutory highway purposes. That certification shall allocate the 89663  
total amount of debt service paid from the general revenue fund 89664  
and attributable to those costs in the current fiscal year 89665  
according to the applicable section of the Ohio Constitution under 89666  
which the bonds were originally issued. 89667

(3) On or before the thirtieth day of June of each fiscal 89668  
year beginning with fiscal year 2015, the director of budget and 89669  
management shall determine an amount up to but not exceeding the 89670  
amount certified under division (F)(2) of this section and shall 89671  
reserve that amount from the cash balance in the petroleum 89672  
activity tax public highways fund or the commercial activity tax 89673  
motor fuel receipts fund for transfer to the general revenue fund 89674  
at times and in amounts to be determined by the director. The 89675  
director shall transfer the cash balance in the petroleum activity 89676  
tax public highways fund or the commercial activity tax motor fuel 89677

receipts fund in excess of the amount so reserved to the highway 89678  
operating fund on or before the thirtieth day of June of the 89679  
current fiscal year. 89680

**Sec. 5901.06.** (A) The veterans service commission may employ 89681  
an executive director, who shall ~~be a veteran and shall~~ be 89682  
employed in the unclassified service, and ~~such~~ shall have both of 89683  
the following qualifications: 89684

(1) Be a veteran; and 89685

(2) Possess at least three years of experience in one or more 89686  
of the following areas: 89687

(a) Administration; 89688

(b) Fiscal matters; 89689

(c) Law; 89690

(d) Operations; or 89691

(e) Communications. 89692

(B) The veterans service commission may hire investigators 89693  
and, clerks, or other employees as are necessary to perform the 89694  
duties of the commission. Each investigator ~~and, clerk, or other~~ 89695  
employee shall be a veteran or, if a qualified veteran is not 89696  
available, the spouse, surviving spouse, child, or parent of a 89697  
veteran. Each shall be employed in the classified service and is 89698  
exempt from civil service examination. The compensation of such 89699  
investigators ~~and, clerks, or other employees~~ shall be established 89700  
by the commission, and shall be paid from the county allotment of 89701  
veterans service funds. 89702

(C) Within sixty days after the date of initial employment, 89703  
the executive director, investigator, clerk, or other employee 89704  
shall file a copy of the veteran's DD214, DD215, NGB22, or 89705  
official summary of service with the department of veterans 89706

services in accordance with guidelines established by the director 89707  
of veterans services. If the investigator, clerk, or other 89708  
employee filing documentation is a spouse, surviving spouse, 89709  
child, or parent of a veteran, the investigator, clerk, or other 89710  
employee also shall provide documentation of the relationship to 89711  
the veteran, such as a birth certificate, marriage certificate, or 89712  
other official record. 89713

(D) For purposes of this section, "veteran" has the same 89714  
meaning as in section 5903.01 of the Revised Code. 89715

**Sec. 5901.07.** The veterans service commission shall employ 89716  
one or more county veterans service officers, one of whom may act 89717  
as executive director. Each service officer shall be a veteran or, 89718  
if a qualified veteran is not available, a spouse, surviving 89719  
spouse, child, or parent of a veteran. Within sixty days after the 89720  
date of initial employment, each service officer shall file a copy 89721  
of the ~~officer's form~~ veteran's DD214, DD215, NGB22, or official 89722  
summary of service with the department of veterans services in 89723  
accordance with guidelines established by the director of ~~that~~ 89724  
~~department~~ veterans services. If the service officer filing 89725  
documentation is a spouse, surviving spouse, child, or parent of a 89726  
veteran, the officer also shall provide documentation of the 89727  
relationship to the veteran, such as a birth certificate, marriage 89728  
certificate, or other official record. Each service officer shall 89729  
be employed in the classified service and is exempt from civil 89730  
service examination. The commission may remove a veterans service 89731  
officer who fails to maintain accreditation or whose certification 89732  
is revoked by the director of veterans services. The service 89733  
officers shall advise and assist present and former members of the 89734  
armed forces of the United States, veterans, and their spouses, 89735  
surviving spouses, children, parents, and dependents in presenting 89736  
claims or obtaining rights or benefits under any law of the United 89737  
States or of this state. 89738

The commission shall employ each service officer on a part- 89739  
or full-time basis and fix the officer's compensation. No county 89740  
commissioner or member of the veterans service commission shall be 89741  
employed as a service officer. 89742

~~The commission shall employ the necessary clerks, 89743  
stenographers, and other personnel to assist the service officers 89744  
in the performance of duties and shall fix their compensation. 89745  
Each of these employees shall be a veteran or, if a qualified 89746  
veteran is not available, the spouse, surviving spouse, child, or 89747  
parent of a veteran. Each of these employees shall be employed in 89748  
the classified service and is exempt from civil service 89749  
examination. 89750~~

The board of county commissioners, upon the recommendation or 89751  
approval of the veterans service commission, may provide suitable 89752  
office space, supplies, and office and incidental expenses for 89753  
each service officer. The compensation of each service officer and 89754  
of any employee and any expenses incurred under this section shall 89755  
be paid out of funds appropriated to the commission, as provided 89756  
in section 5901.11 of the Revised Code. 89757

For purposes of this section, "veteran" has the same meaning 89758  
as in section 5903.01 of the Revised Code. 89759

**Sec. 5902.02.** The duties of the director of veterans services 89760  
shall include the following: 89761

(A) Furnishing the veterans service commissions of all 89762  
counties of the state copies of the state laws, rules, and 89763  
legislation relating to the operation of the commissions and their 89764  
offices; 89765

(B) Upon application, assisting the general public in 89766  
obtaining records of vital statistics pertaining to veterans or 89767  
their dependents; 89768

(C) Adopting rules pursuant to Chapter 119. of the Revised Code pertaining to minimum qualifications for hiring, certifying, and accrediting county veterans service officers, pertaining to their required duties, and pertaining to revocation of the certification of county veterans service officers; 89769  
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(D) Adopting rules pursuant to Chapter 119. of the Revised Code for the education, training, certification, and duties of veterans service commissioners and for the revocation of the certification of a veterans service commissioner; 89774  
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(E) Developing and monitoring programs and agreements enhancing employment and training for veterans in single or multiple county areas; 89778  
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(F) Developing and monitoring programs and agreements to enable county veterans service commissions to address homelessness, indigency, and other veteran-related issues individually or jointly; 89781  
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(G) Developing and monitoring programs and agreements to enable state agencies, individually or jointly, that provide services to veterans, including the veterans' homes operated under Chapter 5907. of the Revised Code and the director of job and family services, to address homelessness, indigency, employment, and other veteran-related issues; 89785  
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(H) Establishing and providing statistical reporting formats and procedures for county veterans service commissions; 89791  
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(I) Publishing electronically a listing of county veterans service offices and county veterans service commissioners. The listing shall include the expiration dates of commission members' terms of office and the organizations they represent; the names, addresses, and telephone numbers of county veterans service offices; and the addresses and telephone numbers of the Ohio offices and headquarters of state and national veterans service 89793  
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organizations. 89800

(J) Establishing a veterans advisory committee to advise and 89801  
assist the department of veterans services in its duties. Members 89802  
shall include a member of the national guard association of the 89803  
United States who is a resident of this state, a member of the 89804  
military officers association of America who is a resident of this 89805  
state, a state representative of congressionally chartered 89806  
veterans organizations referred to in section 5901.02 of the 89807  
Revised Code, a representative of any other congressionally 89808  
chartered state veterans organization that has at least one 89809  
veterans service commissioner in the state, three representatives 89810  
of the Ohio state association of county veterans service 89811  
commissioners, who shall have a combined vote of one, three 89812  
representatives of the state association of county veterans 89813  
service officers, who shall have a combined vote of one, one 89814  
representative of the county commissioners association of Ohio, 89815  
who shall be a county commissioner not from the same county as any 89816  
of the other county representatives, a representative of the 89817  
advisory committee on women veterans, a representative of a labor 89818  
organization, and a representative of the office of the attorney 89819  
general. The department of veterans services shall submit to the 89820  
advisory committee proposed rules for the committee's operation. 89821  
The committee may review and revise these proposed rules prior to 89822  
submitting them to the joint committee on agency rule review. 89823

(K) Adopting, with the advice and assistance of the veterans 89824  
advisory committee, policy and procedural guidelines that the 89825  
veterans service commissions shall adhere to in the development 89826  
and implementation of rules, policies, procedures, and guidelines 89827  
for the administration of Chapter 5901. of the Revised Code. The 89828  
department of veterans services shall adopt no guidelines or rules 89829  
regulating the purposes, scope, duration, or amounts of financial 89830  
assistance provided to applicants pursuant to sections 5901.01 to 89831

5901.15 of the Revised Code. The director of veterans services may 89832  
obtain opinions from the office of the attorney general regarding 89833  
rules, policies, procedures, and guidelines of the veterans 89834  
service commissions and may enforce compliance with Chapter 5901. 89835  
of the Revised Code. 89836

(L) Receiving copies of form DD214 filed in accordance with 89837  
the director's guidelines adopted under division (L) of this 89838  
section from members of veterans service commissions appointed 89839  
under section 5901.02 and from county veterans service officers 89840  
employed under section 5901.07 of the Revised Code; 89841

(M) Developing and maintaining and improving a resource, such 89842  
as a telephone answering point or a web site, by means of which 89843  
veterans and their dependents, through a single portal, can access 89844  
multiple sources of information and interaction with regard to the 89845  
rights of, and the benefits available to, veterans and their 89846  
dependents. The director of veterans services may enter into 89847  
agreements with state and federal agencies, with agencies of 89848  
political subdivisions, with state and local instrumentalities, 89849  
and with private entities as necessary to make the resource as 89850  
complete as is possible. 89851

(N) Planning, organizing, advertising, and conducting 89852  
outreach efforts, such as conferences and fairs, at which veterans 89853  
and their dependents may meet, learn about the organization and 89854  
operation of the department of veterans services and of veterans 89855  
service commissions, and obtain information about the rights of, 89856  
and the benefits and services available to, veterans and their 89857  
dependents; 89858

(O) Advertising, in print, on radio and television, and 89859  
otherwise, the rights of, and the benefits and services available 89860  
to, veterans and their dependents; 89861

(P) Developing and advocating improved benefits and services 89862

for, and improved delivery of benefits and services to, veterans 89863  
and their dependents; 89864

(Q) Searching for, identifying, and reviewing statutory and 89865  
administrative policies that relate to veterans and their 89866  
dependents and reporting to the general assembly statutory and 89867  
administrative policies that should be consolidated in whole or in 89868  
part within the organization of the department of veterans 89869  
services to unify funding, delivery, and accounting of statutory 89870  
and administrative policy expressions that relate particularly to 89871  
veterans and their dependents; 89872

(R) Encouraging veterans service commissions to innovate and 89873  
otherwise to improve efficiency in delivering benefits and 89874  
services to veterans and their dependents and to report successful 89875  
innovations and efficiencies to the director of veterans services; 89876

(S) Publishing and encouraging adoption of successful 89877  
innovations and efficiencies veterans service commissions have 89878  
achieved in delivering benefits and services to veterans and their 89879  
dependents; 89880

(T) Establishing advisory committees, in addition to the 89881  
veterans advisory committee established under division (K) of this 89882  
section, on veterans issues; 89883

(U) Developing and maintaining a relationship with the United 89884  
States department of veterans affairs, seeking optimal federal 89885  
benefits and services for Ohio veterans and their dependents, and 89886  
encouraging veterans service commissions to maximize the federal 89887  
benefits and services to which veterans and their dependents are 89888  
entitled; 89889

(V) Developing and maintaining relationships with the several 89890  
veterans organizations, and encouraging the organizations in their 89891  
efforts at assisting veterans and their dependents, ~~and advocating~~ 89892  
~~for adequate state subsidization of the organizations;~~ 89893

(W) Developing and maintaining the veterans organizations grant program. The director shall adopt rules under Chapter 119. of the Revised Code to identify eligible veterans organizations and the manner in which funds will be distributed. Any rules adopted by the director shall give funding priority to organizations and programs that improve access for veterans and their families to benefits and resources from the United States department of veterans affairs and programs that enhance access to employment services and opportunities, or other resources. 89894  
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~~(X)~~ Requiring the ~~several~~ veterans organizations that receive funding from the state ~~annually, not later than the thirtieth day of July,~~ to report to the director ~~of veterans services and prescribing annually, unless a shorter period of time is specified by the director. The director shall prescribe the form and content requirements~~ of the report~~+. No funding from the state shall be released to a veterans organization unless the director has reviewed and determined that the report required by this division meets any requirements established under this section.~~ 89903  
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~~(X)~~ Reviewing the reports submitted to the director under division (W) of this section within thirty days of receipt and informing the veterans organization of any deficiencies that exist in the organization's report and that funding will not be released until the deficiencies have been corrected and a satisfactory report submitted; 89912  
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~~(Y)~~ Advising the director of budget and management when a report submitted to the director under division (W) of this section has been reviewed and determined to be satisfactory; 89918  
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~~(Z)~~(Y) Furnishing copies of all reports that the director of veterans services has determined have been submitted satisfactorily under in compliance with division ~~(W)~~(X) of this section to the chairperson of the finance committees of the general assembly; 89921  
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~~(AA)~~(Z) Investigating complaints against county veterans services commissioners and county veterans service officers if the director reasonably believes the investigation to be appropriate and necessary;

~~(BB)~~(AA) Developing and maintaining a web site that is accessible by veterans and their dependents and provides a link to the web site of each state agency that issues a license, certificate, or other authorization permitting an individual to engage in an occupation or occupational activity;

~~(CC)~~(BB) Encouraging state agencies to conduct outreach efforts through which veterans and their dependents can learn about available job and education benefits;

~~(DD)~~(CC) Informing state agencies about changes in statutes and rules that affect veterans and their dependents;

~~(EE)~~(DD) Assisting licensing agencies in adopting rules under section 5903.03 of the Revised Code;

~~(FF)~~(EE) Administering the provision of grants from the military injury relief fund under section 5902.05 of the Revised Code;

~~(GG)~~(FF) Taking any other actions required by this chapter.

**Sec. 5903.11.** (A) Any federally funded employment and training program administered by any state agency including, but not limited to, the ~~"Workforce Investment Act of 1998," 112 Stat. 936, codified in scattered sections of 29 U.S.C., as amended~~ "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., shall include a veteran priority system to provide maximum employment and training opportunities to veterans and eligible persons within each targeted group as established by federal law and state and federal policy in the service area. Disabled veterans, veterans of the Vietnam era, other veterans, and

eligible persons shall receive preference over nonveterans within 89956  
each targeted group in the provision of employment and training 89957  
services available through these programs as required by this 89958  
section. 89959

(B) Each state agency shall refer qualified applicants to job 89960  
openings and training opportunities in programs described in 89961  
division (A) of this section in the following order of priority: 89962

(1) Special disabled veterans; 89963

(2) Veterans of the Vietnam era; 89964

(3) Disabled veterans; 89965

(4) All other veterans; 89966

(5) Other eligible persons; 89967

(6) Nonveterans. 89968

(C) Each state agency providing employment and training 89969  
services to veterans and eligible persons under programs described 89970  
in division (A) of this section shall submit an annual written 89971  
report to the speaker of the house of representatives and the 89972  
president of the senate on the services that it provides to 89973  
veterans and eligible persons. Each such agency shall report 89974  
separately on all entitlement programs, employment or training 89975  
programs, and any other programs that it provides to each class of 89976  
persons described in divisions (B)(1) to (6) of this section. Each 89977  
such agency shall also report on action taken to ensure compliance 89978  
with statutory requirements. Compliance and reporting procedures 89979  
shall be in accordance with the reporting procedures then in 89980  
effect for all employment and training programs described in 89981  
division (A) of this section, with the addition of veterans as a 89982  
separate reporting module. 89983

(D) All state agencies that administer federally funded 89984  
employment and training programs described in division (A) of this 89985

section for veterans and eligible persons shall do all of the 89986  
following: 89987

(1) Ensure that veterans are treated with courtesy and 89988  
respect at all state governmental facilities; 89989

(2) Give priority in referral to jobs to qualified veterans 89990  
and other eligible persons; 89991

(3) Give priority in referral to and enrollment in training 89992  
programs to qualified veterans and other eligible persons; 89993

(4) Give preferential treatment to special disabled veterans 89994  
in the provision of all needed state services; 89995

(5) Provide information and effective referral assistance to 89996  
veterans and other eligible persons regarding needed benefits and 89997  
services that may be obtained through other agencies. 89998

(E) As used in this section: 89999

(1) "Special disabled veteran" means a veteran who is 90000  
entitled to, or who but for the receipt of military pay would be 90001  
entitled to, compensation under any law administered by the 90002  
department of veterans affairs for a disability rated at thirty 90003  
per cent or more or a person who was discharged or released from 90004  
active duty because of a service-connected disability. 90005

(2) "Veteran of the Vietnam era" means an eligible veteran 90006  
who served on active duty for a period of more than one hundred 90007  
eighty days, any part of which occurred from August 5, 1964, 90008  
through May 7, 1975, and was discharged or released therefrom with 90009  
other than a dishonorable discharge or a person who was discharged 90010  
or released from active duty for a service-connected disability if 90011  
any part of the active duty was performed from August 5, 1964, 90012  
through May 7, 1975. 90013

(3) "Disabled veteran" means a veteran who is entitled to, or 90014  
who but for the receipt of military retirement pay would be 90015

entitled to compensation, under any law administered by the 90016  
department of veterans affairs and who is not a special disabled 90017  
veteran. 90018

(4) "Eligible veteran" means a person who served on active 90019  
duty for more than one hundred eighty days and was discharged or 90020  
released from active duty with other than a dishonorable discharge 90021  
or a person who was discharged or released from active duty 90022  
because of a service-connected disability. 90023

(5) "Other eligible person" means one of the following: 90024

(a) The spouse of any person who died of a service-connected 90025  
disability; 90026

(b) The spouse of any member of the armed forces serving on 90027  
active duty who at the time of the spouse's application for 90028  
assistance under any program described in division (A) of this 90029  
section is listed pursuant to the "Act of September 6, 1966," 80 90030  
Stat. 629, 37 U.S.C.A. 556, and the regulations issued pursuant 90031  
thereto, as having been in one or more of the following categories 90032  
for a total of ninety or more days: 90033

(i) Missing in action; 90034

(ii) Captured in line of duty by a hostile force; 90035

(iii) Forcibly detained or interned in line of duty by a 90036  
foreign government or power. 90037

(c) The spouse of any person who has a total disability 90038  
permanent in nature resulting from a service-connected disability 90039  
or the spouse of a veteran who died while such a disability was in 90040  
existence. 90041

(6) "Veteran" means a veteran as defined in section 5903.01 90042  
of the Revised Code who was a member of the armed forces of the 90043  
United States for a period of one hundred eighty days or more; a 90044  
person who was discharged or released from active duty because of 90045

a service-connected disability; or a person who served as a member 90046  
of the United States merchant marine and to whom either of the 90047  
following applies: 90048

(a) The person has an honorable report of separation from 90049  
active duty military service, form DD214 or DD215; or 90050

(b) The person served in the United States merchant marine 90051  
between December 7, 1941, and December 31, 1946, and died on 90052  
active duty while serving in a war zone during that period of 90053  
service. 90054

(7) "Employment program" means a program which provides 90055  
referral of individuals to employer job openings in the federal, 90056  
state, or private sector. 90057

(8) "Training program" means any program that upgrades the 90058  
employability of qualified applicants. 90059

(9) "Entitlement program" means any program that enlists 90060  
specific criteria in determining eligibility, including but not 90061  
limited to the existence in special segments of the general 90062  
population of specific financial needs. 90063

(10) "Targeted group" means a group of persons designated by 90064  
federal law or regulations or by state law to receive special 90065  
assistance under an employment and training program described in 90066  
division (A) of this section. 90067

Sec. 5907.17. (A) As used in this section, "physician" means 90068  
an individual authorized under Chapter 4731. of the Revised Code 90069  
to practice medicine and surgery or osteopathic medicine and 90070  
surgery. 90071

(B) The department of veterans services may establish a 90072  
physician recruitment program under which the department agrees to 90073  
repay all or part of the principal and interest of a government or 90074  
other educational loan incurred by a physician who agrees to 90075

provide services to institutions under the department's 90076  
administration. 90077

(C) A physician is eligible to participate in the recruitment 90078  
program if the physician attended a medical or osteopathic medical 90079  
school that was, at the time of attendance, either located in the 90080  
United States and accredited by the liaison committee on medical 90081  
education or the American osteopathic association or located 90082  
outside the United States and acknowledged by the world health 90083  
organization and verified by a member state of that organization 90084  
as operating within that state's jurisdiction. 90085

(D) The department and each physician it recruits shall enter 90086  
into a contract that includes all of the following terms: 90087

(1) The physician agrees to provide a specified scope of 90088  
medical or osteopathic medical services for a specified number of 90089  
hours per week and for a specified number of years to patients of 90090  
one or more specified institutions administered by the department. 90091

(2) The department agrees to repay all or a specified portion 90092  
of the principal and interest of a government or other educational 90093  
loan taken by the physician for the following expenses if the 90094  
physician meets the service obligation agreed to and the expenses 90095  
were incurred while the physician was enrolled in, for up to a 90096  
maximum of four years, a school that qualifies the physician to 90097  
participate in the program: 90098

(a) Tuition; 90099

(b) Other educational expenses for specific purposes, 90100  
including fees, books, and laboratory expenses, in amounts 90101  
determined to be reasonable in accordance with rules adopted under 90102  
division (E) of this section; 90103

(c) Room and board, in an amount determined to be reasonable 90104  
in accordance with rules adopted under division (E) of this 90105  
section. 90106

(3) The physician agrees to pay the department a specified amount, which shall be not less than the amount already paid by the department pursuant to its agreement, as damages if the physician fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the physician's service obligation that remains uncompleted as determined by the department. 90107  
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(4) Other terms agreed upon by the parties. 90115

(E) The department shall adopt rules under Chapter 119. of the Revised Code that establish all of the following: 90116  
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(1) Criteria for designating institutions for which physicians will be recruited; 90118  
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(2) Criteria for selecting physicians for participation in the program; 90120  
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(3) Criteria for determining the portion of a physician's loan that the department will agree to repay; 90122  
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(4) Criteria for determining reasonable amounts of the expenses described in divisions (D)(2)(b) and (c) of this section; 90124  
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(5) Procedures for monitoring compliance by physicians with the terms of their contracts; and 90126  
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(6) Any other criteria or procedures necessary to implement the program. 90128  
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**Sec. 5919.34.** (A) As used in this section: 90130

(1) "Academic term" means any one of the following: 90131

(a) Fall term, which consists of fall semester or fall quarter, as appropriate; 90132  
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(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate; 90134  
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| (c) Spring term, which consists of spring quarter;   | 90136  |
| (d) Summer term, which consists of summer semester or summer quarter, as appropriate.  | 90137<br>90138   |
| (2) "Eligible applicant" means any individual to whom all of the following apply:  | 90139<br>90140   |
| (a) The individual does not possess a baccalaureate degree.  | 90141  |
| (b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.   | 90142<br>90143<br>90144  |
| (c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, or in a diploma-granting program at a state or private institution of higher education that is a school of nursing.  | 90145<br>90146<br>90147<br>90148<br>90149<br>90150<br>90151          |
| (d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.  | 90152<br>90153   |
| (3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code. | 90154<br>90155<br>90156<br>90157<br>90158<br>90159<br>90160<br>90161 |
| (4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation  | 90162<br>90163<br>90164<br>90165                                     |

under Chapter 3332. of the Revised Code as prescribed in section 90166  
3333.046 of the Revised Code, or that holds a certificate of 90167  
registration and program authorization issued by the state board 90168  
of career colleges and schools pursuant to section 3332.05 of the 90169  
Revised Code. 90170

(5) "Tuition" means the charges imposed to attend an 90171  
institution of higher education and includes general and 90172  
instructional fees. "Tuition" does not include laboratory fees, 90173  
room and board, or other similar fees and charges. 90174

(B) There is hereby created a scholarship program to be known 90175  
as the Ohio national guard scholarship program. 90176

(C)(1) The adjutant general shall approve scholarships for 90177  
all eligible applicants. The adjutant general shall process all 90178  
applications for scholarships for each academic term in the order 90179  
in which they are received. The scholarships shall be made without 90180  
regard to financial need. At no time shall one person be placed in 90181  
priority over another because of sex, race, or religion. 90182

(2) The adjutant general shall develop and provide a written 90183  
explanation that informs all eligible scholarship recipients that 90184  
the recipient may become ineligible and liable for repayment for 90185  
an amount of scholarship payments received in accordance with 90186  
division (G) of this section. The written explanation shall be 90187  
reviewed by the scholarship recipient before acceptance of the 90188  
scholarship and before acceptance of an enlistment, warrant, 90189  
commission, or appointment for a term not less than the 90190  
recipient's remaining term in the national guard or in the active 90191  
duty component of the United States armed forces. 90192

(D)(1) Except as provided in divisions (I) and (J) of this 90193  
section, for each academic term that an eligible applicant is 90194  
approved for a scholarship under this section and either remains a 90195  
current member in good standing of the Ohio national guard or is 90196

eligible for a scholarship under division (F)(1) of this section, 90197  
the institution of higher education in which the applicant is 90198  
enrolled shall, if the applicant's enlistment obligation extends 90199  
beyond the end of that academic term or if division (F)(1) of this 90200  
section applies, be paid on the applicant's behalf the applicable 90201  
one of the following amounts: 90202

(a) If the institution is a state institution of higher 90203  
education, an amount equal to one hundred per cent of the 90204  
institution's tuition charges; 90205

(b) If the institution is a nonprofit private institution or 90206  
a private institution exempt from regulation under Chapter 3332. 90207  
of the Revised Code as prescribed in section 3333.046 of the 90208  
Revised Code, an amount equal to one hundred per cent of the 90209  
average tuition charges of all state universities; 90210

(c) If the institution is an institution that holds a 90211  
certificate of registration from the state board of career 90212  
colleges and schools, the lesser of the following: 90213

(i) An amount equal to one hundred per cent of the 90214  
institution's tuition; 90215

(ii) An amount equal to one hundred per cent of the average 90216  
tuition charges of all state universities, as that term is defined 90217  
in section 3345.011 of the Revised Code. 90218

(2) The adjutant general and the chancellor of higher 90219  
education may jointly adopt rules to require the use of other 90220  
federal educational financial assistance programs, including such 90221  
programs offered by the United States department of defense, for 90222  
which an applicant is eligible based on the applicant's military 90223  
service. If such rules are adopted, the rules shall require that 90224  
financial assistance received by a scholarship recipient under 90225  
those programs be applied to all eligible expenses prior to the 90226  
use of scholarship funds awarded under this section. Scholarship 90227

funds awarded under this section shall then be applied to the 90228  
recipient's remaining eligible expenses. 90229

(3) An eligible applicant's scholarship shall not be reduced 90230  
by the amount of that applicant's benefits under "the Montgomery 90231  
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 90232

(E) A scholarship recipient under this section shall be 90233  
entitled to receive scholarships under this section for the number 90234  
of quarters or semesters it takes the recipient to accumulate 90235  
ninety-six eligibility units as determined under divisions (E)(1) 90236  
to (3) of this section. 90237

(1) To determine the maximum number of semesters or quarters 90238  
for which a recipient is entitled to a scholarship under this 90239  
section, the adjutant general shall convert a recipient's credit 90240  
hours of enrollment for each academic term into eligibility units 90241  
in accordance with the following table: 90242

|                    | The         |    |               |  |       |
|--------------------|-------------|----|---------------|--|-------|
| Number of          | following   |    | The following |  |       |
| credit hours       | number of   |    | number of     |  |       |
| of enrollment      | eligibility |    | eligibility   |  |       |
| in an academic     | units if a  |    | units if a    |  |       |
| term               | semester    | or | quarter       |  |       |
|                    | equals      |    |               |  |       |
| 12 or more hours   | 12 units    |    | 8 units       |  | 90243 |
| 9 but less than 12 | 9 units     |    | 6 units       |  | 90244 |
| 6 but less than 9  | 6 units     |    | 4 units       |  | 90245 |
| 3 but less than 6  | 3 units     |    | 2 units       |  | 90246 |

(2) A scholarship recipient under this section may continue 90247  
to apply for scholarships under this section until the recipient 90248  
has accumulated ninety-six eligibility units. 90249  
90250  
90251  
90252  
90253

(3) If a scholarship recipient withdraws from courses prior 90254  
to the end of an academic term so that the recipient's enrollment 90255  
90256  
90257  
90258

for that academic term is less than three credit hours, no 90259  
scholarship shall be paid on behalf of that person for that 90260  
academic term. Except as provided in division (F)(3) of this 90261  
section, if a scholarship has already been paid on behalf of the 90262  
person for that academic term, the adjutant general shall add to 90263  
that person's accumulated eligibility units the number of 90264  
eligibility units for which the scholarship was paid. 90265

(F) This division applies to any eligible applicant called 90266  
into active duty on or after September 11, 2001. As used in this 90267  
division, "active duty" means active duty pursuant to an executive 90268  
order of the president of the United States, an act of the 90269  
congress of the United States, or section 5919.29 or 5923.21 of 90270  
the Revised Code. 90271

(1) For a period of up to five years from when an 90272  
individual's enlistment obligation in the Ohio national guard 90273  
ends, an individual to whom this division applies is eligible for 90274  
scholarships under this section for those academic terms that were 90275  
missed or could have been missed as a result of the individual's 90276  
call into active duty. Scholarships shall not be paid for the 90277  
academic term in which an eligible applicant's enlistment 90278  
obligation ends unless an applicant is eligible under this 90279  
division for a scholarship for such academic term due to previous 90280  
active duty. 90281

(2) When an individual to whom this division applies 90282  
withdraws or otherwise fails to complete courses, for which 90283  
scholarships have been awarded under this section, because the 90284  
individual was called into active duty, the institution of higher 90285  
education shall grant the individual a leave of absence from the 90286  
individual's education program and shall not impose any academic 90287  
penalty for such withdrawal or failure to complete courses. 90288  
Division (F)(2) of this section applies regardless of whether or 90289  
not the scholarship amount was paid to the institution of higher 90290

education. 90291

(3) If an individual to whom this division applies withdraws 90292  
or otherwise fails to complete courses because the individual was 90293  
called into active duty, and if scholarships for those courses 90294  
have already been paid, either: 90295

(a) The adjutant general shall not add to that person's 90296  
accumulated eligibility units calculated under division (E) of 90297  
this section the number of eligibility units for the academic 90298  
courses or term for which the scholarship was paid and the 90299  
institution of higher education shall repay the scholarship amount 90300  
to the state. 90301

(b) The adjutant general shall add to that individual's 90302  
accumulated eligibility units calculated under division (E) of 90303  
this section the number of eligibility units for the academic 90304  
courses or term for which the scholarship was paid if the 90305  
institution of higher education agrees to permit the individual to 90306  
complete the remainder of the academic courses in which the 90307  
individual was enrolled at the time the individual was called into 90308  
active duty. 90309

(4) No individual who is discharged from the Ohio national 90310  
guard under other than honorable conditions shall be eligible for 90311  
scholarships under this division. 90312

(G) A scholarship recipient under this section who fails to 90313  
complete the term of enlistment, re-enlistment, or extension of 90314  
current enlistment the recipient was serving at the time a 90315  
scholarship was paid on behalf of the recipient under this section 90316  
is liable to the state for repayment of a percentage of all Ohio 90317  
national guard scholarships paid on behalf of the recipient under 90318  
this section, plus interest at the rate of ten per cent per annum 90319  
calculated from the dates the scholarships were paid. This 90320  
percentage shall equal the percentage of the current term of 90321

enlistment, re-enlistment, or extension of enlistment a recipient 90322  
has not completed as of the date the recipient is discharged from 90323  
the Ohio national guard. 90324

The attorney general may commence a civil action on behalf of 90325  
the chancellor ~~of the Ohio board of regents~~ to recover the amount 90326  
of the scholarships and the interest provided for in this division 90327  
and the expenses incurred in prosecuting the action, including 90328  
court costs and reasonable attorney's fees. A scholarship 90329  
recipient is not liable under this division if the recipient's 90330  
failure to complete the term of enlistment being served at the 90331  
time a scholarship was paid on behalf of the recipient under this 90332  
section is due to the recipient's death or discharge from the 90333  
national guard due to disability or the recipient's enlistment, 90334  
warrant, commission, or appointment for a term not less than the 90335  
recipient's remaining term in the national guard or in the active 90336  
duty component of the United States armed forces. 90337

(H) On or before the first day of each academic term, the 90338  
adjutant general shall provide an eligibility roster to the 90339  
chancellor and to each institution of higher education at which 90340  
one or more scholarship recipients have applied for enrollment. 90341  
The institution shall use the roster to certify the actual 90342  
full-time or part-time enrollment of each scholarship recipient 90343  
listed as enrolled at the institution and return the roster to the 90344  
adjutant general and the chancellor. Except as provided in 90345  
division (J) of this section, the chancellor shall provide for 90346  
payment of the appropriate number and amount of scholarships to 90347  
each institution of higher education pursuant to division (D) of 90348  
this section. If an institution of higher education fails to 90349  
certify the actual enrollment of a scholarship recipient listed as 90350  
enrolled at the institution within thirty days of the end of an 90351  
academic term, the institution shall not be eligible to receive 90352  
payment from the Ohio national guard scholarship program or from 90353

the individual enrollee. The adjutant general shall report on a 90354  
semiannual basis to the director of budget and management, the 90355  
speaker of the house of representatives, the president of the 90356  
senate, and the chancellor the number of Ohio national guard 90357  
scholarship recipients, the size of the scholarship-eligible 90358  
population, and a projection of the cost of the program for the 90359  
remainder of the biennium. 90360

(I) The chancellor and the adjutant general may adopt rules 90361  
pursuant to Chapter 119. of the Revised Code governing the 90362  
administration and fiscal management of the Ohio national guard 90363  
scholarship program and the procedure by which the chancellor and 90364  
the department of the adjutant general may modify the amount of 90365  
scholarships a member receives based on the amount of other state 90366  
financial aid a member receives. 90367

(J) The adjutant general, the chancellor, and the director, 90368  
or their designees, shall jointly estimate the costs of the Ohio 90369  
national guard scholarship program for each upcoming fiscal 90370  
biennium, and shall report that estimate prior to the beginning of 90371  
the fiscal biennium to the chairpersons of the finance committees 90372  
in the general assembly. During each fiscal year of the biennium, 90373  
the adjutant general, the chancellor, and the director, or their 90374  
designees, shall meet regularly to monitor the actual costs of the 90375  
Ohio national guard scholarship program and update cost 90376  
projections for the remainder of the biennium as necessary. If the 90377  
amounts appropriated for the Ohio national guard scholarship 90378  
program and any funds in the Ohio national guard scholarship 90379  
reserve fund and the Ohio national guard scholarship donation fund 90380  
are not adequate to provide scholarships in the amounts specified 90381  
in division (D)(1) of this section for all eligible applicants, 90382  
the chancellor shall do all of the following: 90383

(1) Notify each private institution of higher education, 90384  
where a scholarship recipient is enrolled, that, by accepting the 90385

Ohio national guard scholarship program as payment for all or part 90386  
of the institution's tuition, the institution agrees that if the 90387  
chancellor reduces the amount of each scholarship, the institution 90388  
shall provide each scholarship recipient a grant or tuition waiver 90389  
in an amount equal to the amount the recipient's scholarship was 90390  
reduced by the chancellor. 90391

(2) Reduce the amount of each scholarship under division 90392  
(D)(1)(a) of this section proportionally based on the amount of 90393  
remaining available funds. Each state institution of higher 90394  
education shall provide each scholarship recipient under division 90395  
(D)(1)(a) of this section a grant or tuition waiver in an amount 90396  
equal to the amount the recipient's scholarship was reduced by the 90397  
chancellor. 90398

(K) Notwithstanding division (A) of section 127.14 of the 90399  
Revised Code, the controlling board shall not transfer all or part 90400  
of any appropriation for the Ohio national guard scholarship 90401  
program. 90402

(L) The chancellor and the adjutant general may apply for, 90403  
and may receive and accept grants, and may receive and accept 90404  
gifts, bequests, and contributions, from public and private 90405  
sources, including agencies and instrumentalities of the United 90406  
States and this state, and shall deposit the grants, gifts, 90407  
bequests, or contributions into the national guard scholarship 90408  
donation fund. 90409

**Sec. 6111.03.** The director of environmental protection may do 90410  
any of the following: 90411

(A) Develop plans and programs for the prevention, control, 90412  
and abatement of new or existing pollution of the waters of the 90413  
state; 90414

(B) Advise, consult, and cooperate with other agencies of the 90415

state, the federal government, other states, and interstate 90416  
agencies and with affected groups, political subdivisions, and 90417  
industries in furtherance of the purposes of this chapter. Before 90418  
adopting, amending, or rescinding a standard or rule pursuant to 90419  
division (G) of this section or section 6111.041 or 6111.042 of 90420  
the Revised Code, the director shall do all of the following: 90421

(1) Mail notice to each statewide organization that the 90422  
director determines represents persons who would be affected by 90423  
the proposed standard or rule, amendment thereto, or rescission 90424  
thereof at least thirty-five days before any public hearing 90425  
thereon; 90426

(2) Mail a copy of each proposed standard or rule, amendment 90427  
thereto, or rescission thereof to any person who requests a copy, 90428  
within five days after receipt of the request therefor; 90429

(3) Consult with appropriate state and local government 90430  
agencies or their representatives, including statewide 90431  
organizations of local government officials, industrial 90432  
representatives, and other interested persons. 90433

Although the director is expected to discharge these duties 90434  
diligently, failure to mail any such notice or copy or to so 90435  
consult with any person shall not invalidate any proceeding or 90436  
action of the director. 90437

(C) Administer grants from the federal government and from 90438  
other sources, public or private, for carrying out any of its 90439  
functions, all such moneys to be deposited in the state treasury 90440  
and kept by the treasurer of state in a separate fund subject to 90441  
the lawful orders of the director; 90442

(D) Administer state grants for the construction of sewage 90443  
and waste collection and treatment works; 90444

(E) Encourage, participate in, or conduct studies, 90445  
investigations, research, and demonstrations relating to water 90446

|  |       |
|--|-------|
| pollution, and the causes, prevention, control, and abatement      | 90447 |
| thereof, that are advisable and necessary for the discharge of the | 90448 |
| director's duties under this chapter;                              | 90449 |
| (F) Collect and disseminate information relating to water          | 90450 |
| pollution and prevention, control, and abatement thereof;          | 90451 |
| (G) Adopt, amend, and rescind rules in accordance with             | 90452 |
| Chapter 119. of the Revised Code governing the procedure for       | 90453 |
| hearings, the filing of reports, the issuance of permits, the      | 90454 |
| issuance of industrial water pollution control certificates, and   | 90455 |
| all other matters relating to procedure;                           | 90456 |
| (H) Issue, modify, or revoke orders to prevent, control, or        | 90457 |
| abate water pollution by such means as the following:              | 90458 |
| (1) Prohibiting or abating discharges of sewage, industrial        | 90459 |
| waste, or other wastes into the waters of the state;               | 90460 |
| (2) Requiring the construction of new disposal systems or any      | 90461 |
| parts thereof, or the modification, extension, or alteration of    | 90462 |
| existing disposal systems or any parts thereof;                    | 90463 |
| (3) Prohibiting additional connections to or extensions of a       | 90464 |
| sewerage system when the connections or extensions would result in | 90465 |
| an increase in the polluting properties of the effluent from the   | 90466 |
| system when discharged into any waters of the state;               | 90467 |
| (4) Requiring compliance with any standard or rule adopted         | 90468 |
| under sections 6111.01 to 6111.05 of the Revised Code or term or   | 90469 |
| condition of a permit.   | 90470 |
| In the making of those orders, wherever compliance with a          | 90471 |
| rule adopted under section 6111.042 of the Revised Code is not     | 90472 |
| involved, consistent with the Federal Water Pollution Control Act, | 90473 |
| the director shall give consideration to, and base the             | 90474 |
| determination on, evidence relating to the technical feasibility   | 90475 |
| and economic reasonableness of complying with those orders and to  | 90476 |

evidence relating to conditions calculated to result from 90477  
compliance with those orders, and their relation to benefits to 90478  
the people of the state to be derived from such compliance in 90479  
accomplishing the purposes of this chapter. 90480

(I) Review plans, specifications, or other data relative to 90481  
disposal systems or any part thereof in connection with the 90482  
issuance of orders, permits, and industrial water pollution 90483  
control certificates under this chapter; 90484

(J)(1) Issue, revoke, modify, or deny sludge management 90485  
permits and permits for the discharge of sewage, industrial waste, 90486  
or other wastes into the waters of the state, and for the 90487  
installation or modification of disposal systems or any parts 90488  
thereof in compliance with all requirements of the Federal Water 90489  
Pollution Control Act and mandatory regulations adopted 90490  
thereunder, including regulations adopted under section 405 of the 90491  
Federal Water Pollution Control Act, and set terms and conditions 90492  
of permits, including schedules of compliance, where necessary. In 90493  
issuing permits for sludge management, the director shall not 90494  
allow the placement of sewage sludge on frozen ground in conflict 90495  
with rules adopted under this chapter. Any person who discharges, 90496  
transports, or handles storm water from an animal feeding 90497  
facility, as defined in section 903.01 of the Revised Code, or 90498  
pollutants from a concentrated animal feeding operation, as both 90499  
terms are defined in that section, is not required to obtain a 90500  
permit under division (J)(1) of this section for the installation 90501  
or modification of a disposal system involving pollutants or storm 90502  
water or any parts of such a system on and after the date on which 90503  
the director of agriculture has finalized the program required 90504  
under division (A)(1) of section 903.02 of the Revised Code. In 90505  
addition, any person who discharges, transports, or handles storm 90506  
water from an animal feeding facility, as defined in section 90507  
903.01 of the Revised Code, or pollutants from a concentrated 90508

animal feeding operation, as both terms are defined in that 90509  
section, is not required to obtain a permit under division (J)(1) 90510  
of this section for the discharge of storm water from an animal 90511  
feeding facility or pollutants from a concentrated animal feeding 90512  
operation on and after the date on which the United States 90513  
environmental protection agency approves the NPDES program 90514  
submitted by the director of agriculture under section 903.08 of 90515  
the Revised Code. 90516

Any permit terms and conditions set by the director shall be 90517  
designed to achieve and maintain full compliance with the national 90518  
effluent limitations, national standards of performance for new 90519  
sources, and national toxic and pretreatment effluent standards 90520  
set under that act, and any other mandatory requirements of that 90521  
act that are imposed by regulation of the administrator of the 90522  
United States environmental protection agency. If an applicant for 90523  
a sludge management permit also applies for a related permit for 90524  
the discharge of sewage, industrial waste, or other wastes into 90525  
the waters of the state, the director may combine the two permits 90526  
and issue one permit to the applicant. 90527

A sludge management permit is not required for an entity that 90528  
treats or transports sewage sludge or for a sanitary landfill when 90529  
all of the following apply: 90530

(a) The entity or sanitary landfill does not generate the 90531  
sewage sludge. 90532

(b) Prior to receipt at the sanitary landfill, the entity has 90533  
ensured that the sewage sludge meets the requirements established 90534  
in rules adopted by the director under section 3734.02 of the 90535  
Revised Code concerning disposal of municipal solid waste in a 90536  
sanitary landfill. 90537

(c) Disposal of the sewage sludge occurs at a sanitary 90538  
landfill that complies with rules adopted by the director under 90539

section 3734.02 of the Revised Code. 90540

As used in division (J)(1) of this section, "sanitary 90541  
landfill" means a sanitary landfill facility, as defined in rules 90542  
adopted under section 3734.02 of the Revised Code, that is 90543  
licensed as a solid waste facility under section 3734.05 of the 90544  
Revised Code. 90545

(2) An application for a permit or renewal thereof shall be 90546  
denied if any of the following applies: 90547

(a) The secretary of the army determines in writing that 90548  
anchorage or navigation would be substantially impaired thereby; 90549

(b) The director determines that the proposed discharge or 90550  
source would conflict with an areawide waste treatment management 90551  
plan adopted in accordance with section 208 of the Federal Water 90552  
Pollution Control Act; 90553

(c) The administrator of the United States environmental 90554  
protection agency objects in writing to the issuance or renewal of 90555  
the permit in accordance with section 402 (d) of the Federal Water 90556  
Pollution Control Act; 90557

(d) The application is for the discharge of any radiological, 90558  
chemical, or biological warfare agent or high-level radioactive 90559  
waste into the waters of the United States. 90560

(3) To achieve and maintain applicable standards of quality 90561  
for the waters of the state adopted pursuant to section 6111.041 90562  
of the Revised Code, the director shall impose, where necessary 90563  
and appropriate, as conditions of each permit, water quality 90564  
related effluent limitations in accordance with sections 301, 302, 90565  
306, 307, and 405 of the Federal Water Pollution Control Act and, 90566  
to the extent consistent with that act, shall give consideration 90567  
to, and base the determination on, evidence relating to the 90568  
technical feasibility and economic reasonableness of removing the 90569  
polluting properties from those wastes and to evidence relating to 90570

conditions calculated to result from that action and their 90571  
relation to benefits to the people of the state and to 90572  
accomplishment of the purposes of this chapter. 90573

(4) Where a discharge having a thermal component from a 90574  
source that is constructed or modified on or after October 18, 90575  
1972, meets national or state effluent limitations or more 90576  
stringent permit conditions designed to achieve and maintain 90577  
compliance with applicable standards of quality for the waters of 90578  
the state, which limitations or conditions will ensure protection 90579  
and propagation of a balanced, indigenous population of shellfish, 90580  
fish, and wildlife in or on the body of water into which the 90581  
discharge is made, taking into account the interaction of the 90582  
thermal component with sewage, industrial waste, or other wastes, 90583  
the director shall not impose any more stringent limitation on the 90584  
thermal component of the discharge, as a condition of a permit or 90585  
renewal thereof for the discharge, during a ten-year period 90586  
beginning on the date of completion of the construction or 90587  
modification of the source, or during the period of depreciation 90588  
or amortization of the source for the purpose of section 167 or 90589  
169 of the Internal Revenue Code of 1954, whichever period ends 90590  
first. 90591

(5) The director shall specify in permits for the discharge 90592  
of sewage, industrial waste, and other wastes, the net volume, net 90593  
weight, duration, frequency, and, where necessary, concentration 90594  
of the sewage, industrial waste, and other wastes that may be 90595  
discharged into the waters of the state. The director shall 90596  
specify in those permits and in sludge management permits that the 90597  
permit is conditioned upon payment of applicable fees as required 90598  
by section 3745.11 of the Revised Code and upon the right of the 90599  
director's authorized representatives to enter upon the premises 90600  
of the person to whom the permit has been issued for the purpose 90601  
of determining compliance with this chapter, rules adopted 90602

thereunder, or the terms and conditions of a permit, order, or 90603  
other determination. The director shall issue or deny an 90604  
application for a sludge management permit or a permit for a new 90605  
discharge, for the installation or modification of a disposal 90606  
system, or for the renewal of a permit, within one hundred eighty 90607  
days of the date on which a complete application with all plans, 90608  
specifications, construction schedules, and other pertinent 90609  
information required by the director is received. 90610

(6) The director may condition permits upon the installation 90611  
of discharge or water quality monitoring equipment or devices and 90612  
the filing of periodic reports on the amounts and contents of 90613  
discharges and the quality of receiving waters that the director 90614  
prescribes. The director shall condition each permit for a 90615  
government-owned disposal system or any other "treatment works" as 90616  
defined in the Federal Water Pollution Control Act upon the 90617  
reporting of new introductions of industrial waste or other wastes 90618  
and substantial changes in volume or character thereof being 90619  
introduced into those systems or works from "industrial users" as 90620  
defined in section 502 of that act, as necessary to comply with 90621  
section 402(b)(8) of that act; upon the identification of the 90622  
character and volume of pollutants subject to pretreatment 90623  
standards being introduced into the system or works; and upon the 90624  
existence of a program to ensure compliance with pretreatment 90625  
standards by "industrial users" of the system or works. In 90626  
requiring monitoring devices and reports, the director, to the 90627  
extent consistent with the Federal Water Pollution Control Act, 90628  
shall give consideration to technical feasibility and economic 90629  
reasonableness and shall allow reasonable time for compliance. 90630

(7) A permit may be issued for a period not to exceed five 90631  
years and may be renewed upon application for renewal. In renewing 90632  
a permit, the director shall consider the compliance history of 90633  
the permit holder and may deny the renewal if the director 90634

determines that the permit holder has not complied with the terms 90635  
and conditions of the existing permit. A permit may be modified, 90636  
suspended, or revoked for cause, including, but not limited to, 90637  
violation of any condition of the permit, obtaining a permit by 90638  
misrepresentation or failure to disclose fully all relevant facts 90639  
of the permitted discharge or of the sludge use, storage, 90640  
treatment, or disposal practice, or changes in any condition that 90641  
requires either a temporary or permanent reduction or elimination 90642  
of the permitted activity. No application shall be denied or 90643  
permit revoked or modified without a written order stating the 90644  
findings upon which the denial, revocation, or modification is 90645  
based. A copy of the order shall be sent to the applicant or 90646  
permit holder by certified mail. 90647

(K) Institute or cause to be instituted in any court of 90648  
competent jurisdiction proceedings to compel compliance with this 90649  
chapter or with the orders of the director issued under this 90650  
chapter, or to ensure compliance with sections 204(b), 307, 308, 90651  
and 405 of the Federal Water Pollution Control Act; 90652

~~(L) Issue, deny, revoke, or modify industrial water pollution 90653  
control certificates;~~ 90654

~~(M)~~ Certify to the government of the United States or any 90655  
agency thereof that an industrial water pollution control facility 90656  
is in conformity with the state program or requirements for the 90657  
control of water pollution whenever the certification may be 90658  
required for a taxpayer under the Internal Revenue Code of the 90659  
United States, as amended; 90660

~~(N)~~(M) Issue, modify, and revoke orders requiring any 90661  
"industrial user" of any publicly owned "treatment works" as 90662  
defined in sections 212(2) and 502(18) of the Federal Water 90663  
Pollution Control Act to comply with pretreatment standards; 90664  
establish and maintain records; make reports; install, use, and 90665  
maintain monitoring equipment or methods, including, where 90666

appropriate, biological monitoring methods; sample discharges in 90667  
accordance with methods, at locations, at intervals, and in a 90668  
manner that the director determines; and provide other information 90669  
that is necessary to ascertain whether or not there is compliance 90670  
with toxic and pretreatment effluent standards. In issuing, 90671  
modifying, and revoking those orders, the director, to the extent 90672  
consistent with the Federal Water Pollution Control Act, shall 90673  
give consideration to technical feasibility and economic 90674  
reasonableness and shall allow reasonable time for compliance. 90675

~~(O)~~(N) Exercise all incidental powers necessary to carry out 90676  
the purposes of this chapter; 90677

~~(P)~~(O) Certify or deny certification to any applicant for a 90678  
federal license or permit to conduct any activity that may result 90679  
in any discharge into the waters of the state that the discharge 90680  
will comply with the Federal Water Pollution Control Act; 90681

~~(Q)~~(P) Administer and enforce the publicly owned treatment 90682  
works pretreatment program in accordance with the Federal Water 90683  
Pollution Control Act. In the administration of that program, the 90684  
director may do any of the following: 90685

(1) Apply and enforce pretreatment standards; 90686

(2) Approve and deny requests for approval of publicly owned 90687  
treatment works pretreatment programs, oversee those programs, and 90688  
implement, in whole or in part, those programs under any of the 90689  
following conditions: 90690

(a) The director has denied a request for approval of the 90691  
publicly owned treatment works pretreatment program; 90692

(b) The director has revoked the publicly owned treatment 90693  
works pretreatment program; 90694

(c) There is no pretreatment program currently being 90695  
implemented by the publicly owned treatment works; 90696

(d) The publicly owned treatment works has requested the director to implement, in whole or in part, the pretreatment program. 90697  
90698  
90699

(3) Require that a publicly owned treatment works pretreatment program be incorporated in a permit issued to a publicly owned treatment works as required by the Federal Water Pollution Control Act, require compliance by publicly owned treatment works with those programs, and require compliance by industrial users with pretreatment standards; 90700  
90701  
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(4) Approve and deny requests for authority to modify categorical pretreatment standards to reflect removal of pollutants achieved by publicly owned treatment works; 90706  
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(5) Deny and recommend approval of requests for fundamentally different factors variances submitted by industrial users; 90709  
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(6) Make determinations on categorization of industrial users; 90711  
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(7) Adopt, amend, or rescind rules and issue, modify, or revoke orders necessary for the administration and enforcement of the publicly owned treatment works pretreatment program. 90713  
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Any approval of a publicly owned treatment works pretreatment program may contain any terms and conditions, including schedules of compliance, that are necessary to achieve compliance with this chapter. 90716  
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~~(R)~~(O) Except as otherwise provided in this division, adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures, methods, and equipment and other requirements for equipment to prevent and contain discharges of oil and hazardous substances into the waters of the state. The rules shall be consistent with and equivalent in scope, content, and coverage to section 311(j)(1)(c) of the Federal Water Pollution Control Act and regulations adopted under it. The 90720  
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director shall not adopt rules under this division relating to 90728  
discharges of oil from oil production facilities and oil drilling 90729  
and workover facilities as those terms are defined in that act and 90730  
regulations adopted under it. 90731

~~(S)~~(R)(1) Administer and enforce a program for the regulation 90732  
of sludge management in this state. In administering the program, 90733  
the director, in addition to exercising the authority provided in 90734  
any other applicable sections of this chapter, may do any of the 90735  
following: 90736

(a) Develop plans and programs for the disposal and 90737  
utilization of sludge and sludge materials; 90738

(b) Encourage, participate in, or conduct studies, 90739  
investigations, research, and demonstrations relating to the 90740  
disposal and use of sludge and sludge materials and the impact of 90741  
sludge and sludge materials on land located in the state and on 90742  
the air and waters of the state; 90743

(c) Collect and disseminate information relating to the 90744  
disposal and use of sludge and sludge materials and the impact of 90745  
sludge and sludge materials on land located in the state and on 90746  
the air and waters of the state; 90747

(d) Issue, modify, or revoke orders to prevent, control, or 90748  
abate the use and disposal of sludge and sludge materials or the 90749  
effects of the use of sludge and sludge materials on land located 90750  
in the state and on the air and waters of the state; 90751

(e) Adopt and enforce, modify, or rescind rules necessary for 90752  
the implementation of division ~~(S)~~(R) of this section. The rules 90753  
reasonably shall protect public health and the environment, 90754  
encourage the beneficial reuse of sludge and sludge materials, and 90755  
minimize the creation of nuisance odors. 90756

The director may specify in sludge management permits the net 90757  
volume, net weight, quality, and pollutant concentration of the 90758

sludge or sludge materials that may be used, stored, treated, or 90759  
disposed of, and the manner and frequency of the use, storage, 90760  
treatment, or disposal, to protect public health and the 90761  
environment from adverse effects relating to those activities. The 90762  
director shall impose other terms and conditions to protect public 90763  
health and the environment, minimize the creation of nuisance 90764  
odors, and achieve compliance with this chapter and rules adopted 90765  
under it and, in doing so, shall consider whether the terms and 90766  
conditions are consistent with the goal of encouraging the 90767  
beneficial reuse of sludge and sludge materials. 90768

The director may condition permits on the implementation of 90769  
treatment, storage, disposal, distribution, or application 90770  
management methods and the filing of periodic reports on the 90771  
amounts, composition, and quality of sludge and sludge materials 90772  
that are disposed of, used, treated, or stored. 90773

An approval of a treatment works sludge disposal program may 90774  
contain any terms and conditions, including schedules of 90775  
compliance, necessary to achieve compliance with this chapter and 90776  
rules adopted under it. 90777

(2) As a part of the program established under division 90778  
~~(S)~~(R)(1) of this section, the director has exclusive authority to 90779  
regulate sewage sludge management in this state. For purposes of 90780  
division ~~(S)~~(R)(2) of this section, that program shall be 90781  
consistent with section 405 of the Federal Water Pollution Control 90782  
Act and regulations adopted under it and with this section, except 90783  
that the director may adopt rules under division ~~(S)~~(R) of this 90784  
section that establish requirements that are more stringent than 90785  
section 405 of the Federal Water Pollution Control Act and 90786  
regulations adopted under it with regard to monitoring sewage 90787  
sludge and sewage sludge materials and establishing acceptable 90788  
sewage sludge management practices and pollutant levels in sewage 90789  
sludge and sewage sludge materials. 90790

This chapter authorizes the state to participate in any national sludge management program and the national pollutant discharge elimination system, to administer and enforce the publicly owned treatment works pretreatment program, and to issue permits for the discharge of dredged or fill materials, in accordance with the Federal Water Pollution Control Act. This chapter shall be administered, consistent with the laws of this state and federal law, in the same manner that the Federal Water Pollution Control Act is required to be administered.

~~(F)~~(S) Develop technical guidance and offer technical assistance, upon request, for the purpose of minimizing wind or water erosion of soil, and assist in compliance with permits for storm water management issued under this chapter and rules adopted under it.

~~(U)~~(T) Study, examine, and calculate nutrient loading from point and nonpoint sources in order to determine comparative contributions by those sources and to utilize the information derived from those calculations to determine the most environmentally beneficial and cost-effective mechanisms to reduce nutrient loading to watersheds in the Lake Erie basin and the Ohio river basin. In order to evaluate nutrient loading contributions, the director or the director's designee shall conduct a study of the nutrient mass balance for both point and nonpoint sources in watersheds in the Lake Erie basin and the Ohio river basin using available data, including both of the following:

- (1) Data on water quality and stream flow;
- (2) Data on point source discharges into those watersheds.

The director or the director's designee shall report and update the results of the study to coincide with the release of the Ohio integrated water quality monitoring and assessment report prepared by the director.

(U) For each impaired water of the state, or segment thereof, 90822  
establish total maximum daily loads (TMDL) and submit the TMDL to 90823  
the United States environmental protection agency for approval. 90824

This section does not apply to residual farm products and 90825  
manure disposal systems and related management and conservation 90826  
practices subject to rules adopted pursuant to division (E)(1) of 90827  
section 939.02 of the Revised Code. For purposes of this 90828  
exclusion, "residual farm products" and "manure" have the same 90829  
meanings as in section 939.01 of the Revised Code. However, until 90830  
the date on which the United States environmental protection 90831  
agency approves the NPDES program submitted by the director of 90832  
agriculture under section 903.08 of the Revised Code, this 90833  
exclusion does not apply to animal waste treatment works having a 90834  
controlled direct discharge to the waters of the state or any 90835  
concentrated animal feeding operation, as defined in 40 C.F.R. 90836  
122.23(b)(2). On and after the date on which the United States 90837  
environmental protection agency approves the NPDES program 90838  
submitted by the director of agriculture under section 903.08 of 90839  
the Revised Code, this section does not apply to storm water from 90840  
an animal feeding facility, as defined in section 903.01 of the 90841  
Revised Code, or to pollutants discharged from a concentrated 90842  
animal feeding operation, as both terms are defined in that 90843  
section. Neither of these exclusions applies to the discharge of 90844  
animal waste into a publicly owned treatment works. 90845

Not later than December 1, 2016, a publicly owned treatment 90846  
works with a design flow of one million gallons per day or more, 90847  
or designated as a major discharger by the director, shall be 90848  
required to begin monthly monitoring of total and dissolved 90849  
reactive phosphorus pursuant to a new NPDES permit, an NPDES 90850  
permit renewal, or a director-initiated modification. The director 90851  
shall include in each applicable new NPDES permit, NPDES permit 90852  
renewal, or director-initiated modification a requirement that 90853

such monitoring be conducted. A director-initiated modification 90854  
for that purpose shall be considered and processed as a minor 90855  
modification pursuant to Ohio Administrative Code 3745-33-04. In 90856  
addition, not later than December 1, 2017, a publicly owned 90857  
treatment works with a design flow of one million gallons per day 90858  
or more that, on July 3, 2015, is not subject to a phosphorus 90859  
limit shall complete and submit to the director a study that 90860  
evaluates the technical and financial capability of the existing 90861  
treatment facility to reduce the final effluent discharge of 90862  
phosphorus to one milligram per liter using possible source 90863  
reduction measures, operational procedures, and unit process 90864  
configurations. 90865

**Sec. 6111.036.** (A) There is hereby created the water 90866  
pollution control loan fund to provide financial, technical, and 90867  
administrative assistance as follows: 90868

(1) For the construction of publicly owned wastewater 90869  
treatment works, as "construction" and "treatment works" are 90870  
defined in section 212 of the Federal Water Pollution Control Act, 90871  
by municipal corporations, other political subdivisions, state 90872  
agencies, and interstate agencies having territory in this state; 90873

(2) For the implementation of a nonpoint source pollution 90874  
management program under section 319 of that act; 90875

(3) For the development and implementation of estuary 90876  
conservation and management programs under section 320 of that 90877  
act; 90878

(4) For the construction, repair, or replacement of 90879  
decentralized wastewater treatment systems that treat municipal 90880  
wastewater or domestic sewage; 90881

(5) For measures to manage, reduce, treat, or recapture 90882  
stormwater or subsurface drainage water; 90883

(6) For measures to reduce the demand for publicly owned wastewater treatment works capacity through water conservation, efficiency, or reuse by any municipal corporation, other political subdivision, state agency, or interstate agency having territory in this state;

(7) For the development and implementation of watershed projects meeting the criteria established in section 122 of that act;

(8) For measures to reduce the energy consumption needs of publicly owned wastewater treatment works by any municipal corporation, other political subdivision, state agency, or interstate agency having territory in this state;

(9) For reusing or recycling wastewater, stormwater, or subsurface drainage water;

(10) For measures to increase the security of publicly owned wastewater treatment works;

(11) To any qualified nonprofit entity, as determined by the director of environmental protection, to provide assistance to owners and operators of small and medium publicly owned wastewater treatment works for either of the following:

(a) To plan, develop, and obtain financing for eligible projects under this division, including planning, design, and associated preconstruction activities;

(b) To assist such treatment works in achieving compliance with the Federal Water Pollution Control Act.

To the extent they are otherwise allowable as determined by the director, the purposes identified under division (A) of this section are intended to include activities benefiting the waters of the state that are authorized under Chapter 3746. of the Revised Code.

The fund shall be administered by the director consistent 90914  
with the Federal Water Pollution Control Act; regulations adopted 90915  
under it, including, without limitation, regulations establishing 90916  
public participation requirements applicable to the providing of 90917  
financial assistance; this section; and rules adopted under 90918  
division (O) of this section. 90919

Moneys in the water pollution control loan fund shall be 90920  
separate and apart from and not a part of the state treasury or of 90921  
the other funds of the Ohio water development authority. Subject 90922  
to the terms of the agreements provided for in divisions (B), (C), 90923  
(D), and (F) of this section, moneys in the fund shall be held in 90924  
trust by the Ohio water development authority for the purposes of 90925  
this section, shall be kept in the same manner that funds of the 90926  
authority are kept under section 6121.11 of the Revised Code, and 90927  
may be invested in the same manner that funds of the authority are 90928  
invested under section 6121.12 of the Revised Code. No withdrawals 90929  
or disbursements shall be made from the water pollution control 90930  
loan fund without the written authorization of the director or the 90931  
director's designated representative. The manner of authorization 90932  
for any withdrawals or disbursements from the fund to be made by 90933  
the authority shall be established in the agreements authorized 90934  
under division (C) of this section. 90935

(B) The director may enter into agreements to receive and 90936  
assign moneys credited or to be credited to the water pollution 90937  
control loan fund. The director may reserve capitalization grant 90938  
moneys allotted to the state under sections 601 and 604(c)(2) of 90939  
the Federal Water Pollution Control Act for the other purposes 90940  
authorized for the use of capitalization grant moneys under 90941  
sections 603(d)(7) and 604(b) of that act. 90942

(C) The director shall ensure that fiscal controls are 90943  
established for prudent administration of the water pollution 90944  
control loan fund. For that purpose, the director and the Ohio 90945

water development authority shall enter into any necessary and 90946  
appropriate agreements under which the authority may perform or 90947  
provide any of the following: 90948

(1) Fiscal controls and accounting procedures governing fund 90949  
balances, receipts, and disbursements; 90950

(2) Administration of loan accounts; 90951

(3) Maintaining, managing, and investing moneys in the fund. 90952

Any agreement entered into under this division shall provide 90953  
for the payment of reasonable fees to the Ohio water development 90954  
authority for any services it performs under the agreement and may 90955  
provide for reasonable fees for the assistance of financial or 90956  
accounting advisors. Payments of any such fees to the authority 90957  
may be made from the water pollution control loan fund to the 90958  
extent authorized by division (H)(7) of this section or from the 90959  
water pollution control loan administrative fund created in 90960  
division (E) of this section. The authority may enter into loan 90961  
agreements with the director and recipients of financial 90962  
assistance from the fund as provided in this section. 90963

(D) The water pollution control loan fund shall consist of 90964  
the moneys credited to it from all capitalization grants received 90965  
under sections 601 and 604(c)(2) of the Federal Water Pollution 90966  
Control Act, all moneys received as capitalization grants under 90967  
section 205(m) of that act, all matching moneys credited to the 90968  
fund arising from nonfederal sources, all payments of principal 90969  
and interest for loans made from the fund, and all investment 90970  
earnings on moneys held in the fund. On or before the date on 90971  
which a quarterly capitalization grant payment will be received 90972  
under that act, matching moneys equal to at least twenty per cent 90973  
of the quarterly capitalization grant payment shall be credited to 90974  
the fund. The Ohio water development authority may make moneys 90975  
available to the director for the purpose of providing the 90976

matching moneys required by this division, subject to such terms 90977  
as the director and the authority consider appropriate, and may 90978  
pledge moneys that are held by the authority to secure the payment 90979  
of bonds or notes issued by the authority to provide those 90980  
matching moneys. The authority may make moneys available to the 90981  
director for that purpose from any funds now or hereafter 90982  
available to the authority from any source, including, without 90983  
limitation, the proceeds of bonds or notes heretofore or hereafter 90984  
issued by the authority under Chapter 6121. of the Revised Code. 90985  
Matching moneys made available to the director by the authority 90986  
from the proceeds of any such bonds or notes shall be made 90987  
available subject to the terms of the trust agreements relating to 90988  
the bonds or notes. Any such matching moneys shall be made 90989  
available to the director pursuant to a written agreement between 90990  
the director and the authority that contains such terms as the 90991  
director and the authority consider appropriate, including, 90992  
without limitation, a provision providing for repayment to the 90993  
authority of those matching moneys from moneys deposited in the 90994  
water pollution control loan fund, including, without limitation, 90995  
the proceeds of bonds or notes issued by the authority for the 90996  
benefit of the fund and payments of principal and interest on 90997  
loans made from the fund, or from any other sources now or 90998  
hereafter available to the director for the repayment of those 90999  
matching moneys. 91000

(E) All moneys credited to the water pollution control loan 91001  
fund, all interest earned on moneys in the fund, and all payments 91002  
of principal and interest for loans made from the fund shall be 91003  
dedicated in perpetuity and used and reused solely for the 91004  
purposes set forth in division (A) of this section, except as 91005  
otherwise provided in division (D) or (F) of this section. The 91006  
director may establish and collect fees to be paid by recipients 91007  
of financial assistance under this section, and all moneys arising 91008  
from the fees shall be credited to the water pollution control 91009

loan administrative fund, which is hereby created in the state 91010  
treasury, and shall be used to defray the costs of administering 91011  
this section or other water quality related programs administered 91012  
by the environmental protection agency. 91013

(F) The director and the Ohio water development authority 91014  
shall enter into trust agreements to enable the authority to issue 91015  
and refund bonds or notes for the sole benefit of the water 91016  
pollution control loan fund, including, without limitation, the 91017  
raising of the matching moneys required by division (D) of this 91018  
section. These agreements may authorize the pledge of moneys 91019  
accruing to the fund from payments of principal and interest on 91020  
loans made from the fund adequate to secure bonds or notes, the 91021  
proceeds of which bonds or notes shall be for the sole benefit of 91022  
the water pollution control loan fund. The agreements may contain 91023  
such terms as the director and the authority consider reasonable 91024  
and proper for the security of the bondholders or noteholders. 91025

(G) The director shall enter into binding commitments to 91026  
provide financial assistance from the water pollution control loan 91027  
fund in an amount equal to one hundred twenty per cent of the 91028  
amount of each capitalization grant payment received, within one 91029  
year after receiving each such grant payment. The director shall 91030  
provide the financial assistance in compliance with this section 91031  
and rules adopted under division (O) of this section. The director 91032  
shall ensure that all moneys credited to the fund are disbursed in 91033  
an expeditious and timely manner. During the second year of 91034  
operation of the water pollution control loan program, the 91035  
director also shall ensure that not less than twenty-five per cent 91036  
of the financial assistance provided under this section during 91037  
that year is provided for the purpose of division (H)(2) of this 91038  
section for the purchase or refinancing of debt obligations 91039  
incurred after March 7, 1985, but not later than July 1, 1988, 91040  
except that if the amount of money reserved during the second year 91041

of operation of the program for the purchase or refinancing of 91042  
those debt obligations exceeds the amount required for the 91043  
projects that are eligible to receive financial assistance for 91044  
that purpose, the director shall distribute the excess moneys in 91045  
accordance with the current priority system and list prepared 91046  
under division (I) of this section to provide financial assistance 91047  
for projects that otherwise would not receive assistance in that 91048  
year. 91049

(H) Moneys credited to the water pollution control loan fund 91050  
shall be used only for the following purposes: 91051

(1) To make loans, subject to all of the following 91052  
conditions: 91053

(a) The loans are made at or below market rates of interest, 91054  
including, without limitation, interest free loans. 91055

(b) Periodic payments of principal and interest, on the dates 91056  
and in the amounts approved by the director, shall commence not 91057  
later than one year after completion of the project, and all loans 91058  
shall be fully amortized not later than thirty years after project 91059  
completion. 91060

(c) Each recipient of a loan shall establish a dedicated 91061  
source of revenue for repayment of the loan. 91062

(d) All payments of principal and interest on the loans shall 91063  
be credited to the fund, except as otherwise provided in division 91064  
(D) or (F) of this section. 91065

(2) To purchase or refinance at or below market rates of 91066  
interest debt obligations incurred after March 7, 1985, by 91067  
municipal corporations, other political subdivisions, and 91068  
interstate agencies having territory in the state. If, and to the 91069  
extent allowed under the Federal Water Pollution Control Act, debt 91070  
obligations are purchased or refinanced under this section to 91071  
provide financial assistance for any of the purposes allowed under 91072

division (A) of this section, the repayment period may extend up to forty-five years. However, the repayment period shall not exceed the expected useful life of any facilities that are financed by the obligations.

(3) To guarantee or purchase insurance for debt obligations of municipal corporations, other political subdivisions, and interstate agencies having territory within the state when the guarantee or insurance would improve the borrower's access to credit markets or would reduce the interest rate paid on those obligations;

(4) As a source of revenue or security for the payment of principal and interest on general obligation or revenue bonds or notes issued by this state if the proceeds of the sale of the bonds or notes will be deposited in the fund;

(5) To provide loan guarantees for revolving loan funds established by municipal corporations and other political subdivisions that are similar to the water pollution control loan fund;

(6) To earn interest on moneys credited to the fund;

(7) For the payment of the reasonable costs of administering the fund and conducting activities under this section, except that those amounts shall not exceed four per cent of the total amount of the capitalization grants received, four hundred thousand dollars per year, or one-fifth of one per cent per year of the current valuation of the fund, whichever amount is greater, plus the amount of any fees collected by the state for that purpose regardless of the source;

(8) To provide assistance in any manner or for any purpose that is consistent with Title VI of the Federal Water Pollution Control Act or with any other federal law related to the use of federal funds administered under Title VI of the Federal Water

Pollution Control Act, including, without limitation, the awarding 91104  
of principal forgiveness assistance under that act. 91105

(I) The director periodically shall prepare in accordance 91106  
with rules adopted under division (O) of this section a state 91107  
priority system and list ranking assistance proposals principally 91108  
on the basis of their relative water quality and public health 91109  
benefits and the financial need of the applicants for assistance. 91110  
Assistance for proposed activities from the water pollution 91111  
control loan fund shall be limited to those activities appearing 91112  
on that priority list and shall be awarded based upon their 91113  
priority sequence on the list and the applicants' readiness to 91114  
proceed with their proposed activities. The director annually 91115  
shall prepare and circulate for public review and comment a plan 91116  
that defines the goals and intended uses of the fund, as required 91117  
by section 606(c) of the "Federal Water Pollution Control Act." 91118

(J) Financial assistance from the water pollution control 91119  
loan fund first shall be used to ensure maintenance of progress, 91120  
as determined by the governor, toward compliance with enforceable 91121  
deadlines, goals, and requirements under the "Federal Water 91122  
Pollution Control Act" that are pertinent to the purposes of the 91123  
fund set forth in divisions (A)(1) to (3) of this section, 91124  
including, without limitation, the municipal compliance deadline 91125  
under that act. 91126

(K) The director may provide financial assistance from the 91127  
water pollution control loan fund for a publicly owned treatment 91128  
works project only after determining that: 91129

(1) The applicant for financial assistance has the legal, 91130  
institutional, managerial, and financial capability to construct, 91131  
operate, and maintain its publicly owned treatment works. 91132

(2) The applicant will implement a financial management plan 91133  
that includes, without limitation, provisions for satisfactory 91134

repayment of the financial assistance, a user charge system to pay 91135  
the operation, maintenance, and replacement expenses of the 91136  
project, and, if appropriate in the director's judgment, an 91137  
adequate capital improvements fund. 91138

(3) The proposed disposal system of which the project is a 91139  
part is economically and nonmonetarily cost-effective, based upon 91140  
an evaluation of feasible alternatives that meet the waste water 91141  
treatment needs of the planning area in which the proposed project 91142  
is located. 91143

(4) Based upon the environmental review conducted by the 91144  
director under division (L) of this section, there are no 91145  
significant adverse environmental effects resulting from the 91146  
proposed disposal system and the system has been selected from 91147  
among environmentally sound alternatives. 91148

(5) Public participation has occurred during the process of 91149  
planning the project in compliance with applicable requirements 91150  
under the Federal Water Pollution Control Act. 91151

(6) The applicant has submitted a facilities plan for the 91152  
project that meets the applicable program requirements and that 91153  
has been approved by the director. 91154

(7) The application meets the requirements of this section 91155  
and rules adopted under division (O) of this section and is 91156  
consistent with the intent of Title VI of the Federal Water 91157  
Pollution Control Act and regulations adopted under it. 91158

(8) The application meets such other requirements as the 91159  
director considers necessary or appropriate to protect the 91160  
environment or ensure the financial integrity of the fund while 91161  
implementing this section. 91162

(L) The director shall perform and document for public review 91163  
an independent, comprehensive environmental review of the 91164  
assistance proposal for each activity receiving financial 91165

assistance under this section. The review shall serve as the basis 91166  
for the determinations to be made under division (K)(4) or (Q)(4) 91167  
of this section, as applicable, and may include, without 91168  
limitation, an environmental assessment, any necessary 91169  
supplemental studies, and an enforceable mitigation plan. The 91170  
director may establish environmental impact mitigation terms or 91171  
conditions for the implementation of an assistance proposal, 91172  
including, without limitation, the installation or modification of 91173  
a disposal system, in the director's approval of the plans for the 91174  
installation or modification as authorized by section 6111.44 of 91175  
the Revised Code or through other legally enforceable means. The 91176  
review shall be conducted in accordance with applicable rules 91177  
adopted under division (O) of this section. 91178

(M) The director, consistent with this section and applicable 91179  
rules adopted under division (O) of this section, may enter into 91180  
any agreement with an applicant that is necessary or appropriate 91181  
to provide assistance from the water pollution control loan fund. 91182  
Based upon the director's review of an assistance proposal, 91183  
including, without limitation, approval for the project under 91184  
section 6111.44 of the Revised Code, the environmental review 91185  
conducted under division (L) of this section, and the other 91186  
requirements of this section and rules adopted under it, the 91187  
director may establish in the agreement terms and conditions of 91188  
the assistance to be offered to an applicant. In addition to any 91189  
other available remedies, the director may terminate, suspend, or 91190  
require immediate repayment of financial assistance provided under 91191  
this section to, or take any other enforcement action available 91192  
under this chapter against, a recipient of financial assistance 91193  
under this section who defaults on any payment required in the 91194  
agreement for financial assistance or otherwise violates a term or 91195  
condition of the agreement or of the plan approval for the project 91196  
under section 6111.44 of the Revised Code. 91197

(N) Based upon the director's judgment as to the financial 91198  
need of the applicant and as to what constitutes the most 91199  
effective allocation of funds to achieve statewide water pollution 91200  
control objectives, the director may establish the terms, 91201  
conditions, and amount of financial assistance to be offered to an 91202  
applicant from the water pollution control loan fund. The 91203  
director, to the extent consistent with the water quality 91204  
improvement priorities reflected in the current priority system 91205  
and list prepared under division (I) of this section and with the 91206  
long-term financial integrity of the fund, shall ensure each year 91207  
that financial assistance in an amount equal to the cost of the 91208  
assistance proposals of applicants having a high level of economic 91209  
need that are on the current priority list and for which funding 91210  
is available in that year is made available from the fund to those 91211  
applicants at an interest rate that is lower than that offered to 91212  
other applicants for financial assistance from the fund for 91213  
assistance proposals that are on the current priority list and for 91214  
which funding is available in that year. 91215

The director shall determine the economic need of applicants 91216  
for financial assistance in accordance with uniform criteria 91217  
established in rules adopted under division (O) of this section. 91218

(O) The director may adopt rules in accordance with Chapter 91219  
119. of the Revised Code for the implementation and administration 91220  
of this section and section 6111.037 of the Revised Code. Any such 91221  
rules governing the planning, design, and construction of water 91222  
pollution control projects, establishing an environmental review 91223  
process, establishing requirements for the preparation of 91224  
environmental impact reports and mitigation plans, governing the 91225  
establishment of priority systems for providing financial 91226  
assistance under this section and section 6111.037 of the Revised 91227  
Code, and governing the terms and conditions of assistance, shall 91228  
be consistent with the intent of Titles II and VI and sections 319 91229

and 320 of the Federal Water Pollution Control Act. The rules 91230  
governing the establishment of priority systems for financial 91231  
assistance and governing terms and conditions of assistance shall 91232  
provide for the most effective allocation of moneys from the water 91233  
pollution control loan fund to achieve water quality and public 91234  
health objectives throughout the state as determined by the 91235  
director. 91236

(P)(1) For the purpose of this section, appealable actions of 91237  
the director pursuant to section 3745.04 of the Revised Code are 91238  
limited to the following: 91239

(a) Approval of draft priority systems, draft priority lists, 91240  
and draft written program administration policies; 91241

(b) Approval or disapproval of project facility plans under 91242  
division (K)(6) of this section; 91243

(c) Approval or disapproval of plans and specifications for a 91244  
project under section 6111.44 of the Revised Code and issuance of 91245  
a permit to install in connection with a project pursuant to rules 91246  
adopted under section 6111.03 of the Revised Code; 91247

(d) Approval or disapproval of an application for assistance. 91248

(2) Notwithstanding section 119.06 of the Revised Code, the 91249  
director may take final action described in division (P)(1)(a), 91250  
(b), (c), or (d) of this section without holding an adjudication 91251  
hearing in connection with the action and without first issuing a 91252  
proposed action under section 3745.07 of the Revised Code. 91253

(3) Each action described in divisions (P)(1)(a), (b), (c), 91254  
and (d) of this section is a separate and discrete action of the 91255  
director. Appeals of any such action are limited to the issues 91256  
concerning the specific action appealed, and the appeal shall not 91257  
include issues determined under the scope of any prior action. 91258

(Q) The director may provide financial assistance for the 91259

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| implementation of a nonpoint source management program activity  | 91260   |
| only after determining all of the following:   | 91261   |
| (1) The activity is consistent with the state's nonpoint<br>source management program.   | 91262<br>91263  |
| (2) The applicant has the legal, institutional, managerial,<br>and financial capability to implement, operate, and maintain the<br>activity.   | 91264<br>91265<br>91266                                     |
| (3) The cost of the activity is reasonable considering<br>monetary and nonmonetary factors.  | 91267<br>91268  |
| (4) Based on the environmental review conducted by the<br>director under division (L) of this section, the activity will not<br>result in significant adverse environmental impacts.   | 91269<br>91270<br>91271                                     |
| (5) The application meets the requirements of this section<br>and rules adopted under division (O) of this section and is<br>consistent with the intent of Title VI of the Federal Water<br>Pollution Control Act and regulations adopted under it.  | 91272<br>91273<br>91274<br>91275                            |
| (6) The applicant will implement a financial management plan,<br>including, without limitation, provisions for satisfactory<br>repayment of the financial assistance.  | 91276<br>91277<br>91278                                     |
| (7) The application meets such other requirements as the<br>director considers necessary or appropriate to protect the<br>environment and ensure the financial integrity of the fund while<br>implementing this section.   | 91279<br>91280<br>91281<br>91282                            |
| (R) As used in this section, "Federal Water Pollution Control<br>Act" means the "Federal Water Pollution Control Act Amendments of<br>1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean<br>Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of<br>October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal<br>Wastewater Treatment Construction Grant Amendments of 1981," 95<br>Stat. 1623, 33 U.S.C.A. 1281, the "Water Quality Act of 1987," 101 | 91283<br>91284<br>91285<br>91286<br>91287<br>91288<br>91289 |

Stat. 7, 33 U.S.C.A. 1251, and applicable portions of the 91290  
"American Recovery and Reinvestment Act of 2009," Pub. L. 111-5, 91291  
123 Stat. 115, and the "Water Resources Reform and Development Act 91292  
of 2014," 128 Stat. 1227, 33 U.S.C. 2223. 91293

**Sec. 6111.04.** (A) Both of the following apply except as 91294  
otherwise provided in division (A) or (F) of this section: 91295

(1) No person shall cause pollution or place or cause to be 91296  
placed any sewage, sludge, sludge materials, industrial waste, or 91297  
other wastes in a location where they cause pollution of any 91298  
waters of the state. 91299

(2) Such an action prohibited under division (A)(1) of this 91300  
section is hereby declared to be a public nuisance. 91301

Divisions (A)(1) and (2) of this section do not apply if the 91302  
person causing pollution or placing or causing to be placed wastes 91303  
in a location in which they cause pollution of any waters of the 91304  
state holds a valid, unexpired permit, or renewal of a permit, 91305  
governing the causing or placement as provided in sections 6111.01 91306  
to 6111.08 of the Revised Code or if the person's application for 91307  
renewal of such a permit is pending. 91308

(B) If the director of environmental protection administers a 91309  
sludge management program pursuant to division ~~(S)~~(R) of section 91310  
6111.03 of the Revised Code, both of the following apply except as 91311  
otherwise provided in division (B) or (F) of this section: 91312

(1) No person, in the course of sludge management, shall 91313  
place on land located in the state or release into the air of the 91314  
state any sludge or sludge materials. 91315

(2) An action prohibited under division (B)(1) of this 91316  
section is hereby declared to be a public nuisance. 91317

Divisions (B)(1) and (2) of this section do not apply if the 91318  
person placing or releasing the sludge or sludge materials holds a 91319

valid, unexpired permit, or renewal of a permit, governing the 91320  
placement or release as provided in sections 6111.01 to 6111.08 of 91321  
the Revised Code or if the person's application for renewal of 91322  
such a permit is pending. 91323

(C) No person to whom a permit has been issued shall place or 91324  
discharge, or cause to be placed or discharged, in any waters of 91325  
the state any sewage, sludge, sludge materials, industrial waste, 91326  
or other wastes in excess of the permissive discharges specified 91327  
under an existing permit without first receiving a permit from the 91328  
director to do so. 91329

(D) No person to whom a sludge management permit has been 91330  
issued shall place on the land or release into the air of the 91331  
state any sludge or sludge materials in excess of the permissive 91332  
amounts specified under the existing sludge management permit 91333  
without first receiving a modification of the existing sludge 91334  
management permit or a new sludge management permit to do so from 91335  
the director. 91336

(E) The director may require the submission of plans, 91337  
specifications, and other information that the director considers 91338  
relevant in connection with the issuance of permits. 91339

(F) This section does not apply to any of the following: 91340

(1) Waters used in washing sand, gravel, other aggregates, or 91341  
mineral products when the washing and the ultimate disposal of the 91342  
water used in the washing, including any sewage, industrial waste, 91343  
or other wastes contained in the waters, are entirely confined to 91344  
the land under the control of the person engaged in the recovery 91345  
and processing of the sand, gravel, other aggregates, or mineral 91346  
products and do not result in the pollution of waters of the 91347  
state; 91348

(2) Water, gas, or other material injected into a well to 91349  
facilitate, or that is incidental to, the production of oil, gas, 91350

artificial brine, or water derived in association with oil or gas 91351  
production and disposed of in a well, in compliance with a permit 91352  
issued under Chapter 1509. of the Revised Code, or sewage, 91353  
industrial waste, or other wastes injected into a well in 91354  
compliance with an injection well operating permit. Division 91355  
(F)(2) of this section does not authorize, without a permit, any 91356  
discharge that is prohibited by, or for which a permit is required 91357  
by, regulation of the United States environmental protection 91358  
agency. 91359

(3) Application of any materials to land for agricultural 91360  
purposes or runoff of the materials from that application or 91361  
pollution by residual farm products, manure, or soil sediment, 91362  
including attached substances, resulting from farming, 91363  
silvicultural, or earthmoving activities regulated by Chapter 307. 91364  
or 939. of the Revised Code. Division (F)(3) of this section does 91365  
not authorize, without a permit, any discharge that is prohibited 91366  
by, or for which a permit is required by, the Federal Water 91367  
Pollution Control Act or regulations adopted under it. As used in 91368  
division (F)(3) of this section, "residual farm products" and 91369  
"manure" have the same meanings as in section 939.01 of the 91370  
Revised Code. 91371

(4) The excrement of domestic and farm animals defecated on 91372  
land or runoff therefrom into any waters of the state. Division 91373  
(F)(4) of this section does not authorize, without a permit, any 91374  
discharge that is prohibited by, or for which a permit is required 91375  
by, the Federal Water Pollution Control Act or regulations adopted 91376  
under it. 91377

(5) On and after the date on which the United States 91378  
environmental protection agency approves the NPDES program 91379  
submitted by the director of agriculture under section 903.08 of 91380  
the Revised Code, any discharge that is within the scope of the 91381  
approved NPDES program submitted by the director of agriculture; 91382

(6) The discharge of sewage, industrial waste, or other wastes into a sewerage system tributary to a treatment works. Division (F)(6) of this section does not authorize any discharge into a publicly owned treatment works in violation of a pretreatment program applicable to the publicly owned treatment works.

(7) A household sewage treatment system or a small flow on-site sewage treatment system, as applicable, as defined in section 3718.01 of the Revised Code that is installed in compliance with Chapter 3718. of the Revised Code and rules adopted under it. Division (F)(7) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.

(8) Exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity. As used in division (F)(8) of this section, "exceptional quality sludge" has the same meaning as in division (Y) of section 3745.11 of the Revised Code.

(G) The holder of a permit issued under section 402 (a) of the Federal Water Pollution Control Act need not obtain a permit for a discharge authorized by the permit until its expiration date. Except as otherwise provided in this division, the director of environmental protection shall administer and enforce those permits within this state and may modify their terms and conditions in accordance with division (J) of section 6111.03 of the Revised Code. On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, the director of agriculture shall administer and enforce those permits within this state that are issued for any discharge that is within the scope of the approved NPDES program

submitted by the director of agriculture. 91415

**Sec. 6111.046.** (A) Each person who is issued an injection 91416  
well operating permit or a renewal of an injection well operating 91417  
permit for a class I injection well shall pay an annual permit fee 91418  
of twelve thousand five hundred dollars, except that a person who 91419  
is issued such a permit or renewal of such a permit for a class I 91420  
injection well that disposes of any hazardous waste identified or 91421  
listed in rules adopted under section 3734.12 of the Revised Code 91422  
and that is located on the premises where the hazardous waste 91423  
injected into the well is generated shall pay an annual permit fee 91424  
of thirty thousand dollars. The appropriate permit fee shall be 91425  
paid to the director of environmental protection within thirty 91426  
days after the issuance of the injection well operating permit or 91427  
renewal of such a permit. Annually thereafter during the term of 91428  
the permit or renewal, the appropriate annual permit fee shall be 91429  
paid to the director on or before the anniversary of the date of 91430  
issuance of the injection well operating permit or renewal of such 91431  
a permit. The director, by rules adopted in accordance with 91432  
Chapter 119. of the Revised Code, shall prescribe the procedures 91433  
for collecting the annual permit fees established in this section 91434  
and may prescribe other requirements necessary to carry out this 91435  
section. 91436

No person shall fail to comply with this division. 91437

(B) All moneys received by the director under division (A) of 91438  
this section shall be credited to the underground injection 91439  
control fund, which is hereby created in the state treasury. 91440  
Beginning July 1, 1992, and annually thereafter, the director 91441  
shall request the office of budget and management to, and the 91442  
office shall, transfer fifteen per cent of the moneys in the fund 91443  
to the ~~injection well review~~ geological mapping fund created in 91444  
section ~~1501.022~~ 1505.09 of the Revised Code for the purpose of 91445

paying the expenses of the department of natural resources 91446  
incurred in executing its duties under sections 6111.043 to 91447  
6111.047 of the Revised Code. The director shall use the remainder 91448  
of the moneys credited to the underground injection control fund 91449  
solely to administer and enforce the requirements of sections 91450  
6111.043 to 6111.047 of the Revised Code and rules adopted under 91451  
them pertaining to class I injection wells. 91452

**Sec. 6111.14.** The director of environmental protection may 91453  
enter into an agreement with a political subdivision or 91454  
investor-owned public utility that owns or operates a disposal 91455  
system and that intends to extend the sewerage lines of its 91456  
disposal system or to increase the number of service connections 91457  
to its sewerage system, which agreement authorizes a qualified 91458  
official or employee of the political subdivision or 91459  
investor-owned public utility, as determined by the director, to 91460  
review plans for the extension of the sewerage system or increase 91461  
in the number of service connections for compliance with this 91462  
chapter and the rules adopted under it and to certify to the 91463  
director whether the plans comply with this chapter and the rules 91464  
adopted under it. If, pursuant to such an agreement, the official 91465  
or employee of the political subdivision or investor-owned public 91466  
utility designated in the agreement certifies to the director that 91467  
the plans comply with this chapter and the rules adopted under it 91468  
and if the plans and certification are accompanied by an 91469  
administrative service fee calculated in accordance with division 91470  
(L)~~(4)~~(2) of section 3745.11 of the Revised Code, the director, by 91471  
final action, shall approve the plans without further review. The 91472  
director or the director's authorized representative may inspect 91473  
the construction or installation of an extension of a sewerage 91474  
system or additional service connections for which plans have been 91475  
approved under this section. 91476

The approval of plans by the director pursuant to this 91477

section constitutes the approval of the plans for the purposes of 91478  
any rules adopted under division (E) of section 6111.03 of the 91479  
Revised Code that require the approval of plans for extensions of 91480  
sewerage systems or increases in the number of service connections 91481  
to sewerage systems. 91482

As used in this section, "investor-owned public utility" 91483  
means a person, other than an individual, that is a sewage 91484  
disposal system company, as defined in section 4905.03 of the 91485  
Revised Code, and that is not owned or operated by a municipal 91486  
corporation or operated not-for-profit. 91487

**Sec. 6111.30.** (A) Applications for a section 401 water 91488  
quality certification required under division ~~(P)~~(O) of section 91489  
6111.03 of the Revised Code shall be submitted on forms provided 91490  
by the director of environmental protection and shall include all 91491  
information required on those forms as well as all of the 91492  
following: 91493

(1) A copy of a letter from the United States army corps of 91494  
engineers documenting its jurisdiction over the wetlands, streams, 91495  
or other waters of the state that are the subject of the section 91496  
401 water quality certification application; 91497

(2) If the project involves impacts to a wetland, a wetland 91498  
characterization analysis consistent with the Ohio rapid 91499  
assessment method; 91500

(3) If the project involves a stream for which a specific 91501  
aquatic life use designation has not been made, data sufficient to 91502  
determine the existing aquatic life use; 91503

(4) A specific and detailed mitigation proposal, including 91504  
the location and proposed real estate instrument or other 91505  
available mechanism for protecting the property long term; 91506

(5) Applicable fees; 91507

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|---|---|
| (6) Site photographs;   | 91508   |
| (7) Adequate documentation confirming that the applicant has requested comments from the department of natural resources and the United States fish and wildlife service regarding threatened and endangered species, including the presence or absence of critical habitat;  | 91509<br>91510<br>91511<br>91512<br>91513   |
| (8) Descriptions, schematics, and appropriate economic information concerning the applicant's preferred alternative, nondegradation alternatives, and minimum degradation alternatives for the design and operation of the project;   | 91514<br>91515<br>91516<br>91517  |
| (9) The applicant's investigation report of the waters of the United States in support of a section 404 permit application concerning the project;  | 91518<br>91519<br>91520   |
| (10) A copy of the United States army corps of engineers' public notice regarding the section 404 permit application concerning the project.  | 91521<br>91522<br>91523   |
| (B) Not later than fifteen business days after the receipt of an application for a section 401 water quality certification, the director shall review the application to determine if it is complete and shall notify the applicant in writing as to whether the application is complete. If the director fails to notify the applicant within fifteen business days regarding the completeness of the application, the application is considered complete. If the director determines that the application is not complete, the director shall include with the written notification an itemized list of the information or materials that are necessary to complete the application. If the applicant fails to provide the information or materials within sixty days after the director's receipt of the application, the director may return the incomplete application to the applicant and take no further action on the application. If the application is returned to the applicant | 91524<br>91525<br>91526<br>91527<br>91528<br>91529<br>91530<br>91531<br>91532<br>91533<br>91534<br>91535<br>91536<br>91537<br>91538 |

because it is incomplete, the director shall return the review fee 91539  
levied under division (A)(1), (2), or (3) of section 3745.114 of 91540  
the Revised Code to the applicant, but shall retain the 91541  
application fee levied under that section. 91542

(C) Not later than twenty-one days after a determination that 91543  
an application is complete under division (B) of this section, the 91544  
applicant shall publish public notice of the director's receipt of 91545  
the complete application in a newspaper of general circulation in 91546  
the county in which the project that is the subject of the 91547  
application is located. The public notice shall be in a form 91548  
acceptable to the director. The applicant shall promptly provide 91549  
the director with proof of publication. The applicant may choose, 91550  
subject to review by and approval of the director, to include in 91551  
the public notice an advertisement for an antidegradation public 91552  
hearing on the application pursuant to section 6111.12 of the 91553  
Revised Code. There shall be a public comment period of thirty 91554  
days following the publication of the public notice. 91555

(D) If the director determines that there is significant 91556  
public interest in a public hearing as evidenced by the public 91557  
comments received concerning the application and by other requests 91558  
for a public hearing on the application, the director or the 91559  
director's representative shall conduct a public hearing 91560  
concerning the application. Notice of the public hearing shall be 91561  
published by the applicant, subject to review and approval by the 91562  
director, at least thirty days prior to the date of the hearing in 91563  
a newspaper of general circulation in the county in which the 91564  
project that is the subject of the application is to take place. 91565  
If a public hearing is requested concerning an application, the 91566  
director shall accept comments concerning the application until 91567  
five business days after the public hearing. A public hearing 91568  
conducted under this division shall take place not later than one 91569  
hundred days after the application is determined to be complete. 91570

(E) The director shall forward all public comments concerning 91571  
an application submitted under this section that are received 91572  
through the public involvement process required by rules adopted 91573  
under this chapter to the applicant not later than five business 91574  
days after receipt of the comments by the director. 91575

(F) The applicant shall respond in writing to written 91576  
comments or to deficiencies identified by the director during the 91577  
course of reviewing the application not later than fifteen days 91578  
after receiving or being notified of them. 91579

(G) The director shall issue or deny a section 401 water 91580  
quality certification not later than one hundred eighty days after 91581  
the complete application for the certification is received. The 91582  
director shall provide an applicant for a section 401 water 91583  
quality certification with an opportunity to review the 91584  
certification prior to its issuance. 91585

(H) The director shall maintain an accessible database that 91586  
includes environmentally beneficial water restoration and 91587  
protection projects that may serve as potential mitigation 91588  
projects for projects in the state for which a section 401 water 91589  
quality certification is required. A project's inclusion in the 91590  
database does not constitute an approval of the project. 91591

(I) Mitigation required by a section 401 water quality 91592  
certification may be accomplished by any of the following: 91593

(1) Purchasing credits at a mitigation bank approved in 91594  
accordance with 33 C.F.R. 332.8; 91595

(2) Participating in an in-lieu fee mitigation program 91596  
approved in accordance with 33 C.F.R. 332.8; 91597

(3) Constructing individual mitigation projects. 91598

Notwithstanding the mitigation hierarchy specified in section 91599  
3745-1-54 of the Administrative Code, mitigation projects shall be 91600

approved in accordance with the hierarchy specified in 33 C.F.R. 91601  
332.3 unless the director determines that the size or quality of 91602  
the impacted resource necessitates reasonably identifiable, 91603  
available, and practicable mitigation conducted by the applicant. 91604  
The director shall adopt rules in accordance with Chapter 119. of 91605  
the Revised Code consistent with the mitigation hierarchy 91606  
specified in 33 C.F.R. 332.3. 91607

(J) The director may establish a program and adopt rules in 91608  
accordance with Chapter 119. of the Revised Code for the purpose 91609  
of certifying water quality professionals to assess streams to 91610  
determine existing aquatic life use and to categorize wetlands in 91611  
support of applications for section 401 water quality 91612  
certification under divisions (A)(2) and (3) of this section and 91613  
isolated wetland permits under sections 6111.022 to 6111.024 of 91614  
the Revised Code. The director shall use information submitted by 91615  
certified water quality professionals in the review of those 91616  
applications. 91617

Rules adopted under this division shall do all of the 91618  
following: 91619

(1) Provide for the certification of water quality 91620  
professionals to conduct activities in support of applications for 91621  
section 401 water quality certification and isolated wetland 91622  
permits, including work necessary to determine existing aquatic 91623  
life use of streams and categorize wetlands. Rules adopted under 91624  
division (J)(1) of this section shall do at least all of the 91625  
following: 91626

(a) Authorize the director to require an applicant for water 91627  
quality professional certification to submit information 91628  
considered necessary by the director to assess a water quality 91629  
professional's experience in conducting stream assessments and 91630  
wetlands categorizations; 91631

(b) Authorize the director to establish experience requirements and to use tests to determine the competency of applicants for water quality professional certification;

(c) Authorize the director to approve applicants for water quality professional certification who comply with the requirements established in rules and deny applicants that do not comply with those requirements;

(d) Require the director to revoke the certification of a water quality professional if the director finds that the professional falsified any information on the professional's application for certification regarding the professional's credentials;

(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal.

(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J)(1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications;

(3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J)(7) of this section;

(4) Authorize the director to review documentation submitted by a certified water quality professional to ensure compliance with requirements established in rules adopted under division (J)(7) of this section;

(5) Require a certified water quality professional to submit any documentation developed in support of an application for a section 401 water quality certification or an isolated wetland permit upon the request of the director;

(6) Authorize random audits by the director of documentation developed or submitted by certified water quality professionals to ensure compliance with requirements established in rules adopted under division (J)(7) of this section;

(7) Establish technical standards to be used by certified water quality professionals in conducting stream assessments and wetlands categorizations.

(K) As used in this section and section 6111.31 of the Revised Code, "section 401 water quality certification" means certification pursuant to section 401 of the Federal Water Pollution Control Act and this chapter and rules adopted under it that any discharge, as set forth in section 401, will comply with sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

Sec. 6111.561. (A) The director of environmental protection shall establish the total maximum daily load (TMDL) for pollutants for each impaired water of the state or segment thereof identified and listed under section 1313(d) of the Federal Water Pollution Control Act. The director shall establish each TMDL pursuant to a priority ranking established by the director. Further, the director shall establish a TMDL only for pollutants that the administrator of the United States environmental protection agency has identified under section 1314(a)(2) of that act as suitable.

The director shall establish each TMDL at a level necessary to implement applicable water quality standards that accounts for seasonal variations, a margin of safety, and lack of knowledge concerning the relationship between effluent limitations and water

quality. 91694

(B) A TMDL submitted to and approved by the United States environmental protection agency prior to March 24, 2015, is valid and remains in full force and effect as approved, but may be revised in accordance with this section. 91695  
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91697  
91698

(C) The holder of a national pollutant discharge elimination system (NPDES) permit containing water quality based effluent limitations derived from a TMDL subject to division (B) of this section may appeal the lawfulness and reasonableness of those limitations by doing one of the following: 91699  
91700  
91701  
91702  
91703

(1) Filing an appeal with the environmental review appeals commission not later than thirty days after the first eligible NPDES permit renewal date subsequent to the effective date of this section; 91704  
91705  
91706  
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(2) Seeking a modification of the water quality based effluent limitations contained in the NPDES permit from the director. If the director denies the request for modification, the permit holder may appeal that denial to the environmental review appeals commission not later than thirty days after the denial. 91708  
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(D) The development, establishment, amendment, or modification of a TMDL after March 24, 2015, is not subject to Chapters 106., 119., or 121. of the Revised Code. 91713  
91714  
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(E) The director shall provide opportunities for interested parties to provide input during the development of a TMDL. The opportunities to provide input may include comment on and meeting with interested parties on any of the following aspects of the TMDL process: 91716  
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91718  
91719  
91720

(1) The project assessment plan development process, including the process for determining the cause and source of water quality impairments or threats; 91721  
91722  
91723

(2) The technical support document that identifies and analyzes water quality data and habitat assessments that will assist in determining TMDL target conditions; 91724  
91725  
91726

(3) The preliminary draft TMDL that shall include development of modeling, management choices, restoration targets, load allocations, waste load allocations, and associated TMDL-derived permit limits necessary to establish and select a TMDL restoration scenario; 91727  
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91729  
91730  
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(4) The proposed TMDL implementation plan, under which specific actions, schedules, and monitoring necessary to implement a TMDL are established. 91732  
91733  
91734

The proposed TMDL implementation plan also may include considerations of the cost and cost effectiveness of pollutant controls supplied by interested parties, sources of funding necessary to address pollutant load reductions, and the environmental benefit of incremental reductions in pollutant levels. 91735  
91736  
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(F) Before establishing a final TMDL under this section, the director shall prepare an official draft TMDL. The official draft TMDL shall include, at a minimum, all of the following: 91741  
91742  
91743

(1) An estimate of the total amount of each pollutant that causes the water quality impairment from all sources; 91744  
91745

(2) An estimate of the total amount of pollutants that may be added to the water of the state or segment thereof while still achieving and maintaining applicable water quality standards; 91746  
91747  
91748

(3) Draft allocations among point and nonpoint sources contributing to the impairment sufficient to meet applicable water quality standards. 91749  
91750  
91751

The official draft TMDL implementation plan also may include, as the director determines appropriate, interim water quality 91752  
91753

target values and principles of adaptive management necessary to 91754  
achieve applicable water quality standards. 91755

(G)(1) The director shall provide all of the following: 91756

(a) Public notice of the official draft TMDL; 91757

(b) An opportunity for comment on the draft TMDL; 91758

(c) An opportunity for a public hearing regarding the draft 91759  
TMDL if there is significant public interest, as determined by the 91760  
director. 91761

(2) The director shall specify both of the following in the 91762  
public notice: 91763

(a) The water of the state or segment thereof to which the 91764  
draft TMDL relates; 91765

(b) The time, date, and place of the hearing, if applicable. 91766

At a minimum, the director shall send the public notice to 91767  
all interested parties that participated in the public input 91768  
activities described in division (E) of this section. 91769

(3) After the opportunity for public comment expires, the 91770  
director shall prepare and make available a written responsiveness 91771  
summary of the comments. 91772

(H) After concluding the public comment process and 91773  
completion of the responsiveness summary under division (G) of 91774  
this section, the director may establish a final TMDL. The final 91775  
TMDL is appealable to the environmental review appeals commission 91776  
in accordance with division (B) of section 3745.04 of the Revised 91777  
Code. However, submission of the final TMDL to the United States 91778  
environmental protection agency under section 1313(d) of the 91779  
Federal Water Pollution Control Act is a ministerial act and is 91780  
not appealable under section 3745.04 of the Revised Code. Further, 91781  
such submission is not affected by any appeal of the establishment 91782  
of the final TMDL under this division. 91783

(I) The director may revise an established TMDL to accommodate new information. 91784  
91785

(J) Not later than December 31, 2018, the director shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following: 91786  
91787  
91788

(1) Allocate pollutant load between and among nonpoint sources and point sources in a TMDL report; 91789  
91790

(2) Establish procedures and requirements for developing and issuing a new TMDL; 91791  
91792

(3) Establish procedures and requirements for revising and updating a TMDL; 91793  
91794

(4) Establish procedures and requirements for validation of existing TMDLs following implementation and additional assessment. 91795  
91796

**Sec. 6301.01.** As used in this chapter: 91797

(A) "Local area" means ~~any of the following:~~ 91798

~~(1) A municipal corporation that is authorized to administer and enforce the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, under this chapter and is not joining in partnership with any other political subdivisions in order to do so;~~ 91799  
91800  
91801  
91802  
91803

~~(2) A single county;~~ 91804

~~(3) A consortium of any of the following political subdivisions:~~ 91805  
91806

~~(a) A group of two or more counties in the state;~~ 91807

~~(b) One or more counties and one municipal corporation in the state;~~ 91808  
91809

~~(c) One or more counties with or without one municipal corporation in the state and one or more counties with or without~~ 91810  
91811

~~one municipal corporation in another state, on the condition that those in another state share a labor market area with those in the state.~~

~~"Local area" does not mean a region for purposes of determinations concerning administrative incentives.~~

~~(B) "Municipal corporation" means a municipal corporation that is eligible for automatic or temporary designation as a local workforce investment area pursuant to section 116(a)(2) or (3) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2831(a)(2) or (3), but that does not request that the governor grant such automatic or temporary designation, and that instead elects to administer and enforce workforce development activities pursuant to this chapter.~~

~~(C) "County" means a county that is eligible to be designated as a local workforce investment area pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, but that does not request such designation, and instead elects to administer and enforce workforce development activities pursuant to this chapter.~~

~~(D) "Workforce development agency" means the entity given responsibility for workforce development activities that is designated by the board of county commissioners in accordance with section 330.04 of the Revised Code, the chief elected official of a municipal corporation in accordance with section 763.05 of the Revised Code, or the chief elected officials of a local area defined in division (A)(3) of this section a local workforce development area designated under section 106 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3121, pursuant to this chapter.~~

~~(E)(B) "Workforce development activity" means a program, grant, or other function, the primary goal of which is to do one~~

~~or more of the following:~~ 91843

~~(1) Help individuals maximize their employment opportunities;~~ 91844

~~(2) Help employers gain access to skilled workers;~~ 91845

~~(3) Help employers retain skilled workers;~~ 91846

~~(4) Help develop or enhance the skills of incumbent workers;~~ 91847

~~(5) Improve the quality of the state's workforce;~~ 91848

~~(6) Enhance the productivity and competitiveness of the~~ 91849  
~~state's economy~~ an activity carried out through a workforce 91850  
development system. 91851

~~(F)(C) "Chief elected official or officials," when used in~~ 91852  
~~reference to a local area, means the ~~board of county commissioners~~~~ 91853  
~~of the county or of each county in the local area or, if the~~ 91854  
~~county has adopted a charter under Section 3 of Article X, Ohio~~ 91855  
~~Constitution, the chief governing body of that county, and the~~ 91856  
~~chief elected official of the municipal corporation, if the local~~ 91857  
~~area includes a municipal corporation, except that when the local~~ 91858  
~~area is the type defined in division (A)(1) of this section,~~ 91859  
~~"chief elected officials" means the chief elected official of the~~ 91860  
~~municipal corporation~~ chief elected executive officer of a unit of 91861  
general local government in the local area or, in the case of a 91862  
local area that includes more than one unit of general local 91863  
government, the individual or individuals designated under an 91864  
agreement described in section 107 of the Workforce Innovation and 91865  
Opportunity Act, 29 U.S.C. 3122. 91866

~~(G)(D) "State board" means the governor's executive workforce~~ 91867  
~~board established by~~ required under section 101 of the Workforce 91868  
Innovation and Opportunity Act, 29 U.S.C. 3111, and established 91869  
pursuant to section 6301.04 of the Revised Code. 91870

~~(H)(E) "Local board" means a local workforce ~~investment~~~~ 91871  
development board established in each local area of the state and 91872

~~certified by the governor to set policy for the portion of the~~ 91873  
~~statewide workforce investment system within the local area and~~ 91874  
~~implement the "Workforce Investment Act of 1998," 112 Stat. 936,~~ 91875  
~~29 U.S.C. 2801~~ under section 107 of the Workforce Innovation and 91876  
Opportunity Act, 29 U.S.C. 3122. 91877

~~(F)~~ (F) "OhioMeansJobs web site" means the statewide 91878  
electronic system for labor exchange and job placement activity 91879  
operated by the state. 91880

(G) "OhioMeansJobs center" means a physical one-stop center 91881  
described in section 121(e)(2) of the Workforce Innovation and 91882  
Opportunity Act, 29 U.S.C. 3151(e)(2). 91883

(H) "OhioMeansJobs center operator" means an entity or a 91884  
consortium of entities designated or certified through a 91885  
competitive process to operate a one-stop center under section 91886  
121(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 91887  
3151(d). 91888

(I) "Planning region" means an area consisting of two or more 91889  
local areas that are collectively aligned to engage in the 91890  
regional planning process outlined in section 106(c)(1) of the 91891  
Workforce Innovation and Opportunity Act, 29 U.S.C. 3121(c)(1). 91892

(J) "Workforce Innovation and Opportunity Act" means the 91893  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 91894  
seq., or other citation as specifically provided. 91895

**Sec. 6301.02.** The director of job and family services shall 91896  
administer the Workforce Innovation and Opportunity Act, the 91897  
former "Workforce Investment Act of 1998," 112 Stat. 936, 29 91898  
U.S.C.A. 2801 Pub. L. No. 105-220, as amended, and the 91899  
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 91900  
amended, and the funds received pursuant to those acts. In 91901  
administering those acts and funds received pursuant to those 91902

acts, the director shall assist the state board in establishing 91903  
and administering a workforce development system that is designed 91904  
to provide leadership, support, and oversight to locally designed 91905  
workforce development systems. The director shall conduct 91906  
investigations and hold hearings as necessary for the 91907  
administration of this chapter. 91908

To the extent permitted by state and federal law, the 91909  
director may adopt rules pursuant to Chapter 119. of the Revised 91910  
Code to establish any program or pilot program for the purposes of 91911  
providing workforce development activities or ~~family services to~~ 91912  
~~individuals who do not meet eligibility criteria for those~~ 91913  
~~activities or services~~ under applicable federal law. Prior to the 91914  
initiation of any program of that nature, the director of budget 91915  
and management shall certify to the governor that sufficient funds 91916  
are available to administer a program of that nature. The director 91917  
of job and family services shall advise the state board ~~shall have~~ 91918  
~~final approval~~ of any such program. 91919

Unless otherwise prohibited by state or federal law, every 91920  
state agency, board, or commission shall provide to the state 91921  
board and the director all information and assistance requested by 91922  
the state board and the director in furtherance of workforce 91923  
development activities. 91924

**Sec. 6301.03.** (A) In administering the Workforce Innovation 91925  
and Opportunity Act, the former "Workforce Investment Act of 91926  
1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as 91927  
amended, and the "Wagner-Peyser Act," 48 Stat. 113 (1933), 29 91928  
U.S.C.A. 49, as amended, the funds received pursuant to those 91929  
acts, and the workforce development system, the director of job 91930  
and family services may, ~~at the direction of~~ in consultation with 91931  
the state board, make allocations and payment of funds for the 91932  
local administration of the workforce development activities 91933

established under this chapter. 91934

(B) The director shall allocate to local areas all funds 91935  
required to be allocated to local areas pursuant to the Workforce 91936  
Innovation and Opportunity Act, and the former "Workforce 91937  
Investment Act of 1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. 91938  
No. 105-220, as amended. The director shall make allocations only 91939  
with funds available. Local areas, as defined by either section 91940  
101 of the former "Workforce Investment Act of 1998," 112 Stat. 91941  
936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as amended, or section 91942  
6301.01 of the Revised Code, and subrecipients of a local area 91943  
shall establish a workforce development fund and the entity 91944  
receiving funds shall deposit all funds received under this 91945  
section into the workforce development fund. All expenditures for 91946  
activities funded under this section shall be made from the 91947  
workforce development fund, including reimbursements to a county 91948  
public assistance fund for expenditures made for activities funded 91949  
under this section. 91950

(C) The use of funds, reporting requirements, and other 91951  
administrative and operational requirements governing the use of 91952  
funds received by the director pursuant to this section shall be 91953  
governed by internal management rules adopted by ~~and approved by~~ 91954  
the ~~state board~~ director pursuant to section 111.15 of the Revised 91955  
Code. 91956

(1) A local area described in division (B) of this section 91957  
shall use the OhioMeansJobs web site as the labor exchange and job 91958  
placement system for the area. 91959

(2) No additional federal or state workforce funds shall be 91960  
used to build or maintain any labor exchange and job placement 91961  
system that is duplicative to the OhioMeansJobs web site. 91962

(D) To the extent permitted by state or federal law, the 91963  
director, and local areas, ~~counties, and municipal corporations~~ 91964

authorized to administer workforce development activities may 91965  
assess a fee for specialized services requested by an employer. 91966  
The director shall adopt rules pursuant to Chapter 119. of the 91967  
Revised Code governing the nature and amount of those types of 91968  
fees. 91969

**Sec. 6301.04.** (A) The governor shall establish a state board 91970  
and. The state board shall consist of the following members: 91971

(1) The governor; 91972

(2) Two members of the house of representatives, appointed by 91973  
the speaker of the house of representatives; 91974

(3) Two members of the senate, appointed by the president of 91975  
the senate; 91976

(4) Members required under section 101(b)(1)(C) of the 91977  
Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1)(C); 91978

(5) Any additional members appointed by the governor. 91979

(B) The governor shall appoint members to the board, who 91980  
serve at the governor's pleasure, to perform duties under the 91981  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 91982  
~~2801, as amended~~ Workforce Innovation and Opportunity Act, as 91983  
authorized by the governor. ~~The~~ 91984

(C) The board is not subject to sections 101.82 to 101.87 of 91985  
the Revised Code. ~~All~~ 91986

(D) All state agencies engaged in workforce development 91987  
activities shall assist the board in the performance of its 91988  
duties. 91989

(E) The board shall have the power and authority to do all of 91990  
the following: 91991

~~(A) Provide oversight and policy direction to ensure that the~~ 91992  
~~state workforce development activities are aligned and serving the~~ 91993

|  |       |
|--|-------|
| <del>needs of the state's employers, incumbent workers, and job</del>        | 91994 |
| <del>seekers;</del>  | 91995 |
| <del>(B) Adopt rules necessary to administer state workforce</del>           | 91996 |
| <del>development activities;</del>   | 91997 |
| <del>(C) Adopt rules necessary for the auditing and monitoring of</del>      | 91998 |
| <del>subrecipients of the workforce development system grant funds;</del>    | 91999 |
| <del>(D) Designate local workforce investment areas in accordance</del>      | 92000 |
| <del>with 29 U.S.C. 2831;</del>  | 92001 |
| <del>(E) Develop a unified budget for all state and federal</del>            | 92002 |
| <del>workforce funds;</del>  | 92003 |
| <del>(F) Establish a statewide employment and data collection</del>          | 92004 |
| <del>system;</del>   | 92005 |
| <del>(G) Develop statewide performance measures for workforce</del>          | 92006 |
| <del>development and investment;</del>                                       | 92007 |
| <del>(H)(1) Develop a, implement, and modify the state workforce</del>       | 92008 |
| <del>development plan;</del>   | 92009 |
| <del>(I) Prepare the annual report to the United States secretary</del>      | 92010 |
| <del>of labor, pursuant to section 136(d) of the "Workforce Investment</del> | 92011 |
| <del>Act of 1998," 112 Stat. 936, 29 U.S.C. 2871, as amended;</del>          | 92012 |
| <del>(J) Carry out any additional functions, duties, or</del>                | 92013 |
| <del>responsibilities assigned to the board by the governor (2) Review</del> | 92014 |
| <del>statewide workforce policies and programs and recommendations on</del>  | 92015 |
| <del>actions to be taken by the state to align workforce development</del>   | 92016 |
| <del>programs to support a comprehensive and streamlined workforce</del>     | 92017 |
| <del>development system;</del>   | 92018 |
| <del>(3) Recommend measures for the development and continuous</del>         | 92019 |
| <del>improvement of the workforce development system in the state,</del>     | 92020 |
| <del>including updating comprehensive state performance accountability</del> | 92021 |
| <del>measures, also known as workforce success measures;</del>               | 92022 |
| <del>(4) Continue to identify and disseminate information on</del>           | 92023 |

promising practices in the area of workforce development; 92024

(5) Perform other related work that is required of the board 92025  
by the Workforce Innovation and Opportunity Act or requested by 92026  
the governor. 92027

**Sec. 6301.05.** The chief elected official of a local area 92028  
shall enter into a written grant agreement with the director of 92029  
job and family services in accordance with section 5101.20 of the 92030  
Revised Code. 92031

A grant agreement entered into pursuant to this section shall 92032  
include the responsibility of ~~municipal corporations and the board~~ 92033  
~~of county commissioners~~ the chief elected official or officials to 92034  
be accountable to the department of job and family services for 92035  
the use of funds provided through the "~~Workforce Investment Act of~~ 92036  
~~1998," 112 Stat. 936, 29 U.S.C. 2801, as amended~~ Workforce 92037  
Innovation and Opportunity Act, including regulations issued by 92038  
the United States department of labor pursuant to that act. 92039

**Sec. 6301.06.** (A) The chief elected official or officials of 92040  
a local area shall create a local board, ~~which shall consist of~~ 92041  
~~the following individuals:~~ 92042

~~(1) The chief elected official from the municipal corporation~~ 92043  
~~with the largest population in the local area, except that if the~~ 92044  
~~municipal corporation is a local area as defined in division~~ 92045  
~~(A)(1) of section 6301.01 of the Revised Code, the chief elected~~ 92046  
~~official of that municipal corporation may determine whether to be~~ 92047  
~~a member of the board. Notwithstanding division (B) of section~~ 92048  
~~6301.01 of the Revised Code, as used in division (A)(1) of this~~ 92049  
~~section, "municipal corporation" means any municipal corporation.~~ 92050

~~(2) The following individuals appointed to the board by the~~ 92051  
~~chief elected officials of the local area, who shall make those~~ 92052  
~~appointments according to all of the following specifications:~~ 92053

~~(a) At least five members of the board shall be 92054  
representatives of private sector businesses in the general labor 92055  
market area that includes that local area, and shall be appointed 92056  
from among individuals nominated by local business organizations 92057  
and business trade associations. Among these members, at least one 92058  
shall represent small businesses, at least one shall represent 92059  
medium sized businesses, and at least one shall represent large 92060  
businesses. When determining what constitutes small, medium sized, 92061  
and large businesses for purposes of this division, the chief 92062  
elected officials of the local area shall define those sizes as 92063  
those sizes are generally understood within the labor market area 92064  
that includes that local area. A majority of the members of the 92065  
board shall be representatives of private sector businesses. 92066~~

~~(b) At least two members of the board shall represent 92067  
organized labor and shall be appointed from nominations submitted 92068  
by local federations of labor representing workers employed in the 92069  
local area. 92070~~

~~(c) At least two members of the board shall be 92071  
representatives of local educational entities. For purposes of 92072  
this division, "local educational entities" includes local 92073  
educational agencies, school district boards of education, 92074  
entities providing educational and literacy activities, and 92075  
post secondary educational institutions. 92076~~

~~(d) At least one member of the board shall be a 92077  
representative of consumers of workforce development activities. 92078~~

~~(e) Any other individuals the chief elected officials of the 92079  
local area determine are necessary to carry out the functions 92080  
described in section 107(d) of the Workforce Innovation and 92081  
Opportunity Act, 29 U.S.C. 3122(d). The chief elected official or 92082  
officials shall appoint members of the local board in accordance 92083  
with the requirements of section 107(b)(2) of the Workforce 92084  
Innovation and Opportunity Act, 29 U.S.C. 3122(b)(2). 92085~~

(B) Members of the local board serve at the pleasure of the chief elected official or officials of the local area. Members shall not be compensated but may be reimbursed for actual, reasonable, and necessary expenses incurred in the performance of their duties as board members. Those expenses shall be paid from funds allocated pursuant to section 6301.03 of the Revised Code.

The chief elected official or officials of a local area may provide office space, staff, or other administrative support as needed to the board. For purposes of section 102.02 of the Revised Code, members of the board are not public officials or employees.

~~(C) The chief elected official or officials of a local area other than a local area as defined in division (A)(1) of section 6301.01 of the Revised Code, shall coordinate the workforce development activities of the county family services planning committees and the local boards in the local area in any manner that is efficient and effective to meet the needs of the local area. The chief elected officials of the local area may, but are not required to, consolidate all boards and committees as they determine appropriate into a single board for purposes of workforce development activities. A majority of the members of that consolidated board shall represent private sector businesses. The membership of that consolidated board shall include a representative from each group granted representation as described in division (A) of this section and also a member who represents consumers of family services and a member who represents the county department of job and family services. The membership of that consolidated board may include a representative of one or more groups and entities that may be represented on a county family services planning committee, as specified in section 329.06 of the Revised Code shall adopt a process for appointing members to the local board for the local area.~~

(D) The chief elected official or officials of a local area

may contract with the local board. The parties shall specify in 92118  
the contract the workforce development activities that the local 92119  
board is to administer and shall establish in the contract 92120  
standards, including performance standards, for the local board's 92121  
operation. The contract may include any other provisions that the 92122  
chief elected official or officials consider necessary. 92123

(E) The chief elected official or officials may contract with 92124  
any government or private entity to enhance the administration of 92125  
local workforce development activities for which the local board 92126  
is responsible. The entity with which the chief elected official 92127  
or officials contract is not required to be located in the local 92128  
area in which the chief elected official or officials serve as 92129  
chief elected executive officer. 92130

(F)(1) As used in this division, "public library" means a 92131  
library that is open to the public and that is one of the 92132  
following: 92133

(a) A library that is maintained and regulated under section 92134  
715.13 of the Revised Code; 92135

(b) A library that is created, maintained, and regulated 92136  
under Chapter 3375. of the Revised Code; 92137

(c) A library that is created and maintained by a public or 92138  
private school, college, university, or other educational 92139  
institution; 92140

(d) A library that is created and maintained by a historical 92141  
or charitable organization, institution, association, or society. 92142

(2) Not later than September 1, 2018, and every two years 92143  
thereafter, an OhioMeansJobs center operator shall enter into a 92144  
memorandum of understanding with one or more public libraries to 92145  
facilitate collaboration and coordination of workforce programs 92146  
and education and job training resources. 92147

**Sec. 6301.061.** A board of county commissioners may appoint an advisory committee on workforce development. A committee appointed under this section may do both of the following:

(A) Work to further cooperation between the county and other workforce development and economic development related entities including the state, local area ~~one-step~~ workforce development systems, and private businesses;

(B) Advise the board and other interested parties on ways to maintain and improve the workforce development system of the local area in which the county is a part.

**Sec. 6301.07.** (A) For purposes of this section, "performance character" means the career-essential relational attributes that build trust with others, including respect, honesty, integrity, task-excellence, responsibility, and resilience.

(B) Every local board, ~~under the direction and approval of the state board and with the agreement of~~ in partnership with the chief elected official or officials of the local area, ~~and after holding public hearings that allow public comment and testimony,~~ shall ~~prepare a workforce development~~ develop and submit to the governor a comprehensive four-year local plan. The local plan shall accomplish support the strategy described in the state plan and shall contain descriptions of the activities of the local board as outlined in section 108 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3123, including all of the following:

(1) ~~Identify the workforce investment needs of businesses in the local area, identify projected employment opportunities, and identify the job skills and performance character necessary to obtain and succeed in those opportunities;~~ Identification of strategic planning elements, including all of the following:

(a) The strategic vision of the local board;

- (b) Goals for preparing an educated and skilled workforce; 92178
- (c) The knowledge and skills, including performance 92179  
character, needed to meet the employment needs of employers in the 92180  
planning region, including in-demand industry sectors and 92181  
occupations. 92182
- (2) Identify A description of the workforce development 92183  
system in the local area and how the local board, working with 92184  
education programs and the entities that carry out core programs, 92185  
will coordinate activities to expand access to employment, 92186  
training, education, and supportive services to eligible 92187  
individuals with barriers to employment to improve service 92188  
delivery and to avoid duplication; 92189
- (3) A determination of the local area's workforce development 92190  
needs for youth, dislocated workers, adults, displaced homemakers, 92191  
incumbent workers, and any other group of workers identified by 92192  
the local board adult and dislocated worker employment training 92193  
activities, including the type and availability of activities 92194  
needed; 92195
- ~~(3) Determine the distribution of workforce development~~ 92196  
~~resources and funding to be distributed for each workforce~~ 92197  
~~development activity to meet the identified needs, utilizing the~~ 92198  
~~funds allocated pursuant to the "Workforce Investment Act of~~ 92199  
~~1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended;~~ 92200
- (4) Give priority to An assessment of the type and 92201  
availability of youth workforce development activities carried out 92202  
in the local area, including activities for youth with 92203  
disabilities and youth receiving independent living services 92204  
pursuant to sections 2151.81 to 2151.84 of the Revised Code when 92205  
determining distribution of workforce development resources and 92206  
workforce development activity funding; 92207
- (5) Review the minimum curriculum required by the state board 92208

~~for certifying training providers and identify any additional curriculum requirements to include in contracts between the training providers and the chief elected officials of the local area;~~ 92209  
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~~(6) Establish performance standards for service providers that reflect local workforce development needs;~~ 92213  
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~~(7) Describe A description of any other information the chief elected official or officials of the local area require;~~ 92215  
92216

~~(6) A description of any other information the governor requires.~~ 92217  
92218

~~(C)(1) The local boards of the local areas within a planning region and the chief elected officials of those local areas shall prepare, submit to, and obtain approval from the state for a single regional plan that includes a description of the activities described in section 106(c)(1) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3121(c)(1), and that incorporates local plans described in division (B) of this section for each local area in that region.~~ 92219  
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~~(2) The state shall identify regions within the state, and designate each region it identifies as one of the following types:~~ 92227  
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~~(a) A region consisting of one local area;~~ 92229

~~(b) A planning region;~~ 92230

~~(c) An interstate planning region that is contained within two or more states and consists of labor market areas, economic development areas, or other appropriate contiguous subareas of those states.~~ 92231  
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~~(D) Before the date on which a local board submits a regional or local plan for approval, the local board shall make copies of the proposed plan available to the public through electronic and other means and allow members of the public to submit comments on~~ 92235  
92236  
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the proposed plan to the local board. For purposes of this 92239  
division, public hearings and presentation to local news media are 92240  
examples of other means by which a local board may make a proposed 92241  
plan available. 92242

(E) A local board may provide policy guidance and 92243  
recommendations to the chief elected official or officials of a 92244  
local area for any workforce development activities. 92245

~~(D) Nothing in this section prohibits the chief elected~~ 92246  
~~officials of a local area from assigning, through a partnership~~ 92247  
~~agreement, any duties in addition to the duties under this section~~ 92248  
~~to a local board, except that a local board cannot contract with~~ 92249  
~~itself for the direct provision of services in its local area. A~~ 92250  
~~local board may consult with the chief elected officials of its~~ 92251  
~~local area and make recommendations regarding the workforce~~ 92252  
~~development activities provided in its local area at any time.~~ 92253

**Sec. 6301.08.** Every local area shall ~~participate in a~~ 92254  
~~one-stop~~ establish and administer a local workforce development 92255  
system for workforce development activities. ~~Each board of county~~ 92256  
~~commissioners and the~~ The chief elected official or officials of a 92257  
~~municipal corporation~~ local area shall ensure that at least one 92258  
~~delivery method~~ comprehensive OhioMeansJobs center is available in 92259  
the local area, ~~either through a physical location, or.~~ An 92260  
OhioMeansJobs center may be supported by electronic means approved 92261  
by the ~~state board,~~ director of job and family services for the 92262  
provision of workforce development activities. 92263

~~Within six months after the effective date of this amendment,~~ 92264  
~~every local area described in division (B) of section 6301.03 of~~ 92265  
~~the Revised Code~~ Every OhioMeansJobs center shall ~~name its~~ 92266  
~~one-stop system as~~ be named "OhioMeansJobs (name of county)" 92267  
County." 92268

~~A one-stop system may~~ Every OhioMeansJobs center shall be 92269

operated by a ~~private entity or a public agency, including a~~ 92270  
~~workforce development agency, any existing facility or~~ 92271  
~~organization that is established to administer workforce~~ 92272  
~~development activities in the local area, and a county family~~ 92273  
~~services agency~~ an OhioMeansJobs center operator. 92274

~~A one stop~~ The local workforce development system shall 92275  
include representatives of all the partners required under the 92276  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 92277  
~~2801, as amended. In addition, a one stop system shall include at~~ 92278  
~~least one representative from a county department of job and~~ 92279  
~~family services~~ Workforce Innovation and Opportunity Act. 92280

**Sec. 6301.09.** The provision under division (g) of section ~~111~~ 92281  
~~of the "Workforce Investment Act of 1998," 112 Stat. 936, 29~~ 92282  
~~U.S.C.A. 2801, as amended~~ 101 of the Workforce Innovation and 92283  
Opportunity Act, 29 U.S.C. 3111, applies to the state board 92284  
~~created under section 6301.04 of the Revised Code~~ this chapter. 92285  
The provision under division (e) of section ~~117 of the "Workforce~~ 92286  
~~Investment Act of 1998"~~ 107 of the Workforce Innovation and 92287  
Opportunity Act, 29 U.S.C. 3122 applies to the local boards 92288  
established pursuant to ~~section 6301.06 of the Revised Code~~ this 92289  
chapter. 92290

**Sec. 6301.11.** As used in this section, "public or private 92291  
institution" has the same meaning as in section 3333.93 of the 92292  
Revised Code. 92293

The state board, in connection with the department of job and 92294  
family services and public or private institutions, shall develop 92295  
a methodology for identifying jobs that are in demand by employers 92296  
operating in this state. The methodology for identifying in-demand 92297  
jobs shall include an analysis of jobs that are in demand in each 92298  
region of the state. The director of job and family services shall 92299

determine the regions. 92300

The department and the public or private institutions, in 92301  
consultation with the state board, shall use the methodology to 92302  
create a list of such in-demand jobs in the state and a list of 92303  
such in-demand jobs in each region of the state. The department 92304  
shall publish the lists on the web site of the department. The 92305  
department and public or private institutions shall periodically 92306  
update the lists to reflect evolving workforce demands in this 92307  
state and its regions. 92308

Local boards, ~~workforce development agencies,~~ and other 92309  
providers of workforce training shall use the lists of in-demand 92310  
jobs to cultivate and prioritize workforce development activities 92311  
that correspond to the employment needs of employers operating in 92312  
this state and in each of its regions and to assist individuals in 92313  
maximizing their employment opportunities. 92314

Sec. 6301.111. The governor's office of workforce 92315  
transformation, in conjunction with the department of job and 92316  
family services, shall conduct an electronic survey of employers 92317  
in this state to identify jobs that are in demand by those 92318  
employers. The office, in conjunction with the department, shall 92319  
use the survey results to update the list of in-demand jobs 92320  
required under section 6301.11 of the Revised Code, 92321  
notwithstanding the requirement in that section that the 92322  
department and public or private institutions, as defined in that 92323  
section, periodically update that list. The office shall complete 92324  
the initial survey and make the update required under this section 92325  
not later than December 31, 2018. The office shall complete a 92326  
subsequent survey and update not later than the last day of 92327  
December every two years thereafter. 92328

Sec. 6301.112. (A) The governor's office of workforce 92329

transformation, in collaboration with the departments of higher education and job and family services, shall create and publish on the OhioMeansJobs web site a workforce supply tool that uses real-time demand and supply data. The office shall provide all of the following through the tool: 92330  
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(1) Businesses with historical information on graduates from high demand fields; 92335  
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(2) Businesses with projections on future graduates; 92337

(3) The number of skilled workers available for work in occupations included in the list of in-demand jobs created under section 6301.11 of the Revised Code. 92338  
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(B) Not later than January 1, 2018, the governor's office of workforce transformation, in collaboration with the departments of higher education and job and family services, shall include in the workforce supply tool created under division (A) of this section all in-demand jobs included in the list of in-demand jobs created under section 6301.11 of the Revised Code. 92341  
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(C) Not later than December 31, 2018, the governor's office of workforce transformation, in collaboration with the departments of higher education and education shall establish design teams. The design teams shall do both of the following: 92347  
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(1) Identify emerging skill needs based on predictive analytics and analysis of the data from the workforce supply tool created under division (A) of this section; 92351  
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(2) Periodically recommend innovations for responding to emerging in-demand jobs and skills. 92354  
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**Sec. 6301.12.** (A) The office of workforce development within the department of job and family services shall comprehensively review the direct and indirect economic impact of businesses 92356  
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engaged in the production of horizontal wells in this state and, 92359  
based on its findings, prepare an annual Ohio workforce report. 92360  
The office shall prepare the report by the thirtieth day of July 92361  
of each year. The report shall include at least all of the 92362  
following with respect to the industry: 92363

(1) The total number of jobs created or retained during the 92364  
previous year; 92365

(2) The total number of Ohio-based contractors that employ 92366  
skilled construction trades; 92367

(3) The number of employees who are residents of this state; 92368

(4) The total economic impact; 92369

(5) A review of the state's regional workforce development 92370  
plans required by the ~~"Workforce Investment Act of 1998," 112~~ 92371  
~~Stat. 936, 29 U.S.C.A. 2801, as amended,~~ Workforce Innovation and 92372  
Opportunity Act that outline workforce development efforts 92373  
including goals and benchmarks toward maximizing job training, 92374  
education, and job creation opportunities in the state. 92375

(B) Upon the completion of the office's annual Ohio workforce 92376  
report, the office shall provide an electronic copy of the report 92377  
to the president and minority leader of the senate and the speaker 92378  
and minority leader of the house of representatives and post it on 92379  
the office's internet web site. 92380

**Sec. 6301.18.** (A) ~~Beginning January 1, 2016, each~~ Each 92381  
participant in an adult training or education program funded under 92382  
the ~~"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101,~~ 92383  
shall create an account with the OhioMeansJobs web site at the 92384  
time of enrollment in the program. 92385

(B) Division (A) of this section does not apply to any 92386  
individual who is legally prohibited from using a computer, has a 92387

physical or visual impairment that makes the individual unable to 92388  
use a computer, or has a limited ability to read, write, speak, or 92389  
understand a language in which the OhioMeansJobs web site is 92390  
available. 92391

Sec. 6301.20. Not later than September 30, 2017, the 92392  
governor's office of workforce transformation, in consultation 92393  
with the departments of job and family services, higher education, 92394  
and aging and the opportunities for Ohioans with disabilities 92395  
agency, shall develop and maintain a uniform electronic 92396  
application for adult training programs funded under the 92397  
"Workforce Innovation and Opportunity Act," 128 Stat. 1425, 29 92398  
U.S.C. 3101 et seq., as amended. The application shall be 92399  
available for use not later than July 1, 2018. 92400

Sec. 6301.21. (A) Not later than December 31, 2017, the 92401  
governor's office of workforce transformation, the department of 92402  
education, and the chancellor of higher education, in consultation 92403  
with business and economic development stakeholder groups, shall 92404  
develop a regional workforce collaboration model. The model shall 92405  
provide guidance on how the JobsOhio regional network, local 92406  
chambers of commerce, economic development organizations, 92407  
business, business associations, secondary and post-secondary 92408  
education organizations, and Ohio college tech prep regional 92409  
centers, that are jointly managed by the department of education 92410  
and the chancellor, shall collaborate to form a partnership that 92411  
provides career services to students. 92412

Career services to students may include, but are not limited 92413  
to, job shadowing, internships, co-ops, apprenticeships, career 92414  
exploration activities, and problem-based curriculum developed in 92415  
alignment with in-demand jobs. 92416

(B) The governor's office of workforce transformation shall 92417

oversee the creation of regional workforce collaboration 92418  
partnerships based on the model created under division (A) of this 92419  
section. The partnerships shall be located in each of the six 92420  
different regions of the state, as determined by JobsOhio. 92421

(C) As used in this section, "JobsOhio" has the same meaning 92422  
as in section 187.01 of the Revised Code. 92423

**Section 101.02.** That existing sections 101.38, 102.02, 92424  
102.022, 102.03, 105.41, 107.031, 107.35, 109.572, 109.5721, 92425  
113.061, 119.06, 120.08, 120.33, 120.36, 121.22, 122.071, 122.08, 92426  
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4755.43, 4755.431, 4755.44, 4755.441, 4755.45, 4755.451, 4755.46, 92535  
4755.47, 4755.471, 4755.482, 4755.51, 4755.511, 4755.52, 4755.53, 92536  
4755.61, 4755.62, 4755.63, 4755.64, 4755.65, 4755.66, 4755.70, 92537  
4755.71, 4755.99, 4757.10, 4757.101, 4757.13, 4757.15, 4757.16, 92538  
4757.17, 4757.18, 4757.19, 4757.22, 4757.23, 4757.27, 4757.28, 92539  
4757.29, 4757.30, 4757.301, 4757.31, 4757.32, 4757.321, 4757.33, 92540  
4757.34, 4757.36, 4757.361, 4757.37, 4757.38, 4757.39, 4757.40, 92541  
4757.41, 4757.44, 4757.45, 4758.20, 4758.21, 4758.22, 4758.221, 92542  
4758.24, 4758.241, 4758.25, 4758.26, 4758.27, 4758.28, 4758.29, 92543  
4758.30, 4758.31, 4758.32, 4758.35, 4758.36, 4758.47, 4758.51, 92544  
4758.52, 4758.72, 4759.02, 4759.05, 4759.06, 4759.061, 4759.07, 92545

4759.08, 4759.09, 4759.10, 4759.11, 4759.12, 4761.03, 4761.031, 92546  
4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 4761.08, 4761.09, 92547  
4761.10, 4761.11, 4761.12, 4761.13, 4761.14, 4761.18, 4765.01, 92548  
4776.01, 4776.02, 4776.04, 4779.02, 4779.08, 4779.09, 4779.091, 92549  
4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.17, 4779.18, 92550  
4779.20, 4779.23, 4779.24, 4779.25, 4779.26, 4779.27, 4779.30, 92551  
4779.32, 4779.33, 4779.34, 4781.04, 4781.06, 4781.07, 4781.08, 92552  
4781.09, 4781.10, 4781.11, 4781.12, 4781.121, 4781.14, 4781.17, 92553  
4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.25, 92554  
4781.26, 4781.27, 4781.28, 4781.29, 4781.31, 4781.32, 4781.33, 92555  
4781.34, 4781.35, 4781.37, 4781.38, 4781.39, 4781.45, 4783.03, 92556  
4783.04, 4783.05, 4783.09, 4783.10, 4783.11, 4783.12, 4783.13, 92557  
4905.02, 4906.01, 4906.10, 4906.13, 4921.01, 4921.19, 4921.21, 92558  
4923.02, 4923.99, 4927.13, 4928.02, 5101.09, 5101.16, 5101.17, 92559  
5101.18, 5101.181, 5101.184, 5101.20, 5101.201, 5101.214, 5101.23, 92560  
5101.241, 5101.26, 5101.27, 5101.28, 5101.32, 5101.33, 5101.35, 92561  
5101.36, 5101.61, 5101.802, 5107.05, 5107.10, 5108.01, 5117.10, 92562  
5119.01, 5119.22, 5119.221, 5119.27, 5119.34, 5119.41, 5119.94, 92563  
5120.22, 5120.55, 5122.01, 5122.32, 5123.01, 5123.377, 5123.378, 92564  
5123.38, 5123.46, 5123.47, 5123.60, 5124.01, 5124.101, 5124.15, 92565  
5124.151, 5124.155, 5124.17, 5124.19, 5124.191, 5124.21, 5124.25, 92566  
5124.30, 5124.38, 5124.39, 5149.311, 5160.01, 5160.052, 5160.37, 92567  
5160.40, 5160.401, 5162.12, 5162.40, 5162.41, 5162.52, 5162.64, 92568  
5162.66, 5164.01, 5164.31, 5164.34, 5164.341, 5164.342, 5164.37, 92569  
5164.70, 5164.752, 5164.753, 5164.7510, 5164.90, 5165.1010, 92570  
5165.152, 5165.157, 5165.192, 5166.01, 5166.16, 5166.30, 5166.40, 92571  
5166.408, 5167.20, 5167.30, 5168.01, 5168.02, 5168.06, 5168.07, 92572  
5168.09, 5168.10, 5168.11, 5168.14, 5168.26, 5168.99, 5502.13, 92573  
5575.02, 5575.03, 5577.081, 5701.11, 5703.052, 5703.053, 5703.19, 92574  
5703.21, 5703.26, 5703.50, 5703.57, 5703.70, 5703.75, 5703.90, 92575  
5705.01, 5709.17, 5709.212, 5709.64, 5709.68, 5709.92, 5715.20, 92576  
5715.27, 5715.39, 5725.33, 5727.26, 5727.28, 5727.31, 5727.311, 92577

5727.38, 5727.42, 5727.47, 5727.48, 5727.53, 5727.60, 5731.46, 92578  
5731.49, 5735.02, 5736.06, 5739.01, 5739.02, 5739.025, 5739.033, 92579  
5739.10, 5739.132, 5739.30, 5741.02, 5743.01, 5743.02, 5743.025, 92580  
5743.03, 5743.05, 5743.081, 5743.14, 5743.15, 5743.20, 5743.32, 92581  
5743.41, 5743.44, 5743.51, 5743.52, 5743.53, 5743.54, 5743.55, 92582  
5743.59, 5743.60, 5743.61, 5743.62, 5743.63, 5747.02, 5747.025, 92583  
5747.056, 5747.113, 5747.122, 5747.50, 5747.501, 5747.502, 92584  
5747.51, 5747.98, 5749.01, 5749.02, 5749.03, 5749.04, 5749.06, 92585  
5749.07, 5749.08, 5749.10, 5749.11, 5749.12, 5749.13, 5749.14, 92586  
5749.15, 5749.17, 5751.01, 5751.02, 5901.06, 5901.07, 5902.02, 92587  
5903.11, 5919.34, 6111.03, 6111.036, 6111.04, 6111.046, 6111.14, 92588  
6111.30, 6301.01, 6301.02, 6301.03, 6301.04, 6301.05, 6301.06, 92589  
6301.061, 6301.07, 6301.08, 6301.09, 6301.11, 6301.12, and 6301.18 92590  
of the Revised Code are hereby repealed. 92591

**Section 105.01.** That sections 123.27, 126.211, 152.01, 92592  
152.02, 152.04, 152.05, 152.06, 152.07, 152.09, 152.091, 152.10, 92593  
152.11, 152.12, 152.13, 152.14, 152.15, 152.16, 152.17, 152.18, 92594  
152.19, 152.21, 152.22, 152.23, 152.24, 152.241, 152.242, 152.26, 92595  
152.27, 152.28, 152.31, 152.32, 152.33, 173.53, 330.01, 330.02, 92596  
330.04, 330.05, 330.07, 340.091, 718.06, 759.24, 763.02, 763.05, 92597  
901.90, 921.60, 921.61, 921.62, 921.63, 921.64, 921.65, 1181.16, 92598  
1181.17, 1181.18, 1501.022, 1506.24, 1509.50, 1513.181, 3313.82, 92599  
3317.018, 3317.019, 3317.026, 3317.027, 3318.19, 3318.30, 3318.31, 92600  
3319.229, 3333.13, 3704.144, 3706.26, 3719.02, 3719.021, 3719.03, 92601  
3719.031, 3727.33, 3727.331, 3727.34, 3727.35, 3727.36, 3727.37, 92602  
3727.38, 3727.39, 3727.391, 3727.40, 3727.41, 3734.821, 3742.43, 92603  
3742.44, 3742.45, 3742.46, 3742.47, 3742.48, 4561.30, 4709.04, 92604  
4709.06, 4709.26, 4709.27, 4725.03, 4725.04, 4725.05, 4725.06, 92605  
4725.07, 4725.08, 4725.42, 4725.43, 4725.45, 4725.46, 4725.47, 92606  
4729.14, 4731.08, 4731.09, 4731.11, 4731.12, 4731.13, 4731.141, 92607  
4731.29, 4732.02, 4732.021, 4732.03, 4732.05, 4732.06, 4732.07, 92608

4732.08, 4747.03, 4753.03, 4753.04, 4755.01, 4757.03, 4757.04, 92609  
4757.05, 4757.06, 4757.07, 4757.11, 4758.10, 4758.11, 4758.12, 92610  
4758.13, 4758.15, 4758.16, 4758.17, 4758.18, 4758.23, 4759.03, 92611  
4759.04, 4761.02, 4779.05, 4779.06, 4779.07, 4779.16, 4779.21, 92612  
4779.22, 4781.02, 4781.03, 4781.05, 4781.13, 4781.54, 4781.55, 92613  
4921.15, 4921.16, 5115.01, 5115.02, 5115.03, 5115.04, 5115.05, 92614  
5115.06, 5115.07, 5115.20, 5115.22, 5115.23, 5124.28, 5162.54, 92615  
5162.80, 5166.13, 5739.18, 5747.29, 6111.033, and 6111.40 of the 92616  
Revised Code are hereby repealed. 92617

**Section 120.10.** That sections 109.572, 121.22, 3701.83, 92618  
4713.10, 4713.56, 4731.07, 4731.224, and 4776.01 of the Revised 92619  
Code be amended to read as follows: 92620

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 92621  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 92622  
a completed form prescribed pursuant to division (C)(1) of this 92623  
section, and a set of fingerprint impressions obtained in the 92624  
manner described in division (C)(2) of this section, the 92625  
superintendent of the bureau of criminal identification and 92626  
investigation shall conduct a criminal records check in the manner 92627  
described in division (B) of this section to determine whether any 92628  
information exists that indicates that the person who is the 92629  
subject of the request previously has been convicted of or pleaded 92630  
guilty to any of the following: 92631

(a) A violation of section 2903.01, 2903.02, 2903.03, 92632  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 92633  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 92634  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 92635  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 92636  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 92637  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 92638

2925.06, or 3716.11 of the Revised Code, felonious sexual 92639  
penetration in violation of former section 2907.12 of the Revised 92640  
Code, a violation of section 2905.04 of the Revised Code as it 92641  
existed prior to July 1, 1996, a violation of section 2919.23 of 92642  
the Revised Code that would have been a violation of section 92643  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 92644  
had the violation been committed prior to that date, or a 92645  
violation of section 2925.11 of the Revised Code that is not a 92646  
minor drug possession offense; 92647

(b) A violation of an existing or former law of this state, 92648  
any other state, or the United States that is substantially 92649  
equivalent to any of the offenses listed in division (A)(1)(a) of 92650  
this section; 92651

(c) If the request is made pursuant to section 3319.39 of the 92652  
Revised Code for an applicant who is a teacher, any offense 92653  
specified in section 3319.31 of the Revised Code. 92654

(2) On receipt of a request pursuant to section 3712.09 or 92655  
3721.121 of the Revised Code, a completed form prescribed pursuant 92656  
to division (C)(1) of this section, and a set of fingerprint 92657  
impressions obtained in the manner described in division (C)(2) of 92658  
this section, the superintendent of the bureau of criminal 92659  
identification and investigation shall conduct a criminal records 92660  
check with respect to any person who has applied for employment in 92661  
a position for which a criminal records check is required by those 92662  
sections. The superintendent shall conduct the criminal records 92663  
check in the manner described in division (B) of this section to 92664  
determine whether any information exists that indicates that the 92665  
person who is the subject of the request previously has been 92666  
convicted of or pleaded guilty to any of the following: 92667

(a) A violation of section 2903.01, 2903.02, 2903.03, 92668  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 92669  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 92670

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 92671  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 92672  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 92673  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 92674  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 92675  
2925.22, 2925.23, or 3716.11 of the Revised Code; 92676

(b) An existing or former law of this state, any other state, 92677  
or the United States that is substantially equivalent to any of 92678  
the offenses listed in division (A)(2)(a) of this section. 92679

(3) On receipt of a request pursuant to section 173.27, 92680  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 92681  
or 5123.169 of the Revised Code, a completed form prescribed 92682  
pursuant to division (C)(1) of this section, and a set of 92683  
fingerprint impressions obtained in the manner described in 92684  
division (C)(2) of this section, the superintendent of the bureau 92685  
of criminal identification and investigation shall conduct a 92686  
criminal records check of the person for whom the request is made. 92687  
The superintendent shall conduct the criminal records check in the 92688  
manner described in division (B) of this section to determine 92689  
whether any information exists that indicates that the person who 92690  
is the subject of the request previously has been convicted of, 92691  
has pleaded guilty to, or (except in the case of a request 92692  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 92693  
Code) has been found eligible for intervention in lieu of 92694  
conviction for any of the following, regardless of the date of the 92695  
conviction, the date of entry of the guilty plea, or (except in 92696  
the case of a request pursuant to section 5164.34, 5164.341, or 92697  
5164.342 of the Revised Code) the date the person was found 92698  
eligible for intervention in lieu of conviction: 92699

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 92700  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 92701  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 92702

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| 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02,     | 92703 |
| 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,     | 92704 |
| 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32,     | 92705 |
| 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04,  | 92706 |
| 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12,     | 92707 |
| 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21,     | 92708 |
| 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,     | 92709 |
| 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,    | 92710 |
| 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,   | 92711 |
| 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,     | 92712 |
| 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,    | 92713 |
| 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,  | 92714 |
| 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,    | 92715 |
| 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,    | 92716 |
| 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,    | 92717 |
| 2927.12, or 3716.11 of the Revised Code;                           | 92718 |
| (b) Felonious sexual penetration in violation of former            | 92719 |
| section 2907.12 of the Revised Code;                               | 92720 |
| (c) A violation of section 2905.04 of the Revised Code as it       | 92721 |
| existed prior to July 1, 1996;                                     | 92722 |
| (d) A violation of section 2923.01, 2923.02, or 2923.03 of         | 92723 |
| the Revised Code when the underlying offense that is the object of | 92724 |
| the conspiracy, attempt, or complicity is one of the offenses      | 92725 |
| listed in divisions (A)(3)(a) to (c) of this section;              | 92726 |
| (e) A violation of an existing or former municipal ordinance       | 92727 |
| or law of this state, any other state, or the United States that   | 92728 |
| is substantially equivalent to any of the offenses listed in       | 92729 |
| divisions (A)(3)(a) to (d) of this section.                        | 92730 |
| (4) On receipt of a request pursuant to section 2151.86 of         | 92731 |
| the Revised Code, a completed form prescribed pursuant to division | 92732 |
| (C)(1) of this section, and a set of fingerprint impressions       | 92733 |

obtained in the manner described in division (C)(2) of this 92734  
section, the superintendent of the bureau of criminal 92735  
identification and investigation shall conduct a criminal records 92736  
check in the manner described in division (B) of this section to 92737  
determine whether any information exists that indicates that the 92738  
person who is the subject of the request previously has been 92739  
convicted of or pleaded guilty to any of the following: 92740

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 92741  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 92742  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 92743  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 92744  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 92745  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 92746  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 92747  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 92748  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 92749  
of the Revised Code, a violation of section 2905.04 of the Revised 92750  
Code as it existed prior to July 1, 1996, a violation of section 92751  
2919.23 of the Revised Code that would have been a violation of 92752  
section 2905.04 of the Revised Code as it existed prior to July 1, 92753  
1996, had the violation been committed prior to that date, a 92754  
violation of section 2925.11 of the Revised Code that is not a 92755  
minor drug possession offense, two or more OVI or OVUAC violations 92756  
committed within the three years immediately preceding the 92757  
submission of the application or petition that is the basis of the 92758  
request, or felonious sexual penetration in violation of former 92759  
section 2907.12 of the Revised Code; 92760

(b) A violation of an existing or former law of this state, 92761  
any other state, or the United States that is substantially 92762  
equivalent to any of the offenses listed in division (A)(4)(a) of 92763  
this section. 92764

(5) Upon receipt of a request pursuant to section 5104.013 of 92765

the Revised Code, a completed form prescribed pursuant to division 92766  
(C)(1) of this section, and a set of fingerprint impressions 92767  
obtained in the manner described in division (C)(2) of this 92768  
section, the superintendent of the bureau of criminal 92769  
identification and investigation shall conduct a criminal records 92770  
check in the manner described in division (B) of this section to 92771  
determine whether any information exists that indicates that the 92772  
person who is the subject of the request has been convicted of or 92773  
pleaded guilty to any of the following: 92774

(a) A violation of section 2151.421, 2903.01, 2903.02, 92775  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 92776  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 92777  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 92778  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 92779  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 92780  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 92781  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 92782  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 92783  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 92784  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 92785  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 92786  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 92787  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 92788  
Revised Code, felonious sexual penetration in violation of former 92789  
section 2907.12 of the Revised Code, a violation of section 92790  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 92791  
violation of section 2919.23 of the Revised Code that would have 92792  
been a violation of section 2905.04 of the Revised Code as it 92793  
existed prior to July 1, 1996, had the violation been committed 92794  
prior to that date, a violation of section 2925.11 of the Revised 92795  
Code that is not a minor drug possession offense, a violation of 92796  
section 2923.02 or 2923.03 of the Revised Code that relates to a 92797  
crime specified in this division, or a second violation of section 92798

4511.19 of the Revised Code within five years of the date of application for licensure or certification. 92799  
92800

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A)(5)(a) of this section. 92801  
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(6) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 92805  
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense; 92815  
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(b) A violation of an existing or former law of this state, 92831  
any other state, or the United States that is substantially 92832  
equivalent to any of the offenses listed in division (A)(6)(a) of 92833  
this section. 92834

(7) On receipt of a request for a criminal records check from 92835  
an individual pursuant to section 4749.03 or 4749.06 of the 92836  
Revised Code, accompanied by a completed copy of the form 92837  
prescribed in division (C)(1) of this section and a set of 92838  
fingerprint impressions obtained in a manner described in division 92839  
(C)(2) of this section, the superintendent of the bureau of 92840  
criminal identification and investigation shall conduct a criminal 92841  
records check in the manner described in division (B) of this 92842  
section to determine whether any information exists indicating 92843  
that the person who is the subject of the request has been 92844  
convicted of or pleaded guilty to a felony in this state or in any 92845  
other state. If the individual indicates that a firearm will be 92846  
carried in the course of business, the superintendent shall 92847  
require information from the federal bureau of investigation as 92848  
described in division (B)(2) of this section. Subject to division 92849  
(F) of this section, the superintendent shall report the findings 92850  
of the criminal records check and any information the federal 92851  
bureau of investigation provides to the director of public safety. 92852

(8) On receipt of a request pursuant to section 1321.37, 92853  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 92854  
Code, a completed form prescribed pursuant to division (C)(1) of 92855  
this section, and a set of fingerprint impressions obtained in the 92856  
manner described in division (C)(2) of this section, the 92857  
superintendent of the bureau of criminal identification and 92858  
investigation shall conduct a criminal records check with respect 92859  
to any person who has applied for a license, permit, or 92860  
certification from the department of commerce or a division in the 92861  
department. The superintendent shall conduct the criminal records 92862

check in the manner described in division (B) of this section to 92863  
determine whether any information exists that indicates that the 92864  
person who is the subject of the request previously has been 92865  
convicted of or pleaded guilty to any of the following: a 92866  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 92867  
2925.03 of the Revised Code; any other criminal offense involving 92868  
theft, receiving stolen property, embezzlement, forgery, fraud, 92869  
passing bad checks, money laundering, or drug trafficking, or any 92870  
criminal offense involving money or securities, as set forth in 92871  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 92872  
the Revised Code; or any existing or former law of this state, any 92873  
other state, or the United States that is substantially equivalent 92874  
to those offenses. 92875

(9) On receipt of a request for a criminal records check from 92876  
the treasurer of state under section 113.041 of the Revised Code 92877  
or from an individual under section 4701.08, 4715.101, 4717.061, 92878  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 92879  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 92880  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 92881  
4753.061, 4755.70, 4757.101, 4758.242, 4759.061, 4760.032, 92882  
4760.06, 4761.051, 4762.031, 4762.06, 4776.021, 4779.091, or 92883  
4783.04 of the Revised Code, accompanied by a completed form 92884  
prescribed under division (C)(1) of this section and a set of 92885  
fingerprint impressions obtained in the manner described in 92886  
division (C)(2) of this section, the superintendent of the bureau 92887  
of criminal identification and investigation shall conduct a 92888  
criminal records check in the manner described in division (B) of 92889  
this section to determine whether any information exists that 92890  
indicates that the person who is the subject of the request has 92891  
been convicted of or pleaded guilty to any criminal offense in 92892  
this state or any other state. Subject to division (F) of this 92893  
section, the superintendent shall send the results of a check 92894  
requested under section 113.041 of the Revised Code to the 92895

treasurer of state and shall send the results of a check requested 92896  
under any of the other listed sections to the licensing board 92897  
specified by the individual in the request. 92898

(10) On receipt of a request pursuant to section 1121.23, 92899  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 92900  
Code, a completed form prescribed pursuant to division (C)(1) of 92901  
this section, and a set of fingerprint impressions obtained in the 92902  
manner described in division (C)(2) of this section, the 92903  
superintendent of the bureau of criminal identification and 92904  
investigation shall conduct a criminal records check in the manner 92905  
described in division (B) of this section to determine whether any 92906  
information exists that indicates that the person who is the 92907  
subject of the request previously has been convicted of or pleaded 92908  
guilty to any criminal offense under any existing or former law of 92909  
this state, any other state, or the United States. 92910

(11) On receipt of a request for a criminal records check 92911  
from an appointing or licensing authority under section 3772.07 of 92912  
the Revised Code, a completed form prescribed under division 92913  
(C)(1) of this section, and a set of fingerprint impressions 92914  
obtained in the manner prescribed in division (C)(2) of this 92915  
section, the superintendent of the bureau of criminal 92916  
identification and investigation shall conduct a criminal records 92917  
check in the manner described in division (B) of this section to 92918  
determine whether any information exists that indicates that the 92919  
person who is the subject of the request previously has been 92920  
convicted of or pleaded guilty or no contest to any offense under 92921  
any existing or former law of this state, any other state, or the 92922  
United States that is a disqualifying offense as defined in 92923  
section 3772.07 of the Revised Code or substantially equivalent to 92924  
such an offense. 92925

(12) On receipt of a request pursuant to section 2151.33 or 92926  
2151.412 of the Revised Code, a completed form prescribed pursuant 92927

to division (C)(1) of this section, and a set of fingerprint 92928  
impressions obtained in the manner described in division (C)(2) of 92929  
this section, the superintendent of the bureau of criminal 92930  
identification and investigation shall conduct a criminal records 92931  
check with respect to any person for whom a criminal records check 92932  
is required under that section. The superintendent shall conduct 92933  
the criminal records check in the manner described in division (B) 92934  
of this section to determine whether any information exists that 92935  
indicates that the person who is the subject of the request 92936  
previously has been convicted of or pleaded guilty to any of the 92937  
following: 92938

(a) A violation of section 2903.01, 2903.02, 2903.03, 92939  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 92940  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 92941  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 92942  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 92943  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 92944  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 92945  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 92946  
2925.22, 2925.23, or 3716.11 of the Revised Code; 92947

(b) An existing or former law of this state, any other state, 92948  
or the United States that is substantially equivalent to any of 92949  
the offenses listed in division (A)(12)(a) of this section. 92950

(13) On receipt of a request pursuant to section 3796.12 of 92951  
the Revised Code, a completed form prescribed pursuant to division 92952  
(C)(1) of this section, and a set of fingerprint impressions 92953  
obtained in a manner described in division (C)(2) of this section, 92954  
the superintendent of the bureau of criminal identification and 92955  
investigation shall conduct a criminal records check in the manner 92956  
described in division (B) of this section to determine whether any 92957  
information exists that indicates that the person who is the 92958  
subject of the request previously has been convicted of or pleaded 92959

guilty to the following: 92960

(a) A disqualifying offense as specified in rules adopted 92961  
under division (B)(2)(b) of section 3796.03 of the Revised Code if 92962  
the person who is the subject of the request is an administrator 92963  
or other person responsible for the daily operation of, or an 92964  
owner or prospective owner, officer or prospective officer, or 92965  
board member or prospective board member of, an entity seeking a 92966  
license from the department of commerce under Chapter 3796. of the 92967  
Revised Code; 92968

(b) A disqualifying offense as specified in rules adopted 92969  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 92970  
the person who is the subject of the request is an administrator 92971  
or other person responsible for the daily operation of, or an 92972  
owner or prospective owner, officer or prospective officer, or 92973  
board member or prospective board member of, an entity seeking a 92974  
license from the state board of pharmacy under Chapter 3796. of 92975  
the Revised Code. 92976

(14) On receipt of a request required by section 3796.13 of 92977  
the Revised Code, a completed form prescribed pursuant to division 92978  
(C)(1) of this section, and a set of fingerprint impressions 92979  
obtained in a manner described in division (C)(2) of this section, 92980  
the superintendent of the bureau of criminal identification and 92981  
investigation shall conduct a criminal records check in the manner 92982  
described in division (B) of this section to determine whether any 92983  
information exists that indicates that the person who is the 92984  
subject of the request previously has been convicted of or pleaded 92985  
guilty to the following: 92986

(a) A disqualifying offense as specified in rules adopted 92987  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 92988  
the person who is the subject of the request is seeking employment 92989  
with an entity licensed by the department of commerce under 92990  
Chapter 3796. of the Revised Code; 92991

(b) A disqualifying offense as specified in rules adopted 92992  
under division (B)(14)(a) of section 3796.04 of the Revised Code 92993  
if the person who is the subject of the request is seeking 92994  
employment with an entity licensed by the state board of pharmacy 92995  
under Chapter 3796. of the Revised Code. 92996

(B) Subject to division (F) of this section, the 92997  
superintendent shall conduct any criminal records check to be 92998  
conducted under this section as follows: 92999

(1) The superintendent shall review or cause to be reviewed 93000  
any relevant information gathered and compiled by the bureau under 93001  
division (A) of section 109.57 of the Revised Code that relates to 93002  
the person who is the subject of the criminal records check, 93003  
including, if the criminal records check was requested under 93004  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 93005  
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 93006  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 93007  
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 93008  
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 93009  
5123.169, or 5153.111 of the Revised Code, any relevant 93010  
information contained in records that have been sealed under 93011  
section 2953.32 of the Revised Code; 93012

(2) If the request received by the superintendent asks for 93013  
information from the federal bureau of investigation, the 93014  
superintendent shall request from the federal bureau of 93015  
investigation any information it has with respect to the person 93016  
who is the subject of the criminal records check, including 93017  
fingerprint-based checks of national crime information databases 93018  
as described in 42 U.S.C. 671 if the request is made pursuant to 93019  
section 2151.86 or 5104.013 of the Revised Code or if any other 93020  
Revised Code section requires fingerprint-based checks of that 93021  
nature, and shall review or cause to be reviewed any information 93022  
the superintendent receives from that bureau. If a request under 93023

section 3319.39 of the Revised Code asks only for information from 93024  
the federal bureau of investigation, the superintendent shall not 93025  
conduct the review prescribed by division (B)(1) of this section. 93026

(3) The superintendent or the superintendent's designee may 93027  
request criminal history records from other states or the federal 93028  
government pursuant to the national crime prevention and privacy 93029  
compact set forth in section 109.571 of the Revised Code. 93030

(4) The superintendent shall include in the results of the 93031  
criminal records check a list or description of the offenses 93032  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 93033  
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 93034  
whichever division requires the superintendent to conduct the 93035  
criminal records check. The superintendent shall exclude from the 93036  
results any information the dissemination of which is prohibited 93037  
by federal law. 93038

(5) The superintendent shall send the results of the criminal 93039  
records check to the person to whom it is to be sent not later 93040  
than the following number of days after the date the 93041  
superintendent receives the request for the criminal records 93042  
check, the completed form prescribed under division (C)(1) of this 93043  
section, and the set of fingerprint impressions obtained in the 93044  
manner described in division (C)(2) of this section: 93045

(a) If the superintendent is required by division (A) of this 93046  
section (other than division (A)(3) of this section) to conduct 93047  
the criminal records check, thirty; 93048

(b) If the superintendent is required by division (A)(3) of 93049  
this section to conduct the criminal records check, sixty. 93050

(C)(1) The superintendent shall prescribe a form to obtain 93051  
the information necessary to conduct a criminal records check from 93052  
any person for whom a criminal records check is to be conducted 93053  
under this section. The form that the superintendent prescribes 93054

pursuant to this division may be in a tangible format, in an 93055  
electronic format, or in both tangible and electronic formats. 93056

(2) The superintendent shall prescribe standard impression 93057  
sheets to obtain the fingerprint impressions of any person for 93058  
whom a criminal records check is to be conducted under this 93059  
section. Any person for whom a records check is to be conducted 93060  
under this section shall obtain the fingerprint impressions at a 93061  
county sheriff's office, municipal police department, or any other 93062  
entity with the ability to make fingerprint impressions on the 93063  
standard impression sheets prescribed by the superintendent. The 93064  
office, department, or entity may charge the person a reasonable 93065  
fee for making the impressions. The standard impression sheets the 93066  
superintendent prescribes pursuant to this division may be in a 93067  
tangible format, in an electronic format, or in both tangible and 93068  
electronic formats. 93069

(3) Subject to division (D) of this section, the 93070  
superintendent shall prescribe and charge a reasonable fee for 93071  
providing a criminal records check under this section. The person 93072  
requesting the criminal records check shall pay the fee prescribed 93073  
pursuant to this division. In the case of a request under section 93074  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 93075  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 93076  
the manner specified in that section. 93077

(4) The superintendent of the bureau of criminal 93078  
identification and investigation may prescribe methods of 93079  
forwarding fingerprint impressions and information necessary to 93080  
conduct a criminal records check, which methods shall include, but 93081  
not be limited to, an electronic method. 93082

(D) The results of a criminal records check conducted under 93083  
this section, other than a criminal records check specified in 93084  
division (A)(7) of this section, are valid for the person who is 93085  
the subject of the criminal records check for a period of one year 93086

from the date upon which the superintendent completes the criminal 93087  
records check. If during that period the superintendent receives 93088  
another request for a criminal records check to be conducted under 93089  
this section for that person, the superintendent shall provide the 93090  
results from the previous criminal records check of the person at 93091  
a lower fee than the fee prescribed for the initial criminal 93092  
records check. 93093

(E) When the superintendent receives a request for 93094  
information from a registered private provider, the superintendent 93095  
shall proceed as if the request was received from a school 93096  
district board of education under section 3319.39 of the Revised 93097  
Code. The superintendent shall apply division (A)(1)(c) of this 93098  
section to any such request for an applicant who is a teacher. 93099

(F)(1) Subject to division (F)(2) of this section, all 93100  
information regarding the results of a criminal records check 93101  
conducted under this section that the superintendent reports or 93102  
sends under division (A)(7) or (9) of this section to the director 93103  
of public safety, the treasurer of state, or the person, board, or 93104  
entity that made the request for the criminal records check shall 93105  
relate to the conviction of the subject person, or the subject 93106  
person's plea of guilty to, a criminal offense. 93107

(2) Division (F)(1) of this section does not limit, restrict, 93108  
or preclude the superintendent's release of information that 93109  
relates to the arrest of a person who is eighteen years of age or 93110  
older, to an adjudication of a child as a delinquent child, or to 93111  
a criminal conviction of a person under eighteen years of age in 93112  
circumstances in which a release of that nature is authorized 93113  
under division (E)(2), (3), or (4) of section 109.57 of the 93114  
Revised Code pursuant to a rule adopted under division (E)(1) of 93115  
that section. 93116

(G) As used in this section: 93117

(1) "Criminal records check" means any criminal records check 93118  
conducted by the superintendent of the bureau of criminal 93119  
identification and investigation in accordance with division (B) 93120  
of this section. 93121

(2) "Minor drug possession offense" has the same meaning as 93122  
in section 2925.01 of the Revised Code. 93123

(3) "OVI or OVUAC violation" means a violation of section 93124  
4511.19 of the Revised Code or a violation of an existing or 93125  
former law of this state, any other state, or the United States 93126  
that is substantially equivalent to section 4511.19 of the Revised 93127  
Code. 93128

(4) "Registered private provider" means a nonpublic school or 93129  
entity registered with the superintendent of public instruction 93130  
under section 3310.41 of the Revised Code to participate in the 93131  
autism scholarship program or section 3310.58 of the Revised Code 93132  
to participate in the Jon Peterson special needs scholarship 93133  
program. 93134

**Sec. 121.22.** (A) This section shall be liberally construed to 93135  
require public officials to take official action and to conduct 93136  
all deliberations upon official business only in open meetings 93137  
unless the subject matter is specifically excepted by law. 93138

(B) As used in this section: 93139

(1) "Public body" means any of the following: 93140

(a) Any board, commission, committee, council, or similar 93141  
decision-making body of a state agency, institution, or authority, 93142  
and any legislative authority or board, commission, committee, 93143  
council, agency, authority, or similar decision-making body of any 93144  
county, township, municipal corporation, school district, or other 93145  
political subdivision or local public institution; 93146

(b) Any committee or subcommittee of a body described in 93147

division (B)(1)(a) of this section; 93148

(c) A court of jurisdiction of a sanitary district organized 93149  
wholly for the purpose of providing a water supply for domestic, 93150  
municipal, and public use when meeting for the purpose of the 93151  
appointment, removal, or reappointment of a member of the board of 93152  
directors of such a district pursuant to section 6115.10 of the 93153  
Revised Code, if applicable, or for any other matter related to 93154  
such a district other than litigation involving the district. As 93155  
used in division (B)(1)(c) of this section, "court of 93156  
jurisdiction" has the same meaning as "court" in section 6115.01 93157  
of the Revised Code. 93158

(2) "Meeting" means any prearranged discussion of the public 93159  
business of the public body by a majority of its members. 93160

(3) "Regulated individual" means either of the following: 93161

(a) A student in a state or local public educational 93162  
institution; 93163

(b) A person who is, voluntarily or involuntarily, an inmate, 93164  
patient, or resident of a state or local institution because of 93165  
criminal behavior, mental illness, an intellectual disability, 93166  
disease, disability, age, or other condition requiring custodial 93167  
care. 93168

(4) "Public office" has the same meaning as in section 93169  
149.011 of the Revised Code. 93170

(C) All meetings of any public body are declared to be public 93171  
meetings open to the public at all times. A member of a public 93172  
body shall be present in person at a meeting open to the public to 93173  
be considered present or to vote at the meeting and for purposes 93174  
of determining whether a quorum is present at the meeting. 93175

The minutes of a regular or special meeting of any public 93176  
body shall be promptly prepared, filed, and maintained and shall 93177

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| be open to public inspection. The minutes need only reflect the    | 93178 |
| general subject matter of discussions in executive sessions        | 93179 |
| authorized under division (G) or (J) of this section.              | 93180 |
| (D) This section does not apply to any of the following:           | 93181 |
| (1) A grand jury;  | 93182 |
| (2) An audit conference conducted by the auditor of state or       | 93183 |
| independent certified public accountants with officials of the     | 93184 |
| public office that is the subject of the audit;                    | 93185 |
| (3) The adult parole authority when its hearings are               | 93186 |
| conducted at a correctional institution for the sole purpose of    | 93187 |
| interviewing inmates to determine parole or pardon;                | 93188 |
| (4) The organized crime investigations commission established      | 93189 |
| under section 177.01 of the Revised Code;                          | 93190 |
| (5) Meetings of a child fatality review board established          | 93191 |
| under section 307.621 of the Revised Code, meetings related to a   | 93192 |
| review conducted pursuant to guidelines established by the         | 93193 |
| director of health under section 3701.70 of the Revised Code, and  | 93194 |
| meetings conducted pursuant to sections 5153.171 to 5153.173 of    | 93195 |
| the Revised Code;  | 93196 |
| (6) The state medical board when determining whether to            | 93197 |
| suspend a certificate without a prior hearing pursuant to division | 93198 |
| (G) of either section 4730.25 or 4731.22 of the Revised Code;      | 93199 |
| (7) The board of nursing when determining whether to suspend       | 93200 |
| a license or certificate without a prior hearing pursuant to       | 93201 |
| division (B) of section 4723.281 of the Revised Code;              | 93202 |
| (8) The state board of pharmacy when determining whether to        | 93203 |
| suspend a license without a prior hearing pursuant to division (D) | 93204 |
| of section 4729.16 of the Revised Code;                            | 93205 |
| (9) The state chiropractic board when determining whether to       | 93206 |
| suspend a license without a hearing pursuant to section 4734.37 of | 93207 |

the Revised Code; 93208

(10) The executive committee of the emergency response 93209  
commission when determining whether to issue an enforcement order 93210  
or request that a civil action, civil penalty action, or criminal 93211  
action be brought to enforce Chapter 3750. of the Revised Code; 93212

(11) The board of directors of the nonprofit corporation 93213  
formed under section 187.01 of the Revised Code or any committee 93214  
thereof, and the board of directors of any subsidiary of that 93215  
corporation or a committee thereof; 93216

(12) An audit conference conducted by the audit staff of the 93217  
department of job and family services with officials of the public 93218  
office that is the subject of that audit under section 5101.37 of 93219  
the Revised Code; 93220

(13) The ~~occupational therapy section of the occupational~~ 93221  
~~therapy, physical therapy, and athletic trainers~~ state physical 93222  
health services board when determining whether to suspend a 93223  
license or limited permit without a hearing pursuant to division 93224  
(D) of section 4755.11, division (E) of section 4755.47, or 93225  
division (D) of section 4755.64 of the Revised Code; 93226

~~(14) The physical therapy section of the occupational~~ 93227  
~~therapy, physical therapy, and athletic trainers board when~~ 93228  
~~determining whether to suspend a license without a hearing~~ 93229  
~~pursuant to division (E) of section 4755.47 of the Revised Code;~~ 93230

~~(15) The athletic trainers section of the occupational~~ 93231  
~~therapy, physical therapy, and athletic trainers board when~~ 93232  
~~determining whether to suspend a license without a hearing~~ 93233  
~~pursuant to division (D) of section 4755.64 of the Revised Code.~~ 93234

(E) The controlling board, the tax credit authority, or the 93235  
minority development financing advisory board, when meeting to 93236  
consider granting assistance pursuant to Chapter 122. or 166. of 93237  
the Revised Code, in order to protect the interest of the 93238

applicant or the possible investment of public funds, by unanimous 93239  
vote of all board or authority members present, may close the 93240  
meeting during consideration of the following information 93241  
confidentially received by the authority or board from the 93242  
applicant: 93243

(1) Marketing plans; 93244

(2) Specific business strategy; 93245

(3) Production techniques and trade secrets; 93246

(4) Financial projections; 93247

(5) Personal financial statements of the applicant or members 93248  
of the applicant's immediate family, including, but not limited 93249  
to, tax records or other similar information not open to public 93250  
inspection. 93251

The vote by the authority or board to accept or reject the 93252  
application, as well as all proceedings of the authority or board 93253  
not subject to this division, shall be open to the public and 93254  
governed by this section. 93255

(F) Every public body, by rule, shall establish a reasonable 93256  
method whereby any person may determine the time and place of all 93257  
regularly scheduled meetings and the time, place, and purpose of 93258  
all special meetings. A public body shall not hold a special 93259  
meeting unless it gives at least twenty-four hours' advance notice 93260  
to the news media that have requested notification, except in the 93261  
event of an emergency requiring immediate official action. In the 93262  
event of an emergency, the member or members calling the meeting 93263  
shall notify the news media that have requested notification 93264  
immediately of the time, place, and purpose of the meeting. 93265

The rule shall provide that any person, upon request and 93266  
payment of a reasonable fee, may obtain reasonable advance 93267  
notification of all meetings at which any specific type of public 93268

business is to be discussed. Provisions for advance notification 93269  
may include, but are not limited to, mailing the agenda of 93270  
meetings to all subscribers on a mailing list or mailing notices 93271  
in self-addressed, stamped envelopes provided by the person. 93272

(G) Except as provided in divisions (G)(8) and (J) of this 93273  
section, the members of a public body may hold an executive 93274  
session only after a majority of a quorum of the public body 93275  
determines, by a roll call vote, to hold an executive session and 93276  
only at a regular or special meeting for the sole purpose of the 93277  
consideration of any of the following matters: 93278

(1) To consider the appointment, employment, dismissal, 93279  
discipline, promotion, demotion, or compensation of a public 93280  
employee or official, or the investigation of charges or 93281  
complaints against a public employee, official, licensee, or 93282  
regulated individual, unless the public employee, official, 93283  
licensee, or regulated individual requests a public hearing. 93284  
Except as otherwise provided by law, no public body shall hold an 93285  
executive session for the discipline of an elected official for 93286  
conduct related to the performance of the elected official's 93287  
official duties or for the elected official's removal from office. 93288  
If a public body holds an executive session pursuant to division 93289  
(G)(1) of this section, the motion and vote to hold that executive 93290  
session shall state which one or more of the approved purposes 93291  
listed in division (G)(1) of this section are the purposes for 93292  
which the executive session is to be held, but need not include 93293  
the name of any person to be considered at the meeting. 93294

(2) To consider the purchase of property for public purposes, 93295  
the sale of property at competitive bidding, or the sale or other 93296  
disposition of unneeded, obsolete, or unfit-for-use property in 93297  
accordance with section 505.10 of the Revised Code, if premature 93298  
disclosure of information would give an unfair competitive or 93299  
bargaining advantage to a person whose personal, private interest 93300

is adverse to the general public interest. No member of a public 93301  
body shall use division (G)(2) of this section as a subterfuge for 93302  
providing covert information to prospective buyers or sellers. A 93303  
purchase or sale of public property is void if the seller or buyer 93304  
of the public property has received covert information from a 93305  
member of a public body that has not been disclosed to the general 93306  
public in sufficient time for other prospective buyers and sellers 93307  
to prepare and submit offers. 93308

If the minutes of the public body show that all meetings and 93309  
deliberations of the public body have been conducted in compliance 93310  
with this section, any instrument executed by the public body 93311  
purporting to convey, lease, or otherwise dispose of any right, 93312  
title, or interest in any public property shall be conclusively 93313  
presumed to have been executed in compliance with this section 93314  
insofar as title or other interest of any bona fide purchasers, 93315  
lessees, or transferees of the property is concerned. 93316

(3) Conferences with an attorney for the public body 93317  
concerning disputes involving the public body that are the subject 93318  
of pending or imminent court action; 93319

(4) Preparing for, conducting, or reviewing negotiations or 93320  
bargaining sessions with public employees concerning their 93321  
compensation or other terms and conditions of their employment; 93322

(5) Matters required to be kept confidential by federal law 93323  
or regulations or state statutes; 93324

(6) Details relative to the security arrangements and 93325  
emergency response protocols for a public body or a public office, 93326  
if disclosure of the matters discussed could reasonably be 93327  
expected to jeopardize the security of the public body or public 93328  
office; 93329

(7) In the case of a county hospital operated pursuant to 93330  
Chapter 339. of the Revised Code, a joint township hospital 93331

operated pursuant to Chapter 513. of the Revised Code, or a 93332  
municipal hospital operated pursuant to Chapter 749. of the 93333  
Revised Code, to consider trade secrets, as defined in section 93334  
1333.61 of the Revised Code; 93335

(8) To consider confidential information related to the 93336  
marketing plans, specific business strategy, production 93337  
techniques, trade secrets, or personal financial statements of an 93338  
applicant for economic development assistance, or to negotiations 93339  
with other political subdivisions respecting requests for economic 93340  
development assistance, provided that both of the following 93341  
conditions apply: 93342

(a) The information is directly related to a request for 93343  
economic development assistance that is to be provided or 93344  
administered under any provision of Chapter 715., 725., 1724., or 93345  
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 93346  
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 93347  
the Revised Code, or that involves public infrastructure 93348  
improvements or the extension of utility services that are 93349  
directly related to an economic development project. 93350

(b) A unanimous quorum of the public body determines, by a 93351  
roll call vote, that the executive session is necessary to protect 93352  
the interests of the applicant or the possible investment or 93353  
expenditure of public funds to be made in connection with the 93354  
economic development project. 93355

If a public body holds an executive session to consider any 93356  
of the matters listed in divisions (G)(2) to (8) of this section, 93357  
the motion and vote to hold that executive session shall state 93358  
which one or more of the approved matters listed in those 93359  
divisions are to be considered at the executive session. 93360

A public body specified in division (B)(1)(c) of this section 93361  
shall not hold an executive session when meeting for the purposes 93362

specified in that division. 93363

(H) A resolution, rule, or formal action of any kind is 93364  
invalid unless adopted in an open meeting of the public body. A 93365  
resolution, rule, or formal action adopted in an open meeting that 93366  
results from deliberations in a meeting not open to the public is 93367  
invalid unless the deliberations were for a purpose specifically 93368  
authorized in division (G) or (J) of this section and conducted at 93369  
an executive session held in compliance with this section. A 93370  
resolution, rule, or formal action adopted in an open meeting is 93371  
invalid if the public body that adopted the resolution, rule, or 93372  
formal action violated division (F) of this section. 93373

(I)(1) Any person may bring an action to enforce this 93374  
section. An action under division (I)(1) of this section shall be 93375  
brought within two years after the date of the alleged violation 93376  
or threatened violation. Upon proof of a violation or threatened 93377  
violation of this section in an action brought by any person, the 93378  
court of common pleas shall issue an injunction to compel the 93379  
members of the public body to comply with its provisions. 93380

(2)(a) If the court of common pleas issues an injunction 93381  
pursuant to division (I)(1) of this section, the court shall order 93382  
the public body that it enjoins to pay a civil forfeiture of five 93383  
hundred dollars to the party that sought the injunction and shall 93384  
award to that party all court costs and, subject to reduction as 93385  
described in division (I)(2) of this section, reasonable 93386  
attorney's fees. The court, in its discretion, may reduce an award 93387  
of attorney's fees to the party that sought the injunction or not 93388  
award attorney's fees to that party if the court determines both 93389  
of the following: 93390

(i) That, based on the ordinary application of statutory law 93391  
and case law as it existed at the time of violation or threatened 93392  
violation that was the basis of the injunction, a well-informed 93393  
public body reasonably would believe that the public body was not 93394

violating or threatening to violate this section; 93395

(ii) That a well-informed public body reasonably would 93396  
believe that the conduct or threatened conduct that was the basis 93397  
of the injunction would serve the public policy that underlies the 93398  
authority that is asserted as permitting that conduct or 93399  
threatened conduct. 93400

(b) If the court of common pleas does not issue an injunction 93401  
pursuant to division (I)(1) of this section and the court 93402  
determines at that time that the bringing of the action was 93403  
frivolous conduct, as defined in division (A) of section 2323.51 93404  
of the Revised Code, the court shall award to the public body all 93405  
court costs and reasonable attorney's fees, as determined by the 93406  
court. 93407

(3) Irreparable harm and prejudice to the party that sought 93408  
the injunction shall be conclusively and irrebuttably presumed 93409  
upon proof of a violation or threatened violation of this section. 93410

(4) A member of a public body who knowingly violates an 93411  
injunction issued pursuant to division (I)(1) of this section may 93412  
be removed from office by an action brought in the court of common 93413  
pleas for that purpose by the prosecuting attorney or the attorney 93414  
general. 93415

(J)(1) Pursuant to division (C) of section 5901.09 of the 93416  
Revised Code, a veterans service commission shall hold an 93417  
executive session for one or more of the following purposes unless 93418  
an applicant requests a public hearing: 93419

(a) Interviewing an applicant for financial assistance under 93420  
sections 5901.01 to 5901.15 of the Revised Code; 93421

(b) Discussing applications, statements, and other documents 93422  
described in division (B) of section 5901.09 of the Revised Code; 93423

(c) Reviewing matters relating to an applicant's request for 93424

financial assistance under sections 5901.01 to 5901.15 of the Revised Code. 93425  
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(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance. 93427  
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(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance. 93435  
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**Sec. 3701.83.** There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for the purposes specified in sections 3701.04, 3701.344, 3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, ~~4747.04~~, and 4769.09 of the Revised Code. 93442  
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**Sec. 4713.10.** (A) The state ~~board of~~ cosmetology and barber board shall charge and collect the following fees: 93448  
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(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, seven dollars and fifty cents; 93450  
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(2) For initial application to take an examination under section 4713.24 of the Revised Code, thirty-one dollars and fifty cents; 93452  
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| (3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, forty dollars;  | 93455<br>93456<br>93457<br>93458                   |
| (4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, thirty-one dollars and fifty cents;   | 93459<br>93460<br>93461<br>93462                   |
| (5) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, forty-five dollars;   | 93463<br>93464                                     |
| (6) For the issuance of a license under section 4713.34 of the Revised Code, seventy dollars;   | 93465<br>93466                                     |
| (7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, forty-five dollars;  | 93467<br>93468<br>93469                            |
| (8) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;   | 93470<br>93471                                     |
| (9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, seventy-five dollars;  | 93472<br>93473<br>93474                            |
| (10) For the renewal of a salon license under section 4713.41 of the Revised Code, sixty dollars;   | 93475<br>93476                                     |
| (11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a lapsed renewal fee of forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed; | 93477<br>93478<br>93479<br>93480<br>93481<br>93482 |
| (12) For the issuance of a duplicate of any license, twenty dollars;  | 93483<br>93484                                     |

(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, fifty dollars;

(14) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional thirty dollars.

(B) The board may establish an installment plan for the payment of fines and fees and may reduce fees as considered appropriate by the board.

(C) At the request of a person who is temporarily unable to pay a fee imposed under division (A) of this section, or on its own motion, the board may extend the date payment is due by up to ninety days. If the fee remains unpaid after the date payment is due, the amount of the fee shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.

**Sec. 4713.56.** Every holder of a practicing license, instructor license, independent contractor license, or boutique service registration issued by the state ~~board of~~ cosmetology and barber board shall maintain the board-issued, wallet-sized license or electronically generated license certification or registration and a current government-issued photo identification that can be produced upon inspection or request.

Every holder of a license to operate a salon issued by the board shall display the license in a public and conspicuous place in the salon.

Every holder of a license to operate a school of cosmetology issued by the board shall display the license in a public and conspicuous place in the school.

Every individual who provides cosmetic therapy, massage 93515  
therapy, or other professional service in a salon under section 93516  
4713.42 of the Revised Code shall maintain the individual's 93517  
professional license or certificate and a state of Ohio issued 93518  
photo identification that can be produced upon inspection or 93519  
request. 93520

**Sec. 4731.07.** (A) The state medical board shall keep a record 93521  
of its proceedings. The minutes of a meeting of the board shall, 93522  
on approval by the board, constitute an official record of its 93523  
proceedings. 93524

(B) The board shall keep a register of applicants for 93525  
certificates to practice issued under this chapter and Chapters 93526  
4760., 4762., and 4774. of the Revised Code and licenses issued 93527  
under Chapters 4730., 4759., 4761., and 4778. of the Revised Code. 93528  
The register shall show the name of the applicant and whether the 93529  
applicant was granted or refused a certificate or license. With 93530  
respect to applicants to practice medicine and surgery or 93531  
osteopathic medicine and surgery, the register shall show the name 93532  
of the institution that granted the applicant the degree of doctor 93533  
of medicine or osteopathic medicine. With respect to applicants to 93534  
practice respiratory care, the register shall show the addresses 93535  
of the person's last known place of business and residence, the 93536  
effective date and identification number of the license, the name 93537  
and location of the institution that granted the person's degree 93538  
or certificate of completion of respiratory care educational 93539  
requirements, and the date the degree or certificate was issued. 93540  
The books and records of the board shall be prima-facie evidence 93541  
of matters therein contained. 93542

**Sec. 4731.224.** (A) Within sixty days after the imposition of 93543  
any formal disciplinary action taken by any health care facility, 93544  
including a hospital, health care facility operated by a health 93545

insuring corporation, ambulatory surgical center, or similar 93546  
facility, against any individual holding a valid certificate to 93547  
practice issued pursuant to this chapter, the chief administrator 93548  
or executive officer of the facility shall report to the state 93549  
medical board the name of the individual, the action taken by the 93550  
facility, and a summary of the underlying facts leading to the 93551  
action taken. Upon request, the board shall be provided certified 93552  
copies of the patient records that were the basis for the 93553  
facility's action. Prior to release to the board, the summary 93554  
shall be approved by the peer review committee that reviewed the 93555  
case or by the governing board of the facility. As used in this 93556  
division, "formal disciplinary action" means any action resulting 93557  
in the revocation, restriction, reduction, or termination of 93558  
clinical privileges for violations of professional ethics, or for 93559  
reasons of medical incompetence, medical malpractice, or drug or 93560  
alcohol abuse. "Formal disciplinary action" includes a summary 93561  
action, an action that takes effect notwithstanding any appeal 93562  
rights that may exist, and an action that results in an individual 93563  
surrendering clinical privileges while under investigation and 93564  
during proceedings regarding the action being taken or in return 93565  
for not being investigated or having proceedings held. "Formal 93566  
disciplinary action" does not include any action taken for the 93567  
sole reason of failure to maintain records on a timely basis or 93568  
failure to attend staff or section meetings. 93569

The filing or nonfiling of a report with the board, 93570  
investigation by the board, or any disciplinary action taken by 93571  
the board, shall not preclude any action by a health care facility 93572  
to suspend, restrict, or revoke the individual's clinical 93573  
privileges. 93574

In the absence of fraud or bad faith, no individual or entity 93575  
that provides patient records to the board shall be liable in 93576  
damages to any person as a result of providing the records. 93577

(B) If any individual authorized to practice under this 93578  
chapter or any professional association or society of such 93579  
individuals believes that a violation of any provision of this 93580  
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 93581  
4778. of the Revised Code, or any rule of the board has occurred, 93582  
the individual, association, or society shall report to the board 93583  
the information upon which the belief is based. This division does 93584  
not require any treatment provider approved by the board under 93585  
section 4731.25 of the Revised Code or any employee, agent, or 93586  
representative of such a provider to make reports with respect to 93587  
an impaired practitioner participating in treatment or aftercare 93588  
for substance abuse as long as the practitioner maintains 93589  
participation in accordance with the requirements of section 93590  
4731.25 of the Revised Code, and as long as the treatment provider 93591  
or employee, agent, or representative of the provider has no 93592  
reason to believe that the practitioner has violated any provision 93593  
of this chapter or any rule adopted under it, other than the 93594  
provisions of division (B)(26) of section 4731.22 of the Revised 93595  
Code. This division does not require reporting by any member of an 93596  
impaired practitioner committee established by a health care 93597  
facility or by any representative or agent of a committee or 93598  
program sponsored by a professional association or society of 93599  
individuals authorized to practice under this chapter to provide 93600  
peer assistance to practitioners with substance abuse problems 93601  
with respect to a practitioner who has been referred for 93602  
examination to a treatment program approved by the board under 93603  
section 4731.25 of the Revised Code if the practitioner cooperates 93604  
with the referral for examination and with any determination that 93605  
the practitioner should enter treatment and as long as the 93606  
committee member, representative, or agent has no reason to 93607  
believe that the practitioner has ceased to participate in the 93608  
treatment program in accordance with section 4731.25 of the 93609  
Revised Code or has violated any provision of this chapter or any 93610

rule adopted under it, other than the provisions of division 93611  
(B)(26) of section 4731.22 of the Revised Code. 93612

(C) Any professional association or society composed 93613  
primarily of doctors of medicine and surgery, doctors of 93614  
osteopathic medicine and surgery, doctors of podiatric medicine 93615  
and surgery, or practitioners of limited branches of medicine that 93616  
suspends or revokes an individual's membership for violations of 93617  
professional ethics, or for reasons of professional incompetence 93618  
or professional malpractice, within sixty days after a final 93619  
decision shall report to the board, on forms prescribed and 93620  
provided by the board, the name of the individual, the action 93621  
taken by the professional organization, and a summary of the 93622  
underlying facts leading to the action taken. 93623

The filing of a report with the board or decision not to file 93624  
a report, investigation by the board, or any disciplinary action 93625  
taken by the board, does not preclude a professional organization 93626  
from taking disciplinary action against an individual. 93627

(D) Any insurer providing professional liability insurance to 93628  
an individual authorized to practice under this chapter, or any 93629  
other entity that seeks to indemnify the professional liability of 93630  
such an individual, shall notify the board within thirty days 93631  
after the final disposition of any written claim for damages where 93632  
such disposition results in a payment exceeding twenty-five 93633  
thousand dollars. The notice shall contain the following 93634  
information: 93635

(1) The name and address of the person submitting the 93636  
notification; 93637

(2) The name and address of the insured who is the subject of 93638  
the claim; 93639

(3) The name of the person filing the written claim; 93640

(4) The date of final disposition; 93641

(5) If applicable, the identity of the court in which the final disposition of the claim took place. 93642  
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(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual. 93644  
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(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order. 93654  
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The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or recredentialing the individual or in reviewing the individual's clinical privileges. The board shall indicate whether or not the information has been verified. Information transmitted by the board shall be subject to the same confidentiality provisions as when maintained by the board. 93664  
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(G) Except for reports filed by an individual pursuant to division (B) of this section, the board shall send a copy of any 93672  
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reports or summaries it receives pursuant to this section to the 93674  
individual who is the subject of the reports or summaries. The 93675  
individual shall have the right to file a statement with the board 93676  
concerning the correctness or relevance of the information. The 93677  
statement shall at all times accompany that part of the record in 93678  
contention. 93679

(H) An individual or entity that, pursuant to this section, 93680  
reports to the board or refers an impaired practitioner to a 93681  
treatment provider approved by the board under section 4731.25 of 93682  
the Revised Code shall not be subject to suit for civil damages as 93683  
a result of the report, referral, or provision of the information. 93684

(I) In the absence of fraud or bad faith, no professional 93685  
association or society of individuals authorized to practice under 93686  
this chapter that sponsors a committee or program to provide peer 93687  
assistance to practitioners with substance abuse problems, no 93688  
representative or agent of such a committee or program, and no 93689  
member of the state medical board shall be held liable in damages 93690  
to any person by reason of actions taken to refer a practitioner 93691  
to a treatment provider approved under section 4731.25 of the 93692  
Revised Code for examination or treatment. 93693

**Sec. 4776.01.** As used in this chapter: 93694

(A) "License" means an authorization evidenced by a license, 93695  
certificate, registration, permit, card, or other authority that 93696  
is issued or conferred by a licensing agency to a licensee or to 93697  
an applicant for an initial license by which the licensee or 93698  
initial license applicant has or claims the privilege to engage in 93699  
a profession, occupation, or occupational activity, or, except in 93700  
the case of the state dental board, to have control of and operate 93701  
certain specific equipment, machinery, or premises, over which the 93702  
licensing agency has jurisdiction. 93703

(B) Except as provided in section 4776.20 of the Revised 93704

Code, "licensee" means the person to whom the license is issued by a licensing agency. 93705  
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(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following: 93707  
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(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., ~~4747., 4753.,~~ 4755., 4757., ~~4758.,~~ 4759., 4760., 4761., 4762., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises. 93709  
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(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code. 93716  
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(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state. 93719  
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(E) "Applicant for a restored license" includes persons seeking restoration of a certificate under section 4730.14, 4731.281, 4760.06, or 4762.06 of the Revised Code. 93723  
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(F) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 93726  
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**Section 120.11.** That existing sections 109.572, 121.22, 3701.83, 4713.10, 4713.56, 4731.07, 4731.224, and 4776.01 of the Revised Code are hereby repealed. 93728  
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**Section 120.12.** Sections 120.10 and 120.11 take effect on January 21, 2018. 93731  
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Section 120.20. That sections 329.04 and 2329.66 of the Revised Code be amended to read as follows:

Sec. 329.04. (A) The county department of job and family services shall have, exercise, and perform the following powers and duties:

(1) Perform any duties assigned by the state department of job and family services or department of medicaid regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life:

(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code;

(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code;

(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.

(d) Duties assigned under section 5162.031 of the Revised Code.

~~(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;~~

~~(3) Administer burials insofar as the administration of~~

burials was, prior to September 12, 1947, imposed upon the board 93762  
of county commissioners and if otherwise required by state law; 93763

~~(4)~~(3) Cooperate with state and federal authorities in any 93764  
matter relating to family services and to act as the agent of such 93765  
authorities; 93766

~~(5)~~(4) Submit an annual account of its work and expenses to 93767  
the board of county commissioners and to the state department of 93768  
job and family services and department of medicaid at the close of 93769  
each fiscal year; 93770

~~(6)~~(5) Exercise any powers and duties relating to family 93771  
services duties or workforce development activities imposed upon 93772  
the county department of job and family services by law, by 93773  
resolution of the board of county commissioners, or by order of 93774  
the governor, when authorized by law, to meet emergencies during 93775  
war or peace; 93776

~~(7)~~(6) Enter into a plan of cooperation with the board of 93777  
county commissioners under section 307.983, consult with the board 93778  
in the development of the transportation work plan developed under 93779  
section 307.985, establish with the board procedures under section 93780  
307.986 for providing services to children whose families relocate 93781  
frequently, and comply with the contracts the board enters into 93782  
under sections 307.981 and 307.982 of the Revised Code that affect 93783  
the county department; 93784

~~(8)~~(7) For the purpose of complying with a grant agreement 93785  
the board of county commissioners enters into under sections 93786  
307.98 and 5101.21 of the Revised Code, exercise the powers and 93787  
perform the duties the grant agreement assigns to the county 93788  
department; 93789

~~(9)~~(8) If the county department is designated as the 93790  
workforce development agency, provide the workforce development 93791

activities specified in the contract required by section 330.05 of 93792  
the Revised Code. 93793

(B) The powers and duties of a county department of job and 93794  
family services are, and shall be exercised and performed, under 93795  
the control and direction of the board of county commissioners. 93796  
The board may assign to the county department any power or duty of 93797  
the board regarding family services duties and workforce 93798  
development activities. If the new power or duty necessitates the 93799  
state department of job and family services or department of 93800  
medicaid changing its federal cost allocation plan, the county 93801  
department may not implement the power or duty unless the United 93802  
States department of health and human services approves the 93803  
changes. 93804

**Sec. 2329.66.** (A) Every person who is domiciled in this state 93805  
may hold property exempt from execution, garnishment, attachment, 93806  
or sale to satisfy a judgment or order, as follows: 93807

(1)(a) In the case of a judgment or order regarding money 93808  
owed for health care services rendered or health care supplies 93809  
provided to the person or a dependent of the person, one parcel or 93810  
item of real or personal property that the person or a dependent 93811  
of the person uses as a residence. Division (A)(1)(a) of this 93812  
section does not preclude, affect, or invalidate the creation 93813  
under this chapter of a judgment lien upon the exempted property 93814  
but only delays the enforcement of the lien until the property is 93815  
sold or otherwise transferred by the owner or in accordance with 93816  
other applicable laws to a person or entity other than the 93817  
surviving spouse or surviving minor children of the judgment 93818  
debtor. Every person who is domiciled in this state may hold 93819  
exempt from a judgment lien created pursuant to division (A)(1)(a) 93820  
of this section the person's interest, not to exceed one hundred 93821  
twenty-five thousand dollars, in the exempted property. 93822

(b) In the case of all other judgments and orders, the person's interest, not to exceed one hundred twenty-five thousand dollars, in one parcel or item of real or personal property that the person or a dependent of the person uses as a residence.

(c) For purposes of divisions (A)(1)(a) and (b) of this section, "parcel" means a tract of real property as identified on the records of the auditor of the county in which the real property is located.

(2) The person's interest, not to exceed three thousand two hundred twenty-five dollars, in one motor vehicle;

(3) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person, other than personal earnings.

(4)(a) The person's interest, not to exceed five hundred twenty-five dollars in any particular item or ten thousand seven hundred seventy-five dollars in aggregate value, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment that are held primarily for the personal, family, or household use of the person;

(b) The person's aggregate interest in one or more items of jewelry, not to exceed one thousand three hundred fifty dollars, held primarily for the personal, family, or household use of the person or any of the person's dependents.

(5) The person's interest, not to exceed an aggregate of two thousand twenty-five dollars, in all implements, professional books, or tools of the person's profession, trade, or business, including agriculture;

(6)(a) The person's interest in a beneficiary fund set apart,

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| appropriated, or paid by a benevolent association or society, as | 93854 |
| exempted by section 2329.63 of the Revised Code;                 | 93855 |
| (b) The person's interest in contracts of life or endowment      | 93856 |
| insurance or annuities, as exempted by section 3911.10 of the    | 93857 |
| Revised Code;  | 93858 |
| (c) The person's interest in a policy of group insurance or      | 93859 |
| the proceeds of a policy of group insurance, as exempted by      | 93860 |
| section 3917.05 of the Revised Code;                             | 93861 |
| (d) The person's interest in money, benefits, charity,           | 93862 |
| relief, or aid to be paid, provided, or rendered by a fraternal  | 93863 |
| benefit society, as exempted by section 3921.18 of the Revised   | 93864 |
| Code;  | 93865 |
| (e) The person's interest in the portion of benefits under       | 93866 |
| policies of sickness and accident insurance and in lump sum      | 93867 |
| payments for dismemberment and other losses insured under those  | 93868 |
| policies, as exempted by section 3923.19 of the Revised Code.    | 93869 |
| (7) The person's professionally prescribed or medically          | 93870 |
| necessary health aids;   | 93871 |
| (8) The person's interest in a burial lot, including, but not    | 93872 |
| limited to, exemptions under section 517.09 or 1721.07 of the    | 93873 |
| Revised Code;  | 93874 |
| (9) The person's interest in the following:                      | 93875 |
| (a) Moneys paid or payable for living maintenance or rights,     | 93876 |
| as exempted by section 3304.19 of the Revised Code;              | 93877 |
| (b) Workers' compensation, as exempted by section 4123.67 of     | 93878 |
| the Revised Code;  | 93879 |
| (c) Unemployment compensation benefits, as exempted by           | 93880 |
| section 4141.32 of the Revised Code;                             | 93881 |
| (d) Cash assistance payments under the Ohio works first          | 93882 |
| program, as exempted by section 5107.75 of the Revised Code;     | 93883 |

(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code; 93884  
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~~(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;~~ 93887  
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~~(g)~~ Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 93889  
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(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 or 2929.194 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to or interests in a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's rights to or interests in a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights or interests, as exempted by section 143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's rights to or interests in benefits from the Ohio public safety officers death benefit fund; 93891  
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(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to receive or interests in receiving a payment or other benefits 93913  
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under any pension, annuity, or similar plan or contract, not 93916  
including a payment or benefit from a stock bonus or 93917  
profit-sharing plan or a payment included in division (A)(6)(b) or 93918  
(10)(a) of this section, on account of illness, disability, death, 93919  
age, or length of service, to the extent reasonably necessary for 93920  
the support of the person and any of the person's dependents, 93921  
except if all the following apply: 93922

(i) The plan or contract was established by or under the 93923  
auspices of an insider that employed the person at the time the 93924  
person's rights or interests under the plan or contract arose. 93925

(ii) The payment is on account of age or length of service. 93926

(iii) The plan or contract is not qualified under the 93927  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 93928  
amended. 93929

(c) Except for any portion of the assets that were deposited 93930  
for the purpose of evading the payment of any debt and except as 93931  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 93932  
3123.06 of the Revised Code, the person's rights or interests in 93933  
the assets held in, or to directly or indirectly receive any 93934  
payment or benefit under, any individual retirement account, 93935  
individual retirement annuity, "Roth IRA," account opened pursuant 93936  
to a program administered by a state under section 529 or 529A of 93937  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 93938  
as amended, or education individual retirement account that 93939  
provides payments or benefits by reason of illness, disability, 93940  
death, retirement, or age or provides payments or benefits for 93941  
purposes of education or qualified disability expenses, to the 93942  
extent that the assets, payments, or benefits described in 93943  
division (A)(10)(c) of this section are attributable to or derived 93944  
from any of the following or from any earnings, dividends, 93945  
interest, appreciation, or gains on any of the following: 93946

(i) Contributions of the person that were less than or equal 93947  
to the applicable limits on deductible contributions to an 93948  
individual retirement account or individual retirement annuity in 93949  
the year that the contributions were made, whether or not the 93950  
person was eligible to deduct the contributions on the person's 93951  
federal tax return for the year in which the contributions were 93952  
made; 93953

(ii) Contributions of the person that were less than or equal 93954  
to the applicable limits on contributions to a Roth IRA or 93955  
education individual retirement account in the year that the 93956  
contributions were made; 93957

(iii) Contributions of the person that are within the 93958  
applicable limits on rollover contributions under subsections 219, 93959  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 93960  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 93961  
100 Stat. 2085, 26 U.S.C.A. 1, as amended; 93962

(iv) Contributions by any person into any plan, fund, or 93963  
account that is formed, created, or administered pursuant to, or 93964  
is otherwise subject to, section 529 or 529A of the "Internal 93965  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 93966

(d) Except for any portion of the assets that were deposited 93967  
for the purpose of evading the payment of any debt and except as 93968  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 93969  
3123.06 of the Revised Code, the person's rights or interests in 93970  
the assets held in, or to receive any payment under, any Keogh or 93971  
"H.R. 10" plan that provides benefits by reason of illness, 93972  
disability, death, retirement, or age, to the extent reasonably 93973  
necessary for the support of the person and any of the person's 93974  
dependents. 93975

(e) The person's rights to or interests in any assets held 93976  
in, or to directly or indirectly receive any payment or benefit 93977

under, any individual retirement account, individual retirement 93978  
annuity, "Roth IRA," account opened pursuant to a program 93979  
administered by a state under section 529 or 529A of the "Internal 93980  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or 93981  
education individual retirement account that a decedent, upon or 93982  
by reason of the decedent's death, directly or indirectly left to 93983  
or for the benefit of the person, either outright or in trust or 93984  
otherwise, including, but not limited to, any of those rights or 93985  
interests in assets or to receive payments or benefits that were 93986  
transferred, conveyed, or otherwise transmitted by the decedent by 93987  
means of a will, trust, exercise of a power of appointment, 93988  
beneficiary designation, transfer or payment on death designation, 93989  
or any other method or procedure. 93990

(f) The exemptions under divisions (A)(10)(a) to (e) of this 93991  
section also shall apply or otherwise be available to an alternate 93992  
payee under a qualified domestic relations order (QDRO) or other 93993  
similar court order. 93994

(g) A person's interest in any plan, program, instrument, or 93995  
device described in divisions (A)(10)(a) to (e) of this section 93996  
shall be considered an exempt interest even if the plan, program, 93997  
instrument, or device in question, due to an error made in good 93998  
faith, failed to satisfy any criteria applicable to that plan, 93999  
program, instrument, or device under the "Internal Revenue Code of 94000  
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 94001

(11) The person's right to receive spousal support, child 94002  
support, an allowance, or other maintenance to the extent 94003  
reasonably necessary for the support of the person and any of the 94004  
person's dependents; 94005

(12) The person's right to receive, or moneys received during 94006  
the preceding twelve calendar months from, any of the following: 94007

(a) An award of reparations under sections 2743.51 to 2743.72 94008

of the Revised Code, to the extent exempted by division (D) of 94009  
section 2743.66 of the Revised Code; 94010

(b) A payment on account of the wrongful death of an 94011  
individual of whom the person was a dependent on the date of the 94012  
individual's death, to the extent reasonably necessary for the 94013  
support of the person and any of the person's dependents; 94014

(c) Except in cases in which the person who receives the 94015  
payment is an inmate, as defined in section 2969.21 of the Revised 94016  
Code, and in which the payment resulted from a civil action or 94017  
appeal against a government entity or employee, as defined in 94018  
section 2969.21 of the Revised Code, a payment, not to exceed 94019  
twenty thousand two hundred dollars, on account of personal bodily 94020  
injury, not including pain and suffering or compensation for 94021  
actual pecuniary loss, of the person or an individual for whom the 94022  
person is a dependent; 94023

(d) A payment in compensation for loss of future earnings of 94024  
the person or an individual of whom the person is or was a 94025  
dependent, to the extent reasonably necessary for the support of 94026  
the debtor and any of the debtor's dependents. 94027

(13) Except as provided in sections 3119.80, 3119.81, 94028  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 94029  
earnings of the person owed to the person for services in an 94030  
amount equal to the greater of the following amounts: 94031

(a) If paid weekly, thirty times the current federal minimum 94032  
hourly wage; if paid biweekly, sixty times the current federal 94033  
minimum hourly wage; if paid semimonthly, sixty-five times the 94034  
current federal minimum hourly wage; or if paid monthly, one 94035  
hundred thirty times the current federal minimum hourly wage that 94036  
is in effect at the time the earnings are payable, as prescribed 94037  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 94038  
U.S.C. 206(a)(1), as amended; 94039

(b) Seventy-five per cent of the disposable earnings owed to the person. 94040  
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(14) The person's right in specific partnership property, as exempted by the person's rights in a partnership pursuant to section 1776.50 of the Revised Code, except as otherwise set forth in section 1776.50 of the Revised Code; 94042  
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(15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code; 94046  
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(16) The person's interest in a tuition unit or a payment under section 3334.09 of the Revised Code pursuant to a tuition payment contract, as exempted by section 3334.15 of the Revised Code; 94048  
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(17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 U.S.C.A. 101, as amended; 94052  
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(18) The person's aggregate interest in any property, not to exceed one thousand seventy-five dollars, except that division (A)(18) of this section applies only in bankruptcy proceedings. 94056  
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(B) On April 1, 2010, and on the first day of April in each third calendar year after 2010, the Ohio judicial conference shall adjust each dollar amount set forth in this section to reflect any increase in the consumer price index for all urban consumers, as published by the United States department of labor, or, if that index is no longer published, a generally available comparable index, for the three-year period ending on the thirty-first day of December of the preceding year. Any adjustments required by this division shall be rounded to the nearest twenty-five dollars. 94059  
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The Ohio judicial conference shall prepare a memorandum specifying the adjusted dollar amounts. The judicial conference shall transmit the memorandum to the director of the legislative 94068  
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service commission, and the director shall publish the memorandum 94071  
in the register of Ohio. (Publication of the memorandum in the 94072  
register of Ohio shall continue until the next memorandum 94073  
specifying an adjustment is so published.) The judicial conference 94074  
also may publish the memorandum in any other manner it concludes 94075  
will be reasonably likely to inform persons who are affected by 94076  
its adjustment of the dollar amounts. 94077

(C) As used in this section: 94078

(1) "Disposable earnings" means net earnings after the 94079  
garnishee has made deductions required by law, excluding the 94080  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 94081  
3121.03, or 3123.06 of the Revised Code. 94082

(2) "Insider" means: 94083

(a) If the person who claims an exemption is an individual, a 94084  
relative of the individual, a relative of a general partner of the 94085  
individual, a partnership in which the individual is a general 94086  
partner, a general partner of the individual, or a corporation of 94087  
which the individual is a director, officer, or in control; 94088

(b) If the person who claims an exemption is a corporation, a 94089  
director or officer of the corporation; a person in control of the 94090  
corporation; a partnership in which the corporation is a general 94091  
partner; a general partner of the corporation; or a relative of a 94092  
general partner, director, officer, or person in control of the 94093  
corporation; 94094

(c) If the person who claims an exemption is a partnership, a 94095  
general partner in the partnership; a general partner of the 94096  
partnership; a person in control of the partnership; a partnership 94097  
in which the partnership is a general partner; or a relative in, a 94098  
general partner of, or a person in control of the partnership; 94099

(d) An entity or person to which or whom any of the following 94100  
applies: 94101

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(D) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (D)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

**Section 120.21.** That existing sections 329.04 and 2329.66 of the Revised Code are hereby repealed.

**Section 120.22.** Sections 120.20 and 120.21 take effect on December 31, 2017.

**Section 120.30.** That new section 5124.17 of the Revised Code be enacted to read as follows:

**Sec. 5124.17.** (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day payment rate for capital. An ICF/IID's rate for a fiscal year shall equal the ICF/IID's fair rental value per diem for the fiscal year determined under this section. Except as otherwise provided in this chapter, an ICF/IID's rate for a fiscal year shall be determined prospectively and based on the ICF/IID's fair rental value survey information reported on the cost report filed for the ICF/IID under section 5124.10 of the Revised Code for the calendar year immediately preceding the calendar year in which the fiscal year begins.

(B) An ICF/IID's fair rental value per diem for a fiscal year shall be determined as follows:

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| <u>(1) Determine the sum of the following:</u>                           | 94160 |
| <u>(a) The ICF/IID's land value for the fiscal year as</u>               | 94161 |
| <u>determined under division (C) of this section;</u>                    | 94162 |
| <u>(b) The ICF/IID's depreciated current asset value for the</u>         | 94163 |
| <u>fiscal year as determined under division (D) of this section.</u>     | 94164 |
| <u>(2) To reflect the rental rate, determine the product of the</u>      | 94165 |
| <u>following:</u>  | 94166 |
| <u>(a) The sum determined under division (B)(1) of this section;</u>     | 94167 |
| <u>(b) Nine per cent.</u>  | 94168 |
| <u>(3) Divide the product determined under division (B)(2) of</u>        | 94169 |
| <u>this section by the greater of the following:</u>                     | 94170 |
| <u>(a) The number of inpatient days the ICF/IID had, as reported</u>     | 94171 |
| <u>on its cost report, for the calendar year immediately preceding</u>   | 94172 |
| <u>the calendar year in which the fiscal year for which the per diem</u> | 94173 |
| <u>is determined begins;</u>   | 94174 |
| <u>(b) The number of inpatient days the ICF/IID would have had</u>       | 94175 |
| <u>for that calendar year if its occupancy rate had been ninety-five</u> | 94176 |
| <u>per cent that calendar year.</u>                                      | 94177 |
| <u>(C) An ICF/IID's land value for a fiscal year shall equal ten</u>     | 94178 |
| <u>per cent of the ICF/IID's current asset value for the fiscal year</u> | 94179 |
| <u>as determined under division (E) of this section.</u>                 | 94180 |
| <u>(D) An ICF/IID's depreciated current asset value for a fiscal</u>     | 94181 |
| <u>year shall be determined as follows:</u>                              | 94182 |
| <u>(1) Determine the product of the following:</u>                       | 94183 |
| <u>(a) One and one half per cent;</u>                                    | 94184 |
| <u>(b) The lesser of the following:</u>                                  | 94185 |
| <u>(i) The ICF/IID's effective age as determined under division</u>      | 94186 |
| <u>(H) of this section;</u>  | 94187 |

|   |   |
|---|---|
| <u>(ii) Forty.</u>  | 94188                                     |
| <u>(2) Determine the product of the following:</u>  | 94189                                     |
| <u>(a) The ICF/IID's current asset value for the fiscal year as determined in accordance with division (E) of this section;</u>   | 94190<br>94191                            |
| <u>(b) The product determined under division (D)(1) of this section.</u>  | 94192<br>94193                            |
| <u>(E)(1) An ICF/IID's current asset value for a fiscal year shall be determined as follows:</u>  | 94194<br>94195                            |
| <u>(a) Determine the product of the following:</u>  | 94196                                     |
| <u>(i) Subject to division (E)(2) of this section, the ICF/IID's total square footage as reported in the fair value survey information included in its cost report for the calendar year immediately preceding the calendar year in which the fiscal year begins;</u> | 94197<br>94198<br>94199<br>94200<br>94201 |
| <u>(ii) The ICF/IID's value per square foot for the fiscal year as determined under division (F) of this section.</u>   | 94202<br>94203                            |
| <u>(b) Determine the sum of the following:</u>  | 94204                                     |
| <u>(i) The product determined under division (E)(1)(a) of this section;</u>   | 94205<br>94206                            |
| <u>(ii) The ICF/IID's total equipment value for the fiscal year as determined under division (G) of this section.</u>   | 94207<br>94208                            |
| <u>(2) For the purpose of division (E)(1)(a)(i) of this section, all of the following apply:</u>  | 94209<br>94210                            |
| <u>(a) An ICF/IID's bedrooms and common space shall be included in determining the ICF/IID's total square footage.</u>  | 94211<br>94212                            |
| <u>(b) An ICF/IID shall be treated as if its total square footage is two hundred per medicaid-certified bed if its actual total square footage is less than two hundred per medicaid-certified bed.</u>   | 94213<br>94214<br>94215<br>94216          |

(c) An ICF/IID that is not a downsized ICF/IID shall be treated as if its total square footage is eight hundred per medicaid-certified bed if its actual total square footage is more than eight hundred per medicaid-certified bed. 94217  
94218  
94219  
94220

(d) An ICF/IID that is a downsized ICF/IID shall be treated as if its total square footage is one thousand per medicaid-certified bed if its actual total square footage is more than one thousand per medicaid-certified bed. 94221  
94222  
94223  
94224

(F)(1) An ICF/IID's value per square foot for a fiscal year shall be determined by using the following data published by RS Means for the calendar year in which the fiscal year begins: 94225  
94226  
94227

(a) If the ICF/IID is in peer group 1 or peer group 2, the RS Means data for assisted-senior living facility construction costs; 94228  
94229

(b) If the ICF/IID is in peer group 3, peer group 4, or peer group 5, the RS Means data for nursing home construction costs. 94230  
94231

(2) The RS Means data to be used for an ICF/IID shall be the data applicable to the county in which the ICF/IID is located. The data that applies to a county shall be determined as follows: 94232  
94233  
94234

(a) The data that RS Means specifies for the city of Akron shall be used for Summit county. 94235  
94236

(b) The data that RS Means specifies for the city of Athens shall be used for Athens county. 94237  
94238

(c) The data that RS Means specifies for the city of Canton shall be used for the following counties: Ashtabula, Geauga, Lake, Mahoning, Medina, Portage, Stark, and Wayne. 94239  
94240  
94241

(d) The data that RS Means specifies for the city of Chillicothe shall be used for Ross county. 94242  
94243

(e) The data that RS Means specifies for the city of Cincinnati shall be used for Hamilton county. 94244  
94245

(f) The data that RS Means specifies for the city of 94246

|  |                                  |
|--|----------------------------------|
| <u>Cleveland shall be used for Cuyahoga county.</u>  | 94247                            |
| <u>(g) The data that RS Means specifies for the city of Columbus shall be used for Franklin county.</u>  | 94248<br>94249                   |
| <u>(h) The data that RS Means specifies for the city of Dayton shall be used for Montgomery county.</u>  | 94250<br>94251                   |
| <u>(i) The data that RS Means specifies for the city of Hamilton shall be used for the following counties: Brown, Butler, Clermont, Clinton, Champaign, Darke, Greene, Logan, Miami, Preble, Shelby, and Warren.</u>   | 94252<br>94253<br>94254<br>94255 |
| <u>(j) The data that RS Means specifies for the city of Lima shall be used for the following counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Henry, Huron, Mercer, Paulding, Putnam, Ottawa, Sandusky, Seneca, Van Wert, Williams, and Wood.</u> | 94256<br>94257<br>94258<br>94259 |
| <u>(k) The data that RS Means specifies for the city of Lorain shall be used for Lorain county.</u>  | 94260<br>94261                   |
| <u>(l) The data that RS Means specifies for the city of Mansfield shall be used for the following counties: Ashland, Crawford, Delaware, Fairfield, Fayette, Hardin, Knox, Licking, Madison, Morrow, Pickaway, Richland, Union, and Wyandot.</u>             | 94262<br>94263<br>94264<br>94265 |
| <u>(m) The data that RS Means specifies for the city of Marion shall be used for Marion county.</u>  | 94266<br>94267                   |
| <u>(n) The data that RS Means specifies for the city of Springfield shall be used for Clark county.</u>  | 94268<br>94269                   |
| <u>(o) The data that RS Means specifies for the city of Steubenville shall be used for Jefferson county.</u>   | 94270<br>94271                   |
| <u>(p) The data that RS Means specifies for the city of Toledo shall be used for Lucas county.</u>   | 94272<br>94273                   |
| <u>(q) The data that RS Means specifies for Youngstown shall be used for Trumbull county.</u>  | 94274<br>94275                   |

(r) The data that RS Means specifies for the city of Zanesville shall be used for the following counties: Adams, Belmont, Carroll, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Scioto, Tuscarawas, Vinton, and Washington.

(G) An ICF/IID's total equipment value for a fiscal year shall be the product of the following:

(1) The ICF/IID's medicaid-certified capacity as of the first day of the fiscal year;

(2) Four thousand dollars.

(H) An ICF/IID's effective age for a fiscal year shall be determined as follows:

(1) For each renovation of the ICF/IID that cost at least five hundred dollars and is listed in the ICF/IID's fair rental value survey information reported on the cost report filed for the ICF/IID under section 5124.10 of the Revised Code for the calendar year immediately preceding the calendar year in which the fiscal year begins, do all of the following:

(a) Determine the quotient of the following:

(i) The cost of the renovation;

(ii) The product determined under division (E)(1)(a) of this section.

(b) Determine the difference of the following:

(i) The calendar year covered by the cost report in which the renovation is listed;

(ii) The calendar year in which the ICF/IID's initial construction was completed or, if that calendar year is unknown, the calendar year in which the ICF/IID was initially licensed to operate.

|   |                                  |
|---|----------------------------------|
| <u>(c) Determine the product of the following:</u>  | 94306                            |
| <u>(i) The quotient determined under division (H)(1)(a) of this section;</u>  | 94307<br>94308                   |
| <u>(ii) The difference determined under division (H)(1)(b) of this section.</u>   | 94309<br>94310                   |
| <u>(2) Determine the sum of all products determined under division (H)(1)(c) of this section for the ICF/IID for the fiscal year.</u>   | 94311<br>94312<br>94313          |
| <u>(3) Determine the difference of the following:</u>   | 94314                            |
| <u>(a) The calendar year in which the fiscal year begins;</u>   | 94315                            |
| <u>(b) The calendar year in which the ICF/IID's initial construction was completed or, if that calendar year is unknown, the calendar year in which the ICF/IID was initially licensed to operate.</u>  | 94316<br>94317<br>94318<br>94319 |
| <u>(4) Determine the difference of the following:</u>   | 94320                            |
| <u>(a) The difference determined under division (H)(3) of this section;</u>   | 94321<br>94322                   |
| <u>(b) The sum determined under division (H)(2) of this section.</u>  | 94323                            |
| <b>Section 120.31.</b> That section 5124.17 of the Revised Code is hereby repealed.   | 94324<br>94325                   |
| <b>Section 120.32.</b> Sections 120.30 and 120.31 take effect on July 1, 2018.  | 94326<br>94327                   |
| <b>Section 125.10.</b> That section 5166.35 of the Revised Code is hereby repealed on January 1, 2019.  | 94328<br>94329                   |
| <b>Section 201.10.</b> Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that | 94330<br>94331<br>94332          |

are not otherwise appropriated. For all appropriations made in 94333  
this act, the amounts in the first column are for fiscal year 2018 94334  
and the amounts in the second column are for fiscal year 2019. 94335  
94336

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 94337

Dedicated Purpose Fund Group 94338

4J80 889601 CPA Education \$ 325,000 \$ 325,000 94339  
Assistance

4K90 889609 Operating Expenses \$ 1,141,957 \$ 1,236,965 94340

TOTAL DPF Dedicated Purpose Fund 94341

Group \$ 1,466,957 \$ 1,561,965 94342

TOTAL ALL BUDGET FUND GROUPS \$ 1,466,957 \$ 1,561,965 94343

**Section 205.10.** ADJ ADJUTANT GENERAL 94345

General Revenue Fund 94346

GRF 745401 Ohio Military Reserve \$ 12,308 \$ 12,308 94347

GRF 745404 Air National Guard \$ 1,839,664 \$ 1,839,664 94348

GRF 745407 National Guard \$ 400,000 \$ 400,000 94349  
Benefits

GRF 745409 Central \$ 2,810,550 \$ 2,810,550 94350  
Administration

GRF 745499 Army National Guard \$ 3,743,733 \$ 3,743,733 94351

TOTAL GRF General Revenue Fund \$ 8,806,255 \$ 8,806,255 94352

Dedicated Purpose Fund Group 94353

5340 745612 Property Operations \$ 900,000 \$ 900,000 94354  
Management

5360 745605 Marksmanship \$ 128,600 \$ 128,600 94355  
Activities

5360 745620 Camp Perry and \$ 871,400 \$ 871,400 94356  
Buckeye Inn  
Operations

|                    |                                 |   |    |            |    |            |       |
|--------------------|---------------------------------|---|----|------------|----|------------|-------|
| 5370               | 745604                          | Ohio National Guard<br>Facilities<br>Maintenance    | \$ | 190,000    | \$ | 190,000    | 94357 |
| 5LY0               | 745626                          | Military Medal of<br>Distinction                    | \$ | 5,000      | \$ | 5,000      | 94358 |
| 5U80               | 745613                          | Community Match<br>Armories                         | \$ | 350,000    | \$ | 350,000    | 94359 |
| TOTAL DPF          | Dedicated Purpose Fund<br>Group |   | \$ | 2,445,000  | \$ | 2,445,000  | 94360 |
| Federal Fund Group |                                 |   |    |            |    |            | 94361 |
| 3420               | 745616                          | Army National Guard<br>Service Agreement            | \$ | 26,202,215 | \$ | 26,202,215 | 94362 |
| 3E80               | 745628                          | Air National Guard<br>Operations and<br>Maintenance | \$ | 16,107,196 | \$ | 16,107,196 | 94363 |
| 3R80               | 745603                          | Counter Drug<br>Operations                          | \$ | 15,000     | \$ | 15,000     | 94364 |
| TOTAL FED          | Federal Fund Group              |   | \$ | 42,324,411 | \$ | 42,324,411 | 94365 |
| TOTAL ALL BUDGET   | FUND GROUPS                     |   | \$ | 53,575,666 | \$ | 53,575,666 | 94366 |

**Section 205.20. NATIONAL GUARD BENEFITS** 94368

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs. 94369 94370 94371 94372

If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. The Adjutant General may subsequently seek Controlling Board approval to 94373 94374 94375 94376 94377 94378 94379

restore the appropriation in the appropriation item from which 94380  
such a transfer was made. 94381

For active duty members of the Ohio National Guard who died 94382  
after October 7, 2001, while performing active duty, the death 94383  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 94384  
paid to the beneficiary or beneficiaries designated on the 94385  
member's Servicemembers' Group Life Insurance Policy. 94386

STATE ACTIVE DUTY COSTS 94387

Of the foregoing appropriation item 745409, Central 94388  
Administration, \$50,000 in each fiscal year shall be used for the 94389  
purpose of paying expenses related to state active duty of members 94390  
of the Ohio organized militia, in accordance with a proclamation 94391  
of the Governor. Expenses include, but are not limited to, the 94392  
cost of equipment, supplies, and services, as determined by the 94393  
Adjutant General's Department. On June 1 of each fiscal year, if 94394  
it is determined by the Adjutant General that any portion of this 94395  
\$50,000 in that fiscal year will not be used for state active duty 94396  
expenses, those amounts may be encumbered by the Adjutant General 94397  
for maintenance expenses. If before the end of that fiscal year, 94398  
state active duty expenses occur, these encumbrances should be 94399  
canceled by the Adjutant General to pay for expenses related to 94400  
state active duty. 94401

CYBER RANGE 94402

The Adjutant General's Department, in conjunction and 94403  
collaboration with the Department of Administrative Services, the 94404  
Department of Public Safety, the Department of Higher Education, 94405  
and the Department of Education shall establish and maintain a 94406  
cyber range. The Adjutant General's Department may work with 94407  
federal agencies to assist in accomplishing this objective. The 94408  
cyber range shall: (1) provide cyber training and education to 94409  
K-12 students, higher education students, Ohio National Guardsmen, 94410

federal employees, and state and local government employees, and 94411  
(2) provide for emergency preparedness exercises and training. The 94412  
state agencies identified in this paragraph may procure any 94413  
necessary goods and services including, but not limited to, 94414  
contracted services, hardware, networking services, maintenance 94415  
costs, and the training and management costs of a cyber range. 94416  
These state agencies shall determine the amount of funds each 94417  
agency will contribute from available funds and appropriations 94418  
enacted herein in order to establish and maintain a cyber range. 94419

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 94420

General Revenue Fund 94421

GRF 100413 Enterprise Data Center \$ 7,564,900 \$ 7,564,300 94422

Solutions Lease Rental  
Payments

GRF 100414 MARCS Lease Rental \$ 6,764,700 \$ 6,766,800 94423

Payments

GRF 100415 OAKS Lease Rental \$ 15,251,600 \$ 15,344,800 94424

Payments

GRF 100416 STARS Lease Rental \$ 8,664,100 \$ 8,628,500 94425

Payments

GRF 100447 Administrative \$ 98,017,500 \$ 91,862,900 94426

Buildings Lease Rental  
Bond Payments

GRF 100452 Lean Ohio \$ 1,130,393 \$ 1,130,393 94427

GRF 100456 State IT Services \$ 1,797,702 \$ 1,797,702 94428

GRF 100457 Equal Opportunity \$ 2,246,087 \$ 2,246,087 94429

Services

GRF 100459 Ohio Business Gateway \$ 4,049,094 \$ 4,049,094 94430

GRF 100469 Aronoff Center \$ 540,000 \$ 540,000 94431

Building Maintenance

GRF 130321 State Agency Support \$ 20,785,209 \$ 20,785,209 94432

Services

|  |    |             |    |             |       |
|--|----|-------------|----|-------------|-------|
| TOTAL GRF General Revenue Fund                     | \$ | 166,811,285 | \$ | 160,715,785 | 94433 |
| Dedicated Purpose Fund Group                       |    |             |    |             | 94434 |
| 5L70 100610 Professional Development               | \$ | 2,100,121   | \$ | 2,100,121   | 94435 |
| 5MV0 100662 Theater Equipment Maintenance          | \$ | 80,891      | \$ | 80,891      | 94436 |
| 5NM0 100663 911 Program                            | \$ | 505,421     | \$ | 505,421     | 94437 |
| 5V60 100619 Employee Educational Development       | \$ | 1,000,000   | \$ | 1,000,000   | 94438 |
| TOTAL DPF Dedicated Purpose Fund Group             | \$ | 3,686,433   | \$ | 3,686,433   | 94439 |
| Internal Service Activity Fund Group               |    |             |    |             | 94440 |
| 1120 100616 DAS Administration                     | \$ | 8,378,265   | \$ | 8,501,526   | 94441 |
| 1150 100632 Central Service Agency                 | \$ | 1,227,255   | \$ | 975,025     | 94442 |
| 1170 100644 General Services Division - Operating  | \$ | 12,871,957  | \$ | 12,871,957  | 94443 |
| 1220 100637 Fleet Management                       | \$ | 11,603,461  | \$ | 12,781,321  | 94444 |
| 1250 100622 Human Resources Division - Operating   | \$ | 16,820,154  | \$ | 16,820,154  | 94445 |
| 1250 100657 Benefits Communication                 | \$ | 615,521     | \$ | 615,521     | 94446 |
| 1280 100620 Office of Collective Bargaining        | \$ | 4,417,508   | \$ | 4,439,908   | 94447 |
| 1300 100606 Risk Management Reserve                | \$ | 12,763,978  | \$ | 12,763,978  | 94448 |
| 1320 100631 DAS Building Management                | \$ | 51,384,799  | \$ | 51,384,799  | 94449 |
| 1330 100607 IT Services Delivery                   | \$ | 127,132,306 | \$ | 126,732,306 | 94450 |
| 1880 100649 Equal Opportunity Division - Operating | \$ | 1,219,082   | \$ | 1,264,515   | 94451 |
| 2100 100612 State Printing                         | \$ | 27,534,182  | \$ | 28,090,941  | 94452 |
| 2290 100630 IT Governance                          | \$ | 33,457,000  | \$ | 31,977,000  | 94453 |

|                              |                                |                |                |       |
|------------------------------|--------------------------------|----------------|----------------|-------|
| 2290 100640                  | Consolidated IT Purchases      | \$ 15,078,000  | \$ 15,348,000  | 94454 |
| 4270 100602                  | Investment Recovery            | \$ 1,662,341   | \$ 1,662,341   | 94455 |
| 4N60 100617                  | Major IT Purchases             | \$ 130,069,345 | \$ 130,069,345 | 94456 |
| 5C20 100605                  | MARCS Administration           | \$ 20,015,704  | \$ 21,319,640  | 94457 |
| 5EB0 100635                  | OAKS Support Organization      | \$ 33,000,000  | \$ 37,000,000  | 94458 |
| 5EB0 100656                  | OAKS Updates and Developments  | \$ 6,357,000   | \$ 6,357,000   | 94459 |
| 5JQ0 100658                  | Professionals Licensing System | \$ 990,000     | \$ 4,234,482   | 94460 |
| 5KZ0 100659                  | Building Improvement           | \$ 4,391,700   | \$ 2,558,281   | 94461 |
| 5LJ0 100661                  | IT Development                 | \$ 9,000,000   | \$ 9,000,000   | 94462 |
| 5PC0 100665                  | Enterprise Applications        | \$ 83,436,960  | \$ 85,391,790  | 94463 |
| TOTAL ISA                    | Internal Service Activity      |                |                | 94464 |
| Fund Group                   |                                | \$ 613,426,518 | \$ 622,159,830 | 94465 |
| Federal Fund Group           |                                |                |                | 94466 |
| 3AJ0 100623                  | Information Technology Grants  | \$ 2,487,909   | \$ 740,493     | 94467 |
| TOTAL FED                    | Federal Fund Group             | \$ 2,487,909   | \$ 740,493     | 94468 |
| TOTAL ALL BUDGET FUND GROUPS |                                | \$ 786,412,145 | \$ 787,302,541 | 94469 |

**Section 207.20. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL PAYMENTS** 94471  
94472

The foregoing appropriation item 100413, Enterprise Data Center Solutions Lease Rental Payments, shall be used for payments during the period from July 1, 2017, through June 30, 2019, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of S.B. 310 of the 131st General Assembly, with respect to financing the costs associated with the acquisition, development, installation, and implementation of the Enterprise Data Center Solutions information 94473  
94474  
94475  
94476  
94477  
94478  
94479  
94480

technology initiative. If it is determined that additional 94481  
appropriations are necessary for this purpose, the amounts are 94482  
hereby appropriated. 94483

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 94484

The foregoing appropriation item 100414, MARCS Lease Rental 94485  
Payments, shall be used for payments during the period from July 94486  
1, 2017, through June 30, 2019, pursuant to leases and agreements 94487  
entered into under Chapter 125. of the Revised Code, as 94488  
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 94489  
General Assembly, with respect to financing the costs associated 94490  
with the acquisition, development, installation, and 94491  
implementation of the Multi-Agency Radio Communications System 94492  
(MARCS) upgrade. If it is determined that additional 94493  
appropriations are necessary for this purpose, the amounts are 94494  
hereby appropriated. 94495

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 94496

The foregoing appropriation item 100415, OAKS Lease Rental 94497  
Payments, shall be used for payments during the period from July 94498  
1, 2017, through June 30, 2019, pursuant to leases and agreements 94499  
entered into under Chapter 125. of the Revised Code, as 94500  
supplemented by Section 701.20 of S.B. 310 of the 131st General 94501  
Assembly and other prior acts of the General Assembly, with 94502  
respect to financing the costs associated with the acquisition, 94503  
development, installation, and implementation of the Ohio 94504  
Administrative Knowledge System. If it is determined that 94505  
additional appropriations are necessary for this purpose, the 94506  
amounts are hereby appropriated. 94507

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 94508  
PAYMENTS 94509

The foregoing appropriation item 100416, STARS Lease Rental 94510  
Payments, shall be used for payments during the period from July 94511

1, 2017, through June 30, 2019, pursuant to leases and agreements 94512  
entered into under Chapter 125. of the Revised Code, as 94513  
supplemented by Section 701.30 of S.B. 310 of the 131st General 94514  
Assembly and other prior acts of the General Assembly, with 94515  
respect to financing the costs associated with the acquisition, 94516  
development, installation, and implementation of the State 94517  
Taxation Accounting and Revenue System (STARS). If it is 94518  
determined that additional appropriations are necessary for this 94519  
purpose, the amounts are hereby appropriated. 94520

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 94521

The foregoing appropriation item 100447, Administrative 94522  
Buildings Lease Rental Bond Payments, shall be used to meet all 94523  
payments during the period from July 1, 2017, through June 30, 94524  
2019, by the Department of Administrative Services pursuant to 94525  
leases and agreements under Chapters 152. and 154. of the Revised 94526  
Code. These appropriations are the source of funds pledged for 94527  
bond service charges on related obligations issued under Chapters 94528  
152. and 154. of the Revised Code. 94529

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 94530

The Director of Administrative Services, in consultation with 94531  
the Multi-Agency Radio Communication System (MARCS) Steering 94532  
Committee and the Director of Budget and Management, shall 94533  
determine the share of debt service payments attributable to 94534  
spending for MARCS components that are not specific to any one 94535  
agency and that shall be charged to the Highway Safety Fund (Fund 94536  
7036). Such share of debt service payments shall be calculated for 94537  
MARCS capital disbursements made beginning July 1, 1997. Within 94538  
thirty days of any payment made from appropriation item 100447, 94539  
Administrative Buildings Lease Rental Bond Payments, the Director 94540  
of Administrative Services shall certify to the Director of Budget 94541  
and Management the amount of this share. The Director of Budget 94542  
and Management shall transfer such amounts to the General Revenue 94543

Fund from the State Highway Safety Fund (Fund 7036) established in section 4501.06 of the Revised Code. 94544  
94545

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 94546  
FUND 94547

Following the conveyance of the Michael V. DiSalle Government Center pursuant to Section 753.20 of Am. Sub. H.B. 64 of the 131st General Assembly, the Director of Budget and Management may adjust FY 2018 and FY 2019 General Revenue Fund appropriations of the Department of Administrative Services and other state agencies to reflect accurately the rental amounts agencies will pay the lessor of the Michael V. DiSalle Government Center for space that is supported by the General Revenue Fund and that heretofore was paid by the Department of Administrative Services. Total General Revenue Fund appropriations may decrease but may not increase as a result of the appropriation adjustments made under this section. 94548  
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The foregoing appropriation item 130321, State Agency Support Services, also may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state. 94559  
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Notwithstanding section 125.28 of the Revised Code, the foregoing appropriation item 130321, State Agency Support Services, also may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants, or other costs associated with the Voinovich Center in Youngstown, Ohio. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated because of building renovations. These payments may be processed by the Department of Administrative Services through intrastate transfer vouchers and placed into the Building 94565  
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Management Fund (Fund 1320). 94576

At least once per year, the portion of appropriation item 94577  
130321, State Agency Support Services, that is not used for the 94578  
regular expenses of the appropriation item may be processed by the 94579  
Department of Administrative Services through intrastate transfer 94580  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 94581

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 94582

Upon the request of the Director of Administrative Services, 94583  
the Director of Budget and Management may transfer unobligated 94584  
cash in the MARCS Administration Fund (Fund 5C20) to the General 94585  
Revenue Fund to reimburse the General Revenue Fund for lease 94586  
rental payments made on behalf of the MARCS upgrade. 94587

**Section 207.30. PROFESSIONAL DEVELOPMENT FUND** 94588

The foregoing appropriation item 100610, Professional 94589  
Development, shall be used to make payments from the Professional 94590  
Development Fund (Fund 5L70) under section 124.182 of the Revised 94591  
Code. If it is determined by the Director of Budget and Management 94592  
that additional amounts are necessary, the amounts are hereby 94593  
appropriated. 94594

911 PROGRAM 94595

The foregoing appropriation item 100663, 911 Program, shall 94596  
be used by the Department of Administrative Services to pay the 94597  
administrative and marketing and educational costs of the 94598  
Statewide Emergency Services Internet Protocol Network program. 94599

EMPLOYEE EDUCATIONAL DEVELOPMENT 94600

The foregoing appropriation item 100619, Employee Educational 94601  
Development, shall be used to make payments from the Employee 94602  
Educational Development Fund (Fund 5V60) under section 124.86 of 94603  
the Revised Code. The fund shall be used to pay the costs of 94604  
administering educational programs under existing collective 94605

bargaining agreements with District 1199, the Health Care and 94606  
Social Service Union, Service Employees International Union; State 94607  
Council of Professional Educators; Ohio Education Association and 94608  
National Education Association; the Fraternal Order of Police Ohio 94609  
Labor Council, Unit 2; and the Ohio State Troopers Association, 94610  
Units 1 and 15. 94611

If it is determined by the Director of Budget and Management 94612  
that additional amounts are necessary, the amounts are hereby 94613  
appropriated. 94614

**Section 207.40. CENTRAL SERVICE AGENCY FUND 94615**

The foregoing appropriation item 100632, Central Service 94616  
Agency, shall be used to purchase the equipment, products, and 94617  
services that are needed to maintain existing automated 94618  
applications for the professional licensing boards and the Casino 94619  
Control Commission to support board licensing functions in fiscal 94620  
year 2018 until these functions are replaced by the Ohio 94621  
Professionals Licensing System. The Department of Administrative 94622  
Services shall establish charges for recovering the costs of 94623  
carrying out these functions. The charges shall be billed to the 94624  
professional licensing boards and the Casino Control Commission, 94625  
and deposited via intrastate transfer vouchers to the credit of 94626  
the Central Service Agency Fund (Fund 1150). 94627

Upon implementation of the replacement Ohio Professionals 94628  
Licensing System and the decommissioning of the existing automated 94629  
applications, the Director of Budget and Management may transfer 94630  
any cash balances that remain in the Central Service Agency Fund 94631  
(Fund 1150) and that are attributable to the operation of the 94632  
existing automated applications to the Professions Licensing 94633  
System Fund (Fund 5JQ0). 94634

**GENERAL SERVICE CHARGES 94635**

The Department of Administrative Services, with the approval 94636  
of the Director of Budget and Management, shall establish charges 94637  
for recovering the costs of administering the programs funded by 94638  
the General Services Fund (Fund 1170) and the State Printing Fund 94639  
(Fund 2100). 94640

COLLECTIVE BARGAINING ARBITRATION EXPENSES 94641

The Department of Administrative Services may seek 94642  
reimbursement from state agencies for the actual costs and 94643  
expenses the Department incurs in the collective bargaining 94644  
arbitration process. The reimbursements shall be processed through 94645  
intrastate transfer vouchers and credited to the Collective 94646  
Bargaining Fund (Fund 1280). 94647

EQUAL OPPORTUNITY PROGRAM 94648

The Department of Administrative Services, with the approval 94649  
of the Director of Budget and Management, shall establish charges 94650  
for recovering the costs of administering the activities supported 94651  
by the State EEO Fund (Fund 1880). These charges shall be 94652  
deposited to the credit of Fund 1880 upon payment made by state 94653  
agencies, state-supported or state-assisted institutions of higher 94654  
education, and tax-supported agencies, municipal corporations, and 94655  
other political subdivisions of the state, for services rendered. 94656

CONSOLIDATED IT PURCHASES 94657

The foregoing appropriation item 100640, Consolidated IT 94658  
Purchases, shall be used by the Department of Administrative 94659  
Services acting as the purchasing agent for one or more government 94660  
entities under the authority of division (G) of section 125.18 of 94661  
the Revised Code to make information technology purchases at a 94662  
lower aggregate cost than each individual government entity could 94663  
have obtained independently for that information technology 94664  
purchase. 94665

INVESTMENT RECOVERY FUND 94666

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

MAJOR IT PURCHASES CHARGES

The Department of Administrative Services may bill agencies for actual expenditures made for major IT purchases if those expenditures are not recovered as part of the information technology services rates the Department charges and deposits into the Information Technology Fund (Fund 1330) created in section 125.15 of the Revised Code. These charges shall be deposited to the credit of the Major IT Purchases Fund (Fund 4N60).

PROFESSIONS LICENSING SYSTEM

The foregoing appropriation item, 100658, Ohio Professionals Licensing System, shall be used to purchase the equipment, products, and services necessary to develop and maintain a replacement automated licensing system for the professional licensing boards.

Upon request by the Director of Administrative Services, the Director of Budget and Management may transfer up to \$14,000,000 in cash during the FY 2018-FY 2019 biennium from the Occupational Licensing and Regulatory Fund (Fund 4K90), the State Medical Board Operating Fund (Fund 5C60), and the Casino Control Commission - Operating Fund (Fund 5HS0), to the Professions Licensing System Fund (Fund 5JQ0). The amount transferred from each fund shall be in proportion to the number of current licenses issued by the licensing boards and commissions that use each fund, and for the Casino Control Commission, the number of current and anticipated licenses. The transferred amounts shall be used by the Director of Administrative Services for the initial acquisition and

development of the Professions Licensing System. The transferred 94698  
amounts are hereby appropriated to appropriation item 100658, 94699  
Professionals Licensing System. The unobligated, unexpended amount 94700  
of the cash transferred in FY 2018 is hereby reappropriated for 94701  
the same purpose in FY 2019. 94702

Effective with the implementation of the replacement 94703  
licensing system, the Department of Administrative Services shall 94704  
establish charges for recovering the costs of ongoing maintenance 94705  
of the system that are not otherwise recovered under section 94706  
125.18 of the Revised Code. The charges shall be billed to state 94707  
agencies, boards, and commissions using the state's enterprise 94708  
electronic licensing system and deposited via intrastate transfer 94709  
vouchers to the credit of the Professions Licensing System Fund 94710  
(Fund 5JQ0), which is hereby created in the state treasury. 94711

Notwithstanding any provision of the Revised Code to the 94712  
contrary, the Department of Administrative Services may assess a 94713  
transaction fee to an individual who uses the state's enterprise 94714  
electronic licensing system operated by the Department to apply 94715  
for or renew a license or registration in an amount determined by 94716  
the Department not to exceed three dollars and fifty cents. The 94717  
Director of Administrative Services may collect the fee or require 94718  
a state agency for which the system is being operated to collect 94719  
the fee. Amounts received under this division shall be deposited 94720  
in the Professions Licensing System Fund (Fund 5JQ0) and used to 94721  
operate the electronic licensing system. 94722

BUILDING IMPROVEMENT FUND 94723

The foregoing appropriation item 100659, Building 94724  
Improvement, shall be used to make payments from the Building 94725  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 94726  
required in facilities maintained by the Department of 94727  
Administrative Services. The Department of Administrative Services 94728  
shall conduct or contract for regular assessments of these 94729

buildings and shall maintain a cash balance in Fund 5KZ0 equal to 94730  
the cost of the repairs and improvements that are recommended to 94731  
occur within the next five years, with the following exception 94732  
described below. 94733

Upon request of the Director of Administrative Services, the 94734  
Director of Budget and Management may permit a cash transfer from 94735  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 94736  
of operating and maintaining facilities managed by the Department 94737  
of Administrative Services that are not charged to tenants during 94738  
the same fiscal year. 94739

Should the cash balance in Fund 1320 be determined to be 94740  
sufficient, the Director of Administrative Services may request 94741  
that the Director of Budget and Management transfer cash from Fund 94742  
1320 to 5KZ0 in an amount equal to the initial cash transfer made 94743  
under this section plus applicable interest. 94744

INFORMATION TECHNOLOGY DEVELOPMENT 94745

The foregoing appropriation item 100661, IT Development, 94746  
shall be used by the Department of Administrative Services to pay 94747  
the costs of modernizing the state's information technology 94748  
management and investment practices away from a limited, 94749  
agency-specific focus in favor of a statewide methodology 94750  
supporting development of enterprise solutions. 94751

Notwithstanding any provision of law to the contrary, the 94752  
Department of Administrative Services, with the approval of the 94753  
Director of Budget and Management, may charge state agencies an 94754  
information technology development assessment based on state 94755  
agencies' information technology expenditures or other 94756  
methodology. The revenue from this assessment shall be deposited 94757  
into the Information Technology Development Fund (Fund 5LJ0), 94758  
which is hereby created. 94759

ENTERPRISE APPLICATIONS 94760

The foregoing appropriation item 100665, Enterprise Applications, shall be used for the operation and management of information technology applications that support state agencies' objectives. Charges billed to benefiting agencies shall be deposited to the credit of the Enterprise Application Fund (Fund 5PC0), which is hereby created in the state treasury.

**Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION**

The Director of Administrative Services shall determine and implement strategies that benefit the enterprise by improving efficiency, reducing costs or enhancing capacity of information technology (IT) services. Such improvements and efficiencies may result in the consolidation and transfer of such services. As determined to be necessary for successful implementation of this section and notwithstanding any provision of law to the contrary, the Director of Administrative Services may request the Director of Budget and Management to consolidate or transfer IT-specific budget authority between agencies or within an agency as necessary to implement enterprise IT cost containment strategies and related efficiencies. Once the Director of Budget and Management is satisfied that the proposed initiative is cost advantageous to the enterprise, the Director of Budget and Management may transfer appropriations, funds and cash as needed to implement the proposed initiative. The establishment of any new fund or additional appropriation as a result of this section will be subject to Controlling Board approval.

The Director of Budget and Management and the Director of Administrative Services may transfer any employees, assets, and liabilities, including, but not limited to, records, contracts, and agreements in order to facilitate the improvements determined in accordance with this section.

|           |                              |                         |    |            |    |            |       |
|-----------|------------------------------|-------------------------|----|------------|----|------------|-------|
|           | <b>Section 209.10.</b>       | AGE DEPARTMENT OF AGING |    |            |    | 94791      |       |
|           | General Revenue Fund         |                         |    |            |    | 94792      |       |
| GRF       | 490321                       | Operating Expenses      | \$ | 1,573,121  | \$ | 1,573,121  | 94793 |
| GRF       | 490410                       | Long-Term Care          | \$ | 477,448    | \$ | 477,448    | 94794 |
|           |                              | Ombudsman               |    |            |    |            |       |
| GRF       | 490411                       | Senior Community        | \$ | 7,103,592  | \$ | 7,103,592  | 94795 |
|           |                              | Services                |    |            |    |            |       |
| GRF       | 490414                       | Alzheimer's Respite     | \$ | 2,495,245  | \$ | 2,495,245  | 94796 |
| GRF       | 490506                       | National Senior         | \$ | 241,413    | \$ | 241,413    | 94797 |
|           |                              | Service Corps           |    |            |    |            |       |
| GRF       | 656423                       | Long-Term Care Budget   | \$ | 3,660,649  | \$ | 3,660,649  | 94798 |
|           |                              | - State                 |    |            |    |            |       |
| TOTAL GRF | General Revenue Fund         |                         | \$ | 15,551,468 | \$ | 15,551,468 | 94799 |
|           | Dedicated Purpose Fund Group |                         |    |            |    | 94800      |       |
| 4800      | 490606                       | Senior Community        | \$ | 372,523    | \$ | 372,523    | 94801 |
|           |                              | Outreach and            |    |            |    |            |       |
|           |                              | Education               |    |            |    |            |       |
| 4C40      | 490609                       | Regional Long-Term      | \$ | 1,000,000  | \$ | 1,000,000  | 94802 |
|           |                              | Care Ombudsman          |    |            |    |            |       |
|           |                              | Program                 |    |            |    |            |       |
| 5BA0      | 490620                       | Ombudsman Support       | \$ | 2,050,000  | \$ | 2,050,000  | 94803 |
| 5K90      | 490613                       | Long-Term Care          | \$ | 1,350,000  | \$ | 1,350,000  | 94804 |
|           |                              | Consumers Guide         |    |            |    |            |       |
| 5MT0      | 490627                       | Board of Executives     | \$ | 800,000    | \$ | 800,000    | 94805 |
|           |                              | of Long-Term Services   |    |            |    |            |       |
|           |                              | and Supports            |    |            |    |            |       |
| 5T40      | 656625                       | Health Care Grants -    | \$ | 500,000    | \$ | 500,000    | 94806 |
|           |                              | State                   |    |            |    |            |       |
| 5TI0      | 656624                       | Provider                | \$ | 120,000    | \$ | 120,000    | 94807 |
|           |                              | Certification           |    |            |    |            |       |
| 5W10      | 490616                       | Resident Services       | \$ | 344,700    | \$ | 344,700    | 94808 |

Coordinator Program

|                                   |    |            |               |       |
|-----------------------------------|----|------------|---------------|-------|
| TOTAL DPF Dedicated Purpose       |    |            |               | 94809 |
| Fund Group                        | \$ | 6,537,223  | \$ 6,537,223  | 94810 |
| Federal Fund Group                |    |            |               | 94811 |
| 3220 490618 Federal Aging Grants  | \$ | 8,700,000  | \$ 8,700,000  | 94812 |
| 3C40 656623 Long Term Care Budget | \$ | 3,808,337  | \$ 3,808,337  | 94813 |
| - Federal                         |    |            |               |       |
| 3M40 490612 Federal Independence  | \$ | 58,655,080 | \$ 58,655,080 | 94814 |
| Services                          |    |            |               |       |
| TOTAL FED Federal Fund Group      | \$ | 71,163,417 | \$ 71,163,417 | 94815 |
| TOTAL ALL BUDGET FUND GROUPS      | \$ | 93,252,108 | \$ 93,252,108 | 94816 |

**Section 209.20. LONG-TERM CARE** 94818

Pursuant to an interagency agreement, the Department of 94819  
 Medicaid may designate the Department of Aging to perform 94820  
 assessments under section 5165.04 of the Revised Code. The 94821  
 Department of Aging shall provide long-term care consultations 94822  
 under section 173.42 of the Revised Code to assist individuals in 94823  
 planning for their long-term health care needs. 94824

The Department of Aging shall administer the Medicaid 94825  
 waiver-funded PASSPORT Home Care Program, the Assisted Living 94826  
 Program, and PACE as delegated by the Department of Medicaid in an 94827  
 interagency agreement. 94828

**PERFORMANCE-BASED REIMBURSEMENT** 94829

The Department of Aging may design and utilize a payment 94830  
 method for PASSPORT administrative agency operations that includes 94831  
 a pay-for-performance incentive component that is earned by a 94832  
 PASSPORT administrative agency when defined consumer and policy 94833  
 outcomes are achieved. 94834

**Section 209.30. MYCARE OHIO** 94835

The authority of the Office of the State Long Term Care 94836

Ombudsman as described in sections 173.14 to 173.28 of the Revised Code extends to MyCare Ohio during the period of the federal financial alignment demonstration program.

SENIOR COMMUNITY SERVICES

The foregoing appropriation item 490411, Senior Community Services, may be used for programs, services, and activities designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, prevention and disease self-management, and decision support systems. The Department may also use these funds to provide grants to community organizations to support and expand evidence-based/informed programming. Service priority shall be given to low income, frail, and/or cognitively impaired persons 60 years of age and over.

NATIONAL SENIOR SERVICE CORPS

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

**Section 209.40.** BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it.

**Section 211.10. AGR DEPARTMENT OF AGRICULTURE**

General Revenue Fund

|            |                        |    |           |    |           |       |
|------------|------------------------|----|-----------|----|-----------|-------|
| GRF 700401 | Animal Health Programs | \$ | 3,690,744 | \$ | 3,790,297 | 94875 |
| GRF 700403 | Dairy Division         | \$ | 1,204,917 | \$ | 1,204,917 | 94876 |
| GRF 700404 | Ohio Proud             | \$ | 20,000    | \$ | 50,000    | 94877 |
| GRF 700406 | Consumer Protection    | \$ | 1,211,976 | \$ | 1,346,976 | 94878 |
|            | Lab                    |    |           |    |           |       |
| GRF 700407 | Food Safety            | \$ | 1,325,582 | \$ | 1,325,582 | 94879 |
| GRF 700409 | Farmland Preservation  | \$ | 76,172    | \$ | 76,172    | 94880 |
| GRF 700410 | Plant Industry         | \$ | 150,000   | \$ | 150,000   | 94881 |
| GRF 700412 | Weights and Measures   | \$ | 215,097   | \$ | 615,097   | 94882 |
| GRF 700415 | Poultry Inspection     | \$ | 605,471   | \$ | 605,471   | 94883 |
| GRF 700418 | Livestock Regulation   | \$ | 769,291   | \$ | 1,169,291 | 94884 |
|            | Program                |    |           |    |           |       |
| GRF 700424 | Livestock Testing and  | \$ | 92,493    | \$ | 92,493    | 94885 |
|            | Inspections            |    |           |    |           |       |
| GRF 700426 | Dangerous and          | \$ | 821,227   | \$ | 821,227   | 94886 |
|            | Restricted Animals     |    |           |    |           |       |
| GRF 700427 | High Volume Breeder    | \$ | 922,510   | \$ | 1,272,510 | 94887 |
|            | Kennel Control         |    |           |    |           |       |
| GRF 700428 | Soil and Water         | \$ | 3,619,000 | \$ | 3,619,000 | 94888 |
|            | Division               |    |           |    |           |       |
| GRF 700499 | Meat Inspection        | \$ | 4,567,547 | \$ | 4,567,547 | 94889 |
|            | Program - State Share  |    |           |    |           |       |
| GRF 700501 | County Agricultural    | \$ | 391,415   | \$ | 391,415   | 94890 |
|            | Societies              |    |           |    |           |       |

|             |                              |    |            |    |            |       |
|-------------|------------------------------|----|------------|----|------------|-------|
| GRF 700509  | Soil and Water               | \$ | 2,632,929  | \$ | 3,432,929  | 94891 |
|             | District Support             |    |            |    |            |       |
| TOTAL GRF   | General Revenue Fund         | \$ | 22,316,371 | \$ | 24,530,924 | 94892 |
|             | Dedicated Purpose Fund Group |    |            |    |            | 94893 |
| 4900 700651 | License Plates -             | \$ | 17,500     | \$ | 17,500     | 94894 |
|             | Sustainable                  |    |            |    |            |       |
|             | Agriculture                  |    |            |    |            |       |
| 4940 700612 | Agricultural                 | \$ | 253,000    | \$ | 253,000    | 94895 |
|             | Commodity Marketing          |    |            |    |            |       |
|             | Program                      |    |            |    |            |       |
| 4960 700626 | Ohio Grape Industries        | \$ | 1,200,000  | \$ | 1,200,000  | 94896 |
| 4970 700627 | Grain Warehouse              | \$ | 450,000    | \$ | 450,000    | 94897 |
|             | Program                      |    |            |    |            |       |
| 4C90 700605 | Commercial Feed and          | \$ | 2,075,751  | \$ | 2,076,251  | 94898 |
|             | Seed                         |    |            |    |            |       |
| 4D20 700609 | Auction Education            | \$ | 50,000     | \$ | 50,000     | 94899 |
| 4E40 700606 | Utility Radiological         | \$ | 140,176    | \$ | 140,176    | 94900 |
|             | Safety                       |    |            |    |            |       |
| 4P70 700610 | Food Safety                  | \$ | 993,743    | \$ | 993,743    | 94901 |
|             | Inspection                   |    |            |    |            |       |
| 4R00 700636 | Ohio Proud Marketing         | \$ | 60,500     | \$ | 30,500     | 94902 |
| 4R20 700637 | Dairy Industry               | \$ | 1,852,950  | \$ | 1,852,950  | 94903 |
|             | Inspection                   |    |            |    |            |       |
| 4T60 700611 | Poultry and Meat             | \$ | 160,000    | \$ | 160,000    | 94904 |
|             | Inspection                   |    |            |    |            |       |
| 5780 700620 | Ride Inspection              | \$ | 1,426,974  | \$ | 1,426,974  | 94905 |
| 5B80 700629 | Auctioneers                  | \$ | 361,450    | \$ | 361,450    | 94906 |
| 5BV0 700660 | Heidelberg Water             | \$ | 250,000    | \$ | 250,000    | 94907 |
|             | Quality Lab                  |    |            |    |            |       |
| 5BV0 700661 | Soil and Water               | \$ | 8,800,000  | \$ | 8,000,000  | 94908 |
|             | Districts                    |    |            |    |            |       |
| 5FC0 700648 | Plant Pest Program           | \$ | 1,515,298  | \$ | 1,515,298  | 94909 |
| 5H20 700608 | Metrology Lab and            | \$ | 1,325,000  | \$ | 925,000    | 94910 |

|                           |                           |                       |    |            |    |            |       |
|---------------------------|---------------------------|-----------------------|----|------------|----|------------|-------|
|                           |                           | Scale Certification   |    |            |    |            |       |
| 5L80                      | 700604                    | Livestock Management  | \$ | 732,000    | \$ | 332,000    | 94911 |
|                           |                           | Program               |    |            |    |            |       |
| 5MA0                      | 700657                    | Dangerous and         | \$ | 19,000     | \$ | 19,000     | 94912 |
|                           |                           | Restricted Animals    |    |            |    |            |       |
| 5MR0                      | 700658                    | High Volume Breeders  | \$ | 626,415    | \$ | 320,000    | 94913 |
|                           |                           | and Kennels           |    |            |    |            |       |
| 5MS0                      | 700659                    | Captive Deer          | \$ | 40,000     | \$ | 40,000     | 94914 |
| 5QW0                      | 700653                    | Watershed Assistance  | \$ | 515,000    | \$ | 515,000    | 94915 |
| 6520                      | 700634                    | Animal, Consumer, and | \$ | 5,305,734  | \$ | 5,066,896  | 94916 |
|                           |                           | ATL Labs              |    |            |    |            |       |
| 6690                      | 700635                    | Pesticide,            | \$ | 5,574,048  | \$ | 5,574,048  | 94917 |
|                           |                           | Fertilizer, and Lime  |    |            |    |            |       |
|                           |                           | Inspection Program    |    |            |    |            |       |
| TOTAL DPF                 | Dedicated Purpose         |                       |    |            |    |            | 94918 |
| Fund Group                |                           |                       | \$ | 33,744,539 | \$ | 31,569,786 | 94919 |
| Internal Service Activity | Fund Group                |                       |    |            |    |            | 94920 |
| 5DA0                      | 700644                    | Laboratory            | \$ | 1,204,626  | \$ | 1,204,626  | 94921 |
|                           |                           | Administration        |    |            |    |            |       |
|                           |                           | Support               |    |            |    |            |       |
| 5GH0                      | 700655                    | Administrative        | \$ | 6,318,841  | \$ | 6,318,841  | 94922 |
|                           |                           | Support               |    |            |    |            |       |
| TOTAL ISA                 | Internal Service Activity |                       |    |            |    |            | 94923 |
| Fund Group                |                           |                       | \$ | 7,523,467  |    | 7,523,467  | 94924 |
| Capital Projects          | Fund Group                |                       |    |            |    |            | 94925 |
| 7057                      | 700632                    | Clean Ohio            | \$ | 610,000    | \$ | 610,000    | 94926 |
|                           |                           | Agricultural Easement |    |            |    |            |       |
|                           |                           | Operating             |    |            |    |            |       |
| TOTAL CPF                 | Capital Projects Fund     |                       | \$ | 610,000    | \$ | 610,000    | 94927 |
| Group                     |                           |                       |    |            |    |            |       |
| Federal Fund              | Group                     |                       |    |            |    |            | 94928 |
| 3260                      | 700618                    | Meat Inspection       | \$ | 5,194,424  | \$ | 5,194,424  | 94929 |

|                              |                    |                       |    |            |    |                  |
|------------------------------|--------------------|-----------------------|----|------------|----|------------------|
|                              |                    | Program - Federal     |    |            |    |                  |
|                              |                    | Share                 |    |            |    |                  |
| 3360                         | 700617             | Ohio Farm Loan -      | \$ | 360,000    | \$ | 360,000 94930    |
|                              |                    | Revolving             |    |            |    |                  |
| 3820                         | 700601             | Federal Cooperative   | \$ | 7,749,089  | \$ | 7,749,089 94931  |
|                              |                    | Contracts             |    |            |    |                  |
| 3AB0                         | 700641             | Agricultural Easement | \$ | 350,000    | \$ | 350,000 94932    |
| 3J40                         | 700607             | Federal               | \$ | 1,209,234  | \$ | 1,209,234 94933  |
|                              |                    | Administrative        |    |            |    |                  |
|                              |                    | Programs              |    |            |    |                  |
| 3R20                         | 700614             | Federal Plant         | \$ | 6,095,972  | \$ | 6,095,972 94934  |
|                              |                    | Industry              |    |            |    |                  |
| TOTAL FED                    | Federal Fund Group |                       | \$ | 20,958,719 | \$ | 20,958,719 94935 |
| TOTAL ALL BUDGET FUND GROUPS |                    |                       | \$ | 85,153,096 | \$ | 85,192,896 94936 |

**Section 211.20. DANGEROUS AND RESTRICTED WILD ANIMALS** 94938

The foregoing appropriation item 700426, Dangerous and 94939  
 Restricted Animals, shall be used to administer the Dangerous and 94940  
 Restricted Wild Animal Permitting Program. 94941

**COUNTY AGRICULTURAL SOCIETIES** 94942

The foregoing appropriation item 700501, County Agricultural 94943  
 Societies, shall be used to reimburse county and independent 94944  
 agricultural societies for expenses related to Junior Fair 94945  
 activities. 94946

**SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE** 94947  
**BASIN** 94948

Of the foregoing appropriation item 700509, Soil and Water 94949  
 District Support, \$350,000 in each fiscal year shall be used by 94950  
 the Department of Agriculture for a program to support soil and 94951  
 water conservation districts in the Western Lake Erie Basin in 94952  
 complying with provisions of Sub. S.B. 1 of the 131st General 94953  
 Assembly. The Department shall approve a soil and water district's 94954

application for funding under the program if the application 94955  
demonstrates that funding will be used for, but not limited to, 94956  
providing technical assistance, developing applicable nutrient or 94957  
manure management plans, hiring and training of soil and water 94958  
conservation district staff on best conservation practices, or 94959  
other activities the Director determines appropriate to assist 94960  
farmers in the Western Lake Erie Basin in complying with the 94961  
provisions of Sub. S.B. 1 of the 131st General Assembly. 94962

SOIL AND WATER DISTRICTS 94963

In addition to state payments to soil and water conservation 94964  
districts authorized by section 940.08 of the Revised Code, the 94965  
Department of Agriculture may use appropriation item 700661, Soil 94966  
and Water Districts, to pay any soil and water conservation 94967  
district an annual amount not to exceed \$40,000 upon receipt of a 94968  
request and justification from the district and approval by the 94969  
Ohio Soil and Water Conservation Commission. The county auditor 94970  
shall credit the payments to the special fund established under 94971  
section 940.08 of the Revised Code for use by the local soil and 94972  
water conservation district. The amounts received by each district 94973  
shall be expended for the purposes of the district. 94974

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 94975

The foregoing appropriation item 700632, Clean Ohio 94976  
Agricultural Easement Operating, shall be used by the Department 94977  
of Agriculture in administering Ohio Agricultural Easement Fund 94978  
(Fund 7057) projects pursuant to sections 901.21, 901.22, and 94979  
5301.67 to 5301.70 of the Revised Code. 94980

**Section 213.10.** AIR AIR QUALITY DEVELOPMENT AUTHORITY 94981

Dedicated Purpose Fund Group 94982

4Z90 898602 Small Business \$ 487,054 \$ 486,554 94983

Ombudsman

|                              |                        |    |           |    |           |       |
|------------------------------|------------------------|----|-----------|----|-----------|-------|
| 5700 898601                  | Operating Expenses     | \$ | 242,759   | \$ | 243,259   | 94984 |
| 5A00 898603                  | Small Business         | \$ | 450,000   | \$ | 450,000   | 94985 |
|                              | Assistance             |    |           |    |           |       |
| TOTAL DPF                    | Dedicated Purpose Fund | \$ | 1,179,813 | \$ | 1,179,813 | 94986 |
|                              | Group                  |    |           |    |           |       |
| TOTAL ALL BUDGET FUND GROUPS |                        | \$ | 1,179,813 | \$ | 1,179,813 | 94987 |

**Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT** 94989

AUTHORITY TRUST ACCOUNT 94990

Notwithstanding any other provision of law to the contrary, 94991  
the Air Quality Development Authority may reimburse the Air 94992  
Quality Development Authority trust account established under 94993  
section 3706.10 of the Revised Code from all operating funds of 94994  
the agency for expenses pertaining to the administration and 94995  
shared costs incurred by the Air Quality Development Authority in 94996  
the execution of responsibilities as prescribed in Chapter 3706. 94997  
of the Revised Code. The reimbursement shall be made by voucher 94998  
and completed in accordance with the administrative indirect costs 94999  
allocation plan approved by the Office of Budget and Management. 95000

**Section 215.10. ARC ARCHITECTS BOARDS** 95001

Dedicated Purpose Fund Group 95002

|             |           |    |         |    |         |       |
|-------------|-----------|----|---------|----|---------|-------|
| 4K90 891609 | Operating | \$ | 576,916 | \$ | 604,765 | 95003 |
|-------------|-----------|----|---------|----|---------|-------|

TOTAL DPF Dedicated Purpose Fund 95004

|  |       |    |         |    |         |       |
|--|-------|----|---------|----|---------|-------|
|  | Group | \$ | 576,916 | \$ | 604,765 | 95005 |
|--|-------|----|---------|----|---------|-------|

|                              |  |    |         |    |         |       |
|------------------------------|--|----|---------|----|---------|-------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 576,916 | \$ | 604,765 | 95006 |
|------------------------------|--|----|---------|----|---------|-------|

**Section 217.10. ART OHIO ARTS COUNCIL** 95008

General Revenue Fund 95009

|            |                    |    |           |    |           |       |
|------------|--------------------|----|-----------|----|-----------|-------|
| GRF 370321 | Operating Expenses | \$ | 1,848,129 | \$ | 1,848,129 | 95010 |
|------------|--------------------|----|-----------|----|-----------|-------|

|            |               |    |            |    |            |       |
|------------|---------------|----|------------|----|------------|-------|
| GRF 370502 | State Program | \$ | 12,950,000 | \$ | 12,950,000 | 95011 |
|------------|---------------|----|------------|----|------------|-------|

Subsidies

|   |    |            |    |            |       |
|---|----|------------|----|------------|-------|
| TOTAL GRF General Revenue Fund                                    | \$ | 14,798,129 | \$ | 14,798,129 | 95012 |
| Dedicated Purpose Fund Group                                      |    |            |    |            | 95013 |
| 4600 370602 Art Council Program                                   | \$ | 325,000    | \$ | 325,000    | 95014 |
| Support   |    |            |    |            |       |
| 4B70 370603 Percent for Art                                       | \$ | 225,000    | \$ | 225,000    | 95015 |
| Acquisitions  |    |            |    |            |       |
| TOTAL DPF Dedicated Purpose Fund                                  | \$ | 550,000    | \$ | 550,000    | 95016 |
| Group   |    |            |    |            |       |
| Federal Fund Group  |    |            |    |            | 95017 |
| 3140 370601 Federal Support                                       | \$ | 1,250,000  | \$ | 1,250,000  | 95018 |
| TOTAL FED Federal Fund Group                                      | \$ | 1,250,000  | \$ | 1,250,000  | 95019 |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 16,598,129 | \$ | 16,598,129 | 95020 |
| FEDERAL SUPPORT   |    |            |    |            | 95021 |
| Notwithstanding any provision of law to the contrary, the         |    |            |    |            | 95022 |
| foregoing appropriation item 370601, Federal Support, shall be    |    |            |    |            | 95023 |
| used by the Ohio Arts Council for subsidies only, and not for its |    |            |    |            | 95024 |
| administrative costs, unless the Council is required to use a     |    |            |    |            | 95025 |
| portion of the funds for administrative costs under conditions of |    |            |    |            | 95026 |
| the federal grant.  |    |            |    |            | 95027 |
| <b>Section 219.10. ATH ATHLETIC COMMISSION</b>                    |    |            |    |            | 95028 |
| Dedicated Purpose Fund Group                                      |    |            |    |            | 95029 |
| 4K90 175609 Operating Expenses                                    | \$ | 326,525    | \$ | 326,525    | 95030 |
| TOTAL DPF Dedicated Purpose Fund                                  | \$ | 326,525    | \$ | 326,525    | 95031 |
| Group   |    |            |    |            |       |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 326,525    | \$ | 326,525    | 95032 |
| <b>Section 221.10. AGO ATTORNEY GENERAL</b>                       |    |            |    |            | 95034 |
| General Revenue Fund  |    |            |    |            | 95035 |
| GRF 055321 Operating Expenses                                     | \$ | 43,114,169 | \$ | 43,114,169 | 95036 |
| GRF 055405 Law-Related Education                                  | \$ | 70,000     | \$ | 70,000     | 95037 |

|           |        |   |    |            |    |            |       |
|-----------|--------|---|----|------------|----|------------|-------|
| GRF       | 055406 | BCIRS Lease Rental<br>Payments                    | \$ | 3,255,800  | \$ | 3,161,000  | 95038 |
| GRF       | 055411 | County Sheriffs' Pay<br>Supplement                | \$ | 903,000    | \$ | 949,000    | 95039 |
| GRF       | 055415 | County Prosecutors'<br>Pay Supplement             | \$ | 1,078,000  | \$ | 1,132,000  | 95040 |
| GRF       | 055501 | Rape Crisis Centers                               | \$ | 1,500,000  | \$ | 1,500,000  | 95041 |
| TOTAL GRF |        | General Revenue Fund                              | \$ | 49,920,969 | \$ | 49,926,169 | 95042 |
|           |        | Dedicated Purpose Fund Group                      |    |            |    |            | 95043 |
| 1060      | 055612 | Attorney General<br>Operating                     | \$ | 61,818,182 | \$ | 61,818,182 | 95044 |
| 4020      | 055616 | Victims of Crime                                  | \$ | 20,624,291 | \$ | 20,624,291 | 95045 |
| 4170      | 055621 | Domestic Violence<br>Shelter                      | \$ | 25,000     | \$ | 25,000     | 95046 |
| 4180      | 055615 | Charitable<br>Foundations                         | \$ | 8,286,000  | \$ | 8,286,000  | 95047 |
| 4190      | 055623 | Claims Section                                    | \$ | 57,439,892 | \$ | 57,439,892 | 95048 |
| 4200      | 055603 | Attorney General<br>Antitrust                     | \$ | 2,432,925  | \$ | 2,432,925  | 95049 |
| 4210      | 055617 | Police Officers'<br>Training Academy Fee          | \$ | 2,944,355  | \$ | 1,500,000  | 95050 |
| 4L60      | 055606 | DARE Programs                                     | \$ | 3,814,289  | \$ | 3,814,289  | 95051 |
| 4Y70      | 055608 | Title Defect Recision                             | \$ | 613,751    | \$ | 613,751    | 95052 |
| 4Z20      | 055609 | BCI Asset Forfeiture<br>and Cost<br>Reimbursement | \$ | 2,500,000  | \$ | 2,500,000  | 95053 |
| 5900      | 055633 | Peace Officer Private<br>Security Training        | \$ | 95,325     | \$ | 95,325     | 95054 |
| 5A90      | 055618 | Telemarketing Fraud<br>Enforcement                | \$ | 10,000     | \$ | 10,000     | 95055 |
| 5L50      | 055619 | Law Enforcement<br>Assistance Program             | \$ | 9,377,803  | \$ | 0          | 95056 |
| 5LR0      | 055655 | Peace Officer                                     | \$ | 4,629,409  | \$ | 4,629,409  | 95057 |

|                                      |        |                           |    |             |    |             |       |
|--------------------------------------|--------|---------------------------|----|-------------|----|-------------|-------|
|                                      |        | Training - Casino         |    |             |    |             |       |
| 5MP0                                 | 055657 | Peace Officer             | \$ | 325,000     | \$ | 325,000     | 95058 |
|                                      |        | Training Commission       |    |             |    |             |       |
| 5TL0                                 | 055659 | Organized Crime Law       | \$ | 100,000     | \$ | 100,000     | 95059 |
|                                      |        | Enforcement Trust         |    |             |    |             |       |
| 6310                                 | 055637 | Consumer Protection       | \$ | 9,276,000   | \$ | 9,276,000   | 95060 |
|                                      |        | Enforcement               |    |             |    |             |       |
| 6590                                 | 055641 | Solid and Hazardous       | \$ | 328,728     | \$ | 328,728     | 95061 |
|                                      |        | Waste Background          |    |             |    |             |       |
|                                      |        | Investigations            |    |             |    |             |       |
| U087                                 | 055402 | Tobacco Settlement        | \$ | 2,650,000   | \$ | 2,650,000   | 95062 |
|                                      |        | Oversight,                |    |             |    |             |       |
|                                      |        | Administration, and       |    |             |    |             |       |
|                                      |        | Enforcement               |    |             |    |             |       |
| TOTAL DPF                            |        | Dedicated Purpose Fund    |    |             |    |             | 95063 |
| Group                                |        |                           | \$ | 187,290,950 | \$ | 176,468,792 | 95064 |
| Internal Service Activity Fund Group |        |                           |    |             |    |             | 95065 |
| 1950                                 | 055660 | Workers' Compensation     | \$ | 8,778,072   | \$ | 8,778,072   | 95066 |
|                                      |        | Section                   |    |             |    |             |       |
| TOTAL ISA                            |        | Internal Service Activity | \$ | 8,778,072   | \$ | 8,778,072   | 95067 |
| Fund Group                           |        |                           |    |             |    |             |       |
| Holding Account Fund Group           |        |                           |    |             |    |             | 95068 |
| R004                                 | 055631 | General Holding           | \$ | 1,000,000   | \$ | 1,000,000   | 95069 |
|                                      |        | Account                   |    |             |    |             |       |
| R005                                 | 055632 | Antitrust Settlements     | \$ | 1,000,000   | \$ | 1,000,000   | 95070 |
| R018                                 | 055630 | Consumer Frauds           | \$ | 1,000,000   | \$ | 1,000,000   | 95071 |
| R042                                 | 055601 | Organized Crime           | \$ | 750,000     | \$ | 750,000     | 95072 |
|                                      |        | Commission                |    |             |    |             |       |
|                                      |        | Distributions             |    |             |    |             |       |
| R054                                 | 055650 | Collection Payment        | \$ | 4,500,000   | \$ | 4,500,000   | 95073 |
|                                      |        | Redistribution            |    |             |    |             |       |
| TOTAL HLD                            |        | Holding Account           |    |             |    |             | 95074 |

|                    |  |    |             |    |             |       |
|--------------------|--|----|-------------|----|-------------|-------|
| Fund Group         |  | \$ | 8,250,000   | \$ | 8,250,000   | 95075 |
| Federal Fund Group |  |    |             |    |             | 95076 |
| 3060 055620        | Medicaid Fraud<br>Control              | \$ | 8,961,419   | \$ | 8,961,419   | 95077 |
| 3830 055634        | Crime Victims<br>Assistance            | \$ | 70,000,000  | \$ | 70,000,000  | 95078 |
| 3E50 055638        | Attorney General<br>Pass-Through Funds | \$ | 2,320,999   | \$ | 2,320,999   | 95079 |
| 3FV0 055656        | Crime Victim<br>Compensation           | \$ | 3,155,000   | \$ | 3,155,000   | 95080 |
| 3R60 055613        | Attorney General<br>Federal Funds      | \$ | 2,799,999   | \$ | 2,799,999   | 95081 |
| TOTAL FED          | Federal Fund Group                     | \$ | 87,237,417  | \$ | 87,237,417  | 95082 |
| TOTAL ALL BUDGET   | FUND GROUPS                            | \$ | 341,477,408 | \$ | 330,660,450 | 95083 |

**Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE** 95085  
95086

Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 95087  
95088  
95089  
95090  
95091  
95092  
95093

**COUNTY SHERIFFS' PAY SUPPLEMENT** 95094

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. 95095  
95096  
95097  
95098

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation 95099  
95100  
95101

item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

WORKERS' COMPENSATION SECTION

The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the fiscal year.

In addition, the Bureau of Workers' Compensation shall transfer payments for the support of the Workers' Compensation Fraud Unit.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

GENERAL HOLDING ACCOUNT

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of

relevant court orders or other settlements received in a variety 95132  
of cases involving the Office of the Attorney General. If it is 95133  
determined that additional amounts are necessary for this purpose, 95134  
the amounts are hereby appropriated. 95135

ANTITRUST SETTLEMENTS 95136

The foregoing appropriation item 055632, Antitrust 95137  
Settlements, shall be used to distribute moneys under the terms of 95138  
relevant court orders or other out of court settlements in 95139  
antitrust cases or antitrust matters involving the Office of the 95140  
Attorney General. If it is determined that additional amounts are 95141  
necessary for this purpose, the amounts are hereby appropriated. 95142

CONSUMER FRAUDS 95143

The foregoing appropriation item 055630, Consumer Frauds, 95144  
shall be used for distribution of moneys from court-ordered 95145  
judgments against sellers in actions brought by the Office of the 95146  
Attorney General under sections 1334.08 and 4549.48 and division 95147  
(B) of section 1345.07 of the Revised Code. These moneys shall be 95148  
used to provide restitution to consumers victimized by the fraud 95149  
that generated the court-ordered judgments. If it is determined 95150  
that additional amounts are necessary for this purpose, the 95151  
amounts are hereby appropriated. 95152

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 95153

The foregoing appropriation item 055601, Organized Crime 95154  
Commission Distributions, shall be used by the Organized Crime 95155  
Investigations Commission, as provided by section 177.011 of the 95156  
Revised Code, to reimburse political subdivisions for the expenses 95157  
the political subdivisions incur when their law enforcement 95158  
officers participate in an organized crime task force. If it is 95159  
determined that additional amounts are necessary for this purpose, 95160  
the amounts are hereby appropriated. 95161

COLLECTION PAYMENT REDISTRIBUTION 95162

The foregoing appropriation item 055650, Collection Payment 95163  
 Redistribution, shall be used for the purpose of allocating the 95164  
 revenue where debtors mistakenly paid the client agencies instead 95165  
 of the Attorney General's Collections Enforcement Section. If it 95166  
 is determined that additional amounts are necessary for this 95167  
 purpose, the amounts are hereby appropriated. 95168

**Section 223.10. AUD AUDITOR OF STATE** 95169

General Revenue Fund 95170

GRF 070321 Operating Expenses \$ 29,728,875 \$ 29,728,875 95171

GRF 070403 Fiscal \$ 821,905 \$ 821,905 95172

Watch/Emergency  
 Technical Assistance

GRF 070409 School District \$ 1,000,000 \$ 1,000,000 95173

Performance Audits

TOTAL GRF General Revenue Fund \$ 31,550,780 \$ 31,550,780 95174

Dedicated Purpose Fund Group 95175

1090 070601 Public Audit Expense \$ 10,803,057 \$ 10,803,057 95176

- Intrastate

4220 070602 Public Audit Expense \$ 37,306,649 \$ 38,806,649 95177

- Local Government

5840 070603 Training Program \$ 483,564 \$ 483,564 95178

5JZ0 070606 LEAP Revolving Loans \$ 410,952 \$ 410,952 95179

6750 070605 Uniform Accounting \$ 3,398,351 \$ 3,398,351 95180

Network

TOTAL DPF Dedicated Purpose Fund 95181

Group \$ 52,402,573 \$ 53,902,573 95182

TOTAL ALL BUDGET FUND GROUPS \$ 83,953,353 \$ 85,453,353 95183

**SCHOOL DISTRICT PERFORMANCE AUDITS** 95184

The foregoing appropriation item 070409, School District 95185  
 Performance Audits, shall be used by the Auditor of State, in 95186  
 consultation with the Department of Education and the Office of 95187

Budget and Management, for expenses incurred in the Auditor of 95188  
 State's role relating to fiscal caution, fiscal watch, and fiscal 95189  
 emergency activities pursuant to section 3316.042 of the Revised 95190  
 Code. 95191

**Section 225.10. BRB BOARD OF BARBER EXAMINERS 95192**

Dedicated Purpose Fund Group 95193  
 4K90 877609 Operating Expenses \$ 433,805 \$ 0 95194  
 TOTAL DPF Dedicated Purpose Fund \$ 433,805 \$ 0 95195  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 433,805 \$ 0 95196

**Section 227.10. BHP STATE BEHAVIORAL HEALTH AND SOCIAL WORK 95198**

BOARD 95199  
 Dedicated Purpose Fund Group 95200  
 4K90 126609 Operating Expenses \$ 1,107,279 \$ 2,593,861 95201  
 TOTAL DPF Dedicated Purpose Fund \$ 1,107,279 \$ 2,593,861 95202  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,107,279 \$ 2,593,861 95203

**Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT 95205**

General Revenue Fund 95206  
 GRF 042321 Budget Development \$ 3,201,221 \$ 3,242,213 95207  
 and Implementation  
 GRF 042416 Office of Health \$ 414,422 \$ 428,430 95208  
 Transformation  
 GRF 042420 Ohio Institute of \$ 750,000 \$ 750,000 95209  
 Technology  
 GRF 042425 Shared Services \$ 1,380,000 \$ 1,325,000 95210  
 Development  
 GRF 042435 Gubernatorial \$ 0 \$ 225,000 95211  
 Transition

|                                      |    |            |    |            |       |
|--------------------------------------|----|------------|----|------------|-------|
| TOTAL GRF General Revenue Fund       | \$ | 5,745,643  | \$ | 5,970,643  | 95212 |
| Internal Service Activity Fund Group |    |            |    |            | 95213 |
| 1050 042603 Financial Management     | \$ | 15,624,379 | \$ | 16,044,968 | 95214 |
| 1050 042620 Shared Services          | \$ | 7,326,179  | \$ | 7,493,986  | 95215 |
| Operating                            |    |            |    |            |       |
| TOTAL ISA Internal Service Activity  |    |            |    |            | 95216 |
| Fund Group                           | \$ | 22,950,558 | \$ | 23,538,954 | 95217 |
| Fiduciary Fund Group                 |    |            |    |            | 95218 |
| 5EH0 042604 Forgery Recovery         | \$ | 30,000     | \$ | 30,000     | 95219 |
| TOTAL FID Fiduciary Fund Group       | \$ | 30,000     | \$ | 30,000     | 95220 |
| Federal Fund Group                   |    |            |    |            | 95221 |
| 3CM0 042606 Office of Health         | \$ | 414,422    | \$ | 428,430    | 95222 |
| Transformation -                     |    |            |    |            |       |
| Federal                              |    |            |    |            |       |
| TOTAL FED Federal Fund Group         | \$ | 414,422    | \$ | 428,430    | 95223 |
| TOTAL ALL BUDGET FUND GROUPS         | \$ | 29,140,623 | \$ | 29,968,027 | 95224 |

**Section 229.20. AUDIT COSTS** 95226

All centralized audit costs associated with either Single 95227  
 Audit Schedules or financial statements prepared in conformance 95228  
 with generally accepted accounting principles for the state shall 95229  
 be paid from the foregoing appropriation item 042603, Financial 95230  
 Management. 95231

Costs associated with the audit of the Auditor of State shall 95232  
 be paid from the foregoing appropriation item 042321, Budget 95233  
 Development and Implementation. 95234

**SHARED SERVICES** 95235

The foregoing appropriation items 042425, Shared Services 95236  
 Development, and 042620, Shared Services Operating, shall be used 95237  
 by the Director of Budget and Management to support the Shared 95238  
 Services program pursuant to division (D) of section 126.21 of the 95239

Revised Code. 95240

The Director of Budget and Management shall include the 95241  
recovery of costs to operate the Shared Services program in the 95242  
accounting and budgeting services payroll rate and through direct 95243  
charges using intrastate transfer vouchers billed to agencies for 95244  
services rendered using a methodology determined by the Director 95245  
of Budget and Management. Such cost recovery revenues shall be 95246  
deposited to the credit of the Accounting and Budgeting Fund (Fund 95247  
1050). 95248

INTERNAL AUDIT 95249

The Director of Budget and Management shall include the 95250  
recovery of costs to operate the Internal Audit Program pursuant 95251  
to section 126.45 of the Revised Code in the accounting and 95252  
budgeting services payroll rate and through direct charges using 95253  
intrastate transfer vouchers billed to agencies reviewed by the 95254  
program using a methodology determined by the Director of Budget 95255  
and Management. Such cost recovery revenues shall be deposited to 95256  
the credit of Fund 1050. 95257

FORGERY RECOVERY 95258

The foregoing appropriation item 042604, Forgery Recovery, 95259  
shall be used to reissue warrants that have been certified as 95260  
forgeries by the rightful recipient as determined by the Bureau of 95261  
Criminal Identification and Investigation and the Treasurer of 95262  
State. Upon receipt of funds to cover the reissuance of the 95263  
warrant, the Director of Budget and Management shall reissue a 95264  
state warrant of the same amount. Any additional amounts needed to 95265  
reissue warrants backed by the receipt of funds are hereby 95266  
appropriated. 95267

**Section 231.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 95268

General Revenue Fund 95269

|                                      |   |  |    |           |    |           |                |
|--------------------------------------|---|--|----|-----------|----|-----------|----------------|
| GRF                                  | 874100                                  | Personal Services                              | \$ | 2,803,326 | \$ | 2,803,326 | 95270          |
| GRF                                  | 874320                                  | Maintenance and<br>Equipment                   | \$ | 1,411,098 | \$ | 1,411,098 | 95271          |
| TOTAL GRF                            | General Revenue Fund                    |  | \$ | 4,214,424 | \$ | 4,214,424 | 95272          |
| Dedicated Purpose Fund Group         |   |  |    |           |    |           | 95273          |
| 2080                                 | 874601                                  | Underground Parking<br>Garage Operations       | \$ | 3,805,165 | \$ | 3,940,446 | 95274          |
| 4G50                                 | 874603                                  | Capitol Square<br>Education Center and<br>Arts | \$ | 6,000     | \$ | 6,000     | 95275          |
| TOTAL DPF                            | Dedicated Purpose<br>Fund Group         |  | \$ | 3,811,165 | \$ | 3,946,446 | 95276<br>95277 |
| Internal Service Activity Fund Group |   |  |    |           |    |           | 95278          |
| 4S70                                 | 874602                                  | Statehouse Gift<br>Shop/Events                 | \$ | 775,000   | \$ | 775,000   | 95279          |
| TOTAL ISA                            | Internal Service Activity<br>Fund Group |  | \$ | 775,000   | \$ | 775,000   | 95280<br>95281 |
| TOTAL ALL BUDGET FUND GROUPS         |   |  | \$ | 8,800,589 | \$ | 8,935,870 | 95282          |

OPERATING EXPENSES 95283

On July 1, 2017, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874320, Operating Expenses, at the end of fiscal year 2017 to be reappropriated to fiscal year 2018. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2018.

On July 1, 2018, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874320, Operating Expenses, at the end of

fiscal year 2018 to be reappropriated to fiscal year 2019. The 95297  
amount certified is hereby appropriated to the same appropriation 95298  
item for fiscal year 2019. 95299

UNDERGROUND PARKING GARAGE FUND 95300

Notwithstanding division (G) of section 105.41 of the Revised 95301  
Code and any other provision to the contrary, moneys in the 95302  
Underground Parking Garage Fund (Fund 2080) may be used for 95303  
personnel and operating costs related to the operations of the 95304  
Statehouse and the Statehouse Underground Parking Garage. 95305

HOUSE AND SENATE PARKING REIMBURSEMENT 95306

On July 1 of each fiscal year, or as soon as possible 95307  
thereafter, the Director of Budget and Management shall transfer 95308  
\$500,000 cash from the General Revenue Fund to the Underground 95309  
Parking Garage Fund (Fund 2080). The amounts transferred under 95310  
this section shall be used to reimburse the Capitol Square Review 95311  
and Advisory Board for legislative parking costs. 95312

**Section 233.10.** SCR STATE BOARD OF CAREER COLLEGES AND 95313  
SCHOOLS 95314

Dedicated Purpose Fund Group 95315

4K90 233601 Operating Expenses \$ 540,260 \$ 540,260 95316

TOTAL DPF Dedicated Purpose Fund \$ 540,260 \$ 540,260 95317

Group

TOTAL ALL BUDGET FUND GROUPS \$ 540,260 \$ 540,260 95318

**Section 235.10.** CAC CASINO CONTROL COMMISSION 95320

Dedicated Purpose Fund Group 95321

5HS0 955321 Operating Expenses \$ 15,327,155 \$ 15,659,745 95322

5NU0 955601 Casino Commission \$ 250,000 \$ 250,000 95323

Enforcement

TOTAL DPF Dedicated Purpose Fund \$ 15,577,155 \$ 15,909,745 95324

Group

TOTAL ALL BUDGET FUND GROUPS \$ 15,577,155 \$ 15,909,745 95325

**Section 237.10.** CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 95327

Dedicated Purpose Fund Group 95328

4K90 930609 Operating Expenses \$ 337,238 \$ 0 95329

TOTAL DPF Dedicated Purpose Fund \$ 337,238 \$ 0 95330

Group

TOTAL ALL BUDGET FUND GROUPS \$ 337,238 \$ 0 95331

**Section 239.10.** CHR STATE CHIROPRACTIC BOARD 95333

Dedicated Purpose Fund Group 95334

4K90 878609 Operating Expenses \$ 646,000 \$ 646,700 95335

TOTAL DPF Dedicated Purpose Fund \$ 646,000 \$ 646,700 95336

Group

TOTAL ALL BUDGET FUND GROUPS \$ 646,000 \$ 646,700 95337

**Section 241.10.** CIV OHIO CIVIL RIGHTS COMMISSION 95339

General Revenue Fund 95340

GRF 876321 Operating Expenses \$ 5,116,100 \$ 5,684,556 95341

TOTAL GRF General Revenue Fund \$ 5,116,100 \$ 5,684,556 95342

Internal Service Activity Fund Group 95343

2170 876604 Operations Support \$ 4,000 \$ 4,000 95344

TOTAL ISA Internal Service Activity 95345

Fund Group \$ 4,000 \$ 4,000 95346

Federal Fund Group 95347

3340 876601 Federal Programs \$ 3,581,649 \$ 3,319,965 95348

TOTAL FED Federal Special Revenue 95349

Fund Group \$ 3,581,649 \$ 3,319,965 95350

TOTAL ALL BUDGET FUND GROUPS \$ 8,701,749 \$ 9,008,521 95351

**Section 243.10.** COM DEPARTMENT OF COMMERCE 95353

|      |        |                              |    |            |    |            |  |  |       |
|------|--------|------------------------------|----|------------|----|------------|--|--|-------|
|      |        |                              |    |            |    |            |  |  |       |
|      |        | Dedicated Purpose Fund Group |    |            |    |            |  |  | 95354 |
| 4B20 | 800631 | Real Estate Appraisal        | \$ | 35,000     | \$ | 35,000     |  |  | 95355 |
|      |        | Recovery                     |    |            |    |            |  |  |       |
| 4H90 | 800608 | Cemeteries                   | \$ | 343,249    | \$ | 295,244    |  |  | 95356 |
| 4X20 | 800619 | Financial Institutions       | \$ | 1,717,044  | \$ | 1,717,044  |  |  | 95357 |
| 5430 | 800602 | Unclaimed                    | \$ | 7,984,977  | \$ | 7,984,977  |  |  | 95358 |
|      |        | Funds-Operating              |    |            |    |            |  |  |       |
| 5430 | 800625 | Unclaimed Funds-Claims       | \$ | 77,000,000 | \$ | 77,000,000 |  |  | 95359 |
| 5440 | 800612 | Banks                        | \$ | 9,677,471  | \$ | 9,677,471  |  |  | 95360 |
| 5460 | 800610 | Fire Marshal                 | \$ | 17,297,687 | \$ | 17,297,687 |  |  | 95361 |
| 5460 | 800639 | Fire Department Grants       | \$ | 5,200,000  | \$ | 5,200,000  |  |  | 95362 |
| 5470 | 800603 | Real Estate                  | \$ | 69,655     | \$ | 69,655     |  |  | 95363 |
|      |        | Education/Research           |    |            |    |            |  |  |       |
| 5480 | 800611 | Real Estate Recovery         | \$ | 50,000     | \$ | 50,000     |  |  | 95364 |
| 5490 | 800614 | Real Estate                  | \$ | 3,980,724  | \$ | 3,584,329  |  |  | 95365 |
| 5500 | 800617 | Securities                   | \$ | 5,216,985  | \$ | 5,284,994  |  |  | 95366 |
| 5520 | 800604 | Credit Union                 | \$ | 3,683,281  | \$ | 3,752,014  |  |  | 95367 |
| 5530 | 800607 | Consumer Finance             | \$ | 4,548,563  | \$ | 4,628,963  |  |  | 95368 |
| 5560 | 800615 | Industrial Compliance        | \$ | 31,522,832 | \$ | 30,860,908 |  |  | 95369 |
| 5F10 | 800635 | Small Government Fire        | \$ | 300,000    | \$ | 300,000    |  |  | 95370 |
|      |        | Departments                  |    |            |    |            |  |  |       |
| 5FW0 | 800616 | Financial Literacy           | \$ | 190,000    | \$ | 190,000    |  |  | 95371 |
|      |        | Education                    |    |            |    |            |  |  |       |
| 5GK0 | 800609 | Securities Investor          | \$ | 682,150    | \$ | 682,150    |  |  | 95372 |
|      |        | Education/Enforcement        |    |            |    |            |  |  |       |
| 5HV0 | 800641 | Cigarette Enforcement        | \$ | 27,324     | \$ | 27,324     |  |  | 95373 |
| 5LC0 | 800644 | Liquor JobsOhio              | \$ | 276,817    | \$ | 276,817    |  |  | 95374 |
|      |        | Extraordinary Allowance      |    |            |    |            |  |  |       |
| 5LN0 | 800645 | Liquor Operating             | \$ | 8,810,087  | \$ | 8,352,353  |  |  | 95375 |
|      |        | Services                     |    |            |    |            |  |  |       |
| 5LP0 | 800646 | Liquor Regulatory            | \$ | 9,562,022  | \$ | 9,067,080  |  |  | 95376 |
|      |        | Operating Expenses           |    |            |    |            |  |  |       |
| 5SJ0 | 800648 | Volunteer Peace              | \$ | 50,000     | \$ | 50,000     |  |  | 95377 |

|                              |        |                                      |    |             |    |             |       |
|------------------------------|--------|--------------------------------------|----|-------------|----|-------------|-------|
|                              |        | Officers' Dependent                  |    |             |    |             |       |
|                              |        | Fund                                 |    |             |    |             |       |
| 5SU0                         | 800649 | Manufactured Homes                   | \$ | 141,969     | \$ | 413,748     | 95378 |
|                              |        | Regulation                           |    |             |    |             |       |
| 5SY0                         | 800650 | Medical Marijuana                    | \$ | 1,121,279   | \$ | 1,135,692   | 95379 |
|                              |        | Control Program                      |    |             |    |             |       |
| 5X60                         | 800623 | Video Service                        | \$ | 412,693     | \$ | 412,693     | 95380 |
| 6530                         | 800629 | UST Registration/Permit              | \$ | 2,301,714   | \$ | 2,301,714   | 95381 |
|                              |        | Fee                                  |    |             |    |             |       |
| 6A40                         | 800630 | Real Estate                          | \$ | 778,175     | \$ | 722,672     | 95382 |
|                              |        | Appraiser-Operating                  |    |             |    |             |       |
| TOTAL DPF                    |        | Dedicated Purpose                    |    |             |    |             | 95383 |
| Fund Group                   |        |                                      | \$ | 192,981,698 | \$ | 191,370,529 | 95384 |
|                              |        | Internal Service Activity Fund Group |    |             |    |             | 95385 |
| 1630                         | 800620 | Division of                          | \$ | 8,577,384   | \$ | 8,043,364   | 95386 |
|                              |        | Administration                       |    |             |    |             |       |
| 1630                         | 800637 | Information Technology               | \$ | 9,780,626   | \$ | 9,540,704   | 95387 |
| TOTAL ISA                    |        | Internal Service Activity            |    |             |    |             | 95388 |
| Fund Group                   |        |                                      | \$ | 18,358,010  | \$ | 17,584,068  | 95389 |
|                              |        | Federal Fund Group                   |    |             |    |             | 95390 |
| 3480                         | 800622 | Underground Storage                  | \$ | 1,186,180   | \$ | 1,186,180   | 95391 |
|                              |        | Tanks                                |    |             |    |             |       |
| 3480                         | 800624 | Leaking Underground                  | \$ | 1,950,000   | \$ | 1,950,000   | 95392 |
|                              |        | Storage Tanks                        |    |             |    |             |       |
| TOTAL FED                    |        | Federal Fund Group                   | \$ | 3,136,180   | \$ | 3,136,180   | 95393 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                      | \$ | 214,475,888 | \$ | 212,090,777 | 95394 |

**Section 243.20. UNCLAIMED FUNDS PAYMENTS** 95396

The foregoing appropriation item 800625, Unclaimed 95397  
 Funds-Claims, shall be used to pay claims under section 169.08 of 95398  
 the Revised Code. If it is determined by the Director of Commerce 95399  
 that additional appropriation amounts are necessary to make such 95400

payments, the Director of Commerce may request that the Director 95401  
of Budget and Management increase such amounts. Such amounts are 95402  
hereby appropriated. 95403

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 95404

The foregoing appropriation item 800631, Real Estate 95405  
Appraiser Recovery, shall be used to pay settlements, judgments, 95406  
and court orders under section 4763.16 of the Revised Code. If it 95407  
is determined by the Director of Commerce that additional 95408  
appropriation amounts are necessary to make such payments, the 95409  
Director of Commerce may request that the Director of Budget and 95410  
Management increase such amounts. Such amounts are hereby 95411  
appropriated. 95412

The foregoing appropriation item 800611, Real Estate 95413  
Recovery, shall be used to pay settlements, judgments, and court 95414  
orders under section 4735.12 of the Revised Code. If it is 95415  
determined by the Director of Commerce that additional 95416  
appropriation amounts are necessary to make such payments, the 95417  
Director of Commerce may request that the Director of Budget and 95418  
Management increase such amounts. Such amounts are hereby 95419  
appropriated. 95420

FIRE DEPARTMENT GRANTS 95421

(A) The foregoing appropriation item 800639, Fire Department 95422  
Grants, shall be used to make annual grants to the following 95423  
eligible recipients: volunteer fire departments, fire departments 95424  
that serve one or more small municipalities or small townships, 95425  
joint fire districts comprised of fire departments that primarily 95426  
serve small municipalities or small townships, local units of 95427  
government responsible for such fire departments, and local units 95428  
of government responsible for the provision of fire protection 95429  
services for small municipalities or small townships. For the 95430  
purposes of these grants, a private fire company, as that phrase 95431

is defined in section 9.60 of the Revised Code, that is providing 95432  
fire protection services under a contract to a political 95433  
subdivision of the state, is an additional eligible recipient for 95434  
a training grant. 95435

Eligible recipients that consist of small municipalities or 95436  
small townships that all intend to contract with the same fire 95437  
department or private fire company for fire protection services 95438  
may jointly apply and be considered for a grant. If a joint 95439  
applicant is awarded a grant, the State Fire Marshal shall, if 95440  
feasible, proportionately award the grant and any equipment 95441  
purchased with grant funds to each of the joint applicants based 95442  
upon each applicant's contribution to and demonstrated need for 95443  
fire protection services. For the purpose of this grant program, 95444  
an eligible recipient or any firefighting entity that is 95445  
contracted to serve an eligible recipient may only file, be listed 95446  
as joint applicant, or be designated as a service provider on one 95447  
grant application per fiscal year. 95448

If the grant awarded to joint applicants is an equipment 95449  
grant and the equipment to be purchased cannot be readily 95450  
distributed or possessed by multiple recipients, each of the joint 95451  
applicants shall be awarded by the State Fire Marshal an ownership 95452  
interest in the equipment so purchased in proportion to each 95453  
applicant's contribution to and demonstrated need for fire 95454  
protection services. The joint applicants shall then mutually 95455  
agree on how the equipment is to be maintained, operated, stored, 95456  
or disposed of. If, for any reason, the joint applicants cannot 95457  
agree as to how jointly owned equipment is to be maintained, 95458  
operated, stored, or disposed of or any of the joint applicants no 95459  
longer maintain a contract with the same fire protection service 95460  
provider as the other applicants, then the joint applicants shall, 95461  
with the assistance of the State Fire Marshal, mutually agree as 95462  
to how the jointly owned equipment is to be maintained, operated, 95463

stored, disposed of, or owned. If the joint applicants cannot 95464  
agree how the grant equipment is to be maintained, operated, 95465  
stored, disposed of, or owned, the State Fire Marshal may, in its 95466  
discretion, require all of the equipment acquired by the joint 95467  
applicants with grant funds to be returned to the State Fire 95468  
Marshal. The State Fire Marshal may then award the returned 95469  
equipment to any eligible recipients. For this paragraph only, an 95470  
"equipment grant" also includes a MARCS Grant. 95471

(B) Except as otherwise provided in this section, the grants 95472  
shall be used by recipients to purchase firefighting or rescue 95473  
equipment or gear or similar items, to provide full or partial 95474  
reimbursement for the documented costs of firefighter training, 95475  
or, at the discretion of the State Fire Marshal, to cover fire 95476  
department costs for providing fire protection services in that 95477  
grant recipient's jurisdiction. 95478

(1) Of the foregoing appropriation item 800639, Fire 95479  
Department Grants, up to \$1,000,000 per fiscal year may be used to 95480  
pay for the State Fire Marshal's costs of providing firefighter I 95481  
certification classes or other firefighter classes approved by the 95482  
State Fire Marshal at no cost to selected students attending the 95483  
Ohio Fire Academy or other class providers approved by the State 95484  
Fire Marshal. The State Fire Marshal may establish the 95485  
qualifications and selection processes for students to attend such 95486  
classes by written policy, and such students shall be considered 95487  
eligible recipients of fire department grants for the purposes of 95488  
this portion of the grant program. 95489

(2) Of the foregoing appropriation item 800639, Fire 95490  
Department Grants, up to \$3,000,000 in each fiscal year may be 95491  
used for MARCS Grants. MARCS Grants may be used for the payment of 95492  
user access fees by the eligible recipient to access MARCS. 95493

For purposes of this section, a MARCS Grant is a grant for 95494  
systems, equipment, or services that are a part of, integrated 95495

into, or otherwise interoperable with the Multi-Agency Radio 95496  
Communication System (MARCS) operated by the state. 95497

MARCS Grant awards may be up to \$50,000 in each fiscal year 95498  
per eligible recipient. Each eligible recipient may only apply, as 95499  
a separate entity or as a part of a joint application, for one 95500  
MARCS Grant per fiscal year. The State Fire Marshal may give a 95501  
preference in the awarding of MARCS Grants to grants that will 95502  
enhance the overall interoperability and effectiveness of 95503  
emergency communication networks in the geographic region that 95504  
includes and that is adjacent to the applicant. Eligible 95505  
recipients that are or were awarded fire department grants that 95506  
are not MARCS Grants may also apply for and receive MARCS Grants 95507  
in accordance with criteria for the awarding of grant funds 95508  
established by the State Fire Marshal. 95509

(3) Grant awards for firefighting or rescue equipment or gear 95510  
or for fire department costs of providing fire protection services 95511  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 95512  
fiscal year if an eligible entity serves a jurisdiction in which 95513  
the Governor declared a natural disaster during the preceding or 95514  
current fiscal year in which the grant was awarded. In addition to 95515  
any grant funds awarded for rescue equipment or gear, or for fire 95516  
department costs associated with the provision of fire protection 95517  
services, an eligible entity may receive a grant for up to \$15,000 95518  
per fiscal year for full or partial reimbursement of the 95519  
documented costs of firefighter training. For each fiscal year, 95520  
the State Fire Marshal shall determine the total amounts to be 95521  
allocated for each eligible purpose. 95522

(C) The grants shall be administered by the State Fire 95523  
Marshal in accordance with rules the State Fire Marshal adopts as 95524  
part of the state fire code adopted pursuant to section 3737.82 of 95525  
the Revised Code that are necessary for the administration and 95526  
operation of the grant program. The rules may further define the 95527

entities eligible to receive grants and establish criteria for the 95528  
awarding and expenditure of grant funds, including methods the 95529  
State Fire Marshal may use to verify the proper use of grant funds 95530  
or to obtain reimbursement for or the return of equipment for 95531  
improperly used grant funds. To the extent consistent with this 95532  
section and until the rules are updated, the existing rules in the 95533  
state fire code adopted pursuant to section 3737.82 of the Revised 95534  
Code for fire department grants under this section apply to MARCS 95535  
Grants. Any amounts in appropriation item 800639, Fire Department 95536  
Grants, in excess of the amount allocated for these grants may be 95537  
used for the administration of the grant program. 95538

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 95539

Upon the written request of the Director of Commerce, the 95540  
Director of Budget and Management may transfer up to \$500,000 in 95541  
cash from the Real Estate Recovery Fund (Fund 5480) and up to 95542  
\$250,000 in cash from the Real Estate Appraiser Recovery Fund 95543  
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund 95544  
5490) during the biennium ending June 30, 2019. 95545

CASH TRANSFER TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 95546  
REVOLVING LOAN FUND 95547

Upon the written request of the Director of Commerce, the 95548  
Director of Budget and Management may transfer up to \$300,000 in 95549  
cash from the State Fire Marshal Fund (Fund 5460) to the Small 95550  
Government Fire Department Services Revolving Loan Fund (Fund 95551  
5F10) during the biennium ending June 30, 2019. 95552

**Section 245.10.** OCC OFFICE OF CONSUMERS' COUNSEL 95553

Dedicated Purpose Fund Group 95554

|                                  |    |           |    |           |       |
|----------------------------------|----|-----------|----|-----------|-------|
| 5F50 053601 Operating Expenses   | \$ | 5,541,093 | \$ | 5,541,093 | 95555 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 5,541,093 | \$ | 5,541,093 | 95556 |

Group



the Department of Public Safety shall use the cash to fund the 95587  
 State Disaster Relief Program for disasters that qualify for the 95588  
 program by written authorization of the Governor, and the State 95589  
 Individual Assistance Program for disasters that been declared by 95590  
 the federal Small Business Administration and that qualify for the 95591  
 program by written authorization from the Governor. The Ohio 95592  
 Emergency Management Agency shall publish and make available 95593  
 application packets outlining procedures for the State Disaster 95594  
 Relief Program and the State Individual Assistance Program. 95595

**Section 249.10. COS COSMETOLOGY AND BARBER BOARD** 95596

Dedicated Purpose Fund Group 95597  
 4K90 879609 Operating Expenses \$ 4,462,105 \$ 5,348,760 95598  
 TOTAL DPF Dedicated Purpose Fund \$ 4,462,105 \$ 5,348,760 95599  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 4,462,105 \$ 5,348,760 95600

**Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE** 95602

AND FAMILY THERAPIST BOARD 95603  
 Dedicated Purpose Fund Group 95604  
 4K90 899609 Operating Expenses \$ 934,315 \$ 0 95605  
 TOTAL DPF Dedicated Purpose Fund \$ 934,315 \$ 0 95606  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 934,315 \$ 0 95607

**Section 253.10. CLA COURT OF CLAIMS** 95609

General Revenue Fund 95610  
 GRF 015321 Operating Expenses \$ 2,671,398 \$ 2,764,696 95611  
 GRF 015403 Public Records \$ 526,599 \$ 547,492 95612  
 Adjudication  
 TOTAL GRF General Revenue Fund \$ 3,197,997 \$ 3,312,188 95613  
 Dedicated Purpose Fund Group 95614

5K20 015603 CLA Victims of Crime \$ 462,515 \$ 480,463 95615  
TOTAL DPF Dedicated Purpose Fund \$ 462,515 \$ 480,463 95616  
Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,660,512 \$ 3,792,651 95617

PUBLIC RECORDS ADJUDICATION 95618

The foregoing appropriation item 015403, Public Records 95619  
Adjudication, shall be used by the Court of Claims to perform its 95620  
duties and responsibilities as directed by S.B. 321 of the 131st 95621  
General Assembly. 95622

**Section 255.10.** DEN STATE DENTAL BOARD 95623

Dedicated Purpose Fund Group 95624

4K90 880609 Operating Expenses \$ 1,754,868 \$ 1,830,082 95625

TOTAL DPF Dedicated Purpose Fund \$ 1,754,868 \$ 1,830,082 95626

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,754,868 \$ 1,830,082 95627

**Section 257.10.** BDP BOARD OF DEPOSIT 95629

Dedicated Purpose Fund Group 95630

4M20 974601 Board of Deposit \$ 1,876,000 \$ 1,876,000 95631

TOTAL DPF Dedicated Purpose Fund \$ 1,876,000 \$ 1,876,000 95632

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,876,000 \$ 1,876,000 95633

BOARD OF DEPOSIT EXPENSE FUND 95634

Upon receiving certification of expenses from the Treasurer 95635  
of State, the Director of Budget and Management shall transfer 95636  
cash from the Investment Earnings Redistribution Fund (Fund 6080) 95637  
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 95638  
shall be used pursuant to section 135.02 of the Revised Code to 95639  
pay for any and all necessary expenses of the Board of Deposit or 95640  
for banking charges and fees required for the operation of the 95641  
State of Ohio Regular Account. 95642

|     |                        |  |    |            |    |            |       |
|-----|------------------------|--|----|------------|----|------------|-------|
|     | <b>Section 259.10.</b> | DEV DEVELOPMENT SERVICES AGENCY  |    |            |    | 95643      |       |
|     | General Revenue Fund   |  |    |            |    | 95644      |       |
| GRF | 195402                 | Coal Research and<br>Development Program   | \$ | 234,400    | \$ | 234,400    | 95645 |
| GRF | 195405                 | Minority Business<br>Development   | \$ | 1,722,191  | \$ | 1,722,191  | 95646 |
| GRF | 195415                 | Business Development<br>Services   | \$ | 3,308,187  | \$ | 3,308,187  | 95647 |
| GRF | 195426                 | Redevelopment<br>Assistance  | \$ | 850,000    | \$ | 1,100,000  | 95648 |
| GRF | 195453                 | Technology Programs<br>and Grants  | \$ | 14,024,956 | \$ | 13,774,956 | 95649 |
| GRF | 195454                 | Small Business and<br>Export Assistance  | \$ | 3,807,174  | \$ | 3,807,174  | 95650 |
| GRF | 195455                 | Appalachian<br>Assistance  | \$ | 5,748,749  | \$ | 5,748,749  | 95651 |
| GRF | 195497                 | CDBG Operating Match   | \$ | 1,053,200  | \$ | 1,053,200  | 95652 |
| GRF | 195537                 | Ohio-Israel<br>Agricultural<br>Initiative  | \$ | 200,000    | \$ | 200,000    | 95653 |
| GRF | 195901                 | Coal Research and<br>Development General<br>Obligation Bond Debt<br>Service              | \$ | 6,319,500  | \$ | 7,820,600  | 95654 |
| GRF | 195905                 | Third Frontier<br>Research and<br>Development General<br>Obligation Bond Debt<br>Service | \$ | 87,015,000 | \$ | 95,039,900 | 95655 |
| GRF | 195912                 | Job Ready Site<br>Development General<br>Obligation Bond Debt                            | \$ | 11,092,900 | \$ | 12,380,400 | 95656 |

|                              |                        | Service |             |    |             |       |
|------------------------------|------------------------|---------|-------------|----|-------------|-------|
| TOTAL GRF                    | General Revenue Fund   | \$      | 135,376,257 | \$ | 146,189,757 | 95657 |
| Dedicated Purpose Fund Group |                        |         |             |    |             | 95658 |
| 4500 195624                  | Minority Business      | \$      | 74,905      | \$ | 74,905      | 95659 |
| Bonding Program              |                        |         |             |    |             |       |
| Administration               |                        |         |             |    |             |       |
| 4510 195649                  | Business Assistance    | \$      | 4,000,000   | \$ | 4,000,000   | 95660 |
| Programs                     |                        |         |             |    |             |       |
| 4F20 195639                  | State Special Projects | \$      | 102,104     | \$ | 102,104     | 95661 |
| 4F20 195699                  | Utility Community      | \$      | 500,000     | \$ | 500,000     | 95662 |
| Assistance                   |                        |         |             |    |             |       |
| 4W10 195646                  | Minority Business      | \$      | 4,000,000   | \$ | 4,000,000   | 95663 |
| Enterprise Loan              |                        |         |             |    |             |       |
| 5CG0 195679                  | Alternative Fuel       | \$      | 3,000,000   | \$ | 3,000,000   | 95664 |
| Transportation               |                        |         |             |    |             |       |
| 5JR0 195635                  | Tax Incentives         | \$      | 800,000     | \$ | 800,000     | 95665 |
| Operating                    |                        |         |             |    |             |       |
| 5KN0 195640                  | Local Government       | \$      | 5,275,000   | \$ | 5,275,000   | 95666 |
| Innovation                   |                        |         |             |    |             |       |
| 5KP0 195645                  | Historic               | \$      | 1,000,000   | \$ | 1,000,000   | 95667 |
| Rehabilitation               |                        |         |             |    |             |       |
| Operating                    |                        |         |             |    |             |       |
| 5M40 195659                  | Low Income Energy      | \$      | 370,000,000 | \$ | 370,000,000 | 95668 |
| Assistance (USF)             |                        |         |             |    |             |       |
| 5M50 195660                  | Advanced Energy Loan   | \$      | 10,000,000  | \$ | 10,000,000  | 95669 |
| Programs                     |                        |         |             |    |             |       |
| 5MH0 195644                  | SiteOhio               | \$      | 25,000      | \$ | 25,000      | 95670 |
| Administration               |                        |         |             |    |             |       |
| 5MJ0 195683                  | TourismOhio            | \$      | 10,000,000  | \$ | 10,000,000  | 95671 |
| Administration               |                        |         |             |    |             |       |
| 5W50 195690                  | Travel and Tourism     | \$      | 150,000     | \$ | 150,000     | 95672 |
| Cooperative Projects         |                        |         |             |    |             |       |
| 5W60 195691                  | International Trade    | \$      | 18,000      | \$ | 18,000      | 95673 |

|   |        |  |    |             |    |             |       |
|---|--------|--|----|-------------|----|-------------|-------|
|   |        | Cooperative Projects                                 |    |             |    |             |       |
| 6170  | 195654 | Volume Cap   | \$ | 32,562      | \$ | 32,562      | 95674 |
|   |        | Administration                                       |    |             |    |             |       |
| 6460  | 195638 | Low- and Moderate-<br>Income Housing<br>Programs     | \$ | 53,000,000  | \$ | 53,000,000  | 95675 |
| M087  | 195435 | Biomed Research and<br>Technology Transfer           | \$ | 500,000     | \$ | 500,000     | 95676 |
| TOTAL DPF Dedicated Purpose Fund<br>Group         |        |  | \$ | 462,477,571 | \$ | 462,477,571 | 95677 |
| Internal Service Activity Fund Group              |        |  |    |             |    |             | 95678 |
| 1350  | 195684 | Development Services<br>Operations                   | \$ | 10,800,000  | \$ | 10,800,000  | 95679 |
| 6850  | 195636 | Development Services<br>Reimbursable<br>Expenditures | \$ | 700,000     | \$ | 700,000     | 95680 |
| TOTAL ISA Internal Service Activity<br>Fund Group |        |  | \$ | 11,500,000  | \$ | 11,500,000  | 95681 |
| Facilities Establishment Fund Group               |        |  |    |             |    |             | 95682 |
| 5S90  | 195628 | Capital Access Loan<br>Program                       | \$ | 3,000,000   | \$ | 3,000,000   | 95683 |
| 7009  | 195664 | Innovation Ohio                                      | \$ | 10,000,000  | \$ | 10,000,000  | 95684 |
| 7010  | 195665 | Research and<br>Development                          | \$ | 10,000,000  | \$ | 10,000,000  | 95685 |
| 7037  | 195615 | Facilities<br>Establishment                          | \$ | 35,000,000  | \$ | 35,000,000  | 95686 |
| TOTAL FCE Facilities Establishment<br>Fund Group  |        |  | \$ | 58,000,000  | \$ | 58,000,000  | 95687 |
| Bond Research and Development Fund Group          |        |  |    |             |    |             | 95688 |
| 7011  | 195686 | Third Frontier Tax<br>Exempt - Operating             | \$ | 750,000     | \$ | 750,000     | 95689 |
| 7011  | 195687 | Third Frontier                                       | \$ | 35,000,000  | \$ | 35,000,000  | 95690 |

|           |        |  |    |             |    |             |       |
|-----------|--------|--|----|-------------|----|-------------|-------|
|           |        | Research and<br>Development Projects                 |    |             |    |             |       |
| 7014      | 195620 | Third Frontier<br>Taxable - Operating                | \$ | 1,710,000   | \$ | 1,710,000   | 95691 |
| 7014      | 195692 | Research and<br>Development Taxable<br>Bond Projects | \$ | 90,850,250  | \$ | 90,850,250  | 95692 |
| TOTAL BRD |        | Bond Research and<br>Development Fund Group          | \$ | 128,310,250 | \$ | 128,310,250 | 95693 |
|           |        | Capital Projects Fund Group                          |    |             |    |             | 95694 |
| 7003      | 195663 | Clean Ohio<br>Revitalization<br>Operating            | \$ | 600,000     | \$ | 0           | 95695 |
| TOTAL CPF |        | Capital Projects Fund<br>Group                       | \$ | 600,000     | \$ | 0           | 95696 |
|           |        | Federal Fund Group                                   |    |             |    |             | 95697 |
| 3080      | 195603 | Housing Assistance<br>Programs                       | \$ | 12,000,000  | \$ | 12,000,000  | 95698 |
| 3080      | 195609 | Small Business<br>Administration Grants              | \$ | 5,271,381   | \$ | 5,271,381   | 95699 |
| 3080      | 195618 | Energy Grants  | \$ | 4,000,000   | \$ | 4,000,000   | 95700 |
| 3080      | 195670 | Home Weatherization<br>Programs                      | \$ | 20,000,000  | \$ | 20,000,000  | 95701 |
| 3080      | 195671 | Brownfield<br>Redevelopment                          | \$ | 3,000,000   | \$ | 3,000,000   | 95702 |
| 3080      | 195672 | Manufacturing<br>Extension Partnership               | \$ | 5,500,000   | \$ | 5,500,000   | 95703 |
| 3080      | 195675 | Procurement Technical<br>Assistance                  | \$ | 750,000     | \$ | 750,000     | 95704 |
| 3080      | 195696 | State Trade and<br>Export Promotion                  | \$ | 800,000     | \$ | 800,000     | 95705 |
| 3350      | 195610 | Energy Programs                                      | \$ | 200,000     | \$ | 200,000     | 95706 |

|                              |        |  |    |               |    |               |       |
|------------------------------|--------|--|----|---------------|----|---------------|-------|
| 3AE0                         | 195643 | Workforce Development Initiatives                                | \$ | 800,000       | \$ | 800,000       | 95707 |
| 3FJ0                         | 195626 | Small Business Capital Access and Collateral Enhancement Program | \$ | 5,644,445     | \$ | 5,644,445     | 95708 |
| 3FJ0                         | 195661 | Technology Targeted Investment Program                           | \$ | 2,260,953     | \$ | 2,260,953     | 95709 |
| 3K80                         | 195613 | Community Development Block Grant                                | \$ | 60,000,000    | \$ | 60,000,000    | 95710 |
| 3K90                         | 195611 | Home Energy Assistance Block Grant                               | \$ | 175,000,000   | \$ | 175,000,000   | 95711 |
| 3K90                         | 195614 | HEAP Weatherization  | \$ | 25,000,000    | \$ | 25,000,000    | 95712 |
| 3L00                         | 195612 | Community Services Block Grant                                   | \$ | 28,000,000    | \$ | 28,000,000    | 95713 |
| 3V10                         | 195601 | HOME Program   | \$ | 25,000,000    | \$ | 25,000,000    | 95714 |
| TOTAL FED                    |        | Federal Fund Group   | \$ | 373,226,779   | \$ | 373,226,779   | 95715 |
| TOTAL ALL BUDGET FUND GROUPS |        |  | \$ | 1,169,490,857 | \$ | 1,179,704,357 | 95716 |

**Section 259.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 95718

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office. 95719  
95720  
95721  
95722

MINORITY BUSINESS DEVELOPMENT 95723

The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation 95724  
95725  
95726  
95727  
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95729

|  |   |
|--|---|
| item 195454, Small Business and Export Assistance.   | 95730   |
| BUSINESS DEVELOPMENT SERVICES  | 95731   |
| The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices.  | 95732<br>95733<br>95734   |
| REDEVELOPMENT ASSISTANCE   | 95735   |
| The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may be implemented by the Development Services Agency, and may be used to match federal grant funding.   | 95736<br>95737<br>95738<br>95739<br>95740                                     |
| TECHNOLOGY PROGRAMS AND GRANTS   | 95741   |
| Of the foregoing appropriation item 195453, Technology Programs and Grants, up to \$547,341 in each fiscal year shall be used for operating expenses incurred in administering the Ohio Third Frontier pursuant to sections 184.10 to 184.20 of the Revised Code; up to \$10,000,000 in each fiscal year shall be used pursuant to sections 122.28 to 122.36 of the Revised Code, of which not more than ten per cent shall be used for operating expenses incurred in administering the program.  | 95742<br>95743<br>95744<br>95745<br>95746<br>95747<br>95748<br>95749          |
| SMALL BUSINESS AND EXPORT ASSISTANCE   | 95750   |
| The foregoing appropriation item 195454, Small Business and Export Assistance, may be used to provide a range of business assistance, including grants to local organizations to support economic development activities that promote small business development, entrepreneurship, and exports of Ohio's goods and services, in conjunction with local organizations funded through appropriation item 195405, Minority Business Development. The foregoing appropriation item shall also be used as matching funds for grants from the United States Small Business Administration | 95751<br>95752<br>95753<br>95754<br>95755<br>95756<br>95757<br>95758<br>95759 |

and other federal agencies, pursuant to Public Law No. 96-302 as 95760  
amended by Public Law No. 98-395, and regulations and policy 95761  
guidelines for the programs pursuant thereto. 95762

APPALACHIAN ASSISTANCE 95763

The foregoing appropriation item 195455, Appalachian 95764  
Assistance, may be used for the administrative costs of planning 95765  
and liaison activities for the Governor's Office of Appalachia, to 95766  
provide financial assistance to projects in Ohio's Appalachian 95767  
counties, to support four local development districts, and to pay 95768  
dues for the Appalachian Regional Commission. These funds may be 95769  
used to match federal funds from the Appalachian Regional 95770  
Commission. Programs funded through the foregoing appropriation 95771  
item shall be identified and recommended by the local development 95772  
districts and approved by the Governor's Office of Appalachia. The 95773  
Development Services Agency shall conduct compliance and 95774  
regulatory review of the programs recommended by the local 95775  
development districts. Moneys allocated under the foregoing 95776  
appropriation item may be used to fund projects including, but not 95777  
limited to, those designated by the local development districts as 95778  
community investment and rapid response projects. 95779

Of the foregoing appropriation item 195455, Appalachian 95780  
Assistance, in each fiscal year, \$170,000 shall be allocated to 95781  
the Ohio Valley Regional Development Commission, \$170,000 shall be 95782  
allocated to the Ohio Mid-Eastern Government Association, \$170,000 95783  
shall be allocated to the Buckeye Hills-Hocking Valley Regional 95784  
Development District, and \$70,000 shall be allocated to the 95785  
Eastgate Regional Council of Governments. Local development 95786  
districts receiving funding under this section shall use the funds 95787  
for the implementation and administration of programs and duties 95788  
under section 107.21 of the Revised Code. 95789

CDBG OPERATING MATCH 95790

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.

OHIO-ISRAEL AGRICULTURAL INITIATIVE

The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel Agricultural Initiative.

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.07 of the Revised Code.

THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.10 of the Revised Code.

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195912, Job Ready Site Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2017, through June 30, 2019, on obligations issued

under sections 151.01 and 151.11 of the Revised Code. 95821

**Section 259.30. MINORITY BUSINESS BONDING FUND** 95822

Notwithstanding Chapters 122., 169., and 175. of the Revised 95823  
Code, the Director of Development Services may, upon the 95824  
recommendation of the Minority Development Financing Advisory 95825  
Board, pledge up to \$10,000,000 in the fiscal year 2018-fiscal 95826  
year 2019 biennium of unclaimed funds administered by the Director 95827  
of Commerce and allocated to the Minority Business Bonding Program 95828  
under section 169.05 of the Revised Code. 95829

If needed for the payment of losses arising from the Minority 95830  
Business Bonding Program, the Director of Budget and Management 95831  
may, at the request of the Director of Development Services, 95832  
request that the Director of Commerce transfer unclaimed funds 95833  
that have been reported by holders of unclaimed funds under 95834  
section 169.05 of the Revised Code to the Minority Bonding Fund 95835  
(Fund 4490). The transfer of unclaimed funds shall only occur 95836  
after proceeds of the initial transfer of \$2,700,000 by the 95837  
Controlling Board to the Minority Business Bonding Program have 95838  
been used for that purpose. If expenditures are required for 95839  
payment of losses arising from the Minority Business Bonding 95840  
Program, such expenditures shall be made from appropriation item 95841  
195658, Minority Business Bonding Contingency in the Minority 95842  
Business Bonding Fund, and such amounts are hereby appropriated. 95843

**BUSINESS ASSISTANCE PROGRAMS** 95844

The foregoing appropriation item 195649, Business Assistance 95845  
Programs, shall be used for administrative expenses associated 95846  
with the operation of loan incentives within the Office of 95847  
Strategic Business Investments. 95848

**STATE SPECIAL PROJECTS** 95849

The State Special Projects Fund (Fund 4F20), may be used for 95850

the deposit of private-sector funds from utility companies and for 95851  
the deposit of other miscellaneous state funds. State moneys so 95852  
deposited may also be used to match federal grants and to support 95853  
low-income energy assistance programs. 95854

MINORITY BUSINESS ENTERPRISE LOAN 95855

All repayments from the Minority Development Financing 95856  
Advisory Board Loan Program shall be deposited in the State 95857  
Treasury to the credit of the Minority Business Enterprise Loan 95858  
Fund (Fund 4W10). 95859

TAX INCENTIVES OPERATING 95860

On July 1, 2017, or as soon as possible thereafter, the 95861  
Director of Budget and Management shall transfer \$700,000 cash 95862  
from Fund 5MK0 to Fund 5JR0. 95863

LOCAL GOVERNMENT INNOVATION FUND 95864

The foregoing appropriation item 195640, Local Government 95865  
Innovation, shall be used for the purposes of making loans and 95866  
grants to political subdivisions under the Local Government 95867  
Innovation Program in accordance with sections 189.01 to 189.10 of 95868  
the Revised Code. Of the foregoing appropriation item 195640, 95869  
Local Government Innovation, up to \$275,000 in each fiscal year 95870  
shall be used for administrative costs. 95871

ADVANCED ENERGY LOAN PROGRAMS 95872

The foregoing appropriation item 195660, Advanced Energy Loan 95873  
Programs, shall be used to provide financial assistance to 95874  
customers for eligible advanced energy projects for residential, 95875  
commercial, and industrial business, local government, educational 95876  
institution, nonprofit, and agriculture customers. The 95877  
appropriation item may be used to match federal grant funding and 95878  
to pay for the program's administrative costs as provided in 95879  
sections 4928.61 to 4928.63 of the Revised Code and rules adopted 95880

by the Director of Development Services. 95881

On July 1, 2017, or as soon as possible thereafter, the 95882  
Director of Budget and Management shall transfer cash in an amount 95883  
equal to the unexpended, unencumbered balance of the Advanced 95884  
Energy Research and Development Taxable Fund (Fund 7004), from 95885  
Fund 7004 to the Advanced Energy Fund (Fund 5M50). 95886

TRAVEL AND TOURISM COOPERATIVE PROJECTS 95887

The foregoing appropriation item 195690, Travel and Tourism 95888  
Cooperative Projects, shall be used for the marketing and 95889  
promotion of travel and tourism in Ohio. The Travel and Tourism 95890  
Cooperative Projects Fund (Fund 5W50) shall consist solely of 95891  
leveraged private sector paid advertising dollars received in 95892  
tourism marketing assistance and co-op programs. 95893

VOLUME CAP ADMINISTRATION 95894

The foregoing appropriation item 195654, Volume Cap 95895  
Administration, shall be used for expenses related to the 95896  
administration of the Volume Cap Program. Revenues received by the 95897  
Volume Cap Administration Fund (Fund 6170) shall consist of 95898  
application fees, forfeited deposits, and interest earned from the 95899  
custodial account held by the Treasurer of State. 95900

**Section 259.40.** DEVELOPMENT SERVICES OPERATIONS 95901

The Director of Development Services may assess offices of 95902  
the agency for the cost of central service operations. An 95903  
assessment shall contain the characteristics of administrative 95904  
ease and uniform application. A division's payments shall be 95905  
credited to the Supportive Services Fund (Fund 1350) using an 95906  
intrastate transfer voucher. 95907

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 95908

The foregoing appropriation item 195636, Development Services 95909  
Reimbursable Expenditures, shall be used for reimbursable costs 95910

incurred by the agency. Revenues to the General Reimbursement Fund 95911  
(Fund 6850) shall consist of moneys charged for administrative 95912  
costs that are not central service costs and repayments of loans, 95913  
including the interest thereon, made from the Water and Sewer Fund 95914  
(Fund 4440). 95915

**Section 259.50. CAPITAL ACCESS LOAN PROGRAM** 95916

The foregoing appropriation item 195628, Capital Access Loan 95917  
Program, shall be used for operating, program, and administrative 95918  
expenses of the program. Funds of the Capital Access Loan Program 95919  
shall be used to assist participating financial institutions in 95920  
making program loans to eligible businesses that face barriers in 95921  
accessing working capital and obtaining fixed-asset financing. 95922

The Director of Budget and Management may transfer an amount 95923  
not to exceed \$1,000,000 cash in each fiscal year from the 95924  
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital 95925  
Access Loan Fund (Fund 5S90). 95926

**INNOVATION OHIO** 95927

The foregoing appropriation item 195664, Innovation Ohio, 95928  
shall be used to provide for Innovation Ohio purposes, including 95929  
loan guarantees and loans under Chapter 166. and particularly 95930  
sections 166.12 to 166.16 of the Revised Code. 95931

**RESEARCH AND DEVELOPMENT** 95932

The foregoing appropriation item 195665, Research and 95933  
Development, shall be used to provide for research and development 95934  
purposes, including loans, under Chapter 166. and particularly 95935  
sections 166.17 to 166.21 of the Revised Code. 95936

**FACILITIES ESTABLISHMENT** 95937

The foregoing appropriation item 195615, Facilities 95938  
Establishment, shall be used for the purposes of the Facilities 95939  
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 95940

|  |       |
|--|-------|
| Code.  | 95941 |
| TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND                   | 95942 |
| Notwithstanding Chapter 166. of the Revised Code, an amount        | 95943 |
| not to exceed \$3,500,000 in cash in each fiscal year may be       | 95944 |
| transferred from the Facilities Establishment Fund (Fund 7037) to  | 95945 |
| the Business Assistance Fund (Fund 4510). The transfer is subject  | 95946 |
| to Controlling Board approval under division (B) of section 166.03 | 95947 |
| of the Revised Code.   | 95948 |
| Notwithstanding Chapter 166. of the Revised Code, the              | 95949 |
| Director of Budget and Management may transfer an amount not to    | 95950 |
| exceed \$2,000,000 in cash in each fiscal year from the Facilities | 95951 |
| Establishment Fund (Fund 7037) to the Minority Business Enterprise | 95952 |
| Loan Fund (Fund 4W10).   | 95953 |
| Notwithstanding Chapter 166. of the Revised Code, the              | 95954 |
| Director of Budget and Management may transfer an amount not to    | 95955 |
| exceed \$2,000,000 in cash in each fiscal year from the Facilities | 95956 |
| Establishment Fund (Fund 7037) to the Capital Access Loan Fund     | 95957 |
| (Fund 5S90).   | 95958 |
| <b>Section 259.60. THIRD FRONTIER OPERATING COSTS</b>              | 95959 |
| The foregoing appropriation items 195686, Third Frontier Tax       | 95960 |
| Exempt - Operating, and 195620, Third Frontier Taxable -           | 95961 |
| Operating, shall be used for operating expenses incurred by the    | 95962 |
| Development Services Agency in administering projects pursuant to  | 95963 |
| sections 184.10 to 184.20 of the Revised Code. Operating expenses  | 95964 |
| paid from appropriation item 195686 shall be limited to the        | 95965 |
| administration of projects funded from the Third Frontier Research | 95966 |
| & Development Fund (Fund 7011) and operating expenses paid from    | 95967 |
| appropriation item 195620 shall be limited to the administration   | 95968 |
| of projects funded from the Third Frontier Research & Development  | 95969 |
| Taxable Bond Project Fund (Fund 7014).                             | 95970 |

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 95971  
PROJECTS 95972

The foregoing appropriation items 195687, Third Frontier 95973  
Research & Development Projects, and 195692, Research & 95974  
Development Taxable Bond Projects, shall be used by the 95975  
Development Services Agency to fund selected projects which may 95976  
include the Ohio Tech Internship Program. Eligible costs are those 95977  
costs of research and development projects to which the proceeds 95978  
of the Third Frontier Research & Development Fund (Fund 7011) and 95979  
the Research & Development Taxable Bond Project Fund (Fund 7014) 95980  
are to be applied. 95981

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 95982

The Director of Budget and Management may approve written 95983  
requests from the Director of Development Services for the 95984  
transfer of appropriations between appropriation items 195687, 95985  
Third Frontier Research & Development Projects, and 195692, 95986  
Research & Development Taxable Bond Projects, based upon awards 95987  
recommended by the Third Frontier Commission. 95988

In fiscal year 2019, the Director of Development Services may 95989  
request that the Director of Budget and Management reappropriate 95990  
any unexpended, unencumbered balances of the prior fiscal year's 95991  
appropriation to the foregoing appropriation items 195687, Third 95992  
Frontier Research & Development Projects, and 195692, Research & 95993  
Development Taxable Bond Projects, for fiscal year 2019. The 95994  
Director of Budget and Management may request additional 95995  
information necessary for evaluating these requests, and the 95996  
Director of Development Services shall provide the requested 95997  
information to the Director of Budget and Management. Based on the 95998  
information provided by the Director of Development Services, the 95999  
Director of Budget and Management shall determine the amounts to 96000  
be reappropriated, and those amounts are hereby reappropriated for 96001  
fiscal year 2019. 96002

**Section 259.70.** CLEAN OHIO REVITALIZATION OPERATING 96003

The foregoing appropriation item 195663, Clean Ohio 96004  
 Revitalization Operating, shall be used by the Development 96005  
 Services Agency in administering Clean Ohio Revitalization Fund 96006  
 (Fund 7003) projects pursuant to sections 122.65 to 122.658 of the 96007  
 Revised Code. 96008

**Section 259.80.** HEAP WEATHERIZATION 96009

Up to fifteen per cent of the federal funds deposited to the 96010  
 credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 96011  
 may be expended from appropriation item 195614, HEAP 96012  
 Weatherization, to provide home weatherization services in the 96013  
 state as determined by the Director of Development Services. Any 96014  
 transfers or increases in appropriation for the foregoing 96015  
 appropriation items 195614, HEAP Weatherization, or 195611, Home 96016  
 Energy Assistance Block Grant, shall be subject to approval by the 96017  
 Controlling Board. 96018

**Section 261.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 96019

General Revenue Fund 96020

GRF 320412 Protective Services \$ 2,418,196 \$ 2,418,196 96021

GRF 320415 Developmental \$ 20,323,000 \$ 19,426,900 96022

Disabilities

Facilities Lease

Rental Bond Payments

GRF 322420 Screening & Early \$ 300,999 \$ 300,999 96023

Identification

GRF 322421 Part C Early \$ 11,109,909 \$ 11,109,909 96024

Intervention

GRF 322422 Multi System Youth \$ 2,000,000 \$ 2,000,000 96025

GRF 322451 Family Support \$ 5,932,758 \$ 5,932,758 96026

|           |        |  |    |             |    |             |       |
|-----------|--------|--|----|-------------|----|-------------|-------|
|           |        | Services                                   |    |             |    |             |       |
| GRF       | 322501 | County Boards                              | \$ | 44,149,280  | \$ | 44,149,280  | 96027 |
|           |        | Subsidies                                  |    |             |    |             |       |
| GRF       | 322507 | County Board Case Management               | \$ | 2,500,000   | \$ | 2,500,000   | 96028 |
| GRF       | 322508 | Employment First Initiative                | \$ | 2,808,362   | \$ | 2,808,362   | 96029 |
| GRF       | 322509 | Community Supports & Rental Assistance     | \$ | 750,000     | \$ | 750,000     | 96030 |
| GRF       | 653321 | Medicaid Program Support - State           | \$ | 7,771,430   | \$ | 7,771,430   | 96031 |
| GRF       | 653407 | Medicaid Services                          | \$ | 581,525,649 | \$ | 601,525,649 | 96032 |
| TOTAL GRF |        | General Revenue Fund                       | \$ | 681,589,583 | \$ | 700,693,483 | 96033 |
|           |        | Dedicated Purpose Fund Group               |    |             |    |             | 96034 |
| 5GE0      | 320606 | Central Office Operating Expenses          | \$ | 14,339,487  | \$ | 14,339,487  | 96035 |
| 5QM0      | 320607 | System Transformation Supports             | \$ | 1,000,000   | \$ | 0           | 96036 |
| 2210      | 322620 | Supplement Service Trust                   | \$ | 500,000     | \$ | 500,000     | 96037 |
| 5DK0      | 322629 | Capital Replacement Facilities             | \$ | 750,000     | \$ | 750,000     | 96038 |
| 5H00      | 322619 | Medicaid Repayment                         | \$ | 900,000     | \$ | 900,000     | 96039 |
| 4890      | 653632 | Developmental Centers Direct Care Services | \$ | 10,718,092  | \$ | 10,718,092  | 96040 |
| 5EV0      | 653627 | Medicaid Program Support                   | \$ | 1,500,000   | \$ | 1,500,000   | 96041 |
| 5GE0      | 653606 | ICF/IID and Waiver Match                   | \$ | 38,406,616  | \$ | 39,614,603  | 96042 |
| 5S20      | 653622 | Medicaid Administration & Oversight        | \$ | 21,000,000  | \$ | 21,000,000  | 96043 |
| 5Z10      | 653624 | County Board Waiver                        | \$ | 340,210,215 | \$ | 374,726,690 | 96044 |

|                                      |    |               |    |               |  |       |
|--------------------------------------|----|---------------|----|---------------|--|-------|
|                                      |    | Match         |    |               |  |       |
| TOTAL DPF Dedicated Purpose Fund     | \$ | 429,324,410   | \$ | 464,048,872   |  | 96045 |
| Group                                |    |               |    |               |  |       |
| Internal Service Activity Fund Group |    |               |    |               |  | 96046 |
| 1520 653609 DC and Residential       | \$ | 17,000,000    | \$ | 9,000,000     |  | 96047 |
| Facilities Operating                 |    |               |    |               |  |       |
| Services                             |    |               |    |               |  |       |
| TOTAL ISA Internal Service Activity  | \$ | 17,000,000    | \$ | 9,000,000     |  | 96048 |
| Fund Group                           |    |               |    |               |  |       |
| Federal Fund Group                   |    |               |    |               |  | 96049 |
| 3250 322612 Community Social         | \$ | 27,677,572    | \$ | 27,677,572    |  | 96050 |
| Service Programs                     |    |               |    |               |  |       |
| 3A40 653654 Medicaid Services        | \$ | 1,683,779,023 | \$ | 1,751,089,044 |  | 96051 |
| 3A40 653655 Medicaid Support         | \$ | 62,974,750    | \$ | 64,005,945    |  | 96052 |
| 3A50 320613 Developmental            | \$ | 3,324,187     | \$ | 3,324,187     |  | 96053 |
| Disabilities Council                 |    |               |    |               |  |       |
| TOTAL FED Federal Fund Group         | \$ | 1,777,755,532 | \$ | 1,846,096,748 |  | 96054 |
| TOTAL ALL BUDGET FUND GROUPS         | \$ | 2,905,669,525 | \$ | 3,019,839,103 |  | 96055 |

**Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES** 96057

LEASE-RENTAL BOND PAYMENTS 96058

The foregoing appropriation item 320415, Developmental 96059  
 Disabilities Facilities Lease Rental Bond Payments, shall be used 96060  
 to meet all payments during the period from July 1, 2017, through 96061  
 June 30, 2019, by the Department of Developmental Disabilities 96062  
 under leases and agreements made under section 154.20 of the 96063  
 Revised Code. These appropriations are the source of funds pledged 96064  
 for bond service charges on related obligations issued under 96065  
 Chapter 154. of the Revised Code. 96066

**Section 261.30. SCREENING AND EARLY IDENTIFICATION** 96067

At the discretion of the Director of Developmental 96068

Disabilities, the foregoing appropriation item 322420, Screening and Early Identification, shall be used for professional and program development related to early identification/screening and intervention for children with autism and other complex developmental disabilities and their families.

**Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY**

The foregoing appropriation item 322451, Family Support Services, may be used as follows in fiscal year 2018 and fiscal year 2019:

(A) The appropriation item may be used to provide a subsidy to county boards of developmental disabilities for family support services provided under section 5126.11 of the Revised Code. The subsidy shall be paid in quarterly installments and allocated to county boards according to a formula the Director of Developmental Disabilities shall develop in consultation with representatives of county boards. A county board shall use not more than seven per cent of its subsidy for administrative costs.

(B) The appropriation item may be used to distribute funds to county boards for the purpose of addressing economic hardships and to promote efficiency of operations. In consultation with representatives of county boards, the Director shall determine the amount of funds to distribute for these purposes and the criteria for distributing the funds.

**Section 261.50. STATE SUBSIDY TO COUNTY DD BOARDS**

(A) Except as provided in the section of this act titled "NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing appropriation item 322501, County Boards Subsidies, shall be used for the following purposes:

(1) To provide a subsidy to county boards of developmental disabilities in quarterly installments and allocated according to

a formula developed by the Director of Developmental Disabilities 96099  
in consultation with representatives of county boards. Except as 96100  
provided in section 5126.0511 of the Revised Code or in division 96101  
(B) of this section, county boards shall use the subsidy for early 96102  
childhood services and adult services provided under section 96103  
5126.05 of the Revised Code, service and support administration 96104  
provided under section 5126.15 of the Revised Code, or supported 96105  
living as defined in section 5126.01 of the Revised Code. 96106

(2) To provide funding, as determined necessary by the 96107  
Director, for residential services, including room and board, and 96108  
support service programs that enable individuals with 96109  
developmental disabilities to live in the community. 96110

(3) To distribute funds to county boards of developmental 96111  
disabilities to address economic hardships and promote efficiency 96112  
of operations. The Director shall determine, in consultation with 96113  
representatives of county boards, the amount of funds to 96114  
distribute for these purposes and the criteria for distributing 96115  
the funds. 96116

(B) In collaboration with the county's family and children 96117  
first council, a county board of developmental disabilities may 96118  
transfer portions of funds received under this section, to a 96119  
flexible funding pool in accordance with the section of this act 96120  
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 96121

**Section 261.60. EMPLOYMENT FIRST INITIATIVE** 96122

The foregoing appropriation item 322508, Employment First 96123  
Initiative, shall be used to increase employment opportunities for 96124  
individuals with developmental disabilities through the Employment 96125  
First Initiative in accordance with section 5123.022 of the 96126  
Revised Code. 96127

Of the foregoing appropriation item, 322508, Employment First 96128

Initiative, the Director of Developmental Disabilities shall 96129  
transfer, in each fiscal year, to the Opportunities for Ohioans 96130  
with Disabilities Agency an amount agreed upon by the Director of 96131  
Developmental Disabilities and the Executive Director of the 96132  
Opportunities for Ohioans with Disabilities Agency. The transfer 96133  
shall be made via an intrastate transfer voucher. The transferred 96134  
funds shall be used to support the Employment First Initiative. 96135  
The Opportunities for Ohioans with Disabilities Agency shall use 96136  
the funds transferred as state matching funds to obtain available 96137  
federal grant dollars for vocational rehabilitation services. Any 96138  
federal match dollars received by the Opportunities for Ohioans 96139  
with Disabilities Agency shall be used for the initiative. The 96140  
Director of Developmental Disabilities and the Executive Director 96141  
of the Opportunities for Ohioans with Disabilities Agency shall 96142  
enter into an interagency agreement in accordance with section 96143  
3304.181 of the Revised Code that will specify the 96144  
responsibilities of each agency under the initiative. Under the 96145  
interagency agreement, the Opportunities for Ohioans with 96146  
Disabilities Agency shall retain responsibility for eligibility 96147  
determination, order of selection, plan approval, plan amendment, 96148  
and release of vendor payments. 96149

The remainder of appropriation item 322508, Employment First 96150  
Initiative, shall be used to develop a long-term, sustainable 96151  
system that places individuals with developmental disabilities in 96152  
community employment, as defined in section 5123.022 of the 96153  
Revised Code. 96154

**Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE** 96155

The foregoing appropriation item 322509, Community Supports 96156  
and Rental Assistance, may be used by the Director of 96157  
Developmental Disabilities to provide funding to county boards of 96158  
developmental disabilities for rental assistance to individuals 96159

with developmental disabilities receiving home and community-based 96160  
services as defined in section 5123.01 of the Revised Code 96161  
pursuant to section 5124.60 of the Revised Code or section 5124.69 96162  
of the Revised Code and individuals with developmental 96163  
disabilities who enroll in a Medicaid waiver component providing 96164  
home and community-based services after receiving preadmission 96165  
counseling pursuant to section 5124.68 of the Revised Code. The 96166  
Director shall establish the methodology for determining the 96167  
amount and distribution of such funding. 96168

**Section 261.80. MEDICAID SERVICES** 96169

(A) As used in this section: 96170

(1) "Home and community-based services" has the same meaning 96171  
as in section 5123.01 of the Revised Code. 96172

(2) "ICF/IID services" has the same meaning as in section 96173  
5124.01 of the Revised Code. 96174

(B) Except as provided in section 5123.0416 of the Revised 96175  
Code, the purposes for which the foregoing appropriation item 96176  
653407, Medicaid Services, shall be used include the following: 96177

(1) Home and community-based services; 96178

(2) Implementation of the requirements of the agreement 96179  
settling the consent decree in *Sermak v. Manuel*, Case No. 96180  
C-2-80-220, United States District Court for the Southern District 96181  
of Ohio, Eastern Division; 96182

(3) Implementation of the requirements of the agreement 96183  
settling the consent decree in the *Martin v. Strickland*, Case No. 96184  
89-CV-00362, United States District Court for the Southern 96185  
District of Ohio, Eastern Division; 96186

(4) ICF/IID services; 96187

(5) Up to \$3,000,000 in each fiscal year shall be used to 96188

increase employment opportunities for Medicaid-eligible 96189  
individuals with developmental disabilities through the Employment 96190  
First Initiative; 96191

(6) Up to \$14,000,000 in each fiscal year may be used to 96192  
distribute funds to county boards of developmental disabilities to 96193  
address economic hardships and promote efficiency of operations, 96194  
notwithstanding section 5126.18 of the Revised Code. The Director 96195  
of Developmental Disabilities shall determine, in consultation 96196  
with representatives of county boards, the amount of funds to 96197  
distribute for these purposes and the criteria for distributing 96198  
the funds; and 96199

(7) Other programs as identified by the Director of 96200  
Developmental Disabilities. 96201

**Section 261.90.** CENTRAL OFFICE OPERATING EXPENSES 96202

Of the foregoing appropriation item 320606, Central Office 96203  
Operating Expenses, \$100,000 in each fiscal year shall be provided 96204  
to the Ohio Center for Autism and Low Incidence to establish a 96205  
lifespan autism hub to support families and professionals. 96206

**Section 261.100.** NONFEDERAL MATCH FOR ACTIVE TREATMENT 96207  
SERVICES 96208

Any county funds received by the Department of Developmental 96209  
Disabilities from county boards of developmental disabilities for 96210  
active treatment shall be deposited in the Developmental 96211  
Disabilities Operating Fund (Fund 4890). 96212

**Section 261.110.** SYSTEM TRANSFORMATION SUPPORTS 96213

The foregoing appropriation item 320607 (Fund 5QM0), System 96214  
Transformation Supports, may be used by the Director of 96215  
Developmental Disabilities as follows: 96216

(A) To purchase one or more residential facility beds for the purpose of reducing the number of beds that are certified for participation in Medicaid as ICF/IID beds in Ohio. The Director shall establish priorities for the purchase of beds which may include beds located in a building in which a nursing facility is also located and beds which are in a residential facility of sixteen beds or greater. The purchase price of a bed shall be the price the Director determines is reasonable based on the established priorities. Division (B) of section 127.16 of the Revised Code shall not apply to a purchase made under this section.

(B) To fund other system transformation initiatives identified by the Director.

**Section 261.120.** COMMUNITY SOCIAL SERVICE PROGRAMS 96230

The foregoing appropriation item 322612, Community Social Service Programs, may be used by the Director of Developmental Disabilities to purchase one or more residential facility beds for the purpose of reducing the number of beds that are certified for participation in Medicaid as ICF/IID beds in Ohio. The Director shall establish priorities for the purchase of beds which may include beds located in a building in which a nursing facility is also located and beds which are in a residential facility of sixteen beds or greater. The purchase price of a bed shall be the price the Director determines is reasonable based on the established priorities. Division (B) of section 127.16 of the Revised Code shall not apply to a purchase made under this section.

**Section 261.130.** COUNTY BOARD SHARE OF WAIVER SERVICES 96244

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2018 and fiscal year 2019 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

**Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT**

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

**Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES**

Developmental centers of the Department of Developmental Disabilities may provide services to persons with developmental disabilities living in the community or to providers of services to these persons. The Department may develop a method for recovery of all costs associated with the provision of these services.

**Section 261.160. ODODD INNOVATIVE PILOT PROJECTS**

(A) In fiscal year 2018 and fiscal year 2019, the Director of Developmental Disabilities may authorize the continuation or

implementation of one or more innovative pilot projects that, in 96276  
the judgment of the Director, are likely to assist in promoting 96277  
the objectives of Chapter 5123. or 5126. of the Revised Code. 96278  
Subject to division (B) of this section and notwithstanding any 96279  
provision of Chapters 5123. and 5126. of the Revised Code and any 96280  
rule adopted under either chapter, a pilot project authorized by 96281  
the Director may be continued or implemented in a manner 96282  
inconsistent with one or more provisions of either chapter or one 96283  
or more rules adopted under either chapter. Before authorizing a 96284  
pilot program, the Director shall consult with entities interested 96285  
in the issue of developmental disabilities, including the Ohio 96286  
Provider Resource Association, Ohio Association of County Boards 96287  
of Developmental Disabilities, Ohio Health Care Association/Ohio 96288  
Centers for Intellectual Disabilities, the Values and Faith 96289  
Alliance, and ARC of Ohio. 96290

(B) The Director may not authorize a pilot project to be 96291  
implemented in a manner that would cause the state to be out of 96292  
compliance with any requirements for a program funded in whole or 96293  
in part with federal funds. 96294

**Section 261.170.** FISCAL YEAR 2018 MEDICAID PAYMENT RATES FOR 96295  
ICFs/IID IN PEER GROUPS 1 AND 2 96296

(A) As used in this section: 96297

(1) "Change of operator," "entering operator," "exiting 96298  
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 96299  
group 1," "peer group 2," "peer group 3," "provider," and 96300  
"provider agreement" have the same meanings as in section 5124.01 96301  
of the Revised Code. 96302

(2) "Franchise permit fee" means the fee imposed by sections 96303  
5168.60 to 5168.71 of the Revised Code. 96304

(B)(1) This section applies to each ICF/IID that is in peer 96305

group 1 or peer group 2 and to which any of the following applies: 96306

(a) The provider of the ICF/IID has a valid Medicaid provider 96307  
agreement for the ICF/IID on June 30, 2017, and a valid Medicaid 96308  
provider agreement for the ICF/IID during fiscal year 2018. 96309

(b) The ICF/IID undergoes a change of operator that takes 96310  
effect during fiscal year 2018, the exiting operator has a valid 96311  
Medicaid provider agreement for the ICF/IID on the day immediately 96312  
preceding the effective date of the change of operator, and the 96313  
entering operator has a valid Medicaid provider agreement for the 96314  
ICF/IID during fiscal year 2018. 96315

(c) The ICF/IID is a new ICF/IID for which the provider 96316  
obtains an initial provider agreement during fiscal year 2018. 96317

(2) This section does not apply to an ICF/IID in peer group 96318  
3. 96319

(3) The Department of Developmental Disabilities shall follow 96320  
this section in determining the rate to be paid for ICF/IID 96321  
services provided during fiscal year 2018 by ICFs/IID subject to 96322  
this section notwithstanding anything to the contrary in Chapter 96323  
5124. of the Revised Code. 96324

(C)(1) Except as otherwise provided in this section, the 96325  
provider of an ICF/IID to which this section applies shall be 96326  
paid, for ICF/IID services the ICF/IID provides during fiscal year 96327  
2018, the total per Medicaid day rate determined for the ICF/IID 96328  
under division (C)(2) or (3) of this section. 96329

(2) Except in the case of a new ICF/IID, the fiscal year 2018 96330  
total per Medicaid day rate for an ICF/IID to which this section 96331  
applies shall be the same as the ICF/IID's total per Medicaid day 96332  
rate for ICF/IID services provided on June 30, 2017. However, an 96333  
ICF/IID provider may seek reconsideration of the ICF/IID's 96334  
Medicaid rate, and the Department may increase the Medicaid rate, 96335  
through the rate reconsideration process established under section 96336

5124.38 of the Revised Code if the ICF/IID's most recent case-mix score is at least twenty-five per cent greater than the ICF/IID's case-mix score for the immediately preceding calendar quarter as determined under section 5124.192 of the Revised Code.

(3) The fiscal year 2018 initial total per Medicaid day rate for a new ICF/IID to which this section applies shall be the ICF/IID's initial total per Medicaid day rate determined for the ICF/IID in accordance with section 5124.151 of the Revised Code for fiscal year 2018 with the following modifications:

(a) In place of the amount determined under division (B)(1) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for capital costs shall be the median rate for the new ICF/IID's peer group as determined under section 5124.17 of the Revised Code for fiscal year 2017.

(b) In place of the amount determined under division (B)(2)(a) of section 5124.151 of the Revised Code, if there are no cost or resident assessment data for the new ICF/IID, the new ICF/IID's initial per Medicaid day rate for direct care costs shall be determined as follows:

(i) Determine the median of the costs per case-mix units of each peer group for calendar year 2015;

(ii) Multiply the median determined under division (C)(3)(b)(i) of this section by the median annual average case-mix score for the new ICF/IID's peer group for calendar year 2015;

(iii) Multiply the product determined under division (C)(3)(b)(ii) of this section by 1.014.

(c) In place of the amount determined under division (B)(3) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for indirect care costs shall be the following:

(i) If the new ICF/IID is in peer group 1, \$68.98; 96367

(ii) If the new ICF/IID is in peer group 2, \$59.60. 96368

(d) In place of the amount determined under division (B)(4) 96369  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 96370  
per Medicaid day rate for other protected costs shall be 115 per 96371  
cent of the product of the following: 96372

(i) The median rate for ICFs/IID determined under section 96373  
5124.23 of the Revised Code for fiscal year 2017; 96374

(ii) 1.014. 96375

(D) If the United States Centers for Medicare and Medicaid 96376  
Services requires that the franchise permit fee be reduced or 96377  
eliminated, the Department shall reduce the amount it pays ICF/IID 96378  
providers under this section as necessary to reflect the loss to 96379  
the state of the revenue and federal financial participation 96380  
generated from the franchise permit fee. 96381

(E) The Director of Developmental Disabilities may adopt 96382  
rules in accordance with Chapter 119. of the Revised Code to 96383  
revise for fiscal year 2018 the requirements for ICF/IID providers 96384  
to compile under section 5124.191 of the Revised Code complete 96385  
assessment data for the residents of the providers' ICFs/IID. The 96386  
revisions may require that two different types of assessments be 96387  
made and may require that the different types be submitted to the 96388  
Department at different times. 96389

(F) Of the foregoing appropriation items 653407, Medicaid 96390  
Services, 653606, ICF/IID and Waiver Match, and 653654, Medicaid 96391  
Services, portions shall be used to pay the Medicaid payment rates 96392  
determined in accordance with this section for ICF/IID services 96393  
provided during fiscal year 2018. 96394

**Section 261.180. FISCAL YEAR 2019 MEDICAID PAYMENT RATES FOR** 96395  
ICFs/IID IN PEER GROUPS 1, 2, 3, AND 4 96396

|  |  |
|--|--|
| (A) As used in this section:   | 96397  |
| (1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1," "peer group 2," "peer group 3," "peer group 4," "peer group 5," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.  | 96398<br>96399<br>96400<br>96401<br>96402          |
| (2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.   | 96403<br>96404                                     |
| (B)(1) This section applies to each ICF/IID that is in peer group 1, peer group 2, peer group 3, or peer group 4, and to which any of the following applies:   | 96405<br>96406<br>96407                            |
| (a) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2018, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019.   | 96408<br>96409<br>96410                            |
| (b) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019. | 96411<br>96412<br>96413<br>96414<br>96415<br>96416 |
| (c) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2019.   | 96417<br>96418                                     |
| (2) This section does not apply to an ICF/IID in peer group 5.   | 96419<br>96420                                     |
| (3) The Department of Developmental Disabilities shall follow this section in determining the rate to be paid for ICF/IID services provided during fiscal year 2019 by ICFs/IID subject to this section notwithstanding anything to the contrary in Chapter 5124. of the Revised Code.   | 96421<br>96422<br>96423<br>96424<br>96425          |
| (C)(1) Except as otherwise provided in this section, the   | 96426  |

provider of an ICF/IID to which this section applies shall be 96427  
paid, for ICF/IID services the ICF/IID provides during fiscal year 96428  
2019, the total per Medicaid day rate determined for the ICF/IID 96429  
under division (C)(2) or (3) of this section. 96430

(2) Except in the case of a new ICF/IID, the fiscal year 2019 96431  
total per Medicaid day rate for an ICF/IID to which this section 96432  
applies shall be the ICF/IID's total per Medicaid day rate 96433  
determined for the ICF/IID in accordance with Chapter 5124. of the 96434  
Revised Code, except that the rate shall be not less than 96.5 per 96435  
cent nor more than 103.5 per cent of the ICF/IID's total per 96436  
Medicaid day rate for ICF/IID services provided on June 30, 2018. 96437

(3) The fiscal year 2019 initial total per Medicaid day rate 96438  
for a new ICF/IID to which this section applies shall be the 96439  
ICF/IID's initial total per Medicaid day rate determined for the 96440  
ICF/IID in accordance with section 5124.151 of the Revised Code 96441  
for fiscal year 2019. 96442

(D)(1) If the mean total per Medicaid day rate for all 96443  
ICFs/IID to which this section applies, weighted by May 2018 96444  
Medicaid days and determined under division (C) of this section as 96445  
of July 1, 2018, is other than the amount determined under 96446  
division (D)(2) of this section, the Department shall adjust, for 96447  
fiscal year 2019, the total per Medicaid day rate for each ICF/IID 96448  
to which this section applies by a percentage that is equal to the 96449  
percentage by which the mean total per Medicaid day rate is 96450  
greater or less than the amount determined under division (D)(2) 96451  
of this section. 96452

(2) The amount to be used for the purpose of division (D)(1) 96453  
of this section shall be either of the following: 96454

(a) \$297.35 if the ICF/IID Medicaid payment methodology based 96455  
on the study required by Section 309.30.80 of Am. Sub. H.B. 153 of 96456  
the 129th General Assembly and continued by Section 259.230 of Am. 96457

Sub. H.B. 59 of the 130th General Assembly has been fully 96458  
implemented not later than July 1, 2018; 96459

(b) \$290.10 if division (D)(2)(a) of this section does not 96460  
apply. 96461

(3) The ICF/IID Medicaid payment methodology specified in 96462  
division (D)(2)(a) of this section shall be considered to be fully 96463  
implemented for the purpose of that division if both of the 96464  
following occur: 96465

(a) All of the following take effect on July 1, 2018: 96466

(i) The amendments by this act to sections 5124.01, 5124.101, 96467  
5124.151, and 5124.155 of the Revised Code; 96468

(ii) The amendments by this act to section 5124.15 of the 96469  
Revised Code, other than the amendments to division (D) of that 96470  
section; 96471

(iii) The amendments by this act to section 5124.21 of the 96472  
Revised Code, other than the amendments to division (A) of that 96473  
section; 96474

(iv) The outright repeal by this act of section 5124.17 of 96475  
the Revised Code; 96476

(v) The new enactment by this act of section 5124.17 of the 96477  
Revised Code. 96478

(b) The quality incentive payment rate add on authorized by 96479  
section 5124.25 of the Revised Code, as enacted by this act, is to 96480  
begin to be part of the total Medicaid payment rates for ICF/IID 96481  
services provided on or after July 1, 2019. 96482

(E) If the United States Centers for Medicare and Medicaid 96483  
Services requires that the franchise permit fee be reduced or 96484  
eliminated, the Department shall reduce the amount it pays ICF/IID 96485  
providers under this section as necessary to reflect the loss to 96486  
the state of the revenue and federal financial participation 96487

generated from the franchise permit fee. 96488

(F) Of the foregoing appropriation items 653407, Medicaid 96489  
Services, 653606, ICF/IID and Waiver Match, and 653654, Medicaid 96490  
Services, portions shall be used to pay the Medicaid payment rates 96491  
determined in accordance with this section for ICF/IID services 96492  
provided during fiscal year 2019. 96493

**Section 261.190. ICF/IID MEDICAID RATE WORKGROUP 96494**

(A) As used in this section, "ICF/IID," "ICF/IID services," 96495  
and "Medicaid-certified capacity" have the same meanings as in 96496  
section 5124.01 of the Revised Code. 96497

(B) For the purpose of assisting the Department of 96498  
Developmental Disabilities during fiscal year 2018 and fiscal year 96499  
2019 with an evaluation of revisions to the formula used to 96500  
determine Medicaid payment rates for ICF/IID services, the 96501  
Department shall reconvene the workgroup that previously was 96502  
convened to assist with implementation of the ICF/IID payment 96503  
methodology that was based on the study required by Section 96504  
309.30.80 of Am. Sub. H.B. 153 of the 129th General Assembly. In 96505  
conducting the evaluation, the Department and workgroup shall do 96506  
both of the following: 96507

(1) Focus primarily on the service needs of individuals with 96508  
complex challenges that ICFs/IID are able to meet; 96509

(2) Pursue the goal of reducing the Medicaid-certified 96510  
capacity of individual ICFs/IID and the total number of ICF/IID 96511  
beds in the state for the purpose of increasing the service 96512  
choices and community integration of individuals eligible for 96513  
ICF/IID services. 96514

**Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES 96515**

(A) As used in this section, "ICF/IID," "ICF/IID services," 96516

and "Medicaid-certified capacity" have the same meanings as in 96517  
section 5124.01 of the Revised Code. 96518

(B) The Director of Developmental Disabilities shall pay the 96519  
nonfederal share of a claim for ICF/IID services using funds 96520  
specified in division (C) of this section if all of the following 96521  
apply: 96522

(1) Medicaid covers the ICF/IID services. 96523

(2) The ICF/IID services are provided to a Medicaid recipient 96524  
to whom both of the following apply: 96525

(a) The Medicaid recipient is eligible for the ICF/IID 96526  
services; 96527

(b) The Medicaid recipient does not occupy a bed in the 96528  
ICF/IID that used to be included in the Medicaid-certified 96529  
capacity of another ICF/IID certified by the Director of Health 96530  
before June 1, 2003. 96531

(3) The ICF/IID services are provided by an ICF/IID whose 96532  
Medicaid certification by the Director of Health was initiated or 96533  
supported by a county board of developmental disabilities. 96534

(4) The provider of the ICF/IID services has a valid Medicaid 96535  
provider agreement for the services for the time that the services 96536  
are provided. 96537

(C) When required by division (B) of this section to pay the 96538  
nonfederal share of a claim, the Director of Developmental 96539  
Disabilities shall use the following funds to pay the claim: 96540

(1) Funds available from appropriation item 322501, County 96541  
Boards Subsidies, that the Director allocates to the county board 96542  
that initiated or supported the Medicaid certification of the 96543  
ICF/IID that provided the ICF/IID services for which the claim is 96544  
made; 96545

(2) If the amount of funds used pursuant to division (C)(1) 96546

of this section is insufficient to pay the claim in full, an 96547  
amount of funds that are needed to make up the difference and 96548  
available from amounts the Director allocates to other county 96549  
boards from appropriation item 322501, County Boards Subsidies. 96550

**Section 261.210.** PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 96551  
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 96552

(A) As used in this section: 96553

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 96554  
that converted some or all of its beds to providing home and 96555  
community-based services under the IO Waiver pursuant to section 96556  
5124.60 of the Revised Code. 96557

(2) "Developmental center" and "ICF/IID" have the same 96558  
meanings as in section 5124.01 of the Revised Code. 96559

(3) "IO Waiver" means the Medicaid waiver component, as 96560  
defined in section 5166.01 of the Revised Code, known as 96561  
Individual Options. 96562

(4) "Medicaid provider" has the same meaning as in section 96563  
5164.01 of the Revised Code. 96564

(5) "Public hospital" has the same meaning as in section 96565  
5122.01 of the Revised Code. 96566

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 96567  
whom all of the following apply: 96568

(a) The enrollee resided in a developmental center, converted 96569  
facility, or public hospital immediately before enrolling in the 96570  
IO Wavier. 96571

(b) The enrollee did not receive before July 1, 2011, routine 96572  
homemaker/personal care services from the Medicaid provider that 96573  
is to be paid the Medicaid rate authorized by this section for 96574  
providing such services to the enrollee during the period 96575

specified in division (C) of this section. 96576

(c) The Director of Developmental Disabilities has determined 96577  
that the enrollee's special circumstances (including the 96578  
enrollee's diagnosis, service needs, or length of stay at the 96579  
developmental center, converted facility, or public hospital) 96580  
warrants paying the Medicaid rate authorized by this section. 96581

(B) The total Medicaid payment rate for each fifteen minutes 96582  
of routine homemaker/personal care services that a Medicaid 96583  
provider provides to a qualifying IO enrollee during the period 96584  
specified in division (C) of this section shall be fifty-two cents 96585  
higher than the Medicaid payment rate in effect on the day the 96586  
services are provided for each fifteen minutes of routine 96587  
homemaker/personal care services that a Medicaid provider provides 96588  
to an IO enrollee who is not a qualifying IO enrollee. 96589

(C) Division (B) of this section applies to the first twelve 96590  
months, consecutive or otherwise, that a Medicaid provider, during 96591  
the period beginning July 1, 2017, and ending June 30, 2019, 96592  
provides routine homemaker/personal care services to a qualifying 96593  
IO enrollee. 96594

(D) Of the foregoing appropriation items 653407, Medicaid 96595  
Services, and 653654, Medicaid Services, portions shall be used to 96596  
pay the Medicaid payment rate determined in accordance with this 96597  
section for routine homemaker/personal care services provided to 96598  
qualifying IO enrollees. 96599

**Section 261.220.** UPDATING AUTHORIZING STATUTE CITATIONS 96600

As used in this section, "authorizing statute" means a 96601  
Revised Code section or provision of a Revised Code section that 96602  
is cited in the Ohio Administrative Code as the statute that 96603  
authorizes the adoption of a rule. 96604

The Director of Developmental Disabilities is not required to 96605

amend any rule for the sole purpose of updating the citation in 96606  
the Ohio Administrative Code to the rule's authorizing statute to 96607  
reflect that this act renumbers the authorizing statute or 96608  
relocates it to another Revised Code section. Such citations shall 96609  
be updated as the Director amends the rules for other purposes. 96610

**Section 263.10. OBD OHIO BOARD OF DIETETICS** 96611

Dedicated Purpose Fund Group 96612  
4K90 860609 Operating Expenses \$ 234,381 \$ 0 96613  
TOTAL DPF Dedicated Purpose Fund \$ 234,381 \$ 0 96614  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 234,381 \$ 0 96615

**Section 265.10. EDU DEPARTMENT OF EDUCATION** 96617

General Revenue Fund 96618  
GRF 200321 Operating Expenses \$ 14,993,404 \$ 15,037,324 96619  
GRF 200408 Early Childhood \$ 70,268,341 \$ 70,268,341 96620  
Education  
GRF 200420 Information Technology \$ 3,942,581 \$ 3,959,986 96621  
Development and  
Support  
GRF 200421 Alternative Education \$ 5,741,668 \$ 3,295,834 96622  
Programs  
GRF 200422 School Management \$ 2,152,299 \$ 2,189,385 96623  
Assistance  
GRF 200424 Policy Analysis \$ 552,523 \$ 462,933 96624  
GRF 200426 Ohio Educational \$ 16,200,000 \$ 16,200,000 96625  
Computer Network  
GRF 200427 Academic Standards \$ 4,036,519 \$ 4,061,912 96626  
GRF 200437 Student Assessment \$ 60,060,190 \$ 60,126,946 96627  
GRF 200439 Accountability/Report \$ 6,982,351 \$ 7,025,530 96628  
Cards

|             |   |    |               |    |               |       |
|-------------|---|----|---------------|----|---------------|-------|
| GRF 200442  | Child Care Licensing                              | \$ | 1,880,406     | \$ | 1,916,612     | 96629 |
| GRF 200446  | Education Management<br>Information System        | \$ | 8,095,804     | \$ | 8,142,552     | 96630 |
| GRF 200448  | Educator Preparation                              | \$ | 1,584,146     | \$ | 1,584,146     | 96631 |
| GRF 200455  | Community Schools and<br>Choice Programs          | \$ | 4,604,919     | \$ | 4,685,028     | 96632 |
| GRF 200465  | Education Technology<br>Resources                 | \$ | 3,370,976     | \$ | 3,370,976     | 96633 |
| GRF 200471  | Office of Innovation                              | \$ | 750,000       | \$ | 750,000       | 96634 |
| GRF 200502  | Pupil Transportation                              | \$ | 549,238,753   | \$ | 529,629,809   | 96635 |
| GRF 200505  | School Lunch Match                                | \$ | 9,100,000     | \$ | 9,100,000     | 96636 |
| GRF 200511  | Auxiliary Services                                | \$ | 149,909,112   | \$ | 149,909,112   | 96637 |
| GRF 200532  | Nonpublic<br>Administrative Cost<br>Reimbursement | \$ | 67,719,856    | \$ | 67,719,856    | 96638 |
| GRF 200540  | Special Education<br>Enhancements                 | \$ | 152,350,000   | \$ | 152,350,000   | 96639 |
| GRF 200545  | Career-Technical<br>Education Enhancements        | \$ | 10,687,366    | \$ | 9,750,892     | 96640 |
| GRF 200550  | Foundation Funding                                | \$ | 6,841,140,554 | \$ | 6,989,524,531 | 96641 |
| GRF 200566  | Literacy Improvement                              | \$ | 750,000       | \$ | 1,250,000     | 96642 |
| GRF 200572  | Adult Education<br>Programs                       | \$ | 7,647,935     | \$ | 8,835,000     | 96643 |
| GRF 200573  | EdChoice Expansion                                | \$ | 38,400,000    | \$ | 47,700,000    | 96644 |
| GRF 200574  | Half-Mill Maintenance<br>Equalization             | \$ | 19,000,000    | \$ | 19,200,000    | 96645 |
| GRF 200597  | Education Program<br>Support                      | \$ | 2,000,000     | \$ | 2,000,000     | 96646 |
| GRF 657401  | Medicaid in Schools                               | \$ | 300,000       | \$ | 300,000       | 96647 |
| TOTAL GRF   | General Revenue Fund                              | \$ | 8,053,459,703 | \$ | 8,190,346,705 | 96648 |
|             | Dedicated Purpose Fund Group                      |    |               |    |               | 96649 |
| 4520 200638 | Charges and<br>Reimbursements                     | \$ | 1,000,000     | \$ | 1,000,000     | 96650 |

|   |        |   |    |               |    |               |       |
|---|--------|---|----|---------------|----|---------------|-------|
| 4540  | 200610 | High School<br>Equivalency                              | \$ | 1,187,065     | \$ | 0             | 96651 |
| 4550  | 200608 | Commodity Foods   | \$ | 16,000,000    | \$ | 16,000,000    | 96652 |
| 4L20  | 200681 | Teacher Certification<br>and Licensure                  | \$ | 17,000,000    | \$ | 18,000,000    | 96653 |
| 5980  | 200659 | Auxiliary Services<br>Reimbursement                     | \$ | 2,930,000     | \$ | 2,930,000     | 96654 |
| 5H30  | 200687 | School District<br>Solvency Assistance                  | \$ | 10,000,000    | \$ | 10,000,000    | 96655 |
| 5KX0  | 200691 | Ohio School<br>Sponsorship Program                      | \$ | 828,600       | \$ | 828,600       | 96656 |
| 5MM0  | 200677 | Child Nutrition<br>Refunds                              | \$ | 550,000       | \$ | 550,000       | 96657 |
| 5U20  | 200685 | National Education<br>Statistics                        | \$ | 150,000       | \$ | 150,000       | 96658 |
| 6200  | 200615 | Educational<br>Improvement Grants                       | \$ | 800,000       | \$ | 800,000       | 96659 |
| TOTAL DPF Dedicated Purpose Fund<br>Group         |        |   | \$ | 50,445,665    | \$ | 50,258,600    | 96660 |
| Internal Service Activity Fund Group              |        |   |    |               |    |               | 96661 |
| 1380  | 200606 | Information<br>Technology<br>Development and<br>Support | \$ | 7,047,645     | \$ | 7,047,645     | 96662 |
| 4R70  | 200695 | Indirect Operational<br>Support                         | \$ | 7,856,766     | \$ | 7,856,766     | 96663 |
| 4V70  | 200633 | Interagency Program<br>Support                          | \$ | 500,000       | \$ | 500,000       | 96664 |
| TOTAL ISA Internal Service Activity<br>Fund Group |        |   | \$ | 15,404,411    | \$ | 15,404,411    | 96665 |
| State Lottery Fund Group                          |        |   |    |               |    |               | 96666 |
| 7017  | 200612 | Foundation Funding                                      | \$ | 1,028,000,000 | \$ | 1,028,000,000 | 96667 |

|                                    |        |   |    |               |    |               |       |
|------------------------------------|--------|---|----|---------------|----|---------------|-------|
| 7017                               | 200629 | Community Connectors                      | \$ | 10,000,000    | \$ | 10,000,000    | 96668 |
| 7017                               | 200648 | Straight A Fund                           | \$ | 15,000,000    | \$ | 15,000,000    | 96669 |
| 7017                               | 200684 | Community School<br>Facilities            | \$ | 18,000,000    | \$ | 18,000,000    | 96670 |
| TOTAL SLF State Lottery Fund Group |        |   | \$ | 1,071,000,000 | \$ | 1,071,000,000 | 96671 |
| Federal Fund Group                 |        |   |    |               |    |               | 96672 |
| 3670                               | 200607 | School Food Services                      | \$ | 10,080,635    | \$ | 10,280,635    | 96673 |
| 3700                               | 200624 | Education of<br>Exceptional Children      | \$ | 2,500,000     | \$ | 2,600,000     | 96674 |
| 3AF0                               | 657601 | Schools Medicaid<br>Administrative Claims | \$ | 750,000       | \$ | 750,000       | 96675 |
| 3AN0                               | 200671 | School Improvement<br>Grants              | \$ | 32,400,000    | \$ | 32,400,000    | 96676 |
| 3C50                               | 200661 | Early Childhood<br>Education              | \$ | 12,555,000    | \$ | 12,555,000    | 96677 |
| 3D20                               | 200667 | Math Science<br>Partnerships              | \$ | 7,500,000     | \$ | 7,500,000     | 96678 |
| 3EH0                               | 200620 | Migrant Education                         | \$ | 2,900,000     | \$ | 2,900,000     | 96679 |
| 3EJ0                               | 200622 | Homeless Children<br>Education            | \$ | 2,600,000     | \$ | 2,600,000     | 96680 |
| 3GE0                               | 200674 | Summer Food Service<br>Program            | \$ | 14,856,635    | \$ | 14,856,635    | 96681 |
| 3GG0                               | 200676 | Fresh Fruit and<br>Vegetable Program      | \$ | 4,677,340     | \$ | 4,677,340     | 96682 |
| 3HF0                               | 200649 | Federal Education<br>Grants               | \$ | 6,364,327     | \$ | 6,364,327     | 96683 |
| 3L60                               | 200617 | Federal School Lunch                      | \$ | 394,612,000   | \$ | 406,450,000   | 96684 |
| 3L70                               | 200618 | Federal School<br>Breakfast               | \$ | 142,688,750   | \$ | 154,103,850   | 96685 |
| 3L80                               | 200619 | Child/Adult Food<br>Programs              | \$ | 106,913,755   | \$ | 106,913,755   | 96686 |
| 3L90                               | 200621 | Career-Technical<br>Education Basic Grant | \$ | 44,663,900    | \$ | 44,663,900    | 96687 |

|                              |                    |   |    |                |    |                |       |
|------------------------------|--------------------|---|----|----------------|----|----------------|-------|
| 3M00                         | 200623             | ESEA Title 1A                                     | \$ | 600,000,000    | \$ | 600,000,000    | 96688 |
| 3M20                         | 200680             | Individuals with<br>Disabilities<br>Education Act | \$ | 445,000,000    | \$ | 445,000,000    | 96689 |
| 3T40                         | 200613             | Public Charter<br>Schools                         | \$ | 14,200,000     | \$ | 14,200,000     | 96690 |
| 3Y20                         | 200688             | 21st Century<br>Community Learning<br>Centers     | \$ | 50,000,000     | \$ | 50,000,000     | 96691 |
| 3Y60                         | 200635             | Improving Teacher<br>Quality                      | \$ | 90,000,000     | \$ | 90,000,000     | 96692 |
| 3Y70                         | 200689             | English Language<br>Acquisition                   | \$ | 10,101,411     | \$ | 10,101,411     | 96693 |
| 3Y80                         | 200639             | Rural and Low Income<br>Technical Assistance      | \$ | 3,300,000      | \$ | 3,300,000      | 96694 |
| 3Z20                         | 200690             | State Assessments                                 | \$ | 11,500,000     | \$ | 11,500,000     | 96695 |
| 3Z30                         | 200645             | Consolidated Federal<br>Grant Administration      | \$ | 10,168,964     | \$ | 10,168,964     | 96696 |
| TOTAL FED                    | Federal Fund Group |   | \$ | 2,020,332,717  | \$ | 2,043,885,817  | 96697 |
| TOTAL ALL BUDGET FUND GROUPS |                    |   | \$ | 11,210,642,496 | \$ | 11,370,895,533 | 96698 |

**Section 265.20. OPERATING EXPENSES** 96700

A portion of the foregoing appropriation item 200321,  
Operating Expenses, shall be used by the Department of Education  
to provide matching funds related to career-technical education  
under 20 U.S.C. 2321. 96701  
96702  
96703  
96704

**EARLY CHILDHOOD EDUCATION** 96705

The Department of Education shall distribute the foregoing  
appropriation item 200408, Early Childhood Education, to pay the  
costs of early childhood education programs. The Department shall  
distribute such funds directly to qualifying providers. 96706  
96707  
96708  
96709

(A) As used in this section: 96710

(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school sponsored by an exemplary sponsor; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code; or a combination of entities described in this paragraph.

(2) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(3) In the case of a community school, "new eligible provider" means any of the following:

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either of the following:

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of

the Revised Code and for the performance index score under 96742  
division (C)(1)(b) of section 3302.03 of the Revised Code; 96743

(II) If the school does not offer a grade level higher than 96744  
three, a grade of "C" or better for making progress in improving 96745  
literacy in grades kindergarten through three under division 96746  
(C)(1)(g) of section 3302.03 of the Revised Code. 96747

(ii) It offers a child care program in accordance with 96748  
sections 3301.50 to 3301.59 of the Revised Code. 96749

(iii) It did not receive state funding for Early Childhood 96750  
Education in the previous fiscal year. 96751

(c) A community school established under Chapter 3314. of the 96752  
Revised Code that is sponsored by a municipal school district and 96753  
operates a program that uses the Montessori method endorsed by the 96754  
American Montessori Society, the Montessori Accreditation Council 96755  
for Teacher Education, or the Association Montessori 96756  
Internationale as its primary method of instruction, as authorized 96757  
by division (A) of section 3314.06 of the Revised Code, that did 96758  
not receive state funding for Early Childhood Education in the 96759  
previous year or demonstrates a need for early childhood programs 96760  
as defined in division (D) of this section. 96761

(4) "Eligible child" means a child who is at least four years 96762  
of age as of the district entry date for kindergarten, is not of 96763  
the age to be eligible for kindergarten, and whose family earns 96764  
not more than two hundred per cent of the federal poverty 96765  
guidelines as defined in division (A)(3) of section 5101.46 of the 96766  
Revised Code. Children with an Individualized Education Program 96767  
and where the Early Childhood Education program is the least 96768  
restrictive environment may be enrolled on their fourth birthday. 96769

(5) "Early learning program standards" means early learning 96770  
program standards for school readiness developed by the Department 96771  
to assess the operation of early learning and development 96772

programs. 96773

(6) "Early learning and development programs" has the same 96774  
meaning as section 5104.29 of the Revised Code. 96775

(B) In each fiscal year, up to two per cent of the total 96776  
appropriation may be used by the Department for program support 96777  
and technical assistance. The Department shall distribute the 96778  
remainder of the appropriation in each fiscal year to serve 96779  
eligible children. 96780

(C) The Department shall provide an annual report to the 96781  
Governor, the Speaker of the House of Representatives, and the 96782  
President of the Senate and post the report to the Department's 96783  
web site, regarding early childhood education programs operated 96784  
under this section and the early learning program standards. 96785

(D) After setting aside the amounts to make payments due from 96786  
the previous fiscal year, in fiscal year 2018, the Department 96787  
shall distribute funds first to recipients of funds for early 96788  
childhood education programs under Section 263.20 of Am. Sub. H.B. 96789  
64 of the 131st General Assembly in the previous fiscal year and 96790  
the balance to new eligible providers of early childhood education 96791  
programs or to existing providers to serve more eligible children 96792  
pursuant to division (E) of this section or for purposes of 96793  
program expansion, improvement, or special projects to promote 96794  
quality and innovation. 96795

After setting aside the amounts to make payments due from the 96796  
previous fiscal year, in fiscal year 2019, the Department shall 96797  
distribute funds first to providers of early childhood education 96798  
programs under this section in the previous fiscal year and the 96799  
balance to new eligible providers or to existing providers to 96800  
serve more eligible children as outlined under division (E) of 96801  
this section or for purposes of program expansion, improvement, or 96802  
special projects to promote quality and innovation. 96803

(E)(1) The Department shall distribute any new or remaining 96804  
funding to existing providers of early childhood education 96805  
programs or any new eligible providers in an effort to invest in 96806  
high quality early childhood programs where there is a need as 96807  
determined by the Department. The Department shall distribute the 96808  
new or remaining funds to existing providers of early childhood 96809  
education programs or any new eligible providers to serve 96810  
additional eligible children based on community economic 96811  
disadvantage, limited access to high quality preschool or 96812  
childcare services, and demonstration of high quality preschool 96813  
services as determined by the Department using new metrics 96814  
developed pursuant to Ohio's Race to the Top—Early Learning 96815  
Challenge Grant, awarded to the Department in December 2011. 96816

(2) Awards under divisions (D) and (E) of this section shall 96817  
be distributed on a per-pupil basis, and in accordance with 96818  
division (I) of this section. The Department may adjust the 96819  
per-pupil amount so that the per-pupil amount multiplied by the 96820  
number of eligible children enrolled and receiving services on the 96821  
first day of December or the business day closest to that date 96822  
equals the amount allocated under this section. 96823

(F) Costs for developing and administering an early childhood 96824  
education program may not exceed fifteen per cent of the total 96825  
approved costs of the program. 96826

All providers shall maintain such fiscal control and 96827  
accounting procedures as may be necessary to ensure the 96828  
disbursement of, and accounting for, these funds. The control of 96829  
funds provided in this program, and title to property obtained, 96830  
shall be under the authority of the approved provider for purposes 96831  
provided in the program unless, as described in division (K) of 96832  
this section, the program waives its right for funding or a 96833  
program's funding is eliminated or reduced due to its inability to 96834  
meet financial or early learning program standards. The approved 96835

provider shall administer and use such property and funds for the 96836  
purposes specified. 96837

(G) The Department may examine a provider's financial and 96838  
program records. If the financial practices of the program are not 96839  
in accordance with standard accounting principles or do not meet 96840  
financial standards outlined under division (F) of this section, 96841  
or if the program fails to substantially meet the early learning 96842  
program standards, meet a quality rating level in the Step Up to 96843  
Quality program established pursuant to section 5104.29 of the 96844  
Revised Code as prescribed by the Department, or exhibits below 96845  
average performance as measured against the standards, the early 96846  
childhood education program shall propose and implement a 96847  
corrective action plan that has been approved by the Department. 96848  
The approved corrective action plan shall be signed by the chief 96849  
executive officer and the executive of the official governing body 96850  
of the provider. The corrective action plan shall include a 96851  
schedule for monitoring by the Department. Such monitoring may 96852  
include monthly reports, inspections, a timeline for correction of 96853  
deficiencies, and technical assistance to be provided by the 96854  
Department or obtained by the early childhood education program. 96855  
The Department may withhold funding pending corrective action. If 96856  
an early childhood education program fails to satisfactorily 96857  
complete a corrective action plan, the Department may deny 96858  
expansion funding to the program or withdraw all or part of the 96859  
funding to the program and establish a new eligible provider 96860  
through a selection process established by the Department. 96861

(H)(1) If the early childhood education program is licensed 96862  
by the Department of Education and is not highly rated, as 96863  
determined by the Director of Job and Family Services, under the 96864  
Step Up to Quality program established pursuant to section 5104.29 96865  
of the Revised Code, the program shall do all of the following: 96866

(a) Meet teacher qualification requirements prescribed by 96867

section 3301.311 of the Revised Code; 96868

(b) Align curriculum to the early learning content standards developed by the Department; 96869  
96870

(c) Meet any child or program assessment requirements prescribed by the Department; 96871  
96872

(d) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department; 96873  
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(e) Document and report child progress as prescribed by the Department; 96877  
96878

(f) Meet and report compliance with the early learning program standards as prescribed by the Department; 96879  
96880

(g) Participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code. 96881  
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(2) If the program is highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program. 96883  
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(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any 96888  
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provider for which a standard early childhood education schedule 96898  
creates a hardship or for which the provider shows evidence that 96899  
the provider is working in collaboration with a preschool special 96900  
education program, the provider may submit a waiver to the 96901  
Department requesting an alternate schedule. If the Department 96902  
approves a waiver for an alternate schedule that provides services 96903  
for less time than the standard early childhood education 96904  
schedule, the Department may reduce the provider's annual 96905  
allocation proportionately. Under no circumstances shall an annual 96906  
allocation be increased because of the approval of an alternate 96907  
schedule. 96908

(J) Each provider shall develop a sliding fee scale based on 96909  
family incomes and shall charge families who earn more than two 96910  
hundred per cent of the federal poverty guidelines, as defined in 96911  
division (A)(3) of section 5101.46 of the Revised Code, for the 96912  
early childhood education program. 96913

The Department shall conduct an annual survey of each 96914  
provider to determine whether the provider charges families 96915  
tuition or fees, the amount families are charged relative to 96916  
family income levels, and the number of families and students 96917  
charged tuition and fees for the early childhood program. 96918

(K) If an early childhood education program voluntarily 96919  
waives its right for funding, or has its funding eliminated for 96920  
not meeting financial standards or the early learning program 96921  
standards, the provider shall transfer control of title to 96922  
property, equipment, and remaining supplies obtained through the 96923  
program to providers designated by the Department and return any 96924  
unexpended funds to the Department along with any reports 96925  
prescribed by the Department. The funding made available from a 96926  
program that waives its right for funding or has its funding 96927  
eliminated or reduced may be used by the Department for new grant 96928  
awards or expansion grants. The Department may award new grants or 96929

expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) The Department of Education and the Department of Job and Family Services shall continue to work toward establishing the following in common between early childhood education programs and publicly funded child care:

- (a) An application;
- (b) Program eligibility;
- (c) Funding;
- (d) An attendance policy;
- (e) An attendance tracking system.

(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.

(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this division.

EARLY CHILDHOOD EDUCATION PARENT CHOICE DEMONSTRATION PILOT PROGRAM

Of the foregoing appropriation item 200408, Early Childhood Education, a portion in each fiscal year may be used by the Department of Education to establish a pilot program that employs one or more parent choice models to deliver early childhood education to eligible children.

If the Department establishes any such pilot program, the Department shall designate one or more geographical areas within the state in which to operate the pilot program. The Department may consider designating areas with multiple providers of high-quality early childhood education programs that have a capacity to serve additional eligible children for the purpose of identifying potential obstacles to implementing a parent choice model. Each parent participating in the pilot program may choose an early childhood education program from among all providers within the designated area.

The Department shall establish procedures for implementation of the pilot program, including a process for parents to apply for the program. Except as otherwise provided in the Department's procedures, the Department and providers shall operate in accordance with this section in implementing the pilot program. However, the Department may expand the definition of "eligible child" to include in the pilot program a child who is at least three years of age as of the district entry date for kindergarten and has one or more additional risk factors including, but not limited to, "exited Help Me Grow Home Visiting," "exited Early Intervention and not eligible for preschool special education," or currently placed in foster care, so long as the child meets all other eligibility requirements of this section.

The Department of Education shall collaborate with the departments of Job and Family Services, Developmental Disabilities, Health, and Mental Health and Addiction Services, as needed, in establishing any pilot program. The Department of

Education also may select a non-state entity, which may include an educational service center, a county department of job and family services, a childcare resource and referral agency, or a county family and children first council established under section 121.37 of the Revised Code, to partner with the Department on the pilot program.

As part of the pilot program, the Department may set aside a portion of the funds for an evaluation of the pilot program.

**Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT**

The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

**Section 265.40. ALTERNATIVE EDUCATION PROGRAMS**

Of the foregoing appropriation item 200421, Alternative Education Programs, \$500,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates.

Of the foregoing appropriation item 200421, Alternative Education Programs, up to \$350,000 in each fiscal year may be used

to support the clearinghouse for the identification of and 97022  
intervention for at-risk students required under section 3301.28 97023  
of the Revised Code. 97024

The remainder of appropriation item 200421, Alternative 97025  
Education Programs, shall be used for implementation grants and 97026  
for competitive matching grants to school districts for 97027  
alternative educational programs for at-risk and delinquent youth. 97028  
Programs shall be focused on youth in one or more of the following 97029  
categories: those who have been expelled or suspended, those who 97030  
have dropped out of school or who are at risk of dropping out of 97031  
school, those who are truant or disruptive, or those on probation 97032  
or on parole from a Department of Youth Services facility. Grants 97033  
shall be awarded only to programs in which the grant will not 97034  
serve as the program's primary source of funding. Grants may be 97035  
awarded for one or two years, and the Department of Education may 97036  
limit awards to programs that utilize evidence-based strategies 97037  
that meet the standard of strong, moderate, or promising evidence, 97038  
as defined by the Every Student Succeeds Act. These grants shall 97039  
be administered by the Department of Education. 97040

The Department of Education may waive compliance with any 97041  
minimum education standard established under section 3301.07 of 97042  
the Revised Code for any alternative school that receives a grant 97043  
under this section on the grounds that the waiver will enable the 97044  
program to more effectively educate students enrolled in the 97045  
alternative school. 97046

Of the foregoing appropriation item 200421, Alternative 97047  
Education Programs, a portion may be used for program 97048  
administration, monitoring, technical assistance, support, 97049  
research, and evaluation. 97050

**Section 265.50. SCHOOL MANAGEMENT ASSISTANCE** 97051

The foregoing appropriation item 200422, School Management 97052

Assistance, shall be used by the Department of Education to 97053  
provide fiscal technical assistance and inservice education for 97054  
school district management personnel and to administer, monitor, 97055  
and implement the fiscal caution, fiscal watch, and fiscal 97056  
emergency provisions under Chapter 3316. of the Revised Code. 97057

**Section 265.60. POLICY ANALYSIS** 97058

The foregoing appropriation item 200424, Policy Analysis, 97059  
shall be used by the Department of Education to support a system 97060  
of administrative, statistical, and legislative education 97061  
information to be used for policy analysis. Staff supported by 97062  
this appropriation shall administer the development of reports, 97063  
analyses, and briefings to inform education policymakers of 97064  
current trends in education practice, efficient and effective use 97065  
of resources, and evaluation of programs to improve education 97066  
results. A portion of these funds shall be used to maintain a 97067  
longitudinal database to support the assessment of the impact of 97068  
policies and programs on Ohio's education and workforce 97069  
development systems. The research efforts supported by this 97070  
appropriation item shall be used to supply information and 97071  
analysis of data to and in consultation with the General Assembly 97072  
and other state policymakers, including the Office of Budget and 97073  
Management and the Legislative Service Commission. 97074

Of the foregoing appropriation item, 200424, Policy Analysis, 97075  
a portion may be used by the Department to support the development 97076  
and implementation of an evidence-based clearinghouse to support 97077  
school improvement strategies as part of the Every Student 97078  
Succeeds Act. 97079

The Department may use funding from this appropriation item 97080  
to purchase or contract for the development of software systems or 97081  
contract for policy studies that will assist in the provision and 97082  
analysis of policy-related information. Funding from this 97083

appropriation item also may be used to monitor and enhance quality 97084  
assurance for research-based policy analysis and program 97085  
evaluation to enhance the effective use of education information 97086  
to inform education policymakers. 97087

**Section 265.70.** OHIO EDUCATIONAL COMPUTER NETWORK 97088

The foregoing appropriation item 200426, Ohio Educational 97089  
Computer Network, shall be used by the Department of Education to 97090  
maintain a system of information technology throughout Ohio and to 97091  
provide technical assistance for such a system in support of the 97092  
P-16 State Education Technology Plan developed under section 97093  
3353.09 of the Revised Code. 97094

Of the foregoing appropriation item 200426, Ohio Educational 97095  
Computer Network, up to \$10,000,000 in each fiscal year shall be 97096  
used by the Department to support connection of all public school 97097  
buildings and participating chartered nonpublic schools to the 97098  
state's education network, to each other, and to the Internet. In 97099  
each fiscal year, the Department shall use these funds to assist 97100  
information technology centers or school districts with the 97101  
operational costs associated with this connectivity. The 97102  
Department shall develop a formula and guidelines for the 97103  
distribution of these funds to information technology centers or 97104  
individual school districts. As used in this section, "public 97105  
school building" means a school building of any city, local, 97106  
exempted village, or joint vocational school district, any 97107  
community school established under Chapter 3314. of the Revised 97108  
Code, any college preparatory boarding school established under 97109  
Chapter 3328. of the Revised Code, any STEM school established 97110  
under Chapter 3326. of the Revised Code, any educational service 97111  
center building used for instructional purposes, the Ohio School 97112  
for the Deaf and the Ohio School for the Blind, high schools 97113  
chartered by the Ohio Department of Youth Services, or high 97114

schools operated by Ohio Department of Rehabilitation and 97115  
Corrections' Ohio Central School System. 97116

Of the foregoing appropriation item 200426, Ohio Educational 97117  
Computer Network, up to \$5,000,000 in each fiscal year shall be 97118  
used, through a formula and guidelines devised by the Department, 97119  
to support the activities of designated information technology 97120  
centers, as defined by State Board of Education rules, to provide 97121  
school districts and chartered nonpublic schools with 97122  
computer-based student and teacher instructional and 97123  
administrative information services, including approved 97124  
computerized financial accounting, to ensure the effective 97125  
operation of local automated administrative and instructional 97126  
systems, and to monitor and support the quality of data submitted 97127  
to the Department. 97128

The remainder of appropriation item 200426, Ohio Educational 97129  
Computer Network, shall be used to support the work of the 97130  
development, maintenance, and operation of a network of uniform 97131  
and compatible computer-based information and instructional 97132  
systems as well as the teacher student linkage/roster verification 97133  
process and the eTranscript/student records exchange initiative. 97134  
This technical assistance shall include, but not be restricted to, 97135  
development and maintenance of adequate computer software systems 97136  
to support network activities. In order to improve the efficiency 97137  
of network activities, the Department and information technology 97138  
centers may jointly purchase equipment, materials, and services 97139  
from funds provided under this appropriation for use by the 97140  
network and, when considered practical by the Department, may 97141  
utilize the services of appropriate state purchasing agencies. 97142

**Section 265.80. ACADEMIC STANDARDS** 97143

The foregoing appropriation item 200427, Academic Standards, 97144  
shall be used by the Department of Education to develop and 97145

communicate to school districts academic content standards and 97146  
curriculum models and to develop professional development programs 97147  
and other tools on the new content standards and model curriculum. 97148

**Section 265.90. STUDENT ASSESSMENT** 97149

Of the foregoing appropriation item 200437, Student 97150  
Assessment, up to \$2,760,000 in each fiscal year may be used to 97151  
support the assessments required under section 3301.0715 of the 97152  
Revised Code. 97153

The remainder of appropriation item 200437, Student 97154  
Assessment, shall be used to develop, field test, print, 97155  
distribute, score, report results, and support other associated 97156  
costs for the tests required under sections 3301.0710, 3301.0711, 97157  
and 3301.0712 of the Revised Code and for similar purposes as 97158  
required by section 3301.27 of the Revised Code. The funds may 97159  
also be used to update and develop diagnostic assessments 97160  
administered under sections 3301.079, 3301.0715, and 3313.608 of 97161  
the Revised Code. 97162

**DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 97163  
ASSESSMENT** 97164

In fiscal year 2018 and fiscal year 2019, if the 97165  
Superintendent of Public Instruction determines that additional 97166  
funds are needed to fully fund the requirements of sections 97167  
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 97168  
and this act for assessments of student performance, the 97169  
Superintendent may recommend the reallocation of unexpended and 97170  
unencumbered General Revenue Fund appropriations within the 97171  
Department of Education to appropriation item 200437, Student 97172  
Assessment, to the Director of Budget and Management. If the 97173  
Director determines that such a reallocation is required, the 97174  
Director may transfer unexpended and unencumbered appropriations 97175  
within the Department of Education as necessary to appropriation 97176

item 200437, Student Assessment. 97177

**Section 265.100.** ACCOUNTABILITY/REPORT CARDS 97178

Of the foregoing appropriation item 200439, 97179  
Accountability/Report Cards, a portion in each fiscal year may be 97180  
used to train district and regional specialists and district 97181  
educators in the use of the value-added progress dimension and in 97182  
the use of data as it relates to improving student achievement. 97183  
This training may include teacher and administrator professional 97184  
development in the use of data to improve instruction and student 97185  
learning, and teacher and administrator training in understanding 97186  
teacher value-added reports and how they can be used as a 97187  
component in measuring teacher and administrator effectiveness. A 97188  
portion of this funding may be provided to a credible nonprofit 97189  
organization with expertise in value-added progress dimensions. 97190

The remainder of appropriation item 200439, 97191  
Accountability/Report Cards, shall be used by the Department of 97192  
Education to incorporate a statewide value-added progress 97193  
dimension into performance ratings for school districts and for 97194  
the development of an accountability system that includes the 97195  
preparation and distribution of school report cards, funding and 97196  
expenditure accountability reports under sections 3302.03 and 97197  
3302.031 of the Revised Code, the development and maintenance of 97198  
teacher value-added reports, the teacher student linkage/roster 97199  
verification process, and the performance management section of 97200  
the Department's web site required by section 3302.26 of the 97201  
Revised Code. 97202

CHILD CARE LICENSING 97203

The foregoing appropriation item 200442, Child Care 97204  
Licensing, shall be used by the Department of Education to license 97205  
and to inspect preschool and school-age child care programs under 97206  
sections 3301.52 to 3301.59 of the Revised Code. 97207

**Section 265.110.** EDUCATION MANAGEMENT INFORMATION SYSTEM 97208

The foregoing appropriation item 200446, Education Management 97209  
Information System, shall be used by the Department of Education 97210  
to improve the Education Management Information System (EMIS). 97211

Of the foregoing appropriation item 200446, Education 97212  
Management Information System, up to \$725,000 in each fiscal year 97213  
shall be distributed to designated information technology centers 97214  
for costs relating to processing, storing, and transferring data 97215  
for the effective operation of the EMIS. These costs may include, 97216  
but are not limited to, personnel, hardware, software development, 97217  
communications connectivity, professional development, and support 97218  
services, and to provide services to participate in the State 97219  
Education Technology Plan developed under section 3353.09 of the 97220  
Revised Code. 97221

Of the foregoing appropriation item 200446, Education 97222  
Management Information System, up to \$400,000 in each fiscal year 97223  
shall be used to support grants to information technology centers 97224  
to provide professional development opportunities to district and 97225  
school personnel related to the EMIS, with a focus placed on data 97226  
submission and data quality. 97227

The remainder of appropriation item 200446, Education 97228  
Management Information System, shall be used to develop and 97229  
support the data definitions and standards adopted by the 97230  
Education Management Information System Advisory Board, including 97231  
the ongoing development and maintenance of the data dictionary and 97232  
data warehouse. In addition, such funds shall be used to support 97233  
the development and implementation of data standards; the design, 97234  
development, and implementation of a new data exchange system; and 97235  
responsibilities related to the school report cards prescribed by 97236  
section 3302.03 of the Revised Code and value-added progress 97237  
dimension calculations. 97238

Any provider of software meeting the standards approved by 97239  
the Education Management Information System Advisory Board shall 97240  
be designated as an approved vendor and may enter into contracts 97241  
with local school districts, community schools, STEMS schools, 97242  
information technology centers, or other educational entities for 97243  
the purpose of collecting and managing data required under Ohio's 97244  
education management information system (EMIS) laws. On an annual 97245  
basis, the Department shall convene an advisory group of school 97246  
districts, community schools, and other education-related entities 97247  
to review EMIS data definitions and data format standards. The 97248  
advisory group shall recommend changes and enhancements based upon 97249  
surveys of its members, education agencies in other states, and 97250  
current industry practices, to reflect best practices, align with 97251  
federal initiatives, and meet the needs of school districts. 97252

School districts, STEM schools, and community schools not 97253  
implementing a uniform set of data definitions and data format 97254  
standards for EMIS purposes shall have all EMIS funding withheld 97255  
until they are in compliance. 97256

**Section 265.120. EDUCATOR PREPARATION** 97257

Of the foregoing appropriation item 200448, Educator 97258  
Preparation, up to \$500,000 in each fiscal year may be used by the 97259  
Department of Education to monitor and support Ohio's State System 97260  
of Support, as defined by the Every Student Succeeds Act. 97261

Of the foregoing appropriation item 200448, Educator 97262  
Preparation, up to \$100,000 in each fiscal year may be used by the 97263  
Department to support the Educator Standards Board under section 97264  
3319.61 of the Revised Code and reforms under sections 3302.042, 97265  
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 97266  
3319.58 of the Revised Code. 97267

The remainder of the foregoing appropriation item 200448, 97268  
Educator Preparation, may be used for implementation of teacher 97269

and principal evaluation systems, including incorporation of 97270  
student growth as a metric in those systems, and teacher 97271  
value-added reports. 97272

**Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 97273

The foregoing appropriation item 200455, Community Schools 97274  
and Choice Programs, may be used by the Department of Education 97275  
for operation of the school choice programs. 97276

Of the foregoing appropriation item 200455, Community Schools 97277  
and Choice Programs, a portion in each fiscal year may be used by 97278  
the Department for developing and conducting training sessions for 97279  
community schools and sponsors and prospective sponsors of 97280  
community schools as prescribed in division (A)(1) of section 97281  
3314.015 of the Revised Code, and other schools participating in 97282  
school choice programs. 97283

**Section 265.140. EDUCATION TECHNOLOGY RESOURCES** 97284

Of the foregoing appropriation item 200465, Education 97285  
Technology Resources, up to \$1,443,572 in each fiscal year shall 97286  
be used for the Union Catalog and InfoOhio Network and to support 97287  
the provision of electronic resources with priority given to 97288  
resources that support the teaching of state academic content 97289  
standards in all public schools. Consideration shall be given by 97290  
the Department of Education to coordinating the allocation of 97291  
these moneys with the efforts of Libraries Connect Ohio, whose 97292  
members include OhioLINK, the Ohio Public Information Network, and 97293  
the State Library of Ohio. 97294

Of the foregoing appropriation item 200465, Education 97295  
Technology Resources, up to \$1,027,176 in each fiscal year shall 97296  
be used by the Department to provide grants to educational 97297  
television stations working with partner education technology 97298  
centers to provide Ohio public schools with instructional 97299

resources and services, with priority given to resources and 97300  
services aligned with state academic content standards. Such 97301  
resources and services shall be based upon the advice and approval 97302  
of the Department, based on a formula developed in consultation 97303  
with Ohio's educational television stations and educational 97304  
technology centers. 97305

The remainder of the foregoing appropriation item 200465, 97306  
Education Technology Resources, may be used to support the 97307  
training, technical support, and guidance to school districts and 97308  
public libraries in applying for federal E-Rate funds; for 97309  
oversight and guidance of school district technology plans; and 97310  
for support to district technology personnel. Funds may also be 97311  
used to support the eTranscript/student records exchange 97312  
initiative between the Department of Education and the Department 97313  
of Higher Education and the internet safety training for students, 97314  
teachers, and administrators required under the "Protecting 97315  
Children in the 21st Century Act," Pub. L. No. 110-385, 122 Stat. 97316  
4096 (2008). 97317

**Section 265.150. PUPIL TRANSPORTATION** 97318

Of the foregoing appropriation item 200502, Pupil 97319  
Transportation, up to \$838,930 in each fiscal year may be used by 97320  
the Department of Education for training prospective and 97321  
experienced school bus drivers in accordance with training 97322  
programs prescribed by the Department. 97323

Of the foregoing appropriation item 200502, Pupil 97324  
Transportation, up to \$60,469,220 in each fiscal year may be used 97325  
by the Department for special education transportation 97326  
reimbursements to school districts and county DD boards for 97327  
transportation operating costs as provided in divisions (C) and 97328  
(F) of section 3317.024 of the Revised Code. 97329

Of the foregoing appropriation item 200502, Pupil 97330

Transportation, up to \$2,500,000 in each fiscal year may be used 97331  
by the Department to reimburse school districts that make payments 97332  
to parents in lieu of transportation under section 3327.02 of the 97333  
Revised Code and whose transportation is not funded under division 97334  
(C) of section 3317.024 of the Revised Code. If the parent, 97335  
guardian, or other person in charge of a pupil accepts the offer 97336  
of payment in lieu of providing transportation, the school 97337  
district shall pay that parent, guardian, or other person an 97338  
amount that shall be not less than \$250 and not more than the 97339  
amount determined by the Department as the average cost of pupil 97340  
transportation for the previous school year. Payment may be 97341  
prorated if the time period involved is only a part of the school 97342  
year. 97343

The remainder of the foregoing appropriation item 200502, 97344  
Pupil Transportation, shall be used to distribute the amounts 97345  
calculated for transportation aid under divisions (E), (F), and 97346  
(G) of section 3317.0212 of the Revised Code and division (D)(2) 97347  
of section 3314.091 of the Revised Code. 97348

**Section 265.160. SCHOOL LUNCH MATCH** 97349

The foregoing appropriation item 200505, School Lunch Match, 97350  
shall be used to provide matching funds to obtain federal funds 97351  
for the school lunch program. 97352

Any remaining appropriation after providing matching funds 97353  
for the school lunch program may be used to partially reimburse 97354  
school buildings within school districts that are required to have 97355  
a school breakfast program under section 3313.813 of the Revised 97356  
Code, at a rate decided by the Department. 97357

**Section 265.170. AUXILIARY SERVICES** 97358

Of the foregoing appropriation item 200511, Auxiliary 97359  
Services, up to \$2,600,000 in each fiscal year may be used for 97360

payment of the College Credit Plus Program for nonpublic secondary 97361  
school participants. The Department of Education shall distribute 97362  
these funds according to rule 3333-1-65.8 of the Administrative 97363  
Code, adopted by the Department of Higher Education pursuant to 97364  
division (A) of section 3365.071 of the Revised Code. 97365

The remainder of the foregoing appropriation item 200511, 97366  
Auxiliary Services, shall be used by the Department for the 97367  
purpose of implementing section 3317.06 of the Revised Code. 97368  
Notwithstanding section 3317.024 of the Revised Code, payments 97369  
made by the Department for this purpose shall not exceed eight 97370  
hundred sixty-two dollars per student for each school year. 97371

**Section 265.180.** NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 97372

The foregoing appropriation item 200532, Nonpublic 97373  
Administrative Cost Reimbursement, shall be used by the Department 97374  
of Education for the purpose of implementing section 3317.063 of 97375  
the Revised Code. Notwithstanding section 3317.063 of the Revised 97376  
Code, payments made by the Department for this purpose shall not 97377  
exceed three hundred ninety-nine dollars per student for each 97378  
school year. 97379

**Section 265.190.** SPECIAL EDUCATION ENHANCEMENTS 97380

Of the foregoing appropriation item 200540, Special Education 97381  
Enhancements, up to \$33,000,000 in each fiscal year shall be used 97382  
to fund special education and related services at county boards of 97383  
developmental disabilities for eligible students under section 97384  
3317.20 of the Revised Code and at institutions for eligible 97385  
students under section 3317.201 of the Revised Code. If necessary, 97386  
the Department of Education shall proportionately reduce the 97387  
amount calculated for each county board of developmental 97388  
disabilities and institution so as not to exceed the amount 97389  
appropriated in each fiscal year. 97390

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$1,350,000 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$3,000,000 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200540, Special Education Enhancements, the Department shall transfer \$3,000,000 in each fiscal year to the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used by the Opportunities for Ohioans with Disabilities Agency as state matching funds to draw down available federal funding for vocational rehabilitation services. Total project funding shall be used to hire dedicated vocational rehabilitation counselors who shall work directly with school districts to provide transition services for students with disabilities. Services shall include vocational rehabilitation services such as person-centered career planning, summer work experiences, job placement, and retention services for mutually eligible students with disabilities.

The Superintendent of Public Instruction and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement that shall specify the responsibilities of each agency under the program. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for all nondelegable functions, including eligibility and order of selection determination, individualized plan for employment (IPE) approval, IPE amendments, case closure, and release of vendor payments.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$2,000,000 in each fiscal year shall be used

by the Department of Education to build capacity to deliver a 97423  
regional system of training, support, coordination, and direct 97424  
service for secondary transition services for students with 97425  
disabilities beginning at fourteen years of age. These special 97426  
education enhancements shall support all students with 97427  
disabilities, regardless of partner agency eligibility 97428  
requirements, to provide stand-alone direct secondary transition 97429  
services by school districts. Secondary transition services shall 97430  
include, but not be limited to, job exploration counseling, 97431  
work-based learning experiences, counseling on opportunities for 97432  
enrollment in comprehensive transition or post-secondary 97433  
educational programs at institutions of higher education, 97434  
workplace readiness training to develop occupational skills, 97435  
social skills and independent living skills, and instruction in 97436  
self-advocacy. Regional training shall support the expansion of 97437  
transition to work endorsement opportunities for middle school and 97438  
secondary level special education intervention specialists in 97439  
order to develop the necessary skills and competencies to meet the 97440  
secondary transition needs of students with disabilities beginning 97441  
at fourteen years of age. 97442

The remainder of appropriation item 200540, Special Education 97443  
Enhancements, shall be distributed by the Department of Education 97444  
to school districts and institutions, as defined in section 97445  
3323.091 of the Revised Code, for preschool special education 97446  
funding under section 3317.0213 of the Revised Code. 97447

The Department may reimburse school districts and 97448  
institutions for services provided by instructional assistants, 97449  
related services, as defined in rule 3301-51-11 of the 97450  
Administrative Code, physical therapy services provided by a 97451  
licensed physical therapist or physical therapist assistant under 97452  
the supervision of a licensed physical therapist, as required 97453  
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 97454

Administrative Code, and occupational therapy services provided by 97455  
a licensed occupational therapist or occupational therapy 97456  
assistant under the supervision of a licensed occupational 97457  
therapist, as required under Chapter 4755. of the Revised Code and 97458  
Chapter 4755-7 of the Administrative Code. Nothing in this section 97459  
authorizes occupational therapy assistants or physical therapist 97460  
assistants to generate or manage their own caseloads. 97461

The Department shall require school districts, educational 97462  
service centers, county DD boards, and institutions serving 97463  
preschool children with disabilities to adhere to Ohio's early 97464  
learning program standards, participate in the Step Up to Quality 97465  
program established pursuant to section 5104.29 of the Revised 97466  
Code, and document child progress using research-based indicators 97467  
prescribed by the Department and report results annually. The 97468  
reporting dates and method shall be determined by the Department. 97469  
Effective July 1, 2018, all programs shall be rated through the 97470  
Step Up to Quality program. 97471

**Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 97472

Of the foregoing appropriation item 200545, Career-Technical 97473  
Education Enhancements, up to \$1,000,000 in each fiscal year shall 97474  
be used to support career connections activities. This may 97475  
include, but shall not be limited to, development and promotion of 97476  
career pathways. 97477

Of the foregoing appropriation item 200545, Career-Technical 97478  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 97479  
be used to fund secondary career-technical education at 97480  
institutions, the Ohio School for the Deaf, and the Ohio State 97481  
School for the Blind using a grant-based methodology, 97482  
notwithstanding section 3317.05 of the Revised Code. 97483

Of the foregoing appropriation item 200545, Career-Technical 97484  
Education Enhancements, up to \$1,872,948 in fiscal year 2018 and 97485

\$936,474 in fiscal year 2019 shall be used by the Department of Education to fund competitive grants to tech prep consortia that expand the number of students enrolled in tech prep programs. These grant funds shall be used to directly support expanded tech prep programs provided to students enrolled in school districts, including joint vocational school districts, and affiliated higher education institutions. This support may include the purchase of equipment.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$3,100,850 in each fiscal year shall be used by the Department to support existing High Schools That Work (HSTW) sites, develop and support new sites, fund technical assistance, and support regional centers and middle school programs. The purpose of HSTW is to combine challenging academic courses and modern career-technical studies to raise the academic achievement of students. HSTW provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$600,000 in each fiscal year shall be used by the Department to enable students in agricultural programs to enroll in a fifth quarter of instruction based on the agricultural education model of delivering work-based learning through supervised agricultural experience. The Department shall determine eligibility criteria and the reporting process for the Agriculture 5th Quarter Project and shall fund as many programs as possible given the set-aside. The eligibility criteria developed by the Department shall allow these funds to support supervised agricultural experience that occurs anytime outside of the regular school day.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$550,000 in each fiscal year may be

used to support career planning and reporting through the Ohio Means Jobs web site. 97518  
97519

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$1,000,000 in each fiscal year shall be used to support payments to city, local, and exempted village school districts, community schools, STEM schools, and joint vocational school districts whose students earn an industry-recognized credential or receive a journeyman certification recognized by the United States Department of Labor. The educating entity shall be required to inform students enrolled in career-technical education courses that lead to an industry-recognized credential about the opportunity to earn these credentials. The Department of Education shall work with the Department of Higher Education and the Governor's Office of Workforce Transformation to develop a schedule for reimbursement based on the Department of Education's list of industry-recognized credentials, the time it takes to earn the credential, and the cost to obtain the credential. The educating entity shall pay for the cost of the credential for an economically disadvantaged student and may claim and receive reimbursement. The educating entity may claim reimbursement based on the Department of Education's reimbursement schedule up to six months after the student has graduated from high school. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded. 97520  
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**Section 265.210. FOUNDATION FUNDING** 97543

Of the foregoing appropriation item 200550, Foundation Funding, up to \$40,000,000 in each fiscal year shall be used to provide additional state aid to school districts, joint vocational school districts, community schools, and STEM schools for special education students under division (C)(3) of section 3314.08, 97544  
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section 3317.0214, division (B) of section 3317.16, and section 97549  
3326.34 of the Revised Code, except that the Controlling Board may 97550  
increase these amounts if presented with such a request from the 97551  
Department of Education at the final meeting of the fiscal year. 97552

Of the foregoing appropriation item 200550, Foundation 97553  
Funding, up to \$3,800,000 in each fiscal year shall be used to 97554  
fund gifted education at educational service centers. The 97555  
Department shall distribute the funding through the unit-based 97556  
funding methodology in place under division (L) of section 97557  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 97558  
and (C) of section 3317.053 of the Revised Code as they existed 97559  
prior to fiscal year 2010. 97560

Of the foregoing appropriation item 200550, Foundation 97561  
Funding, up to \$31,000,000 in each fiscal year shall be reserved 97562  
to fund the state reimbursement of educational service centers 97563  
under the section of this act entitled "EDUCATIONAL SERVICE 97564  
CENTERS FUNDING." 97565

Of the foregoing appropriation item 200550, Foundation 97566  
Funding, up to \$10,000,000 in each fiscal year shall be 97567  
distributed to educational service centers for School Improvement 97568  
Initiatives and for the provision of technical assistance to 97569  
schools and districts. The Department may distribute these funds 97570  
through a competitive grant process. 97571

Of the foregoing appropriation item 200550, Foundation 97572  
Funding, up to \$10,000,000 in each fiscal year shall be reserved 97573  
for payments under section 3317.028 of the Revised Code. If this 97574  
amount is not sufficient, the Department shall prorate the payment 97575  
amounts so that the aggregate amount allocated in this paragraph 97576  
is not exceeded. 97577

Of the foregoing appropriation item 200550, Foundation 97578  
Funding, up to \$28,600,000 in fiscal year 2018 and up to 97579

\$26,400,000 in fiscal year 2019 shall be used to support school 97580  
choice programs. 97581

Of the portion of the funds distributed to the Cleveland 97582  
Municipal School District under this section, up to \$15,400,000 in 97583  
fiscal year 2018 and \$17,600,000 in fiscal year 2019 shall be used 97584  
to operate the school choice program in the Cleveland Municipal 97585  
School District under sections 3313.974 to 3313.979 of the Revised 97586  
Code. Notwithstanding divisions (B) and (C) of section 3313.978 97587  
and division (C) of section 3313.979 of the Revised Code, up to 97588  
\$1,000,000 in each fiscal year of this amount shall be used by the 97589  
Cleveland Municipal School District to provide tutorial assistance 97590  
as provided in division (H) of section 3313.974 of the Revised 97591  
Code. The Cleveland Municipal School District shall report the use 97592  
of these funds in the district's three-year continuous improvement 97593  
plan as described in section 3302.04 of the Revised Code in a 97594  
manner approved by the Department. 97595

Of the foregoing appropriation item 200550, Foundation 97596  
Funding, up to \$1,500,000 in each fiscal year may be used for 97597  
payment of the College Credit Plus Program for students instructed 97598  
at home pursuant to section 3321.04 of the Revised Code. 97599

Of the foregoing appropriation item 200550, Foundation 97600  
Funding, an amount shall be available in each fiscal year to be 97601  
paid to joint vocational school districts in accordance with 97602  
division (A) of section 3317.16 of the Revised Code, and the 97603  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 97604  
VOCATIONAL SCHOOL DISTRICTS." 97605

Of the foregoing appropriation item 200550, Foundation 97606  
Funding, up to \$700,000 in each fiscal year shall be used by the 97607  
Department for a program to pay for educational services for youth 97608  
who have been assigned by a juvenile court or other authorized 97609  
agency to any of the facilities described in division (A) of the 97610  
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 97611

Of the foregoing appropriation item 200550, Foundation 97612  
Funding, a portion may be used to pay college-preparatory boarding 97613  
schools the per pupil boarding amount pursuant to section 3328.34 97614  
of the Revised Code. 97615

Of the foregoing appropriation item 200550, Foundation 97616  
Funding, up to \$2,000,000 in each fiscal year shall be used for 97617  
the Bright New Leaders for Ohio Schools Program created and 97618  
implemented by the nonprofit corporation incorporated pursuant to 97619  
section 3319.271 of the Revised Code, to provide an alternative 97620  
path for individuals to receive training and development in the 97621  
administration of primary and secondary education and leadership, 97622  
enable those individuals to earn degrees and obtain licenses in 97623  
public school administration, and promote the placement of those 97624  
individuals in public schools that have a poverty percentage 97625  
greater than fifty per cent. 97626

Of the foregoing appropriation item 200550, Foundation 97627  
Funding, a portion in each fiscal year shall be used to pay 97628  
community schools and STEM schools the amounts calculated for the 97629  
graduation and third-grade reading bonuses under sections 3314.085 97630  
and 3326.41 of the Revised Code. 97631

Of the foregoing appropriation item 200550, Foundation 97632  
Funding, up to \$2,000,000 in each fiscal year may be used by the 97633  
Department for duties and activities related to the establishment 97634  
of academic distress commissions under section 3302.10 of the 97635  
Revised Code. A portion of the funds may be used as matching funds 97636  
for any monetary contributions made by a school district for which 97637  
an academic distress commission is established or by the 97638  
district's local community to support innovative education 97639  
programs or a high-quality school accelerator as provided for in 97640  
section 3302.10 of the Revised Code. 97641

The remainder of appropriation item 200550, Foundation 97642  
Funding, shall be used to distribute the amounts calculated for 97643

formula aid under section 3317.022 of the Revised Code and the 97644  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 97645  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 97646

Appropriation items 200502, Pupil Transportation, 200540, 97647  
Special Education Enhancements, and 200550, Foundation Funding, 97648  
other than specific set-asides, are collectively used in each 97649  
fiscal year to pay state formula aid obligations for school 97650  
districts, community schools, STEM schools, college preparatory 97651  
boarding schools, and joint vocational school districts under this 97652  
act. The first priority of these appropriation items, with the 97653  
exception of specific set-asides, is to fund state formula aid 97654  
obligations. It may be necessary to reallocate funds among these 97655  
appropriation items or use excess funds from other general revenue 97656  
fund appropriation items in the Department of Education's budget 97657  
in each fiscal year in order to meet state formula aid 97658  
obligations. If it is determined that it is necessary to transfer 97659  
funds among these appropriation items or to transfer funds from 97660  
other General Revenue Fund appropriations in the Department's 97661  
budget to meet state formula aid obligations, the Superintendent 97662  
of Public Instruction shall seek approval from the Director of 97663  
Budget and Management to transfer funds as needed. 97664

The Superintendent of Public Instruction shall make payments, 97665  
transfers, and deductions, as authorized by Title XXXIII of the 97666  
Revised Code in amounts substantially equal to those made in the 97667  
prior year, or otherwise, at the discretion of the Superintendent, 97668  
until at least the effective date of the amendments and enactments 97669  
made to Title XXXIII by this act. Any funds paid to districts or 97670  
schools under this section shall be credited toward the annual 97671  
funds calculated for the district or school after the changes made 97672  
to Title XXXIII in this act are effective. Upon the effective date 97673  
of changes made to Title XXXIII in this act, funds shall be 97674  
calculated as an annual amount. 97675

**Section 265.220.** TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS 97676  
97677

(A) The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for temporary transitional aid in each fiscal year to each qualifying city, local, and exempted village school district. 97678  
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97680  
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(1) For fiscal years 2018 and 2019, the Department shall pay temporary transitional aid to each city, local, and exempted village school district according to the following formula: 97682  
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(The district's transitional aid guarantee base x the district's transitional aid guarantee base percentage) - the district's foundation funding for the guarantee 97685  
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If the computation made under this division results in a negative number, the district's funding under this division shall be zero. 97688  
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(2) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts for that fiscal year: 97691  
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(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code; 97695  
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(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code; 97697  
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(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code; 97699  
97700  
97701

(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code; 97702  
97703

(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code; 97704  
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| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;  | 97706<br>97707                   |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;   | 97708<br>97709                   |
| (h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;  | 97710<br>97711                   |
| (i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;  | 97712<br>97713<br>97714          |
| (j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.  | 97715<br>97716                   |
| (3) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year: | 97717<br>97718<br>97719<br>97720 |
| (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;  | 97721<br>97722                   |
| (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;  | 97723<br>97724                   |
| (c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;  | 97725<br>97726<br>97727          |
| (d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;  | 97728<br>97729                   |
| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;   | 97730<br>97731                   |
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;  | 97732<br>97733                   |
| (g) Gifted identification and unit funds under division   | 97734                            |

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|---|--|
| (A)(7) of section 3317.022 of the Revised Code;   | 97735  |
| (h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;  | 97736<br>97737                                     |
| (i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;  | 97738<br>97739<br>97740                            |
| (j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.  | 97741<br>97742                                     |
| (4) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly: | 97743<br>97744<br>97745<br>97746<br>97747<br>97748 |
| (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;  | 97749<br>97750                                     |
| (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;  | 97751<br>97752                                     |
| (c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;  | 97753<br>97754<br>97755                            |
| (d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;  | 97756<br>97757                                     |
| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;   | 97758<br>97759                                     |
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;  | 97760<br>97761                                     |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;   | 97762<br>97763                                     |

(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code; 97764  
97765

(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code; 97766  
97767  
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(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code; 97769  
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(k) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly. 97771  
97772

(5) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2019, equals the transitional aid guarantee base for fiscal year 2018 computed for the district pursuant to division (A)(4) of this section. 97773  
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(6) The "transitional aid guarantee base percentage" for each city, local, and exempted village school district, for fiscal years 2018 and 2019, shall be computed as follows: 97778  
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97780

(a) Calculate each district's total ADM percentage change in accordance with the following formula: 97781  
97782

(The district's total ADM for fiscal year 2016 / the district's total ADM for fiscal year 2011) - 1 97783  
97784

(b) Determine the district's transitional aid guarantee base percentage as follows: 97785  
97786

(i) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of ten per cent or more, then the district's transitional aid guarantee base percentage shall be equal to ninety-five per cent. 97787  
97788  
97789

(ii) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of less than ten per cent but more than five per cent, then the district's 97791  
97792  
97793

transitional aid guarantee base percentage shall be equal to the 97794  
district's total ADM percentage change calculated in division 97795  
(A)(6)(a) of this section plus one hundred five per cent. 97796

(iii) If the district's total ADM percentage change 97797  
calculated in division (A)(6)(a) of this section equals a decrease 97798  
of five per cent or less, no change, or an increase of any amount, 97799  
then the district's transitional aid guarantee base percentage 97800  
shall be equal to one hundred per cent. 97801

(7) The Department of Education shall adjust, as necessary, 97802  
the transitional aid guarantee base of any local school district 97803  
that participates in the establishment of a joint vocational 97804  
school district that begins receiving payments under section 97805  
3317.16 of the Revised Code for fiscal year 2018 or fiscal year 97806  
2019 but does not receive payments for the prior fiscal year. The 97807  
Department shall adjust any such local school district's guarantee 97808  
base according to the amounts received by the district in the 97809  
prior fiscal year for career-technical education students who 97810  
attend the newly established joint vocational school district. 97811

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 97812  
in fiscal years 2018 and 2019, no city, local, or exempted village 97813  
school district shall be allocated foundation funding subject to 97814  
the limitation for the current fiscal year that is greater than 97815  
1.05 times the district's limitation base for the current fiscal 97816  
year. 97817

(2) As used in this section, "foundation funding subject to 97818  
the limitation" for each city, local, and exempted village school 97819  
district, for fiscal year 2018, equals the sum of the following 97820  
amounts for that fiscal year: 97821

(a) The opportunity grant under division (A)(1) of section 97822  
3317.022 of the Revised Code; 97823

(b) Targeted assistance funds under division (A)(2) of 97824

|   |                                  |
|---|----------------------------------|
| section 3317.022 of the Revised Code;   | 97825                            |
| (c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;  | 97826<br>97827<br>97828          |
| (d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;  | 97829<br>97830                   |
| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;   | 97831<br>97832                   |
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;  | 97833<br>97834                   |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;   | 97835<br>97836                   |
| (h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;  | 97837<br>97838                   |
| (i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;  | 97839<br>97840<br>97841          |
| (j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;  | 97842<br>97843                   |
| (k) Temporary transitional aid under division (A) of this section.  | 97844<br>97845                   |
| (3) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year: | 97846<br>97847<br>97848<br>97849 |
| (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;  | 97850<br>97851                   |
| (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;  | 97852<br>97853                   |

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|---|--|
| (c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;  | 97854<br>97855<br>97856                            |
| (d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;  | 97857<br>97858                                     |
| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;   | 97859<br>97860                                     |
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;  | 97861<br>97862                                     |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;   | 97863<br>97864                                     |
| (h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;  | 97865<br>97866                                     |
| (i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;  | 97867<br>97868<br>97869                            |
| (j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;  | 97870<br>97871                                     |
| (k) Temporary transitional aid under division (A) of this section.  | 97872<br>97873                                     |
| (4) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly: | 97874<br>97875<br>97876<br>97877<br>97878<br>97879 |
| (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;  | 97880<br>97881                                     |
| (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;  | 97882<br>97883                                     |

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| (c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;   | 97884<br>97885<br>97886                   |
| (d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;   | 97887<br>97888                            |
| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;  | 97889<br>97890                            |
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;   | 97891<br>97892                            |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;  | 97893<br>97894                            |
| (h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;   | 97895<br>97896                            |
| (i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;   | 97897<br>97898<br>97899                   |
| (j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;   | 97900<br>97901                            |
| (k) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.  | 97902<br>97903                            |
| (5) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section: | 97904<br>97905<br>97906<br>97907<br>97908 |
| (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;   | 97909<br>97910                            |
| (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;   | 97911<br>97912                            |

(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code; 97913  
97914  
97915

(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code; 97916  
97917

(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code; 97918  
97919

(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code; 97920  
97921

(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code; 97922  
97923

(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code; 97924  
97925

(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code; 97926  
97927  
97928

(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code; 97929  
97930

(k) Temporary transitional aid under division (A) of this section. 97931  
97932

(6) The Department of Education shall adjust, as necessary, the limitation base of any local school district that participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2018 or fiscal year 2019 but does not receive such payments for the prior fiscal year. The Department shall adjust any such local school district's limitation base according to the amounts received by the district in the prior fiscal year for career-technical education students who attend the newly established joint vocational school district. 97933  
97934  
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97936  
97937  
97938  
97939  
97940  
97941  
97942

(7) For fiscal year 2018 and fiscal year 2019, the Department shall reduce a district's payments under divisions (A)(1), (2), (4), (5), (6), (7), and (10) of section 3317.022 of the Revised Code proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under division (A)(3) of section 3317.022 of the Revised Code and divisions (E), (F), and (G) of section 3317.0212 of the Revised Code.

**Section 265.230.** TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS

(A) The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for temporary transitional aid in each fiscal year to each qualifying joint vocational school district.

(1) For fiscal years 2018 and 2019, the Department shall pay temporary transitional aid to each joint vocational school district according to the following formula:

(The district's transitional aid guarantee base x the district's transitional aid guarantee base percentage) - the district's foundation funding for the guarantee

If the computation made under this division results in a negative number, the district's funding under this division shall be zero.

(2) As used in this section, "foundation funding for the guarantee" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related

services under division (A)(2) of section 3317.16 of the Revised Code; 97973  
97974

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 97975  
97976

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code. 97977  
97978

(3) As used in this section, "foundation funding for the guarantee" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year: 97979  
97980  
97981  
97982

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code; 97983  
97984

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code; 97985  
97986  
97987

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 97988  
97989

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code. 97990  
97991

(4) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly: 97992  
97993  
97994  
97995  
97996  
97997

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code; 97998  
97999

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code; 98000  
98001  
98002

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 98003  
98004

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code; 98005  
98006

(e) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly. 98007  
98008

(5) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2019, equals the transitional aid guarantee base for fiscal year 2018 computed for the district pursuant to division (A)(4) of this section. 98009  
98010  
98011  
98012  
98013

(6) The "transitional aid guarantee base percentage" for a joint vocational school district, for fiscal year 2018 and fiscal year 2019, shall be computed as follows: 98014  
98015  
98016

(a) Calculate each district's formula ADM percentage change in accordance with the following formula: 98017  
98018

(The district's formula ADM for fiscal year 2016 / the district's formula ADM for fiscal year 2011) - 1 98019  
98020

(b) Determine the district's transitional aid guarantee base percentage as follows: 98021  
98022

(i) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of ten per cent or more, then the district's transitional aid guarantee base percentage shall be equal to ninety-five per cent. 98023  
98024  
98025  
98026

(ii) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of less than ten per cent but more than five per cent, then the district's transitional aid guarantee base percentage shall be equal to the district's formula ADM percentage change calculated in division (A)(6)(a) of this section plus one hundred five per 98027  
98028  
98029  
98030  
98031  
98032

cent. 98033

(iii) If the district's formula ADM percentage change 98034  
calculated in division (A)(6)(a) of this section equals a decrease 98035  
of five per cent or less, no change, or an increase of any amount, 98036  
then the district's transitional aid guarantee base percentage 98037  
shall be equal to one hundred per cent. 98038

(7) The Department of Education shall establish, as 98039  
necessary, the transitional aid guarantee base of any joint 98040  
vocational school district that begins receiving payments under 98041  
section 3317.16 of the Revised Code for fiscal year 2018 or fiscal 98042  
year 2019 but does not receive such payments for the prior fiscal 98043  
year. The Department shall establish any such joint vocational 98044  
school district's guarantee base as an amount equal to the 98045  
absolute value of the sum of the associated adjustments of any 98046  
local school district's guarantee bases under division (A)(7) of 98047  
the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR 98048  
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 98049

(B)(1) Notwithstanding division (A) of section 3317.16 of the 98050  
Revised Code in fiscal years 2018 and 2019, no joint vocational 98051  
school district shall be allocated foundation funding subject to 98052  
the limitation for the current fiscal year that is greater than 98053  
1.05 times the district's limitation base for the current fiscal 98054  
year. 98055

(2) As used in this section, "foundation funding subject to 98056  
the limitation" for each joint vocational school district, for 98057  
fiscal year 2018, equals the sum of the following amounts for that 98058  
fiscal year: 98059

(a) The opportunity grant under division (A)(1) of section 98060  
3317.16 of the Revised Code; 98061

(b) Additional state aid for special education and related 98062  
services under division (A)(2) of section 3317.16 of the Revised 98063

|  |  |
|--|--|
| Code;  | 98064  |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;   | 98065<br>98066                                     |
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;  | 98067<br>98068                                     |
| (e) Temporary transitional aid under division (A) of this section.   | 98069<br>98070                                     |
| (3) As used in this section, "foundation funding subject to the limitation" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:   | 98071<br>98072<br>98073<br>98074                   |
| (a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;  | 98075<br>98076                                     |
| (b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;  | 98077<br>98078<br>98079                            |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;   | 98080<br>98081                                     |
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;  | 98082<br>98083                                     |
| (e) Temporary transitional aid under division (A) of this section.   | 98084<br>98085                                     |
| (4) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly: | 98086<br>98087<br>98088<br>98089<br>98090<br>98091 |
| (a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;  | 98092<br>98093                                     |

|  |   |
|--|---|
| (b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;  | 98094<br>98095<br>98096                   |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;   | 98097<br>98098                            |
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;  | 98099<br>98100                            |
| (e) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly.  | 98101<br>98102                            |
| (5) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section:                  | 98103<br>98104<br>98105<br>98106<br>98107 |
| (a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;  | 98108<br>98109                            |
| (b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;  | 98110<br>98111<br>98112                   |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;   | 98113<br>98114                            |
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;  | 98115<br>98116                            |
| (e) Temporary transitional aid under division (A) of this section.   | 98117<br>98118                            |
| (6) The Department of Education shall establish, as necessary, the limitation base of any joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2018 or fiscal year 2019 but does not receive such payments for the prior fiscal year. The | 98119<br>98120<br>98121<br>98122<br>98123 |

Department shall establish any such joint vocational school 98124  
district's limitation base as an amount equal to the absolute 98125  
value of the sum of the associated adjustments of any local school 98126  
district's limitation base under division (B)(6) of the section of 98127  
this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND 98128  
EXEMPTED VILLAGE SCHOOL DISTRICTS." 98129

(7) For fiscal year 2018 and fiscal year 2019, the Department 98130  
shall reduce a district's payments under divisions (A)(1), (3), 98131  
and (4) of section 3317.16 of the Revised Code proportionately as 98132  
necessary in order to comply with this division. If those amounts 98133  
are insufficient, the Department shall proportionately reduce a 98134  
district's payments under division (A)(2) of section 3317.16 of 98135  
the Revised Code. 98136

**Section 265.240. LITERACY IMPROVEMENT** 98137

The foregoing appropriation item 200566, Literacy 98138  
Improvement, shall be used by the Department of Education to 98139  
support early literacy activities to align state, local, and 98140  
federal efforts in order to bolster all students' reading success. 98141  
Funds shall be distributed to educational service centers to 98142  
establish and support regional literacy professional development 98143  
teams. A portion of the funds may be used by the Department for 98144  
program administration, monitoring, technical assistance, support, 98145  
research, and evaluation. 98146

**Section 265.250. ADULT EDUCATION PROGRAMS** 98147

The foregoing appropriation item 200572, Adult Education 98148  
Programs, shall be used in each fiscal year to make payments to 98149  
institutions participating in the Adult Diploma Pilot Program 98150  
under section 3313.902 of the Revised Code; to make payments under 98151  
sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 98152  
Code; and to pay career-technical planning districts for the 98153

amounts reimbursed to students, as prescribed in this section. 98154

Each career-technical planning district shall reimburse 98155  
individuals taking a nationally recognized high school equivalency 98156  
examination approved by the Department of Education for the first 98157  
time for application fees, examination fees, or both, in excess of 98158  
\$40, up to a maximum reimbursement per individual of \$80. Each 98159  
career-technical planning district shall designate a site or sites 98160  
where individuals may register and take an approved examination. 98161  
For each individual who registers for an approved examination, the 98162  
career-technical planning district shall make available and offer 98163  
career counseling services, including information on adult 98164  
education programs that are available. A portion of the 98165  
appropriation item may be reimbursed to the Department of Youth 98166  
Services and the Department of Rehabilitation and Correction for 98167  
individuals in these facilities who have taken an approved 98168  
examination for the first time. The amounts reimbursed shall not 98169  
exceed the per-individual amounts reimbursed to other individuals 98170  
under this section for an approved examination. 98171

Notwithstanding any provision of law to the contrary, the 98172  
unexpended balance of appropriations for payments under section 98173  
3313.902 of the Revised Code at the end of each fiscal year may be 98174  
encumbered by the Department of Education and remain available for 98175  
payment for a period not to exceed two years from the end of each 98176  
fiscal year in which the funds were originally appropriated, in 98177  
accordance with guidelines established by the Superintendent of 98178  
Public Instruction. 98179

Of the foregoing appropriation item 200572, Adult Education 98180  
Programs, a portion may be used for program administration, 98181  
technical assistance, support, research, and evaluation of adult 98182  
education programs, including high school equivalency examinations 98183  
approved by the Department of Education. 98184

**Section 265.260.** EDCHOICE EXPANSION 98185

The foregoing appropriation item 200573, EdChoice Expansion, 98186  
shall be used to provide for the scholarships awarded under the 98187  
expansion of the educational choice program established under 98188  
section 3310.032 of the Revised Code. The number of scholarships 98189  
awarded under the expansion of the educational choice program 98190  
shall not exceed the number that can be funded with the 98191  
appropriations made by the General Assembly for this purpose. 98192

Notwithstanding section 3310.16 of the Revised Code, as it 98193  
existed prior to the amendment of that section by this act, if the 98194  
scholarships awarded under section 3310.032 of the Revised Code in 98195  
the first application period for the 2017-2018 school year use the 98196  
entirety of the amount appropriated by the General Assembly for 98197  
such scholarships for that school year, the Department of 98198  
Education need not conduct a second application period for 98199  
scholarships under that section. If, after the first application 98200  
period, there are funds remaining to award scholarships under 98201  
section 3310.032 of the Revised Code, the Department shall conduct 98202  
a second application period in accordance with section 3310.16 of 98203  
the Revised Code. 98204

HALF-MILL MAINTENANCE EQUALIZATION 98205

The foregoing appropriation item 200574, Half-Mill 98206  
Maintenance Equalization, shall be used to make payments pursuant 98207  
to section 3318.18 of the Revised Code. 98208

**Section 265.270.** EDUCATION PROGRAM SUPPORT 98209

The foregoing appropriation item 200597, Education Program 98210  
Support, shall be distributed to Teach For America to increase 98211  
recruitment of potential corps members at select Ohio 98212  
universities, train and develop first-year and second-year 98213  
teachers in the Teach for America program in Ohio, and expand 98214

alumni support and networking within the state. 98215

**Section 265.280. MEDICAID IN SCHOOLS PROGRAM 98216**

The foregoing appropriation item, 657401, Medicaid in Schools 98217  
Program, shall be used by the Department of Education to support 98218  
the Medicaid in Schools Program. 98219

**Section 265.290. HIGH SCHOOL EQUIVALENCY 98220**

The foregoing appropriation item 200610, High School 98221  
Equivalency, shall be used in conjunction with appropriation item 98222  
200572, Adult Education Programs. 98223

**Section 265.300. TEACHER CERTIFICATION AND LICENSURE 98224**

The foregoing appropriation item 200681, Teacher 98225  
Certification and Licensure, shall be used by the Department of 98226  
Education in each year of the biennium to administer and support 98227  
teacher certification and licensure activities. Notwithstanding 98228  
section 3319.51 of the Revised Code, a portion of the foregoing 98229  
appropriation may also be used for implementation of teacher and 98230  
principal evaluation systems, including incorporation of student 98231  
growth as a metric in those systems, and teacher value-added 98232  
reports. 98233

**Section 265.310. AUXILIARY SERVICES REIMBURSEMENT 98234**

Notwithstanding section 3317.064 of the Revised Code, if the 98235  
unexpended, unencumbered cash balance is sufficient, the Treasurer 98236  
of State shall remit \$1,500,000 in fiscal year 2018 within thirty 98237  
days after the effective date of this section, and \$1,500,000 in 98238  
fiscal year 2019 by August 1, 2018, from the Auxiliary Services 98239  
Personnel Unemployment Compensation Fund to the Auxiliary Services 98240  
Reimbursement Fund (Fund 5980) used by the Department of 98241  
Education. 98242

**Section 265.320.** SCHOOL DISTRICT SOLVENCY ASSISTANCE 98243

(A) Of the foregoing appropriation item 200687, School 98244  
District Solvency Assistance, \$5,000,000 in each fiscal year shall 98245  
be allocated to the School District Shared Resource Account and 98246  
\$5,000,000 in each fiscal year shall be allocated to the 98247  
Catastrophic Expenditures Account. These funds shall be used to 98248  
provide assistance and grants to school districts to enable them 98249  
to remain solvent under section 3316.20 of the Revised Code. 98250  
Assistance and grants shall be subject to approval by the 98251  
Controlling Board. Except as provided under division (C) of this 98252  
section, any required reimbursements from school districts for 98253  
solvency assistance shall be made to the appropriate account in 98254  
the School District Solvency Assistance Fund (Fund 5H30). 98255

(B) Notwithstanding any provision of law to the contrary, 98256  
upon the request of the Superintendent of Public Instruction, the 98257  
Director of Budget and Management may make transfers to the School 98258  
District Solvency Assistance Fund (Fund 5H30) from any fund used 98259  
by the Department of Education or the General Revenue Fund to 98260  
maintain sufficient cash balances in Fund 5H30 in fiscal years 98261  
2018 and 2019. Any cash transferred is hereby appropriated. The 98262  
transferred cash may be used by the Department to provide 98263  
assistance and grants to school districts to enable them to remain 98264  
solvent and to pay unforeseeable expenses of a temporary or 98265  
emergency nature that the school district is unable to pay from 98266  
existing resources. The Director shall notify the members of the 98267  
Controlling Board of any such transfers. 98268

(C) If the cash balance of the School District Solvency 98269  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 98270  
assistance in fiscal years 2018 and 2019, at the request of the 98271  
Superintendent of Public Instruction, and with the approval of the 98272  
Controlling Board, the Director of Budget and Management may 98273

transfer cash from the Lottery Profits Education Reserve Fund 98274  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 98275  
school districts to enable them to remain solvent and to pay 98276  
unforeseeable expenses of a temporary nature that they are unable 98277  
to pay from existing resources under section 3316.20 of the 98278  
Revised Code. Such transfers are hereby appropriated to 98279  
appropriation item 200670, School District Solvency Assistance - 98280  
Lottery. Any required reimbursements from school districts for 98281  
solvency assistance granted from appropriation item 200670, School 98282  
District Solvency Assistance - Lottery, shall be made to Fund 98283  
7018. 98284

**Section 265.330. LOTTERY PROFITS EDUCATION FUND** 98285

Appropriation item 200612, Foundation Funding (Fund 7017), 98286  
shall be used in conjunction with appropriation item 200550, 98287  
Foundation Funding (GRF), to provide state foundation payments to 98288  
school districts. 98289

The Department of Education, with the approval of the 98290  
Director of Budget and Management, shall determine the monthly 98291  
distribution schedules of appropriation item 200550, Foundation 98292  
Funding (GRF), and appropriation item 200612, Foundation Funding 98293  
(Fund 7017). If adjustments to the monthly distribution schedule 98294  
are necessary, the Department shall make such adjustments with the 98295  
approval of the Director. 98296

**COMMUNITY CONNECTORS PROGRAM** 98297

The foregoing appropriation item 200629, Community 98298  
Connectors, shall be used by the Superintendent of Public 98299  
Instruction to create the Community Connectors Grant Program. The 98300  
Superintendent shall develop guidelines for the grants. The 98301  
program shall award competitive matching grants to provide funding 98302  
for local networks of volunteers and organizations to sponsor 98303  
career advising and mentoring for students in eligible school 98304

districts. Each grant award shall match up to three times the 98305  
funds allocated to the project by the local network. Eligible 98306  
school districts are those with a high percentage of students in 98307  
poverty, a high number of students not graduating on time, and 98308  
other criteria as determined by the Superintendent. Eligible 98309  
school districts shall partner with members of the business 98310  
community, civic organizations, or the faith-based community to 98311  
provide sustainable career advising and mentoring services. Upon 98312  
the request of the Superintendent of Public Instruction and the 98313  
approval of the Director of Budget and Management, an amount equal 98314  
to the unexpended, unencumbered portion of the foregoing 98315  
appropriation item 200629, Community Connectors, at the end of 98316  
fiscal year 2018 is hereby reappropriated to the Department for 98317  
the same purpose for fiscal year 2019. 98318

Notwithstanding any provision of law to the contrary, grants 98319  
awarded under this section may be used by grant recipients for 98320  
grant-related expenses for a period not to exceed three years from 98321  
the date of the award, according to guidelines established by the 98322  
Superintendent. 98323

STRAIGHT A FUND 98324

The foregoing appropriation item 200648, Straight A Fund, 98325  
shall be used by the Department to make competitive grants in 98326  
accordance with the section of this act entitled "STRAIGHT A 98327  
PROGRAM." 98328

COMMUNITY SCHOOL FACILITIES 98329

The foregoing appropriation item 200684, Community School 98330  
Facilities, shall be used to pay each community school established 98331  
under Chapter 3314. of the Revised Code and each STEM school 98332  
established under Chapter 3326. of the Revised Code an amount 98333  
equal to \$25 in each fiscal year for each full-time equivalent 98334  
pupil in an internet- or computer-based community school and \$200 98335

in each fiscal year for each full-time equivalent pupil in all 98336  
other community or STEM schools for assistance with the cost 98337  
associated with facilities. If the amount appropriated is not 98338  
sufficient, the Department shall prorate the amounts so that the 98339  
aggregate amount appropriated is not exceeded. 98340

**Section 265.340. STRAIGHT A PROGRAM** 98341

(A) The Straight A Program is hereby created for fiscal years 98342  
2018 and 2019 to provide grants to city, local, exempted village, 98343  
and joint vocational school districts, educational service 98344  
centers, community schools established under Chapter 3314., STEM 98345  
schools established under Chapter 3326., college-preparatory 98346  
boarding schools established under Chapter 3328. of the Revised 98347  
Code, individual school buildings, education consortia (which may 98348  
represent a partnership among school districts, school buildings, 98349  
community schools, STEM schools, educational service centers, 98350  
county boards of developmental disabilities that provide special 98351  
education and related services to children with disabilities, 98352  
businesses, nonprofit organizations, or innovation incubators), 98353  
institutions of higher education, and private or governmental 98354  
entities partnering with one or more of the educational entities 98355  
identified in this division for projects that aim to achieve 98356  
significant advancement in one or more of the following goals: 98357

(1) Increased student achievement or, in the case of an 98358  
educational service center, increased student achievement in the 98359  
educational service center's client school districts or other 98360  
schools or school districts that are members of the consortium; 98361

(2) Spending reduction in the five-year fiscal forecast 98362  
required under section 5705.391 of the Revised Code or positive 98363  
performance on other fiscal measures established by the governing 98364  
board created under division (B)(1) of this section for the 98365  
purpose of redirecting the cost savings to support educational 98366

programming; 98367

(3) Use of a shared services delivery model that demonstrates 98368  
increased efficiency and effectiveness, long-term sustainability, 98369  
and scalability. 98370

(B)(1) Grants shall be awarded by a nine-member governing 98371  
board consisting of the Superintendent of Public Instruction, or 98372  
the Superintendent's designee, four members appointed by the 98373  
Governor, two members appointed by the Speaker of the House of 98374  
Representatives, and two members appointed by the President of the 98375  
Senate. The Department of Education shall provide administrative 98376  
support to the board. No member shall be compensated for the 98377  
member's service on the board. 98378

(2) The board shall select grant advisors with fiscal 98379  
expertise and education expertise. These advisors shall evaluate 98380  
proposals from grant applicants and advise the staff administering 98381  
the program. No advisor shall be compensated for this service. 98382

(3) The board shall issue an annual report to the Governor, 98383  
the Speaker of the House of Representatives, the President of the 98384  
Senate, and the chairpersons of the House and Senate committees 98385  
that primarily deal with education regarding the types of grants 98386  
awarded, the grant recipients, and the effectiveness of the grant 98387  
program. 98388

(4) The board shall create a grant application and publish on 98389  
the Department's web site the application and timeline for the 98390  
submission, review, notification, and awarding of grant proposals. 98391  
The board may establish any additional guidelines for applications 98392  
it considers necessary. The board also shall designate allowable 98393  
uses of grant funds. 98394

(5) With the approval of the board, the Department of 98395  
Education shall establish a system for evaluating and scoring the 98396  
grant applications received under this section. 98397

(6) When determining whether to award grants from among two or more applicants of similar score, as determined by the board, the board shall award grants to applicants that demonstrate cost savings, as reflected in the goal described in division (A)(2) of this section, over applicants that do not demonstrate cost savings.

(C) The board may award the following types of grants to achieve one or more of the goals specified in division (A) of this section:

(1) Innovation grants, which shall be used to implement a new idea or modification to existing processes;

(2) Replication grants, which shall be used to replicate a project implemented by an existing or previous grantee that the board has designated as successful and suitable for replication, in accordance with criteria established by the board.

(D) Each grant applicant shall submit a proposal that includes all of the following:

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact;

(2) An explanation of how the project will be self-sustaining. If the project will result in increased ongoing spending, the applicant shall show how the spending will be offset by verifiable, credible, permanent spending reductions.

(3) A description of quantifiable results of the project that can be benchmarked.

(4) If the project is aimed at achieving the goal described in division (A)(2) of this section, a description of the educational programming that the cost savings obtained from the project will be used to support.

(5) If grant funds will be used to purchase technology, equipment, or other capital assets, an explanation of how the purchase will benefit students and promote their educational success.

If an education consortium described in division (A) of this section applies for a grant, the lead applicant shall be the school district, school building, community school, STEM school, or educational service center that is a member of the consortium and shall so indicate on the grant application. In order for an educational service center to be the lead applicant on a grant application, at least one of the educational service center's client school districts shall also be included on the grant application as a member of the consortium.

(E)(1) The board shall issue a timely decision of "yes," "no," "hold," or "edit" for each application. In making its decision, the board shall consider whether the project has the capability of being replicated in other school districts and schools or creates something that can be used in other districts and schools. A grant awarded under this section shall not exceed \$1,000,000.

(2) If the board issues a "hold" or "edit" decision for an application, it shall, upon returning the application to the applicant, specify the process for reconsideration of the application. An applicant may work with the grant advisors and staff to modify or improve a grant application.

(F) Upon deciding to award a grant to an applicant, the board shall enter into a grant agreement with the applicant that includes all of the following:

(1) The content of the applicant's proposal as outlined under division (C) of this section;

(2) The project's deliverables and a timetable for their

|   |   |
|---|---|
| completion;   | 98459                                     |
| (3) Conditions for receiving grant funding, which may include authority for the applicant to use the first year of the grant for planning purposes;   | 98460<br>98461<br>98462                   |
| (4) Conditions for receiving funding in future years if the contract is a multi-year contract;  | 98463<br>98464                            |
| (5) A provision specifying that funding will be returned to the board if the applicant fails to implement the agreement.  | 98465<br>98466                            |
| (6) A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant;   | 98467<br>98468                            |
| (7) If determined beneficial by the board, designation of an existing or previous grantee to act as a mentor for the applicant during the first year of the grant. If so designated, the agreement shall require the applicant to pay a portion of the grant to the grantee for serving as a mentor.        | 98469<br>98470<br>98471<br>98472<br>98473 |
| (G) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement.  | 98474<br>98475<br>98476                   |
| (H) As used in this section, "client school district" has the same meaning as in section 3311.0510 of the Revised Code.   | 98477<br>98478                            |
| (I) At the discretion of the board, a portion of appropriation item 200648, Straight A Fund, may be used by the Department of Education to administer the Straight A Program.   | 98479<br>98480<br>98481                   |
| (J) Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients for grant-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the Straight A Fund governing board. | 98482<br>98483<br>98484<br>98485<br>98486 |
| <b>Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND</b>  | 98487                                     |

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2018 and fiscal year 2019.

(C) On July 15, 2017, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,030,000,000 in fiscal year 2017.

(D) On July 15, 2018, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,045,000,000 in fiscal year 2018.

(E) Notwithstanding any provision of law to the contrary, in fiscal year 2018 and fiscal year 2019, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

**Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING**

As used in this section, "high-performing educational service center" means an educational service center designated as such pursuant to rule 3301-105-01 of the Administrative Code.

As used in this section, "student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.

In each fiscal year, the Department of Education shall pay

the governing board of each high-performing educational service center state funds equal to twenty dollars times its student count, and to the governing board of each other center, state funds equal to eighteen dollars times its student count. The Superintendent of Public Instruction shall establish criteria and guidelines regarding the use of funds. Funds shall be used to reduce client school district expenditures and support improvement of student achievement at schools and districts identified by the Department.

If the amount earmarked for the state reimbursement of educational service centers in appropriation item 200550, Foundation Funding, is not sufficient, the Department shall prorate the payment amounts so that the appropriation is not exceeded.

**Section 265.370.** On July 1, 2017, or as soon as possible thereafter, the Superintendent of Public Instruction shall certify to the Director of Budget and Management the unexpended, unencumbered cash balances of the Neglected and Delinquent Education Fund (Fund 3090), the Advanced Placement Fund (Fund 3EK0), the Miscellaneous Nutrition Grants Fund (Fund 3GF0), the School Climate Transformation Fund (Fund 3GP0), the Project Aware Fund (Fund 3GQ0), the JAVITS Gifted and Talented Students Fund (Fund 3GZ0), and the Head Start Collaboration Project Fund (Fund 3H90). Upon receipt of certification from the Superintendent, the Director may transfer the cash balances of those funds to the Department of Education Federal Education Grants Fund (Fund 3HF0).

**Section 265.380.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the

administration of the National Assessment of Education Progress in 98548  
accordance with section 3301.27 of the Revised Code. Each school 98549  
and school district selected for participation by the 98550  
Superintendent shall participate. 98551

**Section 265.390.** COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 98552  
STUDENTS 98553

(A) As used in this section: 98554

(1) "IEP" has the same meaning as in section 3323.01 of the 98555  
Revised Code. 98556

(2) "SBH student" means a student receiving special education 98557  
and related services for severe behavior disabilities pursuant to 98558  
an IEP. 98559

(B) This section applies only to a community school 98560  
established under Chapter 3314. of the Revised Code that in each 98561  
of fiscal years 2018 and 2019 enrolls a number of SBH students 98562  
equal to at least fifty per cent of the total number of students 98563  
enrolled in the school in the applicable fiscal year. 98564

(C) In addition to any state foundation payments made, in 98565  
each of fiscal years 2018 and 2019, the Department of Education 98566  
shall pay to a community school to which this section applies a 98567  
subsidy equal to the difference between the aggregate amount 98568  
calculated and paid in that fiscal year to the community school 98569  
for special education and related services additional weighted 98570  
costs for the SBH students enrolled in the school and the 98571  
aggregate amount that would have been calculated for the school 98572  
for special education and related services additional weighted 98573  
costs for those same students in fiscal year 2001. If the 98574  
difference is a negative number, the amount of the subsidy shall 98575  
be zero. 98576

(D) The amount of any subsidy paid to a community school 98577

under this section shall not be deducted from the school district 98578  
in which any of the students enrolled in the community school are 98579  
entitled to attend school under section 3313.64 or 3313.65 of the 98580  
Revised Code. The amount of any subsidy paid to a community school 98581  
under this section shall be paid from funds appropriated to the 98582  
Department in appropriation item 200550, Foundation Funding. 98583

**Section 265.400. EARMARK ACCOUNTABILITY** 98584

At the request of the Superintendent of Public Instruction, 98585  
any entity that receives a budget earmark under the Department of 98586  
Education shall submit annually to the chairpersons of the 98587  
committees of the House of Representatives and the Senate 98588  
primarily concerned with education and education funding and to 98589  
the Department a report that includes a description of the 98590  
services supported by the funds, a description of the results 98591  
achieved by those services, an analysis of the effectiveness of 98592  
the program, and an opinion as to the program's applicability to 98593  
other school districts. For an earmarked entity that received 98594  
state funds from an earmark in the prior fiscal year, no funds 98595  
shall be provided by the Department to an earmarked entity for a 98596  
fiscal year until its report for the prior fiscal year has been 98597  
submitted. 98598

**Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME** 98599

A community school established under Chapter 3314. of the 98600  
Revised Code that was open for operation as a community school as 98601  
of May 1, 2005, may operate from or in any home, as defined in 98602  
section 3313.64 of the Revised Code, located in the state, 98603  
regardless of when the community school's operations from or in a 98604  
particular home began. 98605

**Section 265.420. USE OF VOLUNTEERS** 98606

The Department of Education may utilize the services of 98607  
volunteers to accomplish any of the purposes of the Department. 98608  
The Superintendent of Public Instruction shall approve for what 98609  
purposes volunteers may be used and for these purposes may 98610  
recruit, train, and oversee the services of volunteers. The 98611  
Superintendent may reimburse volunteers for necessary and 98612  
appropriate expenses in accordance with state guidelines and may 98613  
designate volunteers as state employees for the purpose of motor 98614  
vehicle accident liability insurance under section 9.83 of the 98615  
Revised Code, for immunity under section 9.86 of the Revised Code, 98616  
and for indemnification from liability incurred in the performance 98617  
of their duties under section 9.87 of the Revised Code. 98618

**Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN** 98619  
**REIMBURSEMENTS** 98620

(A) Except as expressly required under a court judgment not 98621  
subject to further appeals, or a settlement agreement with a 98622  
school district executed on or before June 1, 2009, in the case of 98623  
a school district for which the formula ADM for fiscal year 2005, 98624  
as reported for that fiscal year under division (A) of section 98625  
3317.03 of the Revised Code, was reduced based on enrollment 98626  
reports for community schools, made under section 3314.08 of the 98627  
Revised Code, regarding students entitled to attend school in the 98628  
district, which reduction of formula ADM resulted in a reduction 98629  
of foundation funding or transitional aid funding for fiscal year 98630  
2005, 2006, or 2007, no school district, except a district named 98631  
in the court's judgment or the settlement agreement, shall have a 98632  
legal claim for reimbursement of the amount of such reduction in 98633  
foundation funding or transitional aid funding, and the state 98634  
shall not have liability for reimbursement of the amount of such 98635  
reduction in foundation funding or transitional aid funding. 98636

(B) As used in this section: 98637

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code. 98638  
98639

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code. 98640  
98641  
98642

(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code. 98643  
98644

(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly. 98645  
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**Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 98651

In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of Education from appropriation item 200550, Foundation Funding, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the Section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements. 98652  
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**Section 265.450. PRIVATE TREATMENT FACILITY PROJECT** 98665

(A) As used in this section: 98666

(1) The following are "participating residential treatment centers": 98667  
98668

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2018 or fiscal year 2019 or both, the Department pays through appropriation item 470401, RECLAIM Ohio; 98669  
98670  
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(b) Abraxas, in Shelby; 98675

(c) Paint Creek, in Bainbridge; 98676

(d) F.I.R.S.T., in Mansfield. 98677

(2) "Education program" means an elementary or secondary education program or a special education program and related services. 98678  
98679  
98680

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section. 98681  
98682

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition. 98683  
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98685  
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(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section. 98688  
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98690

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria 98691  
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established for such programs by the Department of Education. The 98697  
educational program shall be provided by a school district or 98698  
educational service center, or by the residential facility itself. 98699  
Maximum flexibility shall be given to the residential treatment 98700  
facility to determine the provider. In the event that a voluntary 98701  
agreement cannot be reached and the residential facility does not 98702  
choose to provide the educational program, the educational service 98703  
center in the county in which the facility is located shall 98704  
provide the educational program at the treatment center to 98705  
children under twenty-two years of age residing in the treatment 98706  
center. 98707

(C) Any school district responsible for tuition for a 98708  
residential child shall, notwithstanding any conflicting provision 98709  
of the Revised Code regarding tuition payment, pay tuition for the 98710  
child for fiscal year 2018 and fiscal year 2019 to the education 98711  
program provider and in the amount specified in this division. If 98712  
there is no school district responsible for tuition for a 98713  
residential child and if the participating residential treatment 98714  
center to which the child is assigned is located in the city, 98715  
exempted village, or local school district that, if the child were 98716  
not a resident of that treatment center, would be the school 98717  
district where the child is entitled to attend school under 98718  
sections 3313.64 and 3313.65 of the Revised Code, that school 98719  
district, notwithstanding any conflicting provision of the Revised 98720  
Code, shall pay tuition for the child for fiscal year 2018 and 98721  
fiscal year 2019 under this division unless that school district 98722  
is providing the educational program to the child under division 98723  
(B) of this section. 98724

A tuition payment under this division shall be made to the 98725  
school district, educational service center, or residential 98726  
treatment facility providing the educational program to the child. 98727

The amount of tuition paid shall be: 98728

(1) The amount of tuition determined for the district under 98729  
division (A) of section 3317.08 of the Revised Code; 98730

(2) In addition, for any student receiving special education 98731  
pursuant to an individualized education program as defined in 98732  
section 3323.01 of the Revised Code, a payment for excess costs. 98733  
This payment shall equal the actual cost to the school district, 98734  
educational service center, or residential treatment facility of 98735  
providing special education and related services to the student 98736  
pursuant to the student's individualized education program, minus 98737  
the tuition paid for the child under division (C)(1) of this 98738  
section. 98739

A school district paying tuition under this division shall 98740  
not include the child for whom tuition is paid in the district's 98741  
average daily membership certified under division (A) of section 98742  
3317.03 of the Revised Code. 98743

(D) In each of fiscal years 2018 and 2019, the Department of 98744  
Education shall reimburse, from appropriations made for the 98745  
purpose, a school district, educational service center, or 98746  
residential treatment facility, whichever is providing the 98747  
service, that has demonstrated that it is in compliance with the 98748  
funding criteria for each served child for whom a school district 98749  
must pay tuition under division (C) of this section. The amount of 98750  
the reimbursement shall be the amount appropriated for this 98751  
purpose divided by the full-time equivalent number of children for 98752  
whom reimbursement is to be made. 98753

(E) Funds provided to a school district, educational service 98754  
center, or residential treatment facility under this section shall 98755  
be used to supplement, not supplant, funds from other public 98756  
sources for which the school district, service center, or 98757  
residential treatment facility is entitled or eligible. 98758

(F) The Department of Education shall track the utilization 98759

of funds provided to school districts, educational service 98760  
centers, and residential treatment facilities under this section 98761  
and monitor the effect of the funding on the educational programs 98762  
they provide in participating residential treatment facilities. 98763  
The Department shall monitor the programs for educational 98764  
accountability. 98765

**Section 265.460.** (A) The Superintendent of Public Instruction 98766  
may form partnerships with Ohio's business community, including 98767  
the Ohio Business Roundtable, to create and implement initiatives 98768  
that connect students with the business community in an effort to 98769  
increase student engagement and job readiness through internships, 98770  
work study, and site-based learning experiences. 98771

(B) If the Superintendent forms a partnership pursuant to 98772  
division (A) of this section, the initiatives created and 98773  
implemented through that partnership shall do all of the 98774  
following: 98775

(1) Support the career connection learning strategies 98776  
described in division (B)(2) of section 3301.079 of the Revised 98777  
Code; 98778

(2) Provide an opportunity for students to earn high school 98779  
credit toward graduation or to meet curriculum requirements in 98780  
accordance with divisions (J)(1) and (2) of section 3313.603 of 98781  
the Revised Code; 98782

(3) Inform the development of student success plans pursuant 98783  
to division (C) of section 3313.6020 of the Revised Code. 98784

**Section 265.470.** The Department of Education shall provide 98785  
assistance to the State Board of Education for the purposes of 98786  
updating the statewide plan on subject area competency, including 98787  
credit by examination, pursuant to division (J)(2) of section 98788  
3313.603 of the Revised Code, to reduce barriers to student 98789

participation in credit flexibility options. 98790

Upon completion, the Department shall inform students, 98791  
parents, and schools of the updated plan. 98792

**Section 267.10.** ELC OHIO ELECTIONS COMMISSION 98793

General Revenue Fund 98794

|            |                    |    |         |    |         |       |
|------------|--------------------|----|---------|----|---------|-------|
| GRF 051321 | Operating Expenses | \$ | 424,988 | \$ | 441,849 | 98795 |
|------------|--------------------|----|---------|----|---------|-------|

|           |                      |    |         |    |         |       |
|-----------|----------------------|----|---------|----|---------|-------|
| TOTAL GRF | General Revenue Fund | \$ | 424,988 | \$ | 441,849 | 98796 |
|-----------|----------------------|----|---------|----|---------|-------|

Dedicated Purpose Fund Group 98797

|             |                   |    |         |    |         |       |
|-------------|-------------------|----|---------|----|---------|-------|
| 4P20 051601 | Operating Support | \$ | 199,460 | \$ | 199,460 | 98798 |
|-------------|-------------------|----|---------|----|---------|-------|

|           |                        |    |         |    |         |       |
|-----------|------------------------|----|---------|----|---------|-------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 199,460 | \$ | 199,460 | 98799 |
|-----------|------------------------|----|---------|----|---------|-------|

Group

|                              |  |    |         |    |         |       |
|------------------------------|--|----|---------|----|---------|-------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 624,448 | \$ | 641,309 | 98800 |
|------------------------------|--|----|---------|----|---------|-------|

**Section 269.10.** FUN STATE BOARD OF EMBALMERS AND FUNERAL 98802

DIRECTORS 98803

Dedicated Purpose Fund Group 98804

|             |                    |    |         |    |         |       |
|-------------|--------------------|----|---------|----|---------|-------|
| 4K90 881609 | Operating Expenses | \$ | 791,253 | \$ | 843,973 | 98805 |
|-------------|--------------------|----|---------|----|---------|-------|

|           |                        |    |         |    |         |       |
|-----------|------------------------|----|---------|----|---------|-------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 791,253 | \$ | 843,973 | 98806 |
|-----------|------------------------|----|---------|----|---------|-------|

Group

|                              |  |    |         |    |         |       |
|------------------------------|--|----|---------|----|---------|-------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 791,253 | \$ | 843,973 | 98807 |
|------------------------------|--|----|---------|----|---------|-------|

**Section 271.10.** PAY EMPLOYEE BENEFITS FUNDS 98809

Fiduciary Fund Group 98810

|             |                    |    |             |    |             |       |
|-------------|--------------------|----|-------------|----|-------------|-------|
| 1240 995673 | Payroll Deductions | \$ | 775,657,613 | \$ | 798,927,342 | 98811 |
|-------------|--------------------|----|-------------|----|-------------|-------|

|             |                    |    |            |    |            |       |
|-------------|--------------------|----|------------|----|------------|-------|
| 8060 995666 | Accrued Leave Fund | \$ | 70,000,000 | \$ | 71,930,634 | 98812 |
|-------------|--------------------|----|------------|----|------------|-------|

|             |                 |    |            |    |            |       |
|-------------|-----------------|----|------------|----|------------|-------|
| 8070 995667 | Disability Fund | \$ | 22,136,000 | \$ | 22,689,000 | 98813 |
|-------------|-----------------|----|------------|----|------------|-------|

|             |                       |    |             |    |             |       |
|-------------|-----------------------|----|-------------|----|-------------|-------|
| 8080 995668 | State Employee Health | \$ | 842,858,402 | \$ | 926,309,037 | 98814 |
|-------------|-----------------------|----|-------------|----|-------------|-------|

Benefit Fund

|             |                |    |           |    |           |       |
|-------------|----------------|----|-----------|----|-----------|-------|
| 8090 995669 | Dependent Care | \$ | 3,406,139 | \$ | 3,484,478 | 98815 |
|-------------|----------------|----|-----------|----|-----------|-------|

Spending Account

|                                |        |                                   |                  |                  |       |
|--------------------------------|--------|-----------------------------------|------------------|------------------|-------|
| 8100                           | 995670 | Life Insurance<br>Investment Fund | \$ 1,632,004     | \$ 1,700,545     | 98816 |
| 8110                           | 995671 | Parental Leave<br>Benefit Fund    | \$ 3,952,606     | \$ 4,084,972     | 98817 |
| 8130                           | 995672 | Health Care Spending<br>Account   | \$ 11,043,565    | \$ 11,341,741    | 98818 |
| TOTAL FID Fiduciary Fund Group |        |                                   | \$ 1,730,686,329 | \$ 1,840,467,749 | 98819 |
| TOTAL ALL BUDGET FUND GROUPS   |        |                                   | \$ 1,730,686,329 | \$ 1,840,467,749 | 98820 |

**Section 271.20. PAYROLL DEDUCTION FUND** 98822

The foregoing appropriation item 995673, Payroll Deductions, 98823  
shall be used to make payments from the Payroll Deduction Fund 98824  
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 98825  
is determined by the Director of Budget and Management that 98826  
additional amounts are necessary, the amounts are hereby 98827  
appropriated. 98828

**ACCRUED LEAVE LIABILITY FUND** 98829

The foregoing appropriation item 995666, Accrued Leave Fund, 98830  
shall be used to make payments from the Accrued Leave Liability 98831  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 98832  
If it is determined by the Director of Budget and Management that 98833  
additional amounts are necessary, the amounts are hereby 98834  
appropriated. 98835

**STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND** 98836

The foregoing appropriation item 995667, Disability Fund, 98837  
shall be used to make payments from the State Employee Disability 98838  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 98839  
Revised Code. If it is determined by the Director of Budget and 98840  
Management that additional amounts are necessary, the amounts are 98841  
hereby appropriated. 98842

**STATE EMPLOYEE HEALTH BENEFIT FUND** 98843

The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

|   |                              |              |              |       |
|---|------------------------------|--------------|--------------|-------|
| <b>Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD</b> |                              |              |              | 98883 |
| General Revenue Fund  |                              |              |              | 98884 |
| GRF 125321  | Operating Expenses           | \$ 3,862,270 | \$ 3,887,270 | 98885 |
| TOTAL GRF   | General Revenue Fund         | \$ 3,862,270 | \$ 3,887,270 | 98886 |
| Dedicated Purpose Fund Group                                |                              |              |              | 98887 |
| 5720 125603   | Training and Publications    | \$ 141,000   | \$ 131,000   | 98888 |
| TOTAL DPF   | Dedicated Purpose Fund Group | \$ 141,000   | \$ 131,000   | 98889 |
| TOTAL ALL BUDGET FUND GROUPS                                |                              |              |              | 98890 |

|   |                              |              |              |       |
|---|------------------------------|--------------|--------------|-------|
| <b>Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS</b> |                              |              |              | 98892 |
| Dedicated Purpose Fund Group                                      |                              |              |              | 98893 |
| 4K90 892609   | Operating Expenses           | \$ 1,123,966 | \$ 1,227,821 | 98894 |
| TOTAL DPF   | Dedicated Purpose Fund Group | \$ 1,123,966 | \$ 1,227,821 | 98895 |
| TOTAL ALL BUDGET FUND GROUPS                                      |                              |              |              | 98896 |

|  |                                |              |              |       |
|--|--------------------------------|--------------|--------------|-------|
| <b>Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY</b> |                                |              |              | 98898 |
| General Revenue Fund                                       |                                |              |              | 98899 |
| GRF 715502   | Auto Emissions E-Check Program | \$ 9,927,160 | \$ 9,919,594 | 98900 |
| TOTAL GRF  | General Revenue Fund           | \$ 9,927,160 | \$ 9,919,594 | 98901 |

|      |        |  |    |            |    |            |       |
|------|--------|--|----|------------|----|------------|-------|
|      |        | Dedicated Purpose Fund Group           |    |            |    |            | 98902 |
| 4D50 | 715618 | Recycled State<br>Materials            | \$ | 50,000     | \$ | 50,000     | 98903 |
| 4J00 | 715638 | Underground Injection<br>Control       | \$ | 408,004    | \$ | 408,004    | 98904 |
| 4K20 | 715648 | Clean Air - Non Title<br>V             | \$ | 4,205,800  | \$ | 4,896,690  | 98905 |
| 4K30 | 715649 | Solid Waste                            | \$ | 14,173,000 | \$ | 14,435,000 | 98906 |
| 4K40 | 715650 | Surface Water<br>Protection            | \$ | 9,990,000  | \$ | 10,705,000 | 98907 |
| 4K50 | 715651 | Drinking Water<br>Protection           | \$ | 7,512,528  | \$ | 7,797,557  | 98908 |
| 4P50 | 715654 | Cozart Landfill                        | \$ | 10,000     | \$ | 10,000     | 98909 |
| 4R50 | 715656 | Scrap Tire Management                  | \$ | 2,277,786  | \$ | 2,277,786  | 98910 |
| 4R90 | 715658 | Voluntary Action<br>Program            | \$ | 963,847    | \$ | 698,139    | 98911 |
| 4T30 | 715659 | Clean Air - Title V<br>Permit Program  | \$ | 9,860,800  | \$ | 9,944,120  | 98912 |
| 5000 | 715608 | Immediate Removal<br>Special Account   | \$ | 825,710    | \$ | 825,509    | 98913 |
| 5030 | 715621 | Hazardous Waste<br>Facility Management | \$ | 4,853,470  | \$ | 5,130,458  | 98914 |
| 5050 | 715623 | Hazardous Waste<br>Cleanup             | \$ | 11,406,593 | \$ | 11,887,426 | 98915 |
| 5050 | 715698 | Response and<br>Investigations         | \$ | 4,234,247  | \$ | 4,295,021  | 98916 |
| 5320 | 715646 | Recycling and Litter<br>Control        | \$ | 4,883,000  | \$ | 4,883,000  | 98917 |
| 5410 | 715670 | Site Specific Cleanup                  | \$ | 2,283,719  | \$ | 2,285,357  | 98918 |
| 5420 | 715671 | Risk Management<br>Reporting           | \$ | 214,826    | \$ | 214,826    | 98919 |
| 5860 | 715637 | Scrap Tire Market<br>Development       | \$ | 1,170,000  | \$ | 1,170,000  | 98920 |

|      |        |   |    |            |    |            |       |
|------|--------|---|----|------------|----|------------|-------|
| 5BC0 | 715622 | Local Air Pollution<br>Control                    | \$ | 1,999,172  | \$ | 1,999,172  | 98921 |
| 5BC0 | 715624 | Surface Water                                     | \$ | 5,731,967  | \$ | 5,731,967  | 98922 |
| 5BC0 | 715672 | Air Pollution Control                             | \$ | 7,845,000  | \$ | 7,845,000  | 98923 |
| 5BC0 | 715673 | Drinking and Ground<br>Water                      | \$ | 3,324,235  | \$ | 3,324,235  | 98924 |
| 5BC0 | 715676 | Assistance and<br>Prevention                      | \$ | 1,812,000  | \$ | 1,862,000  | 98925 |
| 5BC0 | 715677 | Laboratory  | \$ | 3,122,593  | \$ | 3,157,593  | 98926 |
| 5BC0 | 715678 | Corrective Actions                                | \$ | 1,316,878  | \$ | 1,316,878  | 98927 |
| 5BC0 | 715687 | Areawide Planning<br>Agencies                     | \$ | 450,000    | \$ | 450,000    | 98928 |
| 5BC0 | 715692 | Administration                                    | \$ | 13,302,000 | \$ | 13,302,000 | 98929 |
| 5BC0 | 715694 | Environmental<br>Resource Coordination            | \$ | 100,000    | \$ | 100,000    | 98930 |
| 5BT0 | 715679 | C&DD Groundwater<br>Monitoring                    | \$ | 320,000    | \$ | 320,000    | 98931 |
| 5BY0 | 715681 | Auto Emissions Test                               | \$ | 1,344,450  | \$ | 1,367,016  | 98932 |
| 5H40 | 715664 | Groundwater Support                               | \$ | 302,489    | \$ | 302,489    | 98933 |
| 5PZ0 | 715696 | Drinking Water Loan<br>Fee                        | \$ | 800,000    | \$ | 800,000    | 98934 |
| 5Y30 | 715685 | Surface Water<br>Improvement                      | \$ | 500,000    | \$ | 500,000    | 98935 |
| 6440 | 715631 | Emergency Response<br>Radiological Safety         | \$ | 332,403    | \$ | 352,430    | 98936 |
| 6760 | 715642 | Water Pollution<br>Control Loan<br>Administration | \$ | 2,137,237  | \$ | 2,061,832  | 98937 |
| 6760 | 715699 | Water Quality<br>Administration                   | \$ | 2,725,000  | \$ | 2,725,000  | 98938 |
| 6780 | 715635 | Air Toxic Release                                 | \$ | 133,636    | \$ | 76,437     | 98939 |
| 6790 | 715636 | Emergency Planning                                | \$ | 2,747,391  | \$ | 2,747,391  | 98940 |
| 6960 | 715643 | Air Pollution Control                             | \$ | 950,400    | \$ | 1,001,800  | 98941 |

|                                      |        |                           |    |             |    |             |       |
|--------------------------------------|--------|---------------------------|----|-------------|----|-------------|-------|
|                                      |        | Administration            |    |             |    |             |       |
| 6990                                 | 715644 | Water Pollution           | \$ | 750,000     | \$ | 457,100     | 98942 |
|                                      |        | Control                   |    |             |    |             |       |
|                                      |        | Administration            |    |             |    |             |       |
| 6A10                                 | 715645 | Environmental             | \$ | 1,100,000   | \$ | 1,100,000   | 98943 |
|                                      |        | Education                 |    |             |    |             |       |
| TOTAL DPF                            |        | Dedicated Purpose Fund    | \$ | 132,470,181 | \$ | 134,814,233 | 98944 |
| Group                                |        |                           |    |             |    |             |       |
| Internal Service Activity Fund Group |        |                           |    |             |    |             | 98945 |
| 1990                                 | 715602 | Laboratory Services       | \$ | 705,239     | \$ | 705,239     | 98946 |
| 2190                                 | 715604 | Central Support           | \$ | 6,814,000   | \$ | 6,858,000   | 98947 |
|                                      |        | Indirect                  |    |             |    |             |       |
| 4A10                                 | 715640 | Operating Expenses        | \$ | 1,350,000   | \$ | 1,350,000   | 98948 |
| TOTAL ISA                            |        | Internal Service Activity | \$ | 8,869,239   | \$ | 8,913,239   | 98949 |
| Fund Group                           |        |                           |    |             |    |             |       |
| Capital Projects Fund Group          |        |                           |    |             |    |             | 98950 |
| 5S10                                 | 715607 | Clean Ohio                | \$ | 363,700     | \$ | 0           | 98951 |
|                                      |        | Revitalization            |    |             |    |             |       |
|                                      |        | Operating                 |    |             |    |             |       |
| TOTAL CPF                            |        | Capital Projects Fund     | \$ | 363,700     | \$ | 0           | 98952 |
| Group                                |        |                           |    |             |    |             |       |
| Federal Fund Group                   |        |                           |    |             |    |             | 98953 |
| 3530                                 | 715612 | Public Water Supply       | \$ | 2,113,020   | \$ | 2,113,020   | 98954 |
| 3570                                 | 715619 | Air Pollution Control     | \$ | 6,140,203   | \$ | 6,140,203   | 98955 |
|                                      |        | - Federal                 |    |             |    |             |       |
| 3620                                 | 715605 | Underground Injection     | \$ | 102,859     | \$ | 102,859     | 98956 |
|                                      |        | Control - Federal         |    |             |    |             |       |
| 3BU0                                 | 715684 | Water Quality             | \$ | 14,183,989  | \$ | 14,183,989  | 98957 |
|                                      |        | Protection                |    |             |    |             |       |
| 3CS0                                 | 715688 | Federal NRD               | \$ | 200,000     | \$ | 200,000     | 98958 |
|                                      |        | Settlements               |    |             |    |             |       |
| 3F20                                 | 715630 | Revolving Loan Fund -     | \$ | 2,900,000   | \$ | 2,900,000   | 98959 |

|                              |           |                      |    |             |                      |
|------------------------------|-----------|----------------------|----|-------------|----------------------|
|                              | Operating |                      |    |             |                      |
| 3F30                         | 715632    | Federally Supported  | \$ | 6,882,931   | \$ 6,968,645 98960   |
|                              |           | Cleanup and Response |    |             |                      |
| 3T30                         | 715669    | Drinking Water State | \$ | 2,809,470   | \$ 2,809,470 98961   |
|                              |           | Revolving Fund       |    |             |                      |
| 3V70                         | 715606    | Agencywide Grants    | \$ | 450,000     | \$ 450,000 98962     |
| TOTAL FED                    |           | Federal Fund Group   | \$ | 35,782,472  | \$ 35,868,186 98963  |
| TOTAL ALL BUDGET FUND GROUPS |           |                      | \$ | 187,412,752 | \$ 189,515,252 98964 |

**Section 277.20.** AREAWIDE PLANNING AGENCIES 98966

The Director of Environmental Protection Agency may award 98967  
 grants from appropriation item 715687, Areawide Planning Agencies, 98968  
 to areawide planning agencies engaged in areawide water quality 98969  
 management and planning activities in accordance with Section 208 98970  
 of the "Federal Clean Water Act," 33 U.S.C. 1288. 98971

CASH TRANSFER TO THE TITLE V CLEAN AIR FUND FROM THE SMALL 98972  
 BUSINESS ASSISTANCE FUND 98973

On July 1, 2017, or as soon as possible thereafter, the 98974  
 Director of Budget and Management may transfer \$1,500,000 cash 98975  
 from the Small Business Assistance Fund (Fund 5A00) used by the 98976  
 Air Quality Development Authority to the Title V Clean Air Fund 98977  
 (Fund 4T30) used by the Environmental Protection Agency. 98978

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE SCRAP 98979  
 TIRE MANAGEMENT FUND 98980

The Director of Budget and Management, in consultation with 98981  
 the Director of Environmental Protection, shall establish a 98982  
 schedule of cash transfers totaling up to \$3,000,000 from the 98983  
 Scrap Tire Management Fund (Fund 4R50) to the Auto Emissions Test 98984  
 Fund (Fund 5BY0) during the period from July 1, 2017, to June 30, 98985  
 2019. 98986

TRANSFER OF ASBESTOS ABATEMENT LICENSURE AND CERTIFICATION 98987

|   |  |
|---|--|
| PROGRAM   | 98988  |
| On January 1, 2018, the Asbestos Abatement Licensure and Certification Program is transferred from the Department of Health to the Environmental Protection Agency. For the purposes of the transfer, all of the following apply:   | 98989<br>98990<br>98991<br>98992                                     |
| (A) All rules, orders, and determinations of the Department related to the Program shall continue in effect as the rules, orders, and determinations of the Agency until rules for the Program are adopted and become effective for the Agency. If necessary to ensure the integrity of the numbering system of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules to reflect their transfer to the Agency.   | 98993<br>98994<br>98995<br>98996<br>98997<br>98998<br>98999<br>99000 |
| Any licenses, certificates, permits, registrations, approvals, or endorsements issued before January 1, 2018, by the Department of Health related to the Program shall continue in effect as if issued by the Agency.   | 99001<br>99002<br>99003<br>99004                                     |
| (B) Any business commenced but not completed by the Director of Health relating to the Program on the effective date of the amendment of the statutes governing the Program by this act shall be completed by the Director of Environmental Protection. Any validation, cure, right, privilege, remedy, obligation, or liability is not lost or impaired solely by reason of the transfer required by this act and shall be administered by the Director of Environmental Protection in accordance with this act. | 99005<br>99006<br>99007<br>99008<br>99009<br>99010<br>99011<br>99012 |
| (C) All of the orders and determinations of the Director of Health relating to the Program continue in effect as orders and determinations of the Director of Environmental Protection until modified or rescinded by the Director of Environmental Protection.   | 99013<br>99014<br>99015<br>99016                                     |
| (D) Subject to the layoff provisions of sections 124.321 to 124.328 of the Revised Code or the applicable collective  | 99017<br>99018   |

bargaining agreement, all of the employees of the Department of 99019  
Health working full-time for the Program are transferred to the 99020  
Agency and retain their same positions. The Director of 99021  
Environmental Protection may assign, reassign, classify, 99022  
reclassify, transfer, reduce, promote, or demote any employees 99023  
transferred from the Department who are not subject to Chapter 99024  
4117. of the Revised Code. 99025

Any employment records and actions, including personnel 99026  
actions, disciplinary actions, performance improvement plans, and 99027  
performance evaluations transfer with the employee. Absent 99028  
authorization from the employee, the Department is not to transfer 99029  
to the Agency any medical documentation regarding the employee in 99030  
its possession. These employees will be subject to the policies, 99031  
procedures, and work rules of the Agency. 99032

(E) All equipment and assets relating to the Program are 99033  
transferred from the Department to the Agency. 99034

(F) Whenever the Department or Director of Health, in 99035  
relation to the Program, is referred to in any law, contract, or 99036  
other document, the reference shall be deemed to refer to the 99037  
Agency or its Director, whichever is appropriate in context. 99038

(G) Any action or proceeding pending on the effective date of 99039  
the amendment of the statutes governing the Program by this act is 99040  
not affected by the transfer of the functions of that Program by 99041  
this act and shall be prosecuted or defended in the name of the 99042  
Director of Environmental Protection or the Agency, whichever is 99043  
appropriate in context. In all such actions and proceedings, the 99044  
Director of Environmental Protection or the Agency, whichever is 99045  
appropriate in context, upon application to the court, shall be 99046  
substituted as a party. 99047

(H) The Directors of Health and Environmental Protection may 99048  
enter into a memorandum of understanding in order to facilitate 99049

the transfer of the Program. 99050

(I) On January 1, 2018, or as soon as possible thereafter, 99051  
the Director of Budget and Management may transfer up to \$400,000 99052  
cash from the General Operations Fund (Fund 4700) used by the 99053  
Department to the Non-Title V Clean Air Fund (Fund 4K20) created 99054  
in section 3704.035 of the Revised Code and used by the Agency. 99055  
Upon completion of the transfer, the Director of Budget and 99056  
Management shall cancel any existing encumbrances against Fund 99057  
4700 appropriation item 440647, Fee Supported Programs, related to 99058  
the Program, and reestablish them against Fund 4K20, appropriation 99059  
item 715648, Clean Air - Non-Title V. The reestablished 99060  
encumbrance amounts are hereby appropriated. 99061

CLEAN OHIO REVITALIZATION OPERATING 99062

On July 1, 2018, or as soon as possible thereafter, the 99063  
Director of Environmental Protection may request that the Director 99064  
of Budget and Management reappropriate any unexpended, 99065  
unencumbered balance of the prior fiscal year's appropriation to 99066  
the foregoing appropriation item 715607, Clean Ohio Revitalization 99067  
Operating, for fiscal year 2019. The Director of Budget and 99068  
Management may request additional information necessary for 99069  
evaluating the request, and the Director of Environmental 99070  
Protection shall provide the requested information to the Director 99071  
of Budget and Management. Based on the information provided by the 99072  
Director of Environmental Protection, the Director of Budget and 99073  
Management shall determine the amount to be reappropriated, and 99074  
those amounts are hereby reappropriated for fiscal year 2019. 99075

**Section 279.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 99076

General Revenue Fund 99077

GRF 172321 Operating Expenses \$ 620,617 \$ 620,617 99078

TOTAL GRF General Revenue Fund \$ 620,617 \$ 620,617 99079

|  |                      |    |           |    |           |       |
|--|----------------------|----|-----------|----|-----------|-------|
| TOTAL ALL BUDGET FUND GROUPS                                       |                      | \$ | 620,617   | \$ | 620,617   | 99080 |
| <br>   |                      |    |           |    |           |       |
| <b>Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION</b>  |                      |    |           |    |           | 99082 |
| General Revenue Fund   |                      |    |           |    |           | 99083 |
| GRF 935401   | Statehouse News      | \$ | 324,533   | \$ | 324,533   | 99084 |
| Bureau   |                      |    |           |    |           |       |
| GRF 935402   | Ohio Government      | \$ | 1,452,089 | \$ | 1,452,089 | 99085 |
| Telecommunications   |                      |    |           |    |           |       |
| Services   |                      |    |           |    |           |       |
| GRF 935410   | Content Development, | \$ | 3,957,094 | \$ | 3,957,094 | 99086 |
| Acquisition, and   |                      |    |           |    |           |       |
| Distribution   |                      |    |           |    |           |       |
| GRF 935430   | Broadcast Education  | \$ | 3,793,006 | \$ | 3,793,006 | 99087 |
| Operating  |                      |    |           |    |           |       |
| TOTAL GRF General Revenue Fund                                     |                      | \$ | 9,526,722 | \$ | 9,526,722 | 99088 |
| Dedicated Purpose Fund Group                                       |                      |    |           |    |           | 99089 |
| 5FK0 935608  | Media Services       | \$ | 95,000    | \$ | 95,000    | 99090 |
| TOTAL DPF Dedicated Purpose Fund                                   |                      | \$ | 95,000    | \$ | 95,000    | 99091 |
| Group  |                      |    |           |    |           |       |
| Internal Service Activity Fund Group                               |                      |    |           |    |           | 99092 |
| 4F30 935603  | Affiliate Services   | \$ | 4,000     | \$ | 4,000     | 99093 |
| 4T20 935605  | Government           | \$ | 7,000     | \$ | 7,000     | 99094 |
| Television/Telecommunications                                      |                      |    |           |    |           |       |
| Operating  |                      |    |           |    |           |       |
| TOTAL ISA Internal Service Activity                                |                      |    |           |    |           | 99095 |
| Fund Group   |                      | \$ | 11,000    | \$ | 11,000    | 99096 |
| TOTAL ALL BUDGET FUND GROUPS                                       |                      | \$ | 9,632,722 | \$ | 9,632,722 | 99097 |
| <br>   |                      |    |           |    |           |       |
| <b>Section 281.20. STATEHOUSE NEWS BUREAU</b>                      |                      |    |           |    |           | 99099 |
| The foregoing appropriation item 935401, Statehouse News           |                      |    |           |    |           | 99100 |
| Bureau, shall be used solely to support the operations of the Ohio |                      |    |           |    |           | 99101 |
| Statehouse News Bureau.  |                      |    |           |    |           | 99102 |

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 99103

The foregoing appropriation item 935402, Ohio Government 99104  
Telecommunications Services, shall be used solely to support the 99105  
operations of Ohio Government Telecommunications Services which 99106  
include providing multimedia support to the state government and 99107  
its affiliated organizations and broadcasting the activities of 99108  
the legislative, judicial, and executive branches of state 99109  
government, among its other functions. 99110

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 99111

The foregoing appropriation item 935410, Content Development, 99112  
Acquisition, and Distribution, shall be used for the development, 99113  
acquisition, and distribution of information resources by public 99114  
media and radio reading services and for educational use in the 99115  
classroom and online. 99116

Of the foregoing appropriation item 935410, Content 99117  
Development, Acquisition, and Distribution, up to \$1,008,099 in 99118  
each fiscal year shall be allocated equally among the Ohio 99119  
educational television stations. Funds shall be used for the 99120  
production of interactive instructional programming series with 99121  
priority given to resources aligned with state academic content 99122  
standards. The programming shall be targeted to the needs of the 99123  
one-third lowest capacity school districts as determined by the 99124  
district's state share index calculated by the Department of 99125  
Education. 99126

Of the foregoing appropriation item 935410, Content 99127  
Development, Acquisition, and Distribution, up to \$2,654,095 in 99128  
each fiscal year shall be distributed by the Broadcast Educational 99129  
Media Commission to Ohio's qualified public educational television 99130  
stations and educational radio stations to support their 99131  
operations. The funds shall be distributed pursuant to an 99132  
allocation formula used by the Ohio Educational Telecommunications 99133

Network Commission unless a substitute formula is developed by the 99134  
Broadcast Educational Media Commission in consultation with Ohio's 99135  
qualified public educational television stations and educational 99136  
radio stations. 99137

Of the foregoing appropriation item 935410, Content 99138  
Development, Acquisition, and Distribution, up to \$294,900 in each 99139  
fiscal year shall be distributed by the Broadcast Educational 99140  
Media Commission to Ohio's qualified radio reading services to 99141  
support their operations. The funds shall be distributed pursuant 99142  
to an allocation formula used by the Ohio Educational 99143  
Telecommunications Network Commission unless a substitute formula 99144  
is developed by the Broadcast Educational Media Commission in 99145  
consultation with Ohio's qualified radio reading services. 99146

**Section 283.10. ETH OHIO ETHICS COMMISSION** 99147

General Revenue Fund 99148

|            |                      |    |           |    |           |       |
|------------|----------------------|----|-----------|----|-----------|-------|
| GRF 146321 | Operating Expenses   | \$ | 1,457,245 | \$ | 1,724,311 | 99149 |
| TOTAL GRF  | General Revenue Fund | \$ | 1,457,245 | \$ | 1,724,311 | 99150 |

Dedicated Purpose Fund Group 99151

|             |                        |    |         |    |         |       |
|-------------|------------------------|----|---------|----|---------|-------|
| 4M60 146601 | Operating Support      | \$ | 862,026 | \$ | 650,000 | 99152 |
| TOTAL DPF   | Dedicated Purpose Fund | \$ | 862,026 | \$ | 650,000 | 99153 |

Group

|                              |  |    |           |    |           |       |
|------------------------------|--|----|-----------|----|-----------|-------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 2,319,271 | \$ | 2,374,311 | 99154 |
|------------------------------|--|----|-----------|----|-----------|-------|

**Section 285.10. EXP OHIO EXPOSITIONS COMMISSION** 99156

General Revenue Fund 99157

|            |                      |    |         |    |         |       |
|------------|----------------------|----|---------|----|---------|-------|
| GRF 723403 | Junior Fair Subsidy  | \$ | 375,000 | \$ | 375,000 | 99158 |
| TOTAL GRF  | General Revenue Fund | \$ | 375,000 | \$ | 375,000 | 99159 |

Dedicated Purpose Fund Group 99160

|             |                 |    |         |    |         |       |
|-------------|-----------------|----|---------|----|---------|-------|
| 4N20 723602 | Ohio State Fair | \$ | 375,000 | \$ | 375,000 | 99161 |
|-------------|-----------------|----|---------|----|---------|-------|

Harness Racing

|   |                                    |    |            |    |            |       |
|---|------------------------------------|----|------------|----|------------|-------|
| 5060 723601                               | Operating Expenses                 | \$ | 15,413,166 | \$ | 15,413,166 | 99162 |
| 5060 723604                               | Grounds Maintenance<br>and Repairs | \$ | 300,000    | \$ | 300,000    | 99163 |
| TOTAL DPF Dedicated Purpose Fund<br>Group |                                    | \$ | 16,088,166 | \$ | 16,088,166 | 99164 |
| TOTAL ALL BUDGET FUND GROUPS              |                                    | \$ | 16,463,166 | \$ | 16,463,166 | 99165 |

STATE FAIR RESERVE 99166

The General Manager of the Expositions Commission, in 99167  
consultation with the Director of Budget and Management, may 99168  
submit a request to the Controlling Board to use available amounts 99169  
in the State Fair Reserve Fund (Fund 6400) if revenues from either 99170  
the 2017 or the 2018 Ohio State Fair are unexpectedly low. 99171

On July 1 of each fiscal year, or as soon as possible 99172  
thereafter, the Director of Budget and Management, in consultation 99173  
with the General Manager of the Expositions Commission, may 99174  
determine that the Ohio Expositions Fund (Fund 5060) has a cash 99175  
balance in excess of the anticipated operating costs of the 99176  
Exposition Commission in that fiscal year. Notwithstanding section 99177  
991.04 of the Revised Code, the Director of Budget and Management 99178  
may transfer an amount up to the excess cash from Fund 5060 to 99179  
Fund 6400 in each fiscal year. 99180

GROUNDS MAINTENANCE AND REPAIRS 99181

The foregoing appropriation item 723604, Grounds Maintenance 99182  
and Repairs, shall be used for maintenance and repairs on the 99183  
grounds of the Ohio Expo Center. 99184

**Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION** 99185

|                      |  |    |            |    |            |       |
|----------------------|--|----|------------|----|------------|-------|
| General Revenue Fund |  |    |            |    |            | 99186 |
| GRF 230321           | Operating Expenses                       | \$ | 6,500,000  | \$ | 6,500,000  | 99187 |
| GRF 230401           | Cultural Facilities<br>Lease Rental Bond | \$ | 30,962,300 | \$ | 32,931,200 | 99188 |

|                  |        |                                      |    |             |    |                   |
|------------------|--------|--------------------------------------|----|-------------|----|-------------------|
|                  |        | Payments                             |    |             |    |                   |
| GRF              | 230458 | State Construction                   | \$ | 1,750,000   | \$ | 1,500,000 99189   |
|                  |        | Management Services                  |    |             |    |                   |
| GRF              | 230908 | Common Schools                       | \$ | 376,134,900 | \$ | 405,025,700 99190 |
|                  |        | General Obligation                   |    |             |    |                   |
|                  |        | Bond Debt Service                    |    |             |    |                   |
| TOTAL GRF        |        | General Revenue Fund                 | \$ | 415,347,200 | \$ | 445,956,900 99191 |
|                  |        | Internal Service Activity Fund Group |    |             |    | 99192             |
| 1310             | 230639 | State Construction                   | \$ | 9,057,889   | \$ | 9,307,889 99193   |
|                  |        | Management Operations                |    |             |    |                   |
| TOTAL ISA        |        | Internal Service Activity            | \$ | 9,057,889   | \$ | 9,307,889 99194   |
|                  |        | Fund Group                           |    |             |    |                   |
| TOTAL ALL BUDGET |        | FUND GROUPS                          | \$ | 424,405,089 | \$ | 455,264,789 99195 |

**Section 287.20.** CULTURAL FACILITIES LEASE RENTAL BOND 99197

PAYMENTS 99198

The foregoing appropriation item 230401, Cultural Facilities 99199  
 Lease Rental Bond Payments shall be used to meet all payments 99200  
 during the period from July 1, 2017, through June 30, 2019, by the 99201  
 Ohio Facilities Construction Commission under the primary leases 99202  
 and agreements for cultural and sports facilities made under 99203  
 Chapters 152. and 154. of the Revised Code. These appropriations 99204  
 are the source of funds pledged for bond service charges on 99205  
 related obligations issued under Chapters 152. and 154. of the 99206  
 Revised Code. 99207

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 99208

The foregoing appropriation item 230908, Common Schools 99209  
 General Obligation Bond Debt Service, shall be used to pay all 99210  
 debt service and related financing costs during the period from 99211  
 July 1, 2017, through June 30, 2019, on obligations issued under 99212  
 sections 151.01 and 151.03 of the Revised Code. 99213

**Section 287.30.** COMMUNITY PROJECT ADMINISTRATION 99214

The foregoing appropriation item 230458, State Construction 99215  
Management Services, shall be used by the Ohio Facilities 99216  
Construction Commission in administering Cultural and Sports 99217  
Facilities Building Fund (Fund 7030) projects pursuant to section 99218  
123.201 of the Revised Code. 99219

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 99220

At the request of the Executive Director of the Ohio 99221  
Facilities Construction Commission, the Director of Budget and 99222  
Management may cancel encumbrances for school district projects 99223  
from a previous biennium if the district has not raised its local 99224  
share of project costs within thirteen months of receiving 99225  
Controlling Board approval under section 3318.05 or 3318.41 of the 99226  
Revised Code. The Executive Director of the Ohio Facilities 99227  
Construction Commission shall certify the amounts of the canceled 99228  
encumbrances to the Director of Budget and Management on a 99229  
quarterly basis. The amounts of the canceled encumbrances are 99230  
hereby appropriated. 99231

**Section 287.40.** CAPITAL DONATIONS FUND CERTIFICATIONS AND 99232  
APPROPRIATIONS 99233

On July 1, 2017, or as soon as possible thereafter, the 99234  
Executive Director of the Ohio Facilities Construction Commission 99235  
shall certify to the Director of Budget and Management the amount 99236  
of cash receipts and related investment income, irrevocable 99237  
letters of credit from a bank, or certification of the 99238  
availability of funds that have been received from a county or a 99239  
municipal corporation for deposit into the Capital Donations Fund 99240  
(Fund 5A10) and that are related to an anticipated project. These 99241  
amounts are hereby appropriated to appropriation item C37146, 99242  
Capital Donations. Prior to certifying these amounts to the 99243

Director, the Executive Director shall make a written agreement 99244  
with the participating entity on the necessary cash flows required 99245  
for the anticipated construction or equipment acquisition project. 99246

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR 99247  
MAINTENANCE LEVY 99248

The Ohio Facilities Construction Commission shall amend the 99249  
project agreement between the Commission and a school district 99250  
that is participating in the Accelerated Urban School Building 99251  
Assistance Program on the effective date of this section, if the 99252  
Commission determines that it is necessary to do so in order to 99253  
comply with division (B)(3)(c) of section 3318.38 of the Revised 99254  
Code. 99255

**Section 287.60.** Notwithstanding any other provision of law to 99256  
the contrary, the Ohio Facilities Construction Commission may 99257  
determine the amount of funding available for disbursement in a 99258  
given fiscal year for any project approved under sections 3318.01 99259  
to 3318.20 of the Revised Code in order to keep aggregate state 99260  
capital spending within approved limits and may take actions 99261  
including, but not limited to, determining the schedule for design 99262  
or bidding of approved projects, to ensure appropriate and 99263  
supportable cash flow. 99264

**Section 287.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 99265  
DISTRICT 99266

Notwithstanding division (B) of section 3318.40 of the 99267  
Revised Code, the Ohio Facilities Construction Commission may 99268  
provide assistance to at least one joint vocational school 99269  
district each fiscal year for the acquisition of classroom 99270  
facilities in accordance with sections 3318.40 to 3318.45 of the 99271  
Revised Code. 99272

|  |                        |              |              |       |
|--|------------------------|--------------|--------------|-------|
| <b>Section 289.10. GOV OFFICE OF THE GOVERNOR</b>                  |                        |              |              | 99273 |
| General Revenue Fund   |                        |              |              | 99274 |
| GRF 040321   | Operating Expenses     | \$ 2,953,131 | \$ 2,953,131 | 99275 |
| TOTAL GRF General Revenue Fund                                     |                        |              |              | 99276 |
| Internal Service Activity Fund Group                               |                        |              |              | 99277 |
| 5AK0 040607  | Government Relations   | \$ 313,870   | \$ 313,870   | 99278 |
| TOTAL ISA Internal Service Activity                                |                        |              |              | 99279 |
| Fund Group   |                        |              |              | 99280 |
| TOTAL ALL BUDGET FUND GROUPS                                       |                        |              |              | 99281 |
| GOVERNMENT RELATIONS   |                        |              |              | 99282 |
| A portion of the foregoing appropriation item 040607,              |                        |              |              | 99283 |
| Government Relations, may be used to support Ohio's membership in  |                        |              |              | 99284 |
| national or regional associations.                                 |                        |              |              | 99285 |
| The Office of the Governor may charge any state agency of the      |                        |              |              | 99286 |
| executive branch using an intrastate transfer voucher such amounts |                        |              |              | 99287 |
| necessary to defray the costs incurred for the conduct of          |                        |              |              | 99288 |
| governmental relations associated with issues that can be          |                        |              |              | 99289 |
| attributed to the agency. Amounts collected shall be deposited in  |                        |              |              | 99290 |
| the Government Relations Fund (Fund 5AK0).                         |                        |              |              | 99291 |
| <b>Section 291.10. DOH DEPARTMENT OF HEALTH</b>                    |                        |              |              | 99292 |
| General Revenue Fund   |                        |              |              | 99293 |
| GRF 440413   | Local Health           | \$ 2,000,000 | \$ 2,500,000 | 99294 |
| Departments  |                        |              |              |       |
| GRF 440416   | Mothers and Children   | \$ 4,428,015 | \$ 4,428,015 | 99295 |
| Safety Network   |                        |              |              |       |
| GRF 440431   | Free Clinic Safety Net | \$ 437,326   | \$ 437,326   | 99296 |
| Services   |                        |              |              |       |
| GRF 440438   | Breast and Cervical    | \$ 658,574   | \$ 658,574   | 99297 |
| Cancer Screening   |                        |              |              |       |

|             |   |    |            |    |            |       |
|-------------|---|----|------------|----|------------|-------|
| GRF 440444  | AIDS Prevention and Treatment             | \$ | 3,089,621  | \$ | 4,089,621  | 99298 |
| GRF 440451  | Public Health Laboratory                  | \$ | 3,756,782  | \$ | 3,756,782  | 99299 |
| GRF 440452  | Child and Family Health Services Match    | \$ | 598,922    | \$ | 598,922    | 99300 |
| GRF 440453  | Health Care Quality Assurance             | \$ | 5,188,374  | \$ | 5,188,374  | 99301 |
| GRF 440454  | Environmental Health/Radiation Protection | \$ | 1,209,430  | \$ | 1,209,430  | 99302 |
| GRF 440459  | Help Me Grow                              | \$ | 20,598,171 | \$ | 20,598,171 | 99303 |
| GRF 440465  | Federally Qualified Health Centers        | \$ | 2,418,019  | \$ | 2,418,019  | 99304 |
| GRF 440472  | Alcohol Testing                           | \$ | 1,058,532  | \$ | 1,058,532  | 99305 |
| GRF 440473  | Tobacco Use Prevention and Cessation      | \$ | 4,000,000  | \$ | 4,000,000  | 99306 |
| GRF 440474  | Infant Vitality                           | \$ | 7,116,688  | \$ | 7,116,688  | 99307 |
| GRF 440477  | Emergency Preparation and Response        | \$ | 2,000,000  | \$ | 2,000,000  | 99308 |
| GRF 440482  | Chronic Disease/Health Promotion          | \$ | 3,782,725  | \$ | 3,782,725  | 99309 |
| GRF 440483  | Infectious Disease Prevention and Control | \$ | 5,159,045  | \$ | 5,159,045  | 99310 |
| GRF 440505  | Medically Handicapped Children            | \$ | 7,512,451  | \$ | 7,512,451  | 99311 |
| GRF 440507  | Targeted Health Care Services-Over 21     | \$ | 1,090,414  | \$ | 1,090,414  | 99312 |
| GRF 654453  | Medicaid - Health Care Quality Assurance  | \$ | 3,700,000  | \$ | 3,700,000  | 99313 |
| TOTAL GRF   | General Revenue Fund                      | \$ | 79,803,089 | \$ | 81,303,089 | 99314 |
|             | Highway Safety Fund Group                 |    |            |    |            | 99315 |
| 4T40 440603 | Child Highway Safety                      | \$ | 300,000    | \$ | 300,000    | 99316 |

|  |    |            |    |            |       |
|--|----|------------|----|------------|-------|
| TOTAL HSF Highway Safety Fund Group              | \$ | 300,000    | \$ | 300,000    | 99317 |
| Dedicated Purpose Fund Group                     |    |            |    |            | 99318 |
| 4700 440647 Fee Supported Programs               | \$ | 29,291,999 | \$ | 29,565,771 | 99319 |
| 4710 440619 Certificate of Need                  | \$ | 878,433    | \$ | 878,433    | 99320 |
| 4730 440622 Lab Operating Expenses               | \$ | 6,900,000  | \$ | 6,900,000  | 99321 |
| 4770 440627 Medically Handicapped Children Audit | \$ | 2,500,000  | \$ | 2,500,000  | 99322 |
| 4D60 440608 Genetics Services                    | \$ | 3,311,039  | \$ | 3,311,039  | 99323 |
| 4F90 440610 Sickle Cell Disease Control          | \$ | 1,032,824  | \$ | 1,032,824  | 99324 |
| 4G00 440636 Heirloom Birth Certificate           | \$ | 15,000     | \$ | 15,000     | 99325 |
| 4G00 440637 Birth Certificate Surcharge          | \$ | 15,000     | \$ | 15,000     | 99326 |
| 4L30 440609 HIV Care and Miscellaneous Expenses  | \$ | 21,000,000 | \$ | 20,000,000 | 99327 |
| 4P40 440628 Ohio Physician Loan Repayment        | \$ | 700,000    | \$ | 700,000    | 99328 |
| 4V60 440641 Save Our Sight                       | \$ | 2,750,000  | \$ | 2,750,000  | 99329 |
| 5B50 440616 Quality, Monitoring, and Inspection  | \$ | 736,194    | \$ | 736,194    | 99330 |
| 5BX0 440656 Tobacco Use Prevention               | \$ | 7,100,000  | \$ | 7,100,000  | 99331 |
| 5CN0 440645 Choose Life                          | \$ | 150,000    | \$ | 60,000     | 99332 |
| 5D60 440620 Second Chance Trust                  | \$ | 1,000,000  | \$ | 1,000,000  | 99333 |
| 5ED0 440651 Smoke Free Indoor Air                | \$ | 500,000    | \$ | 500,000    | 99334 |
| 5G40 440639 Adoption Services                    | \$ | 20,000     | \$ | 20,000     | 99335 |
| 5PE0 440659 Breast and Cervical Cancer Services  | \$ | 200,000    | \$ | 200,000    | 99336 |
| 5QH0 440661 Dental Hygienist                     | \$ | 5,000      | \$ | 5,000      | 99337 |

|           |        |   |    |             |    |             |       |
|-----------|--------|---|----|-------------|----|-------------|-------|
|           |        | Resource Shortage<br>Area                                   |    |             |    |             |       |
| 5QJ0      | 440662 | Dental Hygienist Loan<br>Repayments                         | \$ | 135,000     | \$ | 135,000     | 99338 |
| 5SH0      | 440520 | Children's Wish Grant<br>Program                            | \$ | 150,000     | \$ | 150,000     | 99339 |
| 5Z70      | 440624 | Ohio Dentist Loan<br>Repayment                              | \$ | 200,000     | \$ | 200,000     | 99340 |
| 6100      | 440626 | Radiation Emergency<br>Response                             | \$ | 1,210,000   | \$ | 1,300,000   | 99341 |
| 6660      | 440607 | Medically Handicapped<br>Children - County<br>Assessments   | \$ | 21,739,617  | \$ | 21,739,617  | 99342 |
| 6980      | 440634 | Nurse Aide Training   | \$ | 150,000     | \$ | 150,000     | 99343 |
| TOTAL DPF |        | Dedicated Purpose Fund<br>Group                             | \$ | 101,690,106 | \$ | 100,963,878 | 99344 |
|           |        | Internal Service Activity Fund Group                        |    |             |    |             | 99345 |
| 1420      | 440646 | Agency Health<br>Services                                   | \$ | 4,500,000   | \$ | 4,500,000   | 99346 |
| 2110      | 440613 | Central Support<br>Indirect Costs                           | \$ | 27,000,000  | \$ | 27,000,000  | 99347 |
| TOTAL ISA |        | Internal Service Activity<br>Fund Group                     | \$ | 31,500,000  | \$ | 31,500,000  | 99348 |
|           |        | Holding Account Fund Group                                  |    |             |    |             | 99349 |
| R014      | 440631 | Vital Statistics  | \$ | 44,986      | \$ | 44,986      | 99350 |
| R048      | 440625 | Refunds, Grants<br>Reconciliation, and<br>Audit Settlements | \$ | 20,000      | \$ | 20,000      | 99351 |
| TOTAL HLD |        | Holding Account Fund<br>Group                               | \$ | 64,986      | \$ | 64,986      | 99352 |
|           |        | Federal Fund Group  |    |             |    |             | 99353 |
| 3200      | 440601 | Maternal Child Health                                       | \$ | 23,500,000  | \$ | 23,500,000  | 99354 |

|                              |                    |  |    |             |    |                   |
|------------------------------|--------------------|--|----|-------------|----|-------------------|
|                              |                    | Block Grant                                |    |             |    |                   |
| 3870                         | 440602             | Preventive Health                          | \$ | 8,800,000   | \$ | 8,800,000 99355   |
|                              |                    | Block Grant                                |    |             |    |                   |
| 3890                         | 440604             | Women, Infants, and<br>Children            | \$ | 230,000,000 | \$ | 230,000,000 99356 |
| 3910                         | 440606             | Medicare Survey and<br>Certification       | \$ | 17,000,000  | \$ | 17,000,000 99357  |
| 3920                         | 440618             | Federal Public Health<br>Programs          | \$ | 93,198,791  | \$ | 93,198,791 99358  |
| 3GD0                         | 654601             | Medicaid Program<br>Support                | \$ | 24,630,029  | \$ | 25,340,949 99359  |
| 3GN0                         | 440660             | Public Health<br>Emergency<br>Preparedness | \$ | 27,941,795  | \$ | 27,941,795 99360  |
| TOTAL FED                    | Federal Fund Group |  | \$ | 425,070,615 | \$ | 425,781,535 99361 |
| TOTAL ALL BUDGET FUND GROUPS |                    |  | \$ | 638,428,796 | \$ | 639,913,488 99362 |

**Section 291.20.** MOTHERS AND CHILDREN SAFETY NETWORK 99364

Of the foregoing appropriation item 440416, Mothers and 99365  
 Children Safety Network, \$200,000 in each fiscal year shall be 99366  
 used to assist families with hearing impaired children under 99367  
 twenty-one years of age in purchasing hearing aids and hearing 99368  
 assistive technology. The Director of Health shall adopt rules 99369  
 governing the distribution of these funds, including rules that do 99370  
 both of the following: (1) establish eligibility criteria to 99371  
 include families with incomes at or below four hundred per cent of 99372  
 the federal poverty guidelines as defined in section 5101.46 of 99373  
 the Revised Code, and (2) develop a sliding scale of disbursements 99374  
 under this section based on family income. The Director may adopt 99375  
 other rules as necessary to implement this section. Rules adopted 99376  
 under this section shall be adopted in accordance with Chapter 99377  
 119. of the Revised Code. 99378

AIDS PREVENTION AND TREATMENT 99379

The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to administer educational and other prevention initiatives.

FEDERALLY QUALIFIED HEALTH CENTERS

The foregoing appropriation item 440465, Federally Qualified Health Centers, shall be provided to the Ohio Association of Community Health Centers to administer the FQHC Primary Care Workforce Initiative. The Initiative shall provide medical, dental, behavioral health, physician assistant, and advanced practice nursing students with clinical rotations through federally qualified health centers. The Initiative shall also assist federally qualified health centers with developing recruitment and retention practices for these professional designations.

TOBACCO USE PREVENTION AND CESSATION

Of the foregoing appropriation item 440473, Tobacco Use Prevention and Cessation, \$500,000 in each fiscal year shall be used to award grants in accordance with the section of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM."

INFANT VITALITY

The foregoing appropriation item 440474, Infant Vitality, shall be used to fund a multi-pronged population health approach to address infant mortality. This approach may include the following: increasing awareness; supporting data collection; analysis and interpretation to inform decision-making and ensure accountability; targeting resources where the need is greatest; and implementing quality improvement science and programming that is evidence-based or based on emerging practices. Measurable interventions may include activities related to safe sleep, community engagement, Centering Pregnancy, newborn screening, safe birth spacing, gestational diabetes, smoking cessation,

|   |       |
|---|-------|
| breastfeeding, care coordination, and progesterone.               | 99411 |
| EMERGENCY PREPARATION AND RESPONSE                                | 99412 |
| The foregoing appropriation item 440477, Emergency                | 99413 |
| Preparation and Response, shall be used to support public health  | 99414 |
| emergency preparedness and response efforts at the state level or | 99415 |
| at a regional sub-level within the state, and may also be used to | 99416 |
| support data infrastructure projects related to public health     | 99417 |
| emergency preparedness/response.                                  | 99418 |
| TARGETED HEALTH CARE SERVICES-OVER 21                             | 99419 |
| The foregoing appropriation item 440507, Targeted Health Care     | 99420 |
| Services-Over 21, shall be used to administer the Cystic Fibrosis | 99421 |
| Program and to implement the Hemophilia Insurance Premium Payment | 99422 |
| Program. The Department of Health shall expend \$100,000 in each  | 99423 |
| fiscal year to implement the Hemophilia Insurance Premium Payment | 99424 |
| Program.  | 99425 |
| The foregoing appropriation item 440507, Targeted Health Care     | 99426 |
| Services-Over 21, shall also be used to provide essential         | 99427 |
| medications and to pay the copayments for drugs approved by the   | 99428 |
| Department of Health and covered by Medicare Part D that are      | 99429 |
| dispensed to Bureau for Children with Medical Handicaps (BCMH)    | 99430 |
| participants for the Cystic Fibrosis Program.                     | 99431 |
| The Department shall expend all of these funds.                   | 99432 |
| FEE SUPPORTED PROGRAMS  | 99433 |
| Of the foregoing appropriation item 440647, Fee Supported         | 99434 |
| Programs, \$2,160,000 in each fiscal year shall be used to        | 99435 |
| distribute subsidies to local health departments on a per capita  | 99436 |
| basis.  | 99437 |
| CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE CENTRAL     | 99438 |
| SUPPORT INDIRECT COSTS FUND                                       | 99439 |
| On July 1, 2018, or as soon as possible thereafter, the           | 99440 |

Director of Budget and Management may transfer up to \$400,000 cash 99441  
from the General Operations Fund (Fund 4700) to the Central 99442  
Support Indirect Costs Fund (Fund 2110). Any transferred cash is 99443  
hereby appropriated. 99444

MEDICALLY HANDICAPPED CHILDREN AUDIT 99445

The Medically Handicapped Children Audit Fund (Fund 4770) 99446  
shall receive revenue from audits of hospitals and recoveries from 99447  
third-party payers. Moneys may be expended for payment of audit 99448  
settlements and for costs directly related to obtaining recoveries 99449  
from third-party payers and for encouraging Medically Handicapped 99450  
Children's Program recipients to apply for third-party benefits. 99451  
Moneys also may be expended for payments for diagnostic and 99452  
treatment services on behalf of medically handicapped children, as 99453  
defined in division (A) of section 3701.022 of the Revised Code, 99454  
and Ohio residents who are twenty-one or more years of age and who 99455  
are suffering from cystic fibrosis or hemophilia. Moneys may also 99456  
be expended for administrative expenses incurred in operating the 99457  
Medically Handicapped Children's Program. 99458

GENETICS SERVICES 99459

The foregoing appropriation item 440608, Genetics Services 99460  
(Fund 4D60), shall be used by the Department of Health to 99461  
administer programs authorized by sections 3701.501 and 3701.502 99462  
of the Revised Code. None of these funds shall be used to counsel 99463  
or refer for abortion, except in the case of a medical emergency. 99464

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 99465

The foregoing appropriation item 440607, Medically 99466  
Handicapped Children - County Assessments (Fund 6660), shall be 99467  
used to make payments under division (E) of section 3701.023 of 99468  
the Revised Code. 99469

**Section 291.30.** MOMS QUIT FOR TWO GRANT PROGRAM 99470

(A) The Department of Health shall create the Moms Quit for Two Grant Program. Recognizing the significant health risks posed to women and their children by tobacco use during and after pregnancy, the Department shall award grants to private, nonprofit entities or government entities that demonstrate the ability to deliver evidence-based tobacco cessation interventions to women who reside in communities that have the highest incidence of infant mortality, as determined by the Director of Health, and who are pregnant or live with children. Funds awarded under this section shall not be used to provide tobacco cessation interventions to women who are eligible for Medicaid. The Department may adopt any rules it considers necessary to administer the Program.

(B) The Department shall create a grant application and develop a process for receiving and evaluating completed grant applications on a competitive basis. The Department shall give first preference to the entities described in division (A) of this section that are able to target the interventions to pregnant women and second preference to such entities that are able to target the interventions to women living with children. The Department's decision regarding a submitted grant application is final.

(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

(D) Not later than December 31, 2017, the Department shall evaluate the program and prepare a report describing its findings and make a recommendation on whether the Program should be continued. The Department shall provide a copy of the report to the Governor and General Assembly. The copy to the General Assembly shall be provided in accordance with section 101.68 of the Revised Code. The Department also shall make the report

available to the public on the Department's internet web site. 99503

**Section 291.40. WIC VENDOR CONTRACTS** 99504

(A) As used in this section, "WIC" means the Special 99505  
Supplemental Nutrition Program for Women, Infants, and Children 99506  
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 99507  
42 U.S.C. 1786, as amended. 99508

(B) During fiscal year 2018 and fiscal year 2019, the 99509  
Department of Health shall process and review a WIC vendor 99510  
contract application pursuant to Chapter 3701-42 of the 99511  
Administrative Code not later than forty-five days after receipt 99512  
of the application if the applicant is a WIC-contracted vendor at 99513  
the time of application and meets all of the following 99514  
requirements: 99515

(1) Submits a complete WIC vendor application with all 99516  
required documents and information; 99517

(2) Passes the required unannounced preauthorization visit 99518  
within forty-five days of submitting a complete application; 99519

(3) Completes the required in-person training within 99520  
forty-five days of submitting the complete application. 99521

(C) If an applicant fails to meet any of the requirements 99522  
described in division (B) of this section, the Department shall 99523  
deny the application for the contract. After an application has 99524  
been denied, the applicant may reapply for a contract to act as a 99525  
WIC vendor during the contracting cycle that is applicable to the 99526  
applicant's WIC region. 99527

**Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION** 99528

Dedicated Purpose Fund Group 99529

4610 372601 Operating Expenses \$ 12,500 \$ 12,500 99530

TOTAL DPF Dedicated Purpose Fund \$ 12,500 \$ 12,500 99531

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 99532

**Section 295.10.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 99534

General Revenue Fund 99535

GRF 148321 Operating Expenses \$ 459,170 \$ 474,624 99536

TOTAL GRF General Revenue Fund \$ 459,170 \$ 474,624 99537

Dedicated Purpose Fund Group 99538

6010 148602 Special Initiatives \$ 24,558 \$ 24,558 99539

TOTAL DPF Dedicated Purpose 99540

Fund Group \$ 24,558 \$ 24,558 99541

TOTAL ALL BUDGET FUND GROUPS \$ 483,728 \$ 499,182 99542

**Section 297.10.** OHS OHIO HISTORY CONNECTION 99544

General Revenue Fund 99545

GRF 360501 Education and Collections \$ 4,218,997 \$ 4,218,997 99546

GRF 360502 Site and Museum Operations \$ 5,941,086 \$ 5,941,086 99547

GRF 360504 Ohio Preservation Office \$ 290,000 \$ 290,000 99548

GRF 360505 National Afro-American Museum \$ 500,000 \$ 500,000 99549

GRF 360506 Hayes Presidential Center \$ 500,000 \$ 500,000 99550

GRF 360509 Outreach and Partnership \$ 160,395 \$ 160,395 99551

TOTAL GRF General Revenue Fund \$ 11,610,478 \$ 11,610,478 99552

Dedicated Purpose Fund Group 99553

5KL0 360602 Ohio History Tax Check-off \$ 150,000 \$ 150,000 99554

5PD0 360603 Ohio History License \$ 10,000 \$ 10,000 99555



|                                      |    |            |    |            |       |
|--------------------------------------|----|------------|----|------------|-------|
| General Revenue Fund                 |    |            |    |            | 99584 |
| GRF 025321 Operating Expenses        | \$ | 25,272,941 | \$ | 25,272,941 | 99585 |
| TOTAL GRF General Revenue Fund       | \$ | 25,272,941 | \$ | 25,272,941 | 99586 |
| Internal Service Activity Fund Group |    |            |    |            | 99587 |
| 1030 025601 House of                 | \$ | 1,433,664  | \$ | 1,433,664  | 99588 |
| Representatives                      |    |            |    |            |       |
| Reimbursement                        |    |            |    |            |       |
| 4A40 025602 Miscellaneous Sales      | \$ | 37,849     | \$ | 37,849     | 99589 |
| TOTAL Internal Service Activity      |    |            |    |            | 99590 |
| Fund Group                           | \$ | 1,471,513  | \$ | 1,471,513  | 99591 |
| TOTAL ALL BUDGET FUND GROUPS         | \$ | 26,744,454 | \$ | 26,744,454 | 99592 |

OPERATING EXPENSES 99593

On July 1, 2017, or as soon as possible thereafter, the Chief 99594  
 Administrative Officer of the House of Representatives may certify 99595  
 to the Director of Budget and Management an amount up to the 99596  
 unexpended, unencumbered balance of the foregoing appropriation 99597  
 item 025321, Operating Expenses, at the end of fiscal year 2017 to 99598  
 be reappropriated to fiscal year 2018. The amount certified is 99599  
 hereby reappropriated to the same appropriation item for fiscal 99600  
 year 2018. 99601

On July 1, 2018, or as soon as possible thereafter, the Chief 99602  
 Administrative Officer of the House of Representatives may certify 99603  
 to the Director of Budget and Management an amount up to the 99604  
 unexpended, unencumbered balance of the foregoing appropriation 99605  
 item 025321, Operating Expenses, at the end of fiscal year 2018 to 99606  
 be reappropriated to fiscal year 2019. The amount certified is 99607  
 hereby reappropriated to the same appropriation item for fiscal 99608  
 year 2019. 99609

HOUSE REIMBURSEMENT 99610

If it is determined by the Chief Administrative Officer of 99611  
 the House of Representatives that additional appropriations are 99612

necessary for the foregoing appropriation item 025601, House 99613  
Reimbursement, the amounts are hereby appropriated. 99614

**Section 301.10. HFA OHIO HOUSING FINANCE AGENCY 99615**

Dedicated Purpose Fund Group 99616

5AZ0 997601 Housing Finance Agency \$ 12,413,447 \$ 12,789,824 99617

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 12,413,447 \$ 12,789,824 99618

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,413,447 \$ 12,789,824 99619

**Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL 99621**

General Revenue Fund 99622

GRF 965321 Operating Expenses \$ 1,401,581 \$ 1,401,581 99623

TOTAL GRF General Revenue Fund \$ 1,401,581 \$ 1,401,581 99624

Internal Service Activity Fund Group 99625

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 99626

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 99627

General for BWC/OIC

TOTAL ISA Internal Service Activity 99628

Fund Group \$ 825,000 \$ 825,000 99629

TOTAL ALL BUDGET FUND GROUPS \$ 2,226,581 \$ 2,226,581 99630

**Section 305.10. INS DEPARTMENT OF INSURANCE 99632**

Dedicated Purpose Fund Group 99633

5540 820601 Operating Expenses - \$ 180,000 \$ 180,000 99634

OSHIIP

5540 820606 Operating Expenses \$ 27,237,840 \$ 27,237,840 99635

5550 820605 Examination \$ 8,327,549 \$ 8,327,549 99636

5PT0 820613 Captive Insurance \$ 998,696 \$ 998,696 99637

Regulation &

Supervision

|                              |    |            |               |       |
|------------------------------|----|------------|---------------|-------|
| TOTAL DPF Dedicated Purpose  |    |            |               | 99638 |
| Fund Group                   | \$ | 36,744,085 | \$ 36,744,085 | 99639 |
| Federal Fund Group           |    |            |               | 99640 |
| 3U50 820602 OSHIIP Operating | \$ | 2,393,150  | \$ 2,393,150  | 99641 |
| Grant                        |    |            |               |       |
| TOTAL FED Federal Fund Group | \$ | 2,393,150  | \$ 2,393,150  | 99642 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 39,137,235 | \$ 39,137,235 | 99643 |

MARKET CONDUCT EXAMINATION 99644

When conducting a market conduct examination of any insurer 99645  
 doing business in this state, the Superintendent of Insurance may 99646  
 assess the costs of the examination against the insurer. The 99647  
 Superintendent may enter into consent agreements to impose 99648  
 administrative assessments or fines for conduct discovered that 99649  
 may be violations of statutes or rules administered by the 99650  
 Superintendent. All costs, assessments, or fines collected shall 99651  
 be deposited to the credit of the Department of Insurance 99652  
 Operating Fund (Fund 5540). 99653

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 99654

The Director of Budget and Management, at the request of the 99655  
 Superintendent of Insurance, may transfer cash from the Department 99656  
 of Insurance Operating Fund (Fund 5540), established by section 99657  
 3901.021 of the Revised Code, to the Superintendent's Examination 99658  
 Fund (Fund 5550), established by section 3901.071 of the Revised 99659  
 Code, only for expenses incurred in examining domestic fraternal 99660  
 benefit societies as required by section 3921.28 of the Revised 99661  
 Code. 99662

TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION 99663  
 AND SUPERVISION 99664

When funds from captive insurance company application fees, 99665  
 reimbursements from captive insurance companies for examinations, 99666

and other sources have accrued to the Captive Insurance Regulation 99667  
and Supervision Fund (Fund 5PT0) in such amounts as are deemed 99668  
sufficient to sustain operations, the Director of Budget and 99669  
Management, in consultation with the Superintendent of Insurance, 99670  
shall establish a schedule for repaying the amounts previously 99671  
transferred during fiscal years 2016 and 2017 from Fund 5PT0 to 99672  
Fund 5540. 99673

**Section 307.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 99674

|                      |                        |    |             |    |             |       |
|----------------------|------------------------|----|-------------|----|-------------|-------|
| General Revenue Fund |                        |    |             |    | 99675       |       |
| GRF 600321           | Program Support        | \$ | 30,043,219  | \$ | 30,043,219  | 99676 |
| GRF 600410           | TANF State Maintenance | \$ | 152,886,934 | \$ | 152,886,934 | 99677 |
|                      | of Effort              |    |             |    |             |       |
| GRF 600413           | Child Care             | \$ | 84,732,730  | \$ | 84,732,730  | 99678 |
|                      | State/Maintenance of   |    |             |    |             |       |
|                      | Effort                 |    |             |    |             |       |
| GRF 600416           | Information Technology | \$ | 69,615,048  | \$ | 70,056,647  | 99679 |
|                      | Projects               |    |             |    |             |       |
| GRF 600420           | Child Support Programs | \$ | 6,780,203   | \$ | 6,780,203   | 99680 |
| GRF 600421           | Family Assistance      | \$ | 3,199,313   | \$ | 3,199,313   | 99681 |
|                      | Programs               |    |             |    |             |       |
| GRF 600423           | Families and Children  | \$ | 18,219,491  | \$ | 18,219,491  | 99682 |
|                      | Programs               |    |             |    |             |       |
| GRF 600445           | Unemployment Insurance | \$ | 23,887,879  | \$ | 23,887,879  | 99683 |
|                      | Administration         |    |             |    |             |       |
| GRF 600502           | Child Support - Local  | \$ | 23,814,103  | \$ | 23,814,103  | 99684 |
| GRF 600511           | Disability Financial   | \$ | 4,048,920   | \$ | 0           | 99685 |
|                      | Assistance             |    |             |    |             |       |
| GRF 600521           | Family Assistance -    | \$ | 46,132,751  | \$ | 46,132,751  | 99686 |
|                      | Local                  |    |             |    |             |       |
| GRF 600523           | Family and Children    | \$ | 65,755,323  | \$ | 65,755,323  | 99687 |
|                      | Services               |    |             |    |             |       |

|             |   |    |             |    |             |       |
|-------------|---|----|-------------|----|-------------|-------|
| GRF 600528  | Adoption Services   | \$ | 29,817,028  | \$ | 29,817,028  | 99688 |
| GRF 600533  | Child, Family, and<br>Community Protection<br>Services      | \$ | 13,500,000  | \$ | 13,500,000  | 99689 |
| GRF 600534  | Adult Protective<br>Services                                | \$ | 2,640,000   | \$ | 2,640,000   | 99690 |
| GRF 600535  | Early Care and<br>Education                                 | \$ | 143,436,793 | \$ | 143,436,793 | 99691 |
| GRF 600541  | Kinship Permanency<br>Incentive Program                     | \$ | 1,000,000   | \$ | 1,000,000   | 99692 |
| GRF 655425  | Medicaid Program<br>Support                                 | \$ | 7,751,500   | \$ | 7,751,500   | 99693 |
| GRF 655522  | Medicaid Program<br>Support - Local                         | \$ | 38,267,970  | \$ | 38,267,970  | 99694 |
| GRF 655523  | Medicaid Program<br>Support - Local<br>Transportation       | \$ | 45,080,495  | \$ | 0           | 99695 |
| TOTAL GRF   | General Revenue Fund  | \$ | 810,609,700 | \$ | 761,921,884 | 99696 |
|             | Dedicated Purpose Fund Group                                |    |             |    |             | 99697 |
| 1980 600647 | Children's Trust Fund                                       | \$ | 5,000,000   | \$ | 5,000,000   | 99698 |
| 4A80 600658 | Public Assistance<br>Activities                             | \$ | 26,000,000  | \$ | 26,000,000  | 99699 |
| 4A90 600607 | Unemployment<br>Compensation<br>Administration Fund         | \$ | 14,000,000  | \$ | 14,000,000  | 99700 |
| 4E70 600604 | Family and Children<br>Services Putative<br>Father Registry | \$ | 650,000     | \$ | 650,000     | 99701 |
| 4F10 600609 | Family and Children<br>Activities                           | \$ | 708,000     | \$ | 708,000     | 99702 |
| 5DM0 600633 | Audit Settlements and<br>Contingency                        | \$ | 5,000,000   | \$ | 5,000,000   | 99703 |
| 5ES0 600630 | Food Bank Assistance  | \$ | 500,000     | \$ | 500,000     | 99704 |

|           |        |   |    |             |    |             |       |
|-----------|--------|---|----|-------------|----|-------------|-------|
| 5HC0      | 600695 | Unemployment<br>Compensation Interest   | \$ | 2,000,000   | \$ | 2,000,000   | 99705 |
| 5KT0      | 600696 | Early Childhood<br>Education            | \$ | 20,000,000  | \$ | 20,000,000  | 99706 |
| 5NG0      | 600660 | Victims of Human<br>Trafficking         | \$ | 100,000     | \$ | 100,000     | 99707 |
| 5RX0      | 600699 | Workforce Development<br>Projects       | \$ | 2,000,000   | \$ | 2,000,000   | 99708 |
| 5RY0      | 600698 | Human Services<br>Project               | \$ | 3,941,500   | \$ | 3,064,000   | 99709 |
| 5U60      | 600663 | Family and Children<br>Support          | \$ | 3,000,000   | \$ | 3,000,000   | 99710 |
| TOTAL DPF |        | Dedicated Purpose Fund<br>Group         | \$ | 82,899,500  | \$ | 82,022,000  | 99711 |
|           |        | Internal Service Activity Fund Group    |    |             |    |             | 99712 |
| 5HL0      | 600602 | State and County<br>Shared Services     | \$ | 2,000,000   | \$ | 2,000,000   | 99713 |
| TOTAL ISA |        | Internal Service Activity<br>Fund Group | \$ | 2,000,000   | \$ | 2,000,000   | 99714 |
|           |        | Fiduciary Fund Group                    |    |             |    |             | 99715 |
| 1920      | 600646 | Child Support<br>Intercept - Federal    | \$ | 110,000,000 | \$ | 110,000,000 | 99716 |
| 5830      | 600642 | Child Support<br>Intercept - State      | \$ | 14,000,000  | \$ | 14,000,000  | 99717 |
| 5B60      | 600601 | Food Assistance<br>Intercept            | \$ | 1,000,000   | \$ | 1,000,000   | 99718 |
| TOTAL FID |        | Fiduciary Fund Group                    | \$ | 125,000,000 | \$ | 125,000,000 | 99719 |
|           |        | Holding Account Fund Group              |    |             |    |             | 99720 |
| R012      | 600643 | Refunds and Audit<br>Settlements        | \$ | 500,000     | \$ | 500,000     | 99721 |
| TOTAL HLD |        | Holding Account Fund<br>Group           | \$ | 500,000     | \$ | 500,000     | 99722 |

|                    |   |    |             |    |             |       |
|--------------------|---|----|-------------|----|-------------|-------|
| Federal Fund Group |   |    |             |    | 99723       |       |
| 3270 600606        | Child Welfare   | \$ | 27,500,000  | \$ | 27,500,000  | 99724 |
| 3310 600615        | Veterans Programs                                       | \$ | 7,000,000   | \$ | 7,000,000   | 99725 |
| 3310 600624        | Employment Services<br>Programs                         | \$ | 26,000,000  | \$ | 26,000,000  | 99726 |
| 3310 600686        | Workforce Programs                                      | \$ | 5,800,000   | \$ | 5,800,000   | 99727 |
| 3840 600610        | Food Assistance<br>Programs                             | \$ | 145,000,000 | \$ | 145,000,000 | 99728 |
| 3850 600614        | Refugee Services  | \$ | 14,000,000  | \$ | 14,000,000  | 99729 |
| 3950 600616        | Federal Discretionary<br>Grants                         | \$ | 1,500,000   | \$ | 1,500,000   | 99730 |
| 3960 600620        | Social Services Block<br>Grant                          | \$ | 42,000,000  | \$ | 42,000,000  | 99731 |
| 3970 600626        | Child Support -<br>Federal                              | \$ | 175,000,000 | \$ | 175,000,000 | 99732 |
| 3980 600627        | Adoption Program -<br>Federal                           | \$ | 175,000,000 | \$ | 175,000,000 | 99733 |
| 3A20 600641        | Emergency Food<br>Distribution                          | \$ | 4,000,000   | \$ | 4,000,000   | 99734 |
| 3AW0 600675        | Faith Based<br>Initiatives                              | \$ | 3,000,000   | \$ | 3,000,000   | 99735 |
| 3D30 600648        | Children's Trust Fund<br>Federal                        | \$ | 2,000,000   | \$ | 2,000,000   | 99736 |
| 3F01 655624        | Medicaid Program<br>Support - Federal                   | \$ | 185,598,365 | \$ | 174,491,905 | 99737 |
| 3H70 600617        | Child Care Federal                                      | \$ | 231,000,000 | \$ | 232,000,000 | 99738 |
| 3N00 600628        | Foster Care Program -<br>Federal                        | \$ | 240,000,000 | \$ | 240,000,000 | 99739 |
| 3S50 600622        | Child Support Projects                                  | \$ | 534,050     | \$ | 534,050     | 99740 |
| 3V00 600688        | Workforce Innovation<br>and Opportunity Act<br>Programs | \$ | 108,000,000 | \$ | 108,000,000 | 99741 |
| 3V40 600632        | Trade Programs  | \$ | 20,000,000  | \$ | 20,000,000  | 99742 |

|                              |   |                  |                  |       |
|------------------------------|---|------------------|------------------|-------|
| 3V40 600678                  | Federal Unemployment Programs                         | \$ 85,814,212    | \$ 80,814,212    | 99743 |
| 3V40 600679                  | Unemployment Compensation Review Commission - Federal | \$ 5,000,000     | \$ 5,000,000     | 99744 |
| 3V60 600689                  | TANF Block Grant                                      | \$ 836,437,504   | \$ 848,935,211   | 99745 |
| TOTAL FED                    | Federal Fund Group                                    | \$ 2,340,184,131 | \$ 2,337,575,378 | 99746 |
| TOTAL ALL BUDGET FUND GROUPS |   | \$ 3,361,193,331 | \$ 3,309,019,262 | 99747 |

**Section 307.20.** COUNTY ADMINISTRATIVE FUNDS 99749

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 99750  
99751  
99752  
99753

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 99754  
99755  
99756  
99757

(C) In fiscal year 2018, the foregoing appropriation item 655523, Medicaid Program Support - Local Transportation, may be provided to county departments of job and family services to administer the Medicaid transportation program. 99758  
99759  
99760  
99761

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 99762  
99763  
99764  
99765  
99766

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and 99767  
99768

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid 99769  
99770

Program Support - Local. 99771

(E) If receipts credited to the Medicaid Program Support Fund 99772  
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 99773  
(Fund 3840) exceed the amounts appropriated, the Director of Job 99774  
and Family Services shall request the Director of Budget and 99775  
Management to authorize expenditures from those funds in excess of 99776  
the amounts appropriated. Upon approval of the Director of Budget 99777  
and Management, the additional amounts are hereby appropriated. 99778

**Section 307.30. NAME OF FOOD STAMP PROGRAM** 99779

The Director of Job and Family Services is not required to 99780  
amend rules regarding the Food Stamp Program to change the name of 99781  
the program to the Supplemental Nutrition Assistance Program. The 99782  
Director may refer to the program as the Food Stamp Program, the 99783  
Supplemental Nutrition Assistance Program, or the Food Assistance 99784  
Program in rules and documents of the Department of Job and Family 99785  
Services. 99786

**Section 307.40. OHIO ASSOCIATION OF FOOD BANKS** 99787

Of the foregoing appropriation items 600410, TANF State 99788  
Maintenance of Effort, 600658, Public Assistance Activities, and 99789  
600689, TANF Block Grant, a total of \$17,050,000 in each fiscal 99790  
year shall be used to provide funds to the Ohio Association of 99791  
Food Banks to purchase and distribute food products. 99792

Notwithstanding section 5101.46 of the Revised Code and any 99793  
other provision in this bill, including funds designated for the 99794  
Ohio Association of Food Banks in this section, in fiscal year 99795  
2018 and fiscal year 2019, the Director of Job and Family Services 99796  
shall provide assistance from eligible funds to the Ohio 99797  
Association of Food Banks in an amount not less than \$19,550,000 99798  
in each fiscal year. 99799

Eligible nonfederal expenditures made by member food banks of 99800

the Association shall be counted by the Department of Job and 99801  
Family Services toward the TANF maintenance of effort requirements 99802  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 99803  
shall enter into an agreement with the Ohio Association of Food 99804  
Banks, in accordance with sections 5101.80 and 5101.801 of the 99805  
Revised Code, to carry out the requirements under this section. 99806

**Section 307.50. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE** 99807

The foregoing appropriation item 600658, Public Assistance 99808  
Activities, shall be used by the Department of Job and Family 99809  
Services to meet the TANF maintenance of effort requirements of 42 99810  
U.S.C. 609(a)(7). When the state is assured that it will meet the 99811  
maintenance of effort requirement, the Department of Job and 99812  
Family Services may use funds from appropriation item 600658, 99813  
Public Assistance Activities, to support public assistance 99814  
activities. 99815

**Section 307.60. FOOD STAMPS TRANSFER** 99816

On July 1, 2017, or as soon as possible thereafter, the 99817  
Director of Budget and Management may transfer up to \$1,000,000 99818  
cash from the Supplemental Nutrition Assistance Program Fund (Fund 99819  
3840), to the Food Assistance Fund (Fund 5ES0). 99820

**Section 307.70. GOVERNOR'S OFFICE OF FAITH-BASED AND** 99821  
**COMMUNITY INITIATIVES** 99822

Of the foregoing appropriation item 600689, TANF Block Grant, 99823  
up to \$6,540,000 in each fiscal year shall be used, in accordance 99824  
with sections 5101.80 and 5101.801 of the Revised Code, to provide 99825  
support to programs or organizations that provide services that 99826  
align with the mission and goals of the Governor's Office of 99827  
Faith-Based and Community Initiatives, as outlined in section 99828  
107.12 of the Revised Code, and that further at least one of the 99829

four purposes of the TANF program, as specified in 42 U.S.C. 601. 99830

**Section 307.80.** INDEPENDENT LIVING INITIATIVE 99831

Of the foregoing appropriation item 600689, TANF Block Grant, 99832  
up to \$2,000,000 in each fiscal year shall be used, in accordance 99833  
with sections 5101.80 and 5101.801 of the Revised Code, to support 99834  
the Independent Living Initiative, including life skills training 99835  
and work supports for older children in foster care and those who 99836  
have recently aged out of foster care. 99837

**Section 307.90.** OHIO COMMISSION ON FATHERHOOD 99838

Of the foregoing appropriation item 600689, TANF Block Grant, 99839  
\$1,000,000 in each fiscal year shall be provided to the Ohio 99840  
Commission on Fatherhood. 99841

**Section 307.100.** FAMILIES AND CHILDREN PROGRAMS 99842

Of the foregoing appropriation item 600423, Families and 99843  
Children Programs, \$2,000,000 in each fiscal year shall be used by 99844  
the Office of Families and Children to fund Predictive Analytics 99845  
to use current and historical data to predict future outcomes and 99846  
behaviors in high-risk foster care children. 99847

**Section 307.110.** FAMILY AND CHILDREN SERVICES 99848

Of the foregoing appropriation item 600523, Family and 99849  
Children Services, up to \$3,200,000 shall be used to match 99850  
eligible federal Title IV-B ESSA funds and federal Title IV-E 99851  
Chafee funds allocated to public children services agencies. 99852

**Section 307.120.** FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 99853

In collaboration with the county family and children first 99854  
council, a county department of job and family services or public 99855  
children services agency that receives an allocation from the 99856

Department of Job and Family Services from the foregoing 99857  
appropriation item 600523, Family and Children Services, or 99858  
600533, Child, Family, and Community Protection Services, may 99859  
transfer a portion of either or both allocations to a flexible 99860  
funding pool as authorized by the section of this act titled 99861  
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 99862

**Section 307.130. CHILD, FAMILY, AND COMMUNITY PROTECTION 99863**  
SERVICES 99864

(A) The foregoing appropriation item 600533, Child, Family, 99865  
and Community Protection Services, shall be distributed to each 99866  
county department of job and family services using the formula the 99867  
Department of Job and Family Services uses when distributing Title 99868  
XX funds to county departments of job and family services under 99869  
section 5101.46 of the Revised Code. County departments shall use 99870  
the funds distributed to them under this section as follows, in 99871  
accordance with the written plan of cooperation entered into under 99872  
section 307.983 of the Revised Code: 99873

(1) To assist individuals in achieving or maintaining 99874  
self-sufficiency, including by reducing or preventing dependency 99875  
among individuals with family income not exceeding two hundred per 99876  
cent of the federal poverty guidelines; 99877

(2) Subject to division (B) of this section, to respond to 99878  
reports of abuse, neglect, or exploitation of children and adults, 99879  
including through the differential response approach program; 99880

(3) To provide outreach and referral services regarding home 99881  
and community-based services to individuals at risk of placement 99882  
in a group home or institution, regardless of the individuals' 99883  
family income and without need for a written application; 99884

(4) To provide outreach, referral, application assistance, 99885  
and other services to assist individuals receive assistance, 99886

benefits, or services under Medicaid; Title IV-A programs, as 99887  
defined in section 5101.80 of the Revised Code; the Supplemental 99888  
Nutrition Assistance Program; and other public assistance 99889  
programs. 99890

(B) Protective services may be provided to a child or adult 99891  
as part of a response, under division (A)(2) of this section, to a 99892  
report of abuse, neglect, or exploitation without regard to a 99893  
child or adult's family income and without need for a written 99894  
application. The protective services may be provided if the case 99895  
record documents circumstances of actual or potential abuse, 99896  
neglect, or exploitation. 99897

**Section 307.140. FAMILY AND CHILDREN ACTIVITIES** 99898

The foregoing appropriation item 600609, Family and Children 99899  
Activities, shall be used to expend miscellaneous foundation funds 99900  
and grants to support family and children services activities. 99901

**Section 307.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND** 99902

Notwithstanding section 5101.073 of the Revised Code, the 99903  
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 99904  
consist of earned federal revenue the final disposition of which 99905  
is unknown. 99906

**Section 307.160. ADOPTION ASSISTANCE LOAN** 99907

The Department of Job and Family Services may use the State 99908  
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 99909  
of adoption assistance loans pursuant to section 3107.018 of the 99910  
Revised Code. The amounts of any adoption assistance loans are 99911  
hereby appropriated. 99912

**Section 307.170. EARLY CHILDHOOD EDUCATION** 99913

Of the foregoing appropriation item 600696, Early Childhood 99914

Education, up to \$20,000,000 in each fiscal year shall be used to 99915  
achieve the goals described in division (C) of section 5104.29 of 99916  
the Revised Code. The funds shall be used to support early 99917  
learning and development programs operating in smaller 99918  
communities, early learning and development programs that are 99919  
rated in the Step Up to Quality program at the third highest tier 99920  
or higher, or both. 99921

**Section 307.180.** CASH TRANSFER FROM THE UNEMPLOYMENT 99922  
INSURANCE SUPPORT - OTHER SOURCES FUND TO THE UNEMPLOYMENT 99923  
COMPENSATION ADMINISTRATION FUND 99924

On July 1, 2017, or as soon as possible thereafter, the 99925  
Director of Job and Family Services shall certify to the Director 99926  
of Budget and Management the cash balance of the Unemployment 99927  
Insurance Support - Other Sources Fund (Fund 5KU0). Upon 99928  
certification, the Director of Budget and Management may transfer 99929  
the amount certified to the Unemployment Compensation 99930  
Administration Fund (Fund 4A90). 99931

**Section 307.190.** VICTIMS OF HUMAN TRAFFICKING 99932

The foregoing appropriation item 600660, Victims of Human 99933  
Trafficking, shall be used to provide treatment, care, 99934  
rehabilitation, education, housing, and assistance for victims of 99935  
trafficking in persons as specified in section 5101.87 of the 99936  
Revised Code. If receipts credited to the Victims of Human 99937  
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 99938  
the fund, the Director of Job and Family Services may request the 99939  
Director of Budget and Management to authorize expenditures from 99940  
the fund in excess of the amounts appropriated. Upon the approval 99941  
of the Director of Budget and Management, the additional amounts 99942  
are hereby appropriated. 99943

**Section 307.200.** FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 99944

The Fiduciary Fund Group and Holding Account Fund Group shall 99945  
be used to hold revenues until the appropriate fund is determined 99946  
or until the revenues are directed to the appropriate governmental 99947  
agency other than the Department of Job and Family Services. Any 99948  
Department of Job and Family Services refunds or reconciliations 99949  
received or held by the Department of Medicaid shall be 99950  
transferred or credited to the Refunds and Audit Settlement Fund 99951  
(Fund R012). If receipts credited to the Support Intercept - 99952  
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 99953  
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 99954  
Audit Settlements Fund (Fund R012), or the Forgery Collections 99955  
Fund (Fund R013) exceed the amounts appropriated from the fund, 99956  
the Director of Job and Family Services may request the Director 99957  
of Budget and Management to authorize expenditures from the fund 99958  
in excess of the amounts appropriated. Upon the approval of the 99959  
Director of Budget and Management, the additional amounts are 99960  
hereby appropriated. 99961

**Section 307.210.** COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT 99962  
PROGRAM 99963

During the period that begins July 1, 2017, and ends on the 99964  
effective date of the enactment by this act of section 5116.01 of 99965  
the Revised Code, the Comprehensive Case Management and Employment 99966  
Program created under Section 305.190 of Am. Sub. H.B. 64 of the 99967  
131st General Assembly shall continue in operation as enacted by 99968  
that act with the following modification: the minimum age for 99969  
participation in the program is reduced to fourteen. Beginning 99970  
with the effective date of section 5116.01 of the Revised Code, as 99971  
enacted by this act, the Comprehensive Case Management and 99972  
Employment Program shall begin operation in accordance with 99973  
Chapter 5116. of the Revised Code. 99974

**Section 309.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 99975

|                                |    |         |            |       |
|--------------------------------|----|---------|------------|-------|
| General Revenue Fund           |    |         |            | 99976 |
| GRF 029321 Operating Expenses  | \$ | 512,253 | \$ 512,253 | 99977 |
| TOTAL GRF General Revenue Fund | \$ | 512,253 | \$ 512,253 | 99978 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 512,253 | \$ 512,253 | 99979 |

OPERATING GUIDANCE 99980

The Legislative Service Commission shall act as fiscal agent 99981  
for the Joint Committee on Agency Rule Review. Members of the 99982  
Committee shall be paid in accordance with section 101.35 of the 99983  
Revised Code. 99984

OPERATING EXPENSES 99985

On July 1, 2017, or as soon as possible thereafter, the 99986  
Executive Director of the Joint Committee on Agency Rule Review 99987  
may certify to the Director of Budget and Management an amount up 99988  
to the unexpended, unencumbered balance of the foregoing 99989  
appropriation item 029321, Operating Expenses, at the end of 99990  
fiscal year 2017 to be reappropriated to fiscal year 2018. The 99991  
amount certified is hereby reappropriated to the same 99992  
appropriation item for fiscal year 2018. 99993

On July 1, 2018, or as soon as possible thereafter, the 99994  
Executive Director of the Joint Committee on Agency Rule Review 99995  
may certify to the Director of Budget and Management an amount up 99996  
to the unexpended, unencumbered balance of the foregoing 99997  
appropriation item 029321, Operating Expenses, at the end of 99998  
fiscal year 2018 to be reappropriated to fiscal year 2019. The 99999  
amount certified is hereby reappropriated to the same 100000  
appropriation item for fiscal year 2019. 100001

**Section 311.10. JEO JOINT EDUCATION OVERSIGHT COMMITTEE** 100002

|                                |    |         |            |        |
|--------------------------------|----|---------|------------|--------|
| General Revenue Fund           |    |         |            | 100003 |
| GRF 047321 Operating Expenses  | \$ | 500,000 | \$ 500,000 | 100004 |
| TOTAL GRF General Revenue Fund | \$ | 500,000 | \$ 500,000 | 100005 |

|  |    |         |    |         |        |
|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 500,000 | \$ | 500,000 | 100006 |
| OPERATING EXPENSES   |    |         |    |         | 100007 |
| The foregoing appropriation item 047321, Operating Expenses,       |    |         |    |         | 100008 |
| shall be used to support expenses related to the Joint Education   |    |         |    |         | 100009 |
| Oversight Committee under section 103.45 to 103.50 of the Revised  |    |         |    |         | 100010 |
| Code.  |    |         |    |         | 100011 |
| On July 1, 2018, or as soon as possible thereafter, the Joint      |    |         |    |         | 100012 |
| Education Oversight Committee may certify to the Director of       |    |         |    |         | 100013 |
| Budget and Management an amount up to the unexpended, unencumbered |    |         |    |         | 100014 |
| balance of the foregoing appropriation item 047321, Operating      |    |         |    |         | 100015 |
| Expenses, at the end of fiscal year 2018 to be reappropriated to   |    |         |    |         | 100016 |
| fiscal year 2019. The amount certified is hereby reappropriated to |    |         |    |         | 100017 |
| the same appropriation item for fiscal year 2019.                  |    |         |    |         | 100018 |
| <b>Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE</b>      |    |         |    |         | 100019 |
| General Revenue Fund   |    |         |    |         | 100020 |
| GRF 048321 Operating Expenses                                      | \$ | 351,355 | \$ | 518,538 | 100021 |
| TOTAL GRF General Revenue Fund                                     | \$ | 351,355 | \$ | 518,538 | 100022 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 351,355 | \$ | 518,538 | 100023 |
| OPERATING EXPENSES   |    |         |    |         | 100024 |
| The foregoing appropriation item 048321, Operating Expenses,       |    |         |    |         | 100025 |
| shall be used to support expenses related to the Joint Medicaid    |    |         |    |         | 100026 |
| Oversight Committee created by section 103.41 of the Revised Code. |    |         |    |         | 100027 |
| On July 1, 2017, or as soon as possible thereafter, the            |    |         |    |         | 100028 |
| Executive Director of the Joint Medicaid Oversight Committee may   |    |         |    |         | 100029 |
| certify to the Director of Budget and Management an amount up to   |    |         |    |         | 100030 |
| the unexpended, unencumbered balance of the foregoing              |    |         |    |         | 100031 |
| appropriation item 048321, Operating Expenses, at the end of       |    |         |    |         | 100032 |
| fiscal year 2017 to be reappropriated to fiscal year 2018. The     |    |         |    |         | 100033 |
| amount certified is hereby reappropriated to the same              |    |         |    |         | 100034 |
| appropriation item for fiscal year 2018.                           |    |         |    |         | 100035 |

On July 1, 2018, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2018 to be reappropriated to fiscal year 2019. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2019.

The Legislative Service Commission shall act as fiscal agent for the Joint Medicaid Oversight Committee.

**REVIEW OF CERTAIN DEPARTMENT OF HEALTH LINE ITEMS**

The Joint Medicaid Oversight Committee shall review the following Department of Health appropriation items: 440416, Mothers and Children Safety Net Services; 440418, Immunizations; 440438, Breast and Cervical Cancer Screening; 440444, AIDS Prevention and Treatment; and 440505, Medically Handicapped Children. The review shall include the uses and the necessity of these appropriation items both before and after the enactment of section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). The review shall also detail all funding sources, maintenance of effort requirements, and any grant restrictions. Additionally, the review shall include analysis and recommendations to maximize integration into the formal health care system with the goal of achieving the statutory goals of the Joint Medicaid Oversight Committee.

**Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO**

|                                |    |         |            |        |
|--------------------------------|----|---------|------------|--------|
| General Revenue Fund           |    |         |            | 100062 |
| GRF 018321 Operating Expenses  | \$ | 806,963 | \$ 806,963 | 100063 |
| TOTAL GRF General Revenue Fund | \$ | 806,963 | \$ 806,963 | 100064 |
| Dedicated Purpose Fund Group   |    |         |            | 100065 |

|                              |   |    |             |    |             |        |
|------------------------------|---|----|-------------|----|-------------|--------|
| 4030 018601                  | Ohio Jury   | \$ | 408,282     | \$ | 431,346     | 100066 |
|                              | Instructions  |    |             |    |             |        |
| TOTAL DPF                    | Dedicated Purpose Fund  | \$ | 408,282     | \$ | 431,346     | 100067 |
| Group                        |   |    |             |    |             |        |
| TOTAL ALL BUDGET FUND GROUPS |   | \$ | 1,215,245   | \$ | 1,238,309   | 100068 |
|                              | STATE COUNCIL OF UNIFORM STATE LAWS                                 |    |             |    |             | 100069 |
|                              | Notwithstanding section 105.26 of the Revised Code, of the          |    |             |    |             | 100070 |
|                              | foregoing appropriation item 018321, Operating Expenses, up to      |    |             |    |             | 100071 |
|                              | \$88,500 in fiscal year 2018 and up to \$91,832 in fiscal year 2019 |    |             |    |             | 100072 |
|                              | shall be used to pay the expenses of the State Council of Uniform   |    |             |    |             | 100073 |
|                              | State Laws, including membership dues to the National Conference    |    |             |    |             | 100074 |
|                              | of Commissioners on Uniform State Laws.                             |    |             |    |             | 100075 |
|                              | OHIO JURY INSTRUCTIONS FUND   |    |             |    |             | 100076 |
|                              | The Ohio Jury Instructions Fund (Fund 4030) shall consist of        |    |             |    |             | 100077 |
|                              | grants, royalties, dues, conference fees, bequests, devises, and    |    |             |    |             | 100078 |
|                              | other gifts received for the purpose of supporting costs incurred   |    |             |    |             | 100079 |
|                              | by the Judicial Conference of Ohio in its activities as a part of   |    |             |    |             | 100080 |
|                              | the judicial system of the state as determined by the Judicial      |    |             |    |             | 100081 |
|                              | Conference Executive Committee. Fund 4030 shall be used by the      |    |             |    |             | 100082 |
|                              | Judicial Conference of Ohio to pay expenses incurred in its         |    |             |    |             | 100083 |
|                              | activities as a part of the judicial system of the state as         |    |             |    |             | 100084 |
|                              | determined by the Judicial Conference Executive Committee. Any      |    |             |    |             | 100085 |
|                              | receipts credited to Fund 4030 in excess of the amount originally   |    |             |    |             | 100086 |
|                              | appropriated from the fund are hereby appropriated for the          |    |             |    |             | 100087 |
|                              | purposes authorized. No money in Fund 4030 shall be transferred to  |    |             |    |             | 100088 |
|                              | any other fund by the Director of Budget and Management or the      |    |             |    |             | 100089 |
|                              | Controlling Board.  |    |             |    |             | 100090 |
|                              | <b>Section 317.10.</b> JSC THE JUDICIARY/SUPREME COURT              |    |             |    |             | 100091 |
|                              | General Revenue Fund  |    |             |    |             | 100092 |
| GRF 005321                   | Operating Expenses -  | \$ | 162,561,608 | \$ | 170,954,475 | 100093 |

|                              |                              |                            |    |             |    |             |        |
|------------------------------|------------------------------|----------------------------|----|-------------|----|-------------|--------|
|                              |                              | Judiciary/Supreme<br>Court |    |             |    |             |        |
| GRF                          | 005406                       | Law-Related Education      | \$ | 200,000     | \$ | 200,000     | 100094 |
| GRF                          | 005409                       | Ohio Courts                | \$ | 3,350,000   | \$ | 3,350,000   | 100095 |
|                              |                              | Technology Initiative      |    |             |    |             |        |
| TOTAL GRF                    | General Revenue Fund         |                            | \$ | 166,111,608 | \$ | 174,504,475 | 100096 |
|                              | Dedicated Purpose Fund Group |                            |    |             |    |             | 100097 |
| 4C80                         | 005605                       | Attorney Services          | \$ | 8,166,646   | \$ | 8,122,279   | 100098 |
| 5HT0                         | 005617                       | Court Interpreter          | \$ | 8,670       | \$ | 9,537       | 100099 |
|                              |                              | Certification              |    |             |    |             |        |
| 5SP0                         | 005626                       | Civil Justice Grant        | \$ | 350,000     | \$ | 350,000     | 100100 |
|                              |                              | Program                    |    |             |    |             |        |
| 5T80                         | 005609                       | Grants and Awards          | \$ | 6,000       | \$ | 6,000       | 100101 |
| 6720                         | 005601                       | Continuing Judicial        | \$ | 100,000     | \$ | 100,000     | 100102 |
|                              |                              | Education                  |    |             |    |             |        |
| 6A80                         | 005606                       | Supreme Court              | \$ | 1,457,461   | \$ | 1,477,098   | 100103 |
|                              |                              | Admissions                 |    |             |    |             |        |
| TOTAL DPF                    | Dedicated Purpose Fund       |                            | \$ | 10,088,777  | \$ | 10,064,914  | 100104 |
|                              | Group                        |                            |    |             |    |             |        |
|                              | Fiduciary Fund Group         |                            |    |             |    |             | 100105 |
| 5JY0                         | 005620                       | County Law Library         | \$ | 357,500     | \$ | 357,500     | 100106 |
|                              |                              | Resources Boards           |    |             |    |             |        |
| TOTAL FID                    | Fiduciary Fund Group         |                            | \$ | 357,500     | \$ | 357,500     | 100107 |
|                              | Federal Fund Group           |                            |    |             |    |             | 100108 |
| 3J00                         | 005603                       | Federal Grants             | \$ | 1,705,708   | \$ | 1,528,315   | 100109 |
| TOTAL FED                    | Federal Fund Group           |                            | \$ | 1,705,708   | \$ | 1,528,315   | 100110 |
| TOTAL ALL BUDGET FUND GROUPS |                              |                            | \$ | 178,263,593 | \$ | 186,455,204 | 100111 |

**Section 317.20. LAW-RELATED EDUCATION** 100113

The foregoing appropriation item 005406, Law-Related 100114  
 Education, shall be distributed directly to the Ohio Center for 100115  
 Law-Related Education for the purposes of providing continuing 100116

citizenship education activities to primary and secondary 100117  
students, expanding delinquency prevention programs, increasing 100118  
activities for at-risk youth, and accessing additional public and 100119  
private money for new programs. 100120

OHIO COURTS TECHNOLOGY INITIATIVE 100121

The foregoing appropriation item 005409, Ohio Courts 100122  
Technology Initiative, shall be used to fund an initiative by the 100123  
Supreme Court to facilitate the exchange of information and 100124  
warehousing of data by and between Ohio courts and other justice 100125  
system partners through the creation of an Ohio Courts Network, 100126  
the delivery of technology services to courts throughout the 100127  
state, including the provision of hardware, software, and the 100128  
development and implementation of educational and training 100129  
programs for judges and court personnel, and operation of the 100130  
Commission on Technology and the Courts by the Supreme Court for 100131  
the promulgation of statewide rules, policies, and uniform 100132  
standards, and to aid in the orderly adoption and comprehensive 100133  
use of technology in Ohio courts. 100134

ATTORNEY SERVICES 100135

The Attorney Services Fund (Fund 4C80) shall consist of money 100136  
received by the Supreme Court (The Judiciary) pursuant to the 100137  
Rules for the Government of the Bar of Ohio. In addition to 100138  
funding other activities considered appropriate by the Supreme 100139  
Court, the foregoing appropriation item 005605, Attorney Services, 100140  
may be used to compensate employees and to fund appropriate 100141  
activities of the following offices established by the Supreme 100142  
Court: the Office of Disciplinary Counsel, the Board of 100143  
Commissioners on Grievances and Discipline, the Clients' Security 100144  
Fund, and the Attorney Services Division. If it is determined by 100145  
the Administrative Director of the Supreme Court that additional 100146  
appropriations are necessary, the amounts are hereby appropriated. 100147

No money in Fund 4C80 shall be transferred to any other fund 100148  
by the Director of Budget and Management or the Controlling Board. 100149  
Interest earned on money in Fund 4C80 shall be credited to the 100150  
fund. 100151

COURT INTERPRETER CERTIFICATION 100152

The Court Interpreter Certification Fund (Fund 5HT0) shall 100153  
consist of money received by the Supreme Court (The Judiciary) 100154  
pursuant to Rules 80 through 87 of the Rules of Superintendence 100155  
for the Courts of Ohio. The foregoing appropriation item 005617, 100156  
Court Interpreter Certification, shall be used to provide 100157  
training, to provide the written examination, and to pay language 100158  
experts to rate, or grade, the oral examinations of those applying 100159  
to become certified court interpreters. If it is determined by the 100160  
Administrative Director that additional appropriations are 100161  
necessary, the amounts are hereby appropriated. 100162

No money in Fund 5HT0 shall be transferred to any other fund 100163  
by the Director of Budget and Management or the Controlling Board. 100164  
Interest earned on money in Fund 5HT0 shall be credited to the 100165  
fund. 100166

CIVIL JUSTICE PROGRAM 100167

The Civil Justice Program Fund (Fund 5SP0) shall consist of 100168  
(1) \$50 voluntary donations made as part of the biennium attorney 100169  
registration process and (2) \$150 increase in the *pro hac vice* 100170  
fees for out-of-state attorneys pursuant to Government of the Bar 100171  
Rule amendments. The foregoing appropriation item 005626, Civil 100172  
Justice Program, shall be used by the Supreme Court of Ohio for 100173  
grants to not-for-profit organizations and agencies dedicated to 100174  
providing civil legal aid to underserved populations, to fund 100175  
innovative programs directed at this purpose, and to increase 100176  
access to judicial service to that population. 100177

No money in Fund 5SP0 shall be transferred to any other fund 100178

by the Director of Budget and Management or the Controlling Board. 100179  
Interest earned on money in Fund 5SP0 shall be credited to the 100180  
fund. 100181

GRANTS AND AWARDS 100182

The Grants and Awards Fund (Fund 5T80) shall consist of 100183  
grants and other money awarded to the Supreme Court (The 100184  
Judiciary) by the State Justice Institute, the Division of 100185  
Criminal Justice Services, or other entities. The foregoing 100186  
appropriation item 005609, Grants and Awards, shall be used in a 100187  
manner consistent with the purpose of the grant or award. If it is 100188  
determined by the Administrative Director of the Supreme Court 100189  
that additional appropriations are necessary, the amounts are 100190  
hereby appropriated. 100191

No money in Fund 5T80 shall be transferred to any other fund 100192  
by the Director of Budget and Management or the Controlling Board. 100193  
Interest earned on money in Fund 5T80 shall be credited or 100194  
transferred to the General Revenue Fund. 100195

JUDICIARY/SUPREME COURT EDUCATION 100196

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 100197  
consist of fees paid for attending judicial and public education 100198  
on the law, reimbursement of costs for judicial and public 100199  
education on the law, and other gifts and grants received for the 100200  
purpose of judicial and public education on the law. The foregoing 100201  
appropriation item 005601, Judiciary/Supreme Court Education, 100202  
shall be used to pay expenses for judicial education courses for 100203  
judges, court personnel, and those who serve the courts, and for 100204  
public education on the law. If it is determined by the 100205  
Administrative Director of the Supreme Court that additional 100206  
appropriations are necessary, the amounts are hereby appropriated. 100207

No money in Fund 6720 shall be transferred to any other fund 100208  
by the Director of Budget and Management or the Controlling Board. 100209

Interest earned on money in Fund 6720 shall be credited to the 100210  
fund. 100211

SUPREME COURT ADMISSIONS 100212

The foregoing appropriation item 005606, Supreme Court 100213  
Admissions, shall be used to compensate Supreme Court employees 100214  
who are primarily responsible for administering the attorney 100215  
admissions program under the Rules for the Government of the Bar 100216  
of Ohio, and to fund any other activities considered appropriate 100217  
by the court. Moneys shall be deposited into the Supreme Court 100218  
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 100219  
Government of the Bar of Ohio. If it is determined by the 100220  
Administrative Director of the Supreme Court that additional 100221  
appropriations are necessary, the amounts are hereby appropriated. 100222

No money in Fund 6A80 shall be transferred to any other fund 100223  
by the Director of Budget and Management or the Controlling Board. 100224  
Interest earned on money in Fund 6A80 shall be credited to the 100225  
fund. 100226

COUNTY LAW LIBRARY RESOURCES BOARD 100227

The Statewide Consortium of County Law Library Resources 100228  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 100229  
to section 307.515 of the Revised Code into a county's law library 100230  
resources fund and forwarded by that county's treasurer for 100231  
deposit in the state treasury pursuant to division (E)(1) of 100232  
section 3375.481 of the Revised Code. The foregoing appropriation 100233  
item 005620, County Law Library Resources Board, shall be used for 100234  
the operation of the Statewide Consortium of County Law Library 100235  
Resources Boards. If it is determined by the Administrative 100236  
Director of the Supreme Court that additional appropriations are 100237  
necessary, the amounts are hereby appropriated. 100238

No money in Fund 5JY0 shall be transferred to any other fund 100239  
by the Director of Budget and Management or the Controlling Board. 100240

Interest earned on money in Fund 5JY0 shall be credited to the fund. 100241  
100242

FEDERAL GRANTS 100243

The Federal Grants Fund (Fund 3J00) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated. 100244  
100245  
100246  
100247  
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100253

No money in Fund 3J00 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund. 100254  
100255  
100256  
100257

**Section 319.10.** LEC LAKE ERIE COMMISSION 100258

Dedicated Purpose Fund Group 100259

|                                  |    |         |    |         |        |
|----------------------------------|----|---------|----|---------|--------|
| 4C00 780601 Lake Erie Protection | \$ | 568,000 | \$ | 571,000 | 100260 |
|----------------------------------|----|---------|----|---------|--------|

TOTAL DPF Dedicated Purpose 100261

|            |    |         |    |         |        |
|------------|----|---------|----|---------|--------|
| Fund Group | \$ | 568,000 | \$ | 571,000 | 100262 |
|------------|----|---------|----|---------|--------|

|                              |    |         |    |         |        |
|------------------------------|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 568,000 | \$ | 571,000 | 100263 |
|------------------------------|----|---------|----|---------|--------|

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 100264

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept contributions and transfers made to the fund. 100265  
100266  
100267  
100268  
100269

|      |           |      |         |         |        |
|------|-----------|------|---------|---------|--------|
| Fund | Fund Name | User | FY 2018 | FY 2019 | 100270 |
|------|-----------|------|---------|---------|--------|

|      |                                   |                                    |          |          |        |
|------|-----------------------------------|------------------------------------|----------|----------|--------|
| 5BC0 | Environmental<br>Protection       | Environmental<br>Protection Agency | \$25,000 | \$25,000 | 100271 |
| 6690 | Pesticide,<br>Fertilizer and Lime | Department of<br>Agriculture       | \$25,000 | \$25,000 | 100272 |
| 4700 | General Operations                | Department of<br>Health            | \$25,000 | \$25,000 | 100273 |
| 1570 | Central Support<br>Indirect       | Department of<br>Natural Resources | \$25,000 | \$25,000 | 100274 |

On July 1, 2017, or as soon as possible thereafter, the 100275  
 Director of Budget and Management may transfer \$25,000 cash from a 100276  
 fund used by the Development Services Agency, as specified by the 100277  
 Director of Development Services, to Fund 4C00. 100278

On July 1, 2018, or as soon as possible thereafter, the 100279  
 Director of Budget and Management may transfer \$25,000 cash from a 100280  
 fund used by the Development Services Agency, as specified by the 100281  
 Director of Development Services, to Fund 4C00. 100282

**TRANSFER CASH FROM AND ABOLISH THE LAKE ERIE RESOURCES FUND** 100283

On July 1, 2017, or as soon as possible thereafter, the 100284  
 Director of Environmental Protection shall certify to the Director 100285  
 of Budget and Management the cash balance in the Lake Erie 100286  
 Resources Fund (Fund 5D80). The Director of Budget and Management 100287  
 may transfer the certified cash amount from Fund 5D80 to the Lake 100288  
 Erie Protection Fund (Fund 4C00). Upon completion of the transfer, 100289  
 the Director of Budget and Management shall cancel any existing 100290  
 encumbrances against appropriation item 780602, Lake Erie 100291  
 Resources, and reestablish them against appropriation item 780601, 100292  
 Lake Erie Protection. The reestablished encumbrance amounts are 100293  
 hereby appropriated and Fund 5D80 is abolished. 100294

**Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE** 100295

General Revenue Fund 100296

|                              |                                       |    |         |    |         |        |
|------------------------------|---------------------------------------|----|---------|----|---------|--------|
| GRF 028321                   | Legislative Ethics<br>Committee       | \$ | 550,000 | \$ | 550,000 | 100297 |
| TOTAL GRF                    | General Revenue Fund                  | \$ | 550,000 | \$ | 550,000 | 100298 |
|                              | Dedicated Purpose Fund Group          |    |         |    |         | 100299 |
| 4G70 028601                  | Joint Legislative<br>Ethics Committee | \$ | 150,000 | \$ | 150,000 | 100300 |
| TOTAL DPF                    | Dedicated Purpose Fund<br>Group       | \$ | 150,000 | \$ | 150,000 | 100301 |
| TOTAL ALL BUDGET FUND GROUPS |                                       | \$ | 700,000 | \$ | 700,000 | 100302 |

LEGISLATIVE ETHICS COMMITTEE 100303

On July 1, 2017, or as soon as possible thereafter, the 100304  
 Legislative Inspector General of the Joint Legislative Ethics 100305  
 Committee may certify to the Director of Budget and Management an 100306  
 amount up to the unexpended, unencumbered balance of the foregoing 100307  
 appropriation item 028321, Legislative Ethics Committee, at the 100308  
 end of fiscal year 2017 to be reappropriated to fiscal year 2018. 100309  
 The amount certified is hereby reappropriated to the same 100310  
 appropriation item for fiscal year 2018. 100311

On July 1, 2018, or as soon as possible thereafter, the 100312  
 Legislative Inspector General of the Joint Legislative Ethics 100313  
 Committee may certify to the Director of Budget and Management an 100314  
 amount up to the unexpended, unencumbered balance of the foregoing 100315  
 appropriation item 028321, Legislative Ethics Committee, at the 100316  
 end of fiscal year 2018 to be reappropriated to fiscal year 2019. 100317  
 The amount certified is hereby reappropriated to the same 100318  
 appropriation item for fiscal year 2019. 100319

**Section 323.10.** LSC LEGISLATIVE SERVICE COMMISSION 100320

|            |                      |    |            |    |            |        |
|------------|----------------------|----|------------|----|------------|--------|
|            | General Revenue Fund |    |            |    |            | 100321 |
| GRF 035321 | Operating Expenses   | \$ | 17,000,000 | \$ | 17,000,000 | 100322 |
| GRF 035402 | Legislative Fellows  | \$ | 1,070,000  | \$ | 1,070,000  | 100323 |

|                              |                                 |   |    |            |    |            |        |
|------------------------------|---------------------------------|---|----|------------|----|------------|--------|
| GRF                          | 035405                          | Correctional<br>Institution Inspection<br>Committee | \$ | 460,845    | \$ | 460,845    | 100324 |
| GRF                          | 035407                          | Legislative Task Force<br>on Redistricting          | \$ | 400,000    | \$ | 400,000    | 100325 |
| GRF                          | 035409                          | National Associations                               | \$ | 475,000    | \$ | 475,000    | 100326 |
| GRF                          | 035410                          | Legislative<br>Information Systems                  | \$ | 8,700,000  | \$ | 8,700,000  | 100327 |
| GRF                          | 035411                          | Ohio Constitutional<br>Modernization<br>Commission  | \$ | 300,000    | \$ | 0          | 100328 |
| GRF                          | 035501                          | Litigation  | \$ | 500,000    | \$ | 500,000    | 100329 |
| TOTAL GRF                    | General Revenue Fund            |   | \$ | 28,905,845 | \$ | 28,605,845 | 100330 |
| Dedicated Purpose Fund Group |                                 |   |    |            |    |            | 100331 |
| 4100                         | 035601                          | Sale of Publications                                | \$ | 10,000     | \$ | 10,000     | 100332 |
| TOTAL DPF                    | Dedicated Purpose Fund<br>Group |   | \$ | 10,000     | \$ | 10,000     | 100333 |
| TOTAL ALL BUDGET FUND GROUPS |                                 |   | \$ | 28,915,845 | \$ | 28,615,845 | 100334 |

**Section 323.20. OPERATING EXPENSES** 100336

On July 1, 2017, or as soon as possible thereafter, the 100337  
 Director of the Legislative Service Commission may certify to the 100338  
 Director of Budget and Management an amount up to the unexpended, 100339  
 unencumbered balance of the foregoing appropriation item 035321, 100340  
 Operating Expenses, at the end of fiscal year 2017 to be 100341  
 reappropriated to fiscal year 2018. The amount certified is hereby 100342  
 reappropriated to the same appropriation item for fiscal year 100343  
 2018. 100344

On July 1, 2018, or as soon as possible thereafter, the 100345  
 Director of the Legislative Service Commission may certify to the 100346  
 Director of Budget and Management an amount up to the unexpended, 100347  
 unencumbered balance of the foregoing appropriation item 035321, 100348

Operating Expenses, at the end of fiscal year 2018 to be 100349  
reappropriated to fiscal year 2019. The amount certified is hereby 100350  
reappropriated to the same appropriation item for fiscal year 100351  
2019. 100352

LEGISLATIVE TASK FORCE ON REDISTRICTING 100353

An amount equal to the unexpended, unencumbered balance of 100354  
the foregoing appropriation item 035407, Legislative Task Force on 100355  
Redistricting, at the end of fiscal year 2017 is hereby 100356  
reappropriated to the Legislative Service Commission for the same 100357  
purpose for fiscal year 2018. 100358

An amount equal to the unexpended, unencumbered balance of 100359  
the foregoing appropriation item 035407, Legislative Task Force on 100360  
Redistricting, at the end of fiscal year 2018 is hereby 100361  
reappropriated to the Legislative Service Commission for the same 100362  
purpose for fiscal year 2019. 100363

LEGISLATIVE INFORMATION SYSTEMS 100364

On July 1, 2017, or as soon as possible thereafter, the 100365  
Director of the Legislative Service Commission may certify to the 100366  
Director of Budget and Management an amount up to the unexpended, 100367  
unencumbered balance of the foregoing appropriation item 035410, 100368  
Legislative Information Systems, at the end of fiscal year 2017 to 100369  
be reappropriated to fiscal year 2018. The amount certified is 100370  
hereby reappropriated to the same appropriation item for fiscal 100371  
year 2018. 100372

On July 1, 2018, or as soon as possible thereafter, the 100373  
Director of the Legislative Service Commission may certify to the 100374  
Director of Budget and Management an amount up to the unexpended, 100375  
unencumbered balance of the foregoing appropriation item 035410, 100376  
Legislative Information Systems, at the end of fiscal year 2018 to 100377  
be reappropriated to fiscal year 2019. The amount certified is 100378  
hereby reappropriated to the same appropriation item for fiscal 100379

|  |        |                    |    |           |              |        |
|--|--------|--------------------|----|-----------|--------------|--------|
| year 2019.   |        |                    |    |           | 100380       |        |
| OHIO CONSTITUTIONAL MODERNIZATION COMMISSION                       |        |                    |    |           | 100381       |        |
| The foregoing appropriation item 035411, Ohio Constitutional       |        |                    |    |           | 100382       |        |
| Modernization Commission, shall be used to support the operation   |        |                    |    |           | 100383       |        |
| and expenses of the Ohio Constitutional Modernization Commission   |        |                    |    |           | 100384       |        |
| under sections 103.61 to 103.67 of the Revised Code. All           |        |                    |    |           | 100385       |        |
| expenditures paid from the appropriation item must be approved by  |        |                    |    |           | 100386       |        |
| the director and chairperson of the Legislative Service Commission |        |                    |    |           | 100387       |        |
| under division (A) of section 103.21 of the Revised Code.          |        |                    |    |           | 100388       |        |
| LITIGATION   |        |                    |    |           | 100389       |        |
| The foregoing appropriation item 035501, Litigation, shall be      |        |                    |    |           | 100390       |        |
| used for any lawsuit in which the General Assembly is a party      |        |                    |    |           | 100391       |        |
| because a legal or constitutional challenge is made against the    |        |                    |    |           | 100392       |        |
| Ohio Constitution or an act of the General Assembly. The           |        |                    |    |           | 100393       |        |
| chairperson and vice-chairperson of the Legislative Service        |        |                    |    |           | 100394       |        |
| Commission shall both approve the use of the appropriated moneys.  |        |                    |    |           | 100395       |        |
| An amount equal to the unexpended, unencumbered balance of         |        |                    |    |           | 100396       |        |
| the foregoing appropriation item 035501, Litigation, at the end of |        |                    |    |           | 100397       |        |
| fiscal year 2017 is hereby reappropriated to the Legislative       |        |                    |    |           | 100398       |        |
| Service Commission for the same purpose for fiscal year 2018.      |        |                    |    |           | 100399       |        |
| An amount equal to the unexpended, unencumbered balance of         |        |                    |    |           | 100400       |        |
| the foregoing appropriation item 035501, Litigation, at the end of |        |                    |    |           | 100401       |        |
| fiscal year 2018 is hereby reappropriated to the Legislative       |        |                    |    |           | 100402       |        |
| Service Commission for the same purpose for fiscal year 2019.      |        |                    |    |           | 100403       |        |
| <b>Section 325.10. LIB STATE LIBRARY BOARD</b>                     |        |                    |    |           | 100404       |        |
| General Revenue Fund   |        |                    |    |           | 100405       |        |
| GRF  | 350321 | Operating Expenses | \$ | 5,206,745 | \$ 5,206,745 | 100406 |
| GRF  | 350401 | Ohioana Rental     | \$ | 120,114   | \$ 120,114   | 100407 |
|  |        | Payments           |    |           |              |        |
| GRF  | 350502 | Regional Library   | \$ | 582,469   | \$ 582,469   | 100408 |

|  |    |            |                      |
|--|----|------------|----------------------|
| Systems  |    |            |                      |
| TOTAL GRF General Revenue Fund                                     | \$ | 5,909,328  | \$ 5,909,328 100409  |
| Dedicated Purpose Fund Group                                       |    |            | 100410               |
| 4590 350603 Services for   | \$ | 4,190,834  | \$ 4,190,834 100411  |
| Libraries  |    |            |                      |
| 4S40 350604 Ohio Public Library                                    | \$ | 5,689,788  | \$ 5,689,788 100412  |
| Information Network  |    |            |                      |
| 5GB0 350605 Library for the Blind                                  | \$ | 1,274,194  | \$ 1,274,194 100413  |
| TOTAL DPF Dedicated Purpose  |    |            | 100414               |
| Fund Group   | \$ | 11,154,816 | \$ 11,154,816 100415 |
| Internal Service Activity Fund                                     |    |            | 100416               |
| 1390 350602 Services for State                                     | \$ | 8,000      | \$ 8,000 100417      |
| Agencies   |    |            |                      |
| TOTAL ISA Internal Service Activity                                |    |            | 100418               |
| Fund Group   | \$ | 8,000      | \$ 8,000 100419      |
| Federal Fund Group   |    |            | 100420               |
| 3130 350601 LSTA Federal   | \$ | 5,350,000  | \$ 5,350,000 100421  |
| TOTAL FED Federal Fund Group                                       | \$ | 5,350,000  | \$ 5,350,000 100422  |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 22,422,144 | \$ 22,422,144 100423 |
| <br>   |    |            |                      |
| <b>Section 325.20. OHIOANA RENTAL PAYMENTS</b>                     |    |            | 100425               |
| <br>   |    |            |                      |
| The foregoing appropriation item 350401, Ohioana Rental            |    |            | 100426               |
| Payments, shall be used to pay the rental expenses of the Martha   |    |            | 100427               |
| Kinney Cooper Ohioana Library Association under section 3375.61 of |    |            | 100428               |
| the Revised Code.  |    |            | 100429               |
| <br>   |    |            |                      |
| REGIONAL LIBRARY SYSTEMS   |    |            | 100430               |
| <br>   |    |            |                      |
| The foregoing appropriation item 350502, Regional Library          |    |            | 100431               |
| Systems, shall be used to support regional library systems         |    |            | 100432               |
| eligible for funding under sections 3375.83 and 3375.90 of the     |    |            | 100433               |
| Revised Code.  |    |            | 100434               |
| <br>   |    |            |                      |
| OHIO PUBLIC LIBRARY INFORMATION NETWORK                            |    |            | 100435               |

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN).

The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network.

(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

LIBRARY FOR THE BLIND

The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to assist the blind and disabled.

TRANSFER TO OPLIN TECHNOLOGY FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised

Code and any other provision of law to the contrary, in accordance 100467  
with a schedule established by the Director of Budget and 100468  
Management, the Director of Budget and Management shall transfer 100469  
\$3,689,788 cash in each fiscal year from the Public Library Fund 100470  
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 100471

TRANSFER TO LIBRARY FOR THE BLIND FUND 100472

Notwithstanding sections 5747.03 and 5747.47 of the Revised 100473  
Code and any other provision of law to the contrary, in accordance 100474  
with a schedule established by the Director of Budget and 100475  
Management, the Director of Budget and Management shall transfer 100476  
\$1,274,194 cash in each fiscal year from the Public Library Fund 100477  
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 100478

**Section 327.10.** LCO LIQUOR CONTROL COMMISSION 100479

Dedicated Purpose Fund Group 100480

5LP0 970601 Operating Expenses \$ 844,553 \$ 851,269 100481

TOTAL DPF Dedicated Purpose Fund \$ 844,553 \$ 851,269 100482

Group

TOTAL ALL BUDGET FUND GROUPS \$ 844,553 \$ 851,269 100483

**Section 329.10.** LOT STATE LOTTERY COMMISSION 100485

State Lottery Fund Group 100486

7044 950321 Operating Expenses \$ 53,339,208 \$ 53,287,220 100487

7044 950402 Advertising Contracts \$ 25,800,000 \$ 25,800,000 100488

7044 950403 Gaming Contracts \$ 68,258,704 \$ 68,917,884 100489

7044 950601 Direct Prize Payments \$ 142,307,278 \$ 142,949,268 100490

7044 950605 Problem Gambling \$ 3,300,000 \$ 3,300,000 100491

8710 950602 Annuity Prizes \$ 81,000,000 \$ 81,000,000 100492

TOTAL SLF State Lottery Fund 100493

Group \$ 374,005,190 \$ 375,254,372 100494

TOTAL ALL BUDGET FUND GROUPS \$ 374,005,190 \$ 375,254,372 100495

OPERATING EXPENSES 100496

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

ANNUITY PRIZES

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$1,045,000,000 in fiscal year 2018 and \$1,055,000,000 in fiscal year 2019. The Director of Budget and Management shall transfer such amounts contingent upon the availability of resources. Transfers from the State Lottery Fund to the Lottery Profits

Education Fund shall represent the estimated net income from 100528  
operations for the Commission in fiscal year 2018 and fiscal year 100529  
2019. Transfers by the Director of Budget and Management to the 100530  
Lottery Profits Education Fund shall be administered as the 100531  
statutes direct. 100532

**Section 331.10. MHC MANUFACTURED HOMES COMMISSION** 100533

Dedicated Purpose Fund Group 100534  
4K90 996609 Operating Expenses \$ 227,165 \$ 0 100535  
5MC0 996610 Manufactured Homes \$ 460,212 \$ 0 100536  
Regulation  
TOTAL DPF Dedicated Purpose Fund \$ 687,377 \$ 0 100537  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 687,377 \$ 0 100538

**Section 333.10. MCD DEPARTMENT OF MEDICAID** 100540

General Revenue Fund 100541  
GRF 651425 Medicaid Program \$ 196,812,968 \$ 210,754,197 100542  
Support - State  
GRF 651525 Medicaid Health Care 100543  
Services  
State \$ 3,981,222,793 \$ 4,184,126,208 100544  
Federal \$10,278,580,968 \$10,476,333,789 100545  
Medicaid Health Care \$14,259,803,761 \$14,660,459,997 100546  
Services Total  
GRF 651526 Medicare Part D \$ 440,611,628 \$ 479,694,803 100547  
TOTAL GRF General Revenue Fund 100548  
State \$ 4,618,647,389 \$ 4,874,575,208 100549  
Federal \$10,278,580,968 \$10,476,333,789 100550  
GRF Total \$14,897,228,357 \$15,350,908,997 100551  
Dedicated Purpose Fund Group 100552  
4E30 651605 Resident Protection \$ 4,878,000 \$ 4,878,000 100553

|       |        | Fund  |    |               |    |                      |
|-------|--------|---|----|---------------|----|----------------------|
| 5AJ0  | 651631 | Money Follows the<br>Person                               | \$ | 12,760,900    | \$ | 12,373,500 100554    |
| 5DL0  | 651639 | Medicaid Services -<br>Recoveries                         | \$ | 845,691,438   | \$ | 772,376,871 100555   |
| 5DL0  | 651685 | Medicaid Recoveries -<br>Program Support                  | \$ | 41,146,571    | \$ | 46,328,516 100556    |
| 5FX0  | 651638 | Medicaid Services -<br>Payment Withholding                | \$ | 12,000,000    | \$ | 12,000,000 100557    |
| 5GF0  | 651656 | Medicaid Services -<br>Hospital Upper<br>Payment Limit    | \$ | 619,104,791   | \$ | 647,635,236 100558   |
| 5KC0  | 651682 | Health Care Grants -<br>State                             | \$ | 20,000,000    | \$ | 20,000,000 100559    |
| 5R20  | 651608 | Medicaid Services -<br>Long Term                          | \$ | 405,666,000   | \$ | 405,666,000 100560   |
| 5SC0  | 651683 | Medicaid Services -<br>Physician UPL                      | \$ | 30,000,000    | \$ | 30,000,000 100561    |
| 5TN0  | 651684 | Medicaid Services -<br>HIC Fee                            | \$ | 789,421,685   | \$ | 887,734,374 100562   |
| 6510  | 651649 | Medicaid Services -<br>Hospital Care<br>Assurance Program | \$ | 238,057,429   | \$ | 199,250,372 100563   |
| TOTAL | DPF    | Dedicated Purpose Fund<br>Group                           | \$ | 3,018,726,814 | \$ | 3,038,242,869 100564 |
|       |        | Holding Account Fund Group                                |    |               |    | 100565               |
| R055  | 651644 | Refunds and<br>Reconciliations                            | \$ | 1,000,000     | \$ | 1,000,000 100566     |
| TOTAL | HLD    | Holding Account Fund<br>Group                             | \$ | 1,000,000     | \$ | 1,000,000 100567     |
|       |        | Federal Fund Group  |    |               |    | 100568               |
| 3ER0  | 651603 | Medicaid Health and                                       | \$ | 61,896,000    | \$ | 61,896,000 100569    |

|                              |                      |                  |                  |        |  |
|------------------------------|----------------------|------------------|------------------|--------|--|
|                              | Transformation       |                  |                  |        |  |
|                              | Technology           |                  |                  |        |  |
| 3F00 651623                  | Medicaid Services -  | \$ 6,213,919,469 | \$ 6,338,785,019 | 100570 |  |
|                              | Federal              |                  |                  |        |  |
| 3F00 651624                  | Medicaid Program     | \$ 631,793,871   | \$ 725,032,537   | 100571 |  |
|                              | Support - Federal    |                  |                  |        |  |
| 3FA0 651680                  | Health Care Grants - | \$ 38,658,704    | \$ 38,664,967    | 100572 |  |
|                              | Federal              |                  |                  |        |  |
| 3G50 651655                  | Medicaid Interagency | \$ 125,651,597   | \$ 125,701,597   | 100573 |  |
|                              | Pass Through         |                  |                  |        |  |
| TOTAL FED Federal Fund Group |                      | \$ 7,071,919,641 | \$ 7,290,080,120 | 100574 |  |
| TOTAL ALL BUDGET FUND GROUPS |                      | \$24,988,874,812 | \$25,680,231,986 | 100575 |  |

**Section 333.20.** TEMPORARY AUTHORITY REGARDING EMPLOYEES 100577

(A) Until July 1, 2019, the Medicaid Director has the 100578  
 authority to establish, change, and abolish positions for the 100579  
 Department of Medicaid, and to assign, reassign, classify, 100580  
 reclassify, transfer, reduce, promote, or demote all employees of 100581  
 the Department of Medicaid who are not subject to Chapter 4117. of 100582  
 the Revised Code. 100583

(B) The authority granted under division (A) of this section 100584  
 includes assigning or reassigning an exempt employee, as defined 100585  
 in section 124.152 of the Revised Code, to a bargaining unit 100586  
 classification if the Medicaid Director determines that the 100587  
 bargaining unit classification is the proper classification for 100588  
 that employee. The actions of the Medicaid Director shall be 100589  
 consistent with the requirements of 5 C.F.R. 900.603 for those 100590  
 employees subject to such requirements. If an employee in the E-1 100591  
 pay range is to be assigned, reassigned, classified, reclassified, 100592  
 transferred, reduced, or demoted to a position in a lower 100593  
 classification under this section, the Medicaid Director, or in 100594  
 the case of a transfer outside the Department of Medicaid, the 100595  
 Director of Administrative Services, shall assign the employee to 100596

the appropriate classification and place the employee in Step X. 100597  
The employee shall not receive any increase in compensation until 100598  
the maximum rate of pay for that classification exceeds the 100599  
employee's compensation. 100600

(C) Actions taken by the Medicaid Director and Director of 100601  
Administrative Services pursuant to this section are not subject 100602  
to appeal to the State Personnel Board of Review. 100603

(D) A portion of the foregoing appropriation items 651425, 100604  
Medicaid Program Support - State, 651603, Medicaid Health and 100605  
Transformation Technology, 651624, Medicaid Program Support - 100606  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 100607  
Interagency Pass-Through, 651605, Resident Protection Fund, 100608  
651631, Money Follows the Person, 651682, Health Care Grants - 100609  
State, and 651654, Medicaid Program Support, may be used to pay 100610  
for costs associated with the administration of the Medicaid 100611  
program, including the assignment, reassignment, classification, 100612  
reclassification, transfer, reduction, promotion, or demotion of 100613  
employees authorized by this section. 100614

**Section 333.30.** For fiscal years 2018 and 2019, the Director 100615  
of Budget and Management may transfer appropriation between 100616  
appropriation item 651425, Medicaid Program Support - State, and 100617  
appropriation item 655425, Medicaid Program Support. Any 100618  
appropriation so transferred shall be used to resolve funding 100619  
issues resulting from the transfer of medical assistance programs 100620  
from the Department of Job and Family Services to the Department 100621  
of Medicaid. 100622

**Section 333.40. MEDICAID HEALTH CARE SERVICES** 100623

The foregoing appropriation item 651525, Medicaid Health Care 100624  
Services, shall not be limited by section 131.33 of the Revised 100625  
Code. 100626

**Section 333.50.** MANAGED CARE PERFORMANCE PAYMENT PROGRAM 100627

At the beginning of each quarter, or as soon as possible 100628  
thereafter, the Medicaid Director shall certify to the Director of 100629  
Budget and Management the amount withheld in accordance with 100630  
section 5167.30 of the Revised Code for purposes of the Managed 100631  
Care Performance Payment Program. 100632

**Section 333.60.** PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 100633  
CARE 100634

(A) As used in this section: 100635

(1) "ICDS participant" has the same meaning as in section 100636  
5164.01 of the Revised Code. 100637

(2) "Integrated Care Delivery System" and "ICDS" have the 100638  
same meaning as section 5164.01 of the Revised Code. 100639

(3) "Medicaid managed care organization" has the same meaning 100640  
as in section 5167.01 of the Revised Code. 100641

(B) For fiscal year 2018 and fiscal year 2019, the Department 100642  
of Medicaid shall provide performance payments as provided under 100643  
this section to Medicaid managed care organizations providing care 100644  
under the Integrated Care Delivery System. 100645

(C) If ICDS participants receive care through Medicaid 100646  
managed care organizations under ICDS, the Department shall, in 100647  
consultation with the United States Centers for Medicare and 100648  
Medicaid Services, do both of the following: 100649

(1) Develop quality measures designed specifically to 100650  
determine the effectiveness of the health care and other services 100651  
provided to ICDS participants by Medicaid managed care 100652  
organizations; 100653

(2) Determine an amount to be withheld from the Medicaid 100654  
premium payments paid to Medicaid managed care organizations for 100655

ICDS participants. 100656

(D)(1) For the purposes of division (C)(2) of this section, 100657  
the Department shall establish an amount that is to be withheld 100658  
each time a premium payment is made to a Medicaid managed care 100659  
organization for an ICDS participant. The amount shall be 100660  
established as a percentage of each premium payment. The 100661  
percentage shall be the same for all Medicaid managed care 100662  
organizations providing care to ICDS participants. 100663

(2) Each Medicaid managed care organization shall agree to 100664  
the withholding as a condition of receiving or maintaining its 100665  
Medicaid provider agreement with the Department. 100666

(3) When the amount is established and each time the amount 100667  
is modified thereafter, the Department shall certify the amount to 100668  
the Director of Budget and Management and begin withholding the 100669  
amount from each premium the Department pays to a Medicaid managed 100670  
care organization for an ICDS participant. 100671

(E) A Medicaid managed care organization subject to this 100672  
section is not subject to section 5167.30 of the Revised Code for 100673  
premium payments attributed to ICDS participants during fiscal 100674  
year 2018 and fiscal year 2019. 100675

**Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM** 100676

The Director of Budget and Management may authorize 100677  
additional expenditures from appropriation item 651623, Medicaid 100678  
Services - Federal, appropriation item 651525, Medicaid Health 100679  
Care Services, and appropriation item 651656, Medicaid Services - 100680  
Hospital/UPL, in order to implement the programs authorized by 100681  
sections 5168.20 through 5168.28 of the Revised Code. Any amounts 100682  
authorized are hereby appropriated. 100683

**Section 333.80. MEDICARE PART D** 100684

The foregoing appropriation item 651526, Medicare Part D, may be used by the Department of Medicaid for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Department of Medicaid, the Director of Budget and Management may transfer the state share of appropriations between appropriation item 651525, Medicaid Health Care Services, and appropriation item 651526, Medicare Part D. If the state share of appropriation item 651525, Medicaid Health Care Services, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly. The Department of Medicaid shall provide notification to the Controlling Board of any transfers at the next scheduled Controlling Board meeting.

**Section 333.90. HEALTH CARE SERVICES SUPPORT AND RECOVERIES FUND**

Of the amount received by the Department of Medicaid during fiscal year 2018 and fiscal year 2019 from the first installment of assessments paid under section 5168.06 of the Revised Code and intergovernmental transfers made under section 5168.07 of the Revised Code, the Medicaid Director shall deposit \$350,000 in each fiscal year into the state treasury to the credit of the Health Care Services Support and Recoveries Fund (Fund 5DL0).

**Section 333.100. HOSPITAL CARE ASSURANCE MATCH**

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and

Management, the additional amounts are hereby appropriated. 100715

The foregoing appropriation item 651649, Medicaid Services - 100716  
Health Care Assurance Program, shall be used by the Department of 100717  
Medicaid for distributing the state share of all hospital care 100718  
assurance program funds to hospitals under section 5168.09 of the 100719  
Revised Code. If receipts credited to the Hospital Care Assurance 100720  
Program Fund (Fund 6510) exceed the amounts appropriated from the 100721  
fund for making the hospital care assurance program distribution, 100722  
the Medicaid Director may request the Director of Budget and 100723  
Management to authorize expenditures from the fund in excess of 100724  
the amounts appropriated. Upon the approval of the Director of 100725  
Budget and Management, the additional amounts are hereby 100726  
appropriated. 100727

**Section 333.110. REFUNDS AND RECONCILIATION FUND** 100728

If receipts credited to the Refunds and Reconciliation Fund 100729  
exceed the amounts appropriated from the fund, the Medicaid 100730  
Director may request the Director of Budget and Management to 100731  
authorize expenditures from the fund in excess of the amounts 100732  
appropriated. Upon approval of the Director of Budget and 100733  
Management, the additional amounts are hereby appropriated. 100734

**Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH** 100735

The Medicaid Director may request the Director of Budget and 100736  
Management to increase appropriation item 651655, Medicaid 100737  
Interagency Pass-Through. Upon the approval of the Director of 100738  
Budget and Management, the additional amounts are hereby 100739  
appropriated. 100740

**Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION** 100741

In order to ensure access to a non-emergency medical 100742  
transportation brokerage program established pursuant to section 100743

1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 100744  
upon the request of the Medicaid Director, the Director of Budget 100745  
and Management may transfer the state share appropriations between 100746  
General Revenue Fund appropriation item 651525, Medicaid Health 100747  
Care Services, within the Department of Medicaid and 655523, 100748  
Medicaid Program Support - Local Transportation, within the 100749  
Department of Job and Family Services. If such a transfer occurs, 100750  
the Director of Budget and Management shall adjust, using the 100751  
federal reimbursement rate, the federal share appropriations of 100752  
General Revenue Fund appropriation line 651525, Medicaid Health 100753  
Care Services, within the Department of Medicaid, and the Medicaid 100754  
Program Support Fund (3F01) appropriation line 655624, Medicaid 100755  
Program Support - Federal, within the Department of Job and Family 100756  
Services. The Director of Medicaid shall transmit to the Medicaid 100757  
Program Support Fund (3F01) the federal funds which the Department 100758  
of Medicaid, as the state's sole point of contact with the federal 100759  
government for Medicaid reimbursements, has drawn for this 100760  
transaction. 100761

**Section 333.140. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION** 100762  
**SYSTEM IMPLEMENTATION** 100763

Upon the request of the Medicaid Director, the Director of 100764  
Budget and Management may transfer up to \$5,000,000 of state share 100765  
appropriations in each fiscal year between General Revenue Fund 100766  
appropriation item 651525, Medicaid Health Care Services, within 100767  
the Department of Medicaid, and 655522, Medicaid Program Support - 100768  
Local, within the Department of Job and Family Services. If such a 100769  
transfer occurs, the Director of Budget and Management shall 100770  
adjust, using the federal reimbursement rate, the federal share 100771  
appropriations of General Revenue Fund appropriation item 651525, 100772  
Medicaid Health Care Services, within the Department of Medicaid, 100773  
and the Medicaid Program Support Fund (Fund 3F01) appropriation 100774  
item 655624, Medicaid Program Support - Federal, within the 100775

Department of Job and Family Services. The Director of Medicaid 100776  
shall transmit to the Medicaid Program Support Fund (3F01) the 100777  
federal funds which the Department of Medicaid, as the state's 100778  
sole point of contact with the federal government for Medicaid 100779  
reimbursements, has drawn for this transaction. 100780

Any increase in funding shall be provided to county 100781  
departments of job and family services and shall only be used for 100782  
costs related to transitioning to a new public assistance 100783  
eligibility determination system. These funds shall not be used 100784  
for existing and ongoing operating expenses. The Medicaid Director 100785  
shall establish criteria for distributing these funds and for 100786  
county departments of job and family services to submit allowable 100787  
expenses. 100788

County departments of job and family services shall comply 100789  
with new roles, processes, and responsibilities related to the new 100790  
eligibility determination system. County departments of job and 100791  
family services shall report to the Ohio Department of Job and 100792  
Family Services and the Ohio Department of Medicaid, on a schedule 100793  
determined by the Medicaid Director, how the funds were used. 100794

**Section 333.150. MEDICAID PROGRAM SUPPORT - LOCAL** 100795  
TRANSPORTATION 100796

If the Department of Job and Family Services continues to 100797  
administer the Medicaid transportation program in fiscal year 100798  
2019, upon request of the Director of Job and Family Services, the 100799  
Director of Budget and Management may transfer up to \$45,100,000 100800  
in appropriation from appropriation item 651525, Medicaid Health 100801  
Care Services, to appropriation item 655523, Medicaid Program 100802  
Support-Local Transportation. Any appropriation so transferred 100803  
shall be used by the Department of Job and Family Services to 100804  
continue to administer the Medicaid transportation program. 100805

**Section 333.160.** STATE PLAN HOME AND COMMUNITY-BASED SERVICES 100806

For the period beginning July 1, 2017, and ending on the 100807  
effective date of the enactment by this act of section 5164.10 of 100808  
the Revised Code, the Medicaid program may continue to cover state 100809  
plan home and community-based services in the same manner that it 100810  
covered the services during fiscal year 2016 and fiscal year 2017 100811  
under Section 327.190 of Am. Sub. H.B. 64 of the 131st General 100812  
Assembly. Beginning with the effective date of the enactment by 100813  
this act of section 5164.10 of the Revised Code, the Medicaid 100814  
program may cover state plan home and community-based services in 100815  
accordance with that section. 100816

**Section 333.170.** FISCAL YEAR 2018 AND FISCAL YEAR 2019 100817  
MEDICAID PAYMENT RATES FOR DIRECT CARE COSTS 100818

(A) As used in this section, "change of operator," "direct 100819  
care costs," "effective date of a change of operator," "entering 100820  
operator," "nursing facility," and "nursing facility services" 100821  
have the same meanings as in section 5165.01 of the Revised Code. 100822

(B) Notwithstanding section 5165.19 of the Revised Code, the 100823  
Department of Medicaid shall, for the purpose of determining each 100824  
nursing facility's per Medicaid day payment rate for direct care 100825  
costs for nursing facility services provided during the period 100826  
beginning October 1, 2017, and ending July 1, 2019, reduce each 100827  
peer group's cost per case-mix unit determined under division (D) 100828  
of section 5165.19 of the Revised Code by seven per cent. If a 100829  
nursing facility undergoes a change of operator and the effective 100830  
date of the change of operator occurs during the period beginning 100831  
on July 1, 2017, and ending October 1, 2017, the per Medicaid day 100832  
payment rate for direct care costs to be paid to the entering 100833  
operator for nursing facility services that the nursing facility 100834  
provides shall be modified in accordance with this section. 100835

(C) This section does not apply to the total per Medicaid day payment rates determined under section 5165.153 or 5165.157 of the Revised Code or the Medicaid payment rates determined under section 327.270 of Am. Sub. H.B. 64 of the 131st General Assembly.

**Section 333.180.** MEDICAID PAYMENT RATES FOR NONINSTITUTIONAL PROVIDERS

Notwithstanding section 5164.70 of the Revised Code as in effect on June 30, 2017, the Department of Medicaid may establish Medicaid payment rates for services provided by a Medicaid provider, other than a hospital, nursing facility, or intermediate care facility for individuals with intellectual disabilities, that may exceed the authorized payment limits for the same service under the Medicare Program. Such rates may take effect for dates of service on or after July 1, 2017. A portion of the foregoing appropriation items 651525, Medicaid/Health Care Services, 651603, Medicaid Health Information Technology, 651623, Medicaid Services - Federal, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, and 651682, Health Care Grants - State, may be used to pay for Medicaid services and costs associated with the administration of the Medicaid Program, including the establishment and payment of rates in accordance with this section.

**Section 333.190.** TRANSFER OF INDIVIDUALS FROM DEPARTMENT OF HEALTH PROGRAMS TO DEPARTMENT OF MEDICAID PROGRAMS

(A) As used in this section:

(1) "Cystic Fibrosis Program" means the Cystic Fibrosis Program the Department of Health administers pursuant to division (H) of section 3701.023 of the Revised Code.

(2) "Hemophilia Program" means the Hemophilia Program the Department of Health is required to establish and administer under

section 3701.029 of the Revised Code. 100866

(3) "Program for Medically Handicapped Children" means the 100867  
Program for Medically Handicapped Children the Department of 100868  
Health administers pursuant to sections 3702.022 to 3702.028 of 100869  
the Revised Code. 100870

(B) The Department of Medicaid shall work in collaboration 100871  
with the Department of Health to do both of the following on 100872  
January 1, 2018: 100873

(1) Enroll in the Medicaid program all Medicaid-eligible 100874  
individuals who meet both of the following requirements: 100875

(a) Are enrolled in the Program for Medically Handicapped 100876  
Children, Cystic Fibrosis Program, or Hemophilia Program on 100877  
December 31, 2017, and lose eligibility for the program on January 100878  
1, 2018, because of the amendments by this act to section 3701.023 100879  
or 3701.029 of the Revised Code; 100880

(b) Do not object to enrolling in the Medicaid program. 100881

(2) Enroll in the program established under section 5160.51 100882  
of the Revised Code all nonMedicaid-eligible individuals who meet 100883  
all of the following requirements: 100884

(a) Are enrolled in the Program for Medically Handicapped 100885  
Children, Cystic Fibrosis Program, or Hemophilia Program on 100886  
December 31, 2017, and lose eligibility for the program on January 100887  
1, 2018, because of the amendments by this act to section 3701.023 100888  
or 3701.029 of the Revised Code; 100889

(b) Are eligible for the program established under section 100890  
5160.51 of the Revised Code; 100891

(c) Do not object to enrolling in the program established 100892  
under section 5160.51 of the Revised Code. 100893

(C) An individual's objection under this section to enrolling 100894  
in Medicaid or the program established under section 5160.51 of 100895

|  |                                      |
|--|--------------------------------------|
| the Revised Code does not negate any of the following:   | 100896                               |
| (1) The individual's ineligibility for the Program for Medically Handicapped Children pursuant to division (A)(2) of section 3701.023 of the Revised Code;   | 100897<br>100898<br>100899           |
| (2) The individual's ineligibility for the Cystic Fibrosis Program pursuant to division (H) of section 3701.023 of the Revised Code;   | 100900<br>100901<br>100902           |
| (3) The individual's ineligibility for the Hemophilia Program pursuant to division (B) of section 3701.029 of the Revised Code.  | 100903<br>100904                     |
| <b>Section 333.200. TRANSFER OF OHIO ACCESS SUCCESS PROJECT ENROLLEES</b>  | 100905<br>100906                     |
| (A) As used in this section:   | 100907                               |
| (1) "Helping Ohioans Move, Expanding Choice program" means the component of the Medicaid program authorized by section 5164.90 of the Revised Code.  | 100908<br>100909<br>100910           |
| (2) "Home and community-based Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.   | 100911<br>100912                     |
| (3) "Ohio Access Success Project" means the program established under section 5166.35 of the Revised Code.   | 100913<br>100914                     |
| (B) Before January 1, 2019, the Department of Medicaid shall transfer all Medicaid recipients who are enrolled in the Ohio Access Success Project to the following:  | 100915<br>100916<br>100917           |
| (1) Except as provided in division (B) of this section, the Helping Ohioans Move, Expanding Choice program;  | 100918<br>100919                     |
| (2) If the Helping Ohioans Move, Expanding Choice program is integrated into a home and community-based services Medicaid waiver component, the same or another home and community-based services Medicaid waiver component. | 100920<br>100921<br>100922<br>100923 |

|   |   |                |                |        |
|---|---|----------------|----------------|--------|
| <b>Section 335.10. MED STATE MEDICAL BOARD</b>                                    |   |                |                | 100924 |
| Dedicated Purpose Fund Group  |   |                |                | 100925 |
| 5C60 883609   | Operating Expenses                                  | \$ 10,163,504  | \$ 11,064,757  | 100926 |
| TOTAL DPF Dedicated Purpose Fund Group  |   |                |                | 100927 |
| TOTAL ALL BUDGET FUND GROUPS  |   |                |                | 100928 |
| <br><b>Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES</b> |   |                |                | 100930 |
| SERVICES  |   |                |                | 100931 |
| General Revenue Fund  |   |                |                | 100932 |
| GRF 336321  | Central Administration                              | \$ 15,049,089  | \$ 15,049,089  | 100933 |
| GRF 336402  | Resident Trainees                                   | \$ 1,450,000   | \$ 1,450,000   | 100934 |
| GRF 336405  | Family and Children First                           | \$ 1,386,000   | \$ 1,386,000   | 100935 |
| GRF 336406  | Prevention and Wellness                             | \$ 3,368,659   | \$ 3,368,659   | 100936 |
| GRF 336412  | Hospital Services                                   | \$ 219,206,280 | \$ 223,849,644 | 100937 |
| GRF 336415  | Mental Health Facilities Lease Rental Bond Payments | \$ 20,323,000  | \$ 19,426,900  | 100938 |
| GRF 336421  | Continuum of Care Services                          | \$ 71,989,846  | \$ 71,989,846  | 100939 |
| GRF 336422  | Criminal Justice Services                           | \$ 10,416,418  | \$ 11,416,418  | 100940 |
| GRF 336423  | Addiction Services Partnership with Corrections     | \$ 25,500,000  | \$ 25,500,000  | 100941 |
| GRF 336424  | Recovery Housing                                    | \$ 1,000,000   | \$ 2,500,000   | 100942 |
| GRF 336425  | Specialized Docket Support                          | \$ 5,000,000   | \$ 5,000,000   | 100943 |

|                                      |                              |   |    |             |    |             |        |
|--------------------------------------|------------------------------|---|----|-------------|----|-------------|--------|
| GRF                                  | 336504                       | Community Innovations                                     | \$ | 5,850,000   | \$ | 9,250,000   | 100944 |
| GRF                                  | 336506                       | Court Costs   | \$ | 1,284,210   | \$ | 1,284,210   | 100945 |
| GRF                                  | 336510                       | Residential State Supplement                              | \$ | 15,002,875  | \$ | 15,002,875  | 100946 |
| GRF                                  | 336511                       | Early Childhood Mental Health Counselors and Consultation | \$ | 2,500,000   | \$ | 2,500,000   | 100947 |
| GRF                                  | 652321                       | Medicaid Support  | \$ | 1,250,367   | \$ | 1,250,367   | 100948 |
| TOTAL GRF                            | General Revenue Fund         |   | \$ | 400,576,744 | \$ | 410,224,008 | 100949 |
| Dedicated Purpose Fund Group         |                              |   |    |             |    |             | 100950 |
| 2320                                 | 336621                       | Family and Children First                                 | \$ | 410,113     | \$ | 410,113     | 100951 |
| 4750                                 | 336623                       | Statewide Treatment and Prevention                        | \$ | 20,450,000  | \$ | 15,550,000  | 100952 |
| 4850                                 | 336632                       | Mental Health Operating                                   | \$ | 2,611,733   | \$ | 2,611,733   | 100953 |
| 5AU0                                 | 336615                       | Behavioral Health Care                                    | \$ | 7,850,000   | \$ | 7,850,000   | 100954 |
| 5JL0                                 | 336629                       | Problem Gambling and Casino Addiction                     | \$ | 6,267,609   | \$ | 6,267,609   | 100955 |
| 5T90                                 | 336641                       | Problem Gambling Services                                 | \$ | 1,495,000   | \$ | 1,495,000   | 100956 |
| 6320                                 | 336616                       | Community Capital Replacement                             | \$ | 350,000     | \$ | 350,000     | 100957 |
| 6890                                 | 336640                       | Education and Conferences                                 | \$ | 150,000     | \$ | 150,000     | 100958 |
| TOTAL DPF                            | Dedicated Purpose Fund Group |   | \$ | 39,584,455  | \$ | 34,684,455  | 100959 |
| Internal Service Activity Fund Group |                              |   |    |             |    |             | 100960 |
| 1490                                 | 336609                       | Hospital Operating Expenses                               | \$ | 24,790,000  | \$ | 24,790,000  | 100961 |

|                    |                           |                                      |    |             |    |             |        |
|--------------------|---------------------------|--------------------------------------|----|-------------|----|-------------|--------|
| 1490               | 336610                    | Operating Expenses                   | \$ | 6,743,190   | \$ | 6,743,190   | 100962 |
| 1500               | 336620                    | Special Education                    | \$ | 150,000     | \$ | 150,000     | 100963 |
| 1510               | 336601                    | Ohio Pharmacy<br>Services            | \$ | 70,302,017  | \$ | 70,302,017  | 100964 |
| 4P90               | 336604                    | Community Mental<br>Health Projects  | \$ | 1,250,000   | \$ | 250,000     | 100965 |
| TOTAL ISA          | Internal Service Activity |                                      | \$ | 103,235,207 | \$ | 102,235,207 | 100966 |
| Fund Group         |                           |                                      |    |             |    |             |        |
| Federal Fund Group |                           |                                      |    |             |    |             | 100967 |
| 3240               | 336605                    | Medicaid/Medicare                    | \$ | 20,000,000  | \$ | 20,000,000  | 100968 |
| 3A60               | 336608                    | Federal Miscellaneous                | \$ | 1,010,000   | \$ | 1,010,000   | 100969 |
| 3A70               | 336612                    | Social Services Block<br>Grant       | \$ | 8,450,000   | \$ | 8,450,000   | 100970 |
| 3A80               | 336613                    | Federal Grants                       | \$ | 7,017,000   | \$ | 7,017,000   | 100971 |
| 3A90               | 336614                    | Mental Health Block<br>Grant         | \$ | 17,058,470  | \$ | 17,058,470  | 100972 |
| 3G40               | 336618                    | Substance Abuse Block<br>Grant       | \$ | 65,865,756  | \$ | 65,865,756  | 100973 |
| 3H80               | 336606                    | Demonstration Grants                 | \$ | 15,000,000  | \$ | 15,000,000  | 100974 |
| 3N80               | 336639                    | Administrative<br>Reimbursement      | \$ | 1,000,000   | \$ | 1,000,000   | 100975 |
| 3B10               | 652635                    | Community Medicaid<br>Legacy Costs   | \$ | 5,000,000   | \$ | 5,000,000   | 100976 |
| 3B10               | 652636                    | Community Medicaid<br>Legacy Support | \$ | 7,000,000   | \$ | 7,000,000   | 100977 |
| TOTAL FED          | Federal Fund Group        |                                      | \$ | 147,401,226 | \$ | 147,401,226 | 100978 |
| TOTAL ALL          | BUDGET FUND GROUPS        |                                      | \$ | 690,797,632 | \$ | 694,544,896 | 100979 |

**Section 337.20. RESIDENT TRAINEES** 100981

Of the foregoing appropriation item 336402, Resident 100982  
 Trainees, up to \$500,000 in each fiscal year shall be used to 100983  
 assist with workforce recruitment and retention by supporting 100984  
 community behavioral health centers in the provision of clinical 100985

oversight and supervision of practitioners working toward their independent licensure. 100986  
100987

Of the foregoing appropriation item 336402, Resident Trainees, up to \$500,000 in each fiscal year shall be used to support residency programs for psychiatrists, advanced practice nurses, and physician assistants who engage in the public behavioral health system. 100988  
100989  
100990  
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Of the foregoing appropriation item 336402, Resident Trainees, up to \$450,000 in each fiscal year may be used to fund residencies and traineeship programs in psychiatry, psychology, nursing, and social work at state universities and teaching hospitals. 100993  
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**Section 337.30. PREVENTION AND WELLNESS** 100998

The foregoing appropriation item 336406, Prevention and Wellness, shall be used as follows: 100999  
101000

(A) Up to \$500,000 in each fiscal year shall be used to support evidence-based prevention in school settings. 101001  
101002

(B) Up to \$1,500,000 in each fiscal year shall be distributed to boards of alcohol, drug addiction, and mental health services to purchase the provision of evidence-based prevention services from providers certified by the Department of Mental Health and Addiction Services. 101003  
101004  
101005  
101006  
101007

(C) Up to \$500,000 in each fiscal year shall be used to support suicide prevention efforts. 101008  
101009

**Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS** 101010  
101011

The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30, 101012  
101013  
101014

2019, by the Department of Mental Health and Addiction Services 101015  
under leases and agreements made under section 154.20 of the 101016  
Revised Code. These appropriations are the source of funds pledged 101017  
for bond service charges on obligations issued pursuant to Chapter 101018  
154. of the Revised Code. 101019

**Section 337.50. CONTINUUM OF CARE SERVICES** 101020

The foregoing appropriation item 336421, Continuum of Care 101021  
Services, shall be used as follows: 101022

(A) A portion of this appropriation shall be allocated to 101023  
boards of alcohol, drug addiction, and mental health services in 101024  
accordance with a distribution methodology determined by the 101025  
Director of Mental Health and Addiction Services for the boards to 101026  
purchase mental health and addiction services permitted under 101027  
Chapter 340. of the Revised Code. Boards may use a portion of the 101028  
funds allocated: 101029

(1) To provide subsidized support for psychotropic medication 101030  
needs of indigent citizens in the community to reduce unnecessary 101031  
hospitalization due to lack of medication; and 101032

(2) To provide subsidized support for medication-assisted 101033  
treatment costs. 101034

(B) A portion of this appropriation may be distributed to 101035  
boards of alcohol, drug addiction, and mental health services, 101036  
community addiction and/or mental health services providers, 101037  
courts, or other governmental entities to provide specific grants 101038  
in support of initiatives concerning mental health and addiction 101039  
services. 101040

**Section 337.60. CRIMINAL JUSTICE SERVICES** 101041

The foregoing appropriation item 336422, Criminal Justice 101042  
Services, shall be used to provide forensic psychiatric 101043

evaluations to courts of common pleas and to conduct evaluations 101044  
of patients of forensic status in facilities operated or 101045  
designated by the Department of Mental Health and Addiction 101046  
Services prior to conditional release to the community. A portion 101047  
of this appropriation may be allocated through boards of alcohol, 101048  
drug addiction, and mental health services to community addiction 101049  
and/or mental health services providers in accordance with a 101050  
distribution methodology as determined by the Director of Mental 101051  
Health and Addiction Services. 101052

The foregoing appropriation item 336422, Criminal Justice 101053  
Services, may also be used to: 101054

(A) Provide forensic monitoring and tracking of individuals 101055  
on conditional release; 101056

(B) Provide forensic training; 101057

(C) Support projects that assist courts and law enforcement 101058  
to identify and develop appropriate alternative services to 101059  
incarceration for nonviolent mentally ill offenders; 101060

(D) Provide specialized re-entry services to offenders 101061  
leaving prisons and jails; 101062

(E) Provide specific grants in support of addiction services 101063  
alternatives to incarceration; 101064

(F) Support therapeutic communities; and 101065

(G) Support specialty dockets and expand or create new 101066  
certified court programs. 101067

**Section 337.70. MEDICATION-ASSISTED TREATMENT FOR DRUG COURT 101068**  
SPECIALIZED DOCKET PROGRAMS 101069

(A) As used in this section: 101070

(1) "Community addiction services provider" has the same 101071  
meaning as in section 5119.01 of the Revised Code. 101072

(2) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs: a common pleas court, municipal court, or county court, or a division of any of those courts.

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(4) "Recovery supports" has the same meaning as in section 5119.01 of the Revised Code.

(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide addiction treatment, which may include medication-assisted treatment and recovery supports, to persons eligible to participate in a medication-assisted treatment drug court program, and are selected under this section to be participants in the program because of their dependence on opioids, alcohol, or both.

(2) The Department shall conduct the program in those courts of Allen, Clinton, Crawford, Cuyahoga, Franklin, Gallia, Hamilton, Hardin, Hocking, Jackson, Marion, Mercer, Montgomery, Summit, and Warren counties that are conducting MAT drug court programs. If in any of these counties there is no court conducting a MAT drug court program, the Department shall conduct the program in a court that is conducting a MAT drug court program in another county.

(3) In addition to conducting the program in accordance with division (B)(2) of this section, the Department may conduct the program in any other court that is conducting a MAT drug court program.

(C) In conducting the program, the Department shall collaborate with the Supreme Court, the Department of Rehabilitation and Correction, and any agency of the state that

the Department of Mental Health and Addiction Services determines 101104  
may be of assistance in accomplishing the objectives of the 101105  
program. The Department may collaborate with the boards of 101106  
alcohol, drug addiction, and mental health services and with local 101107  
law enforcement agencies that serve the counties in which a court 101108  
participating in the program is located. 101109

(D)(1) A MAT drug court program shall select persons who are 101110  
criminal offenders or who are involved in a family drug or 101111  
dependency court to be participants in the program. A person shall 101112  
not be selected to be a participant unless the person meets the 101113  
legal and clinical eligibility criteria for the MAT drug court 101114  
program and is an active participant in the program. 101115

(2) The total number of persons participating in a program at 101116  
any time shall not exceed one thousand five hundred, subject to 101117  
available funding, except that the Department may authorize the 101118  
maximum number to be exceeded in circumstances that the Department 101119  
considers to be appropriate. 101120

(3) After being enrolled in a MAT drug court program, a 101121  
participant shall comply with all requirements of the MAT drug 101122  
court program. 101123

(E) The treatment provided in a MAT drug court program shall 101124  
be provided by a community addiction services provider. The 101125  
provider shall do all of the following: 101126

(1) Provide treatment based on an integrated service delivery 101127  
model that consists of the coordination of care between a 101128  
prescriber and the community addiction services provider; 101129

(2) Conduct professional, comprehensive substance abuse and 101130  
mental health diagnostic assessments of a person under 101131  
consideration for selection as a program participant to determine 101132  
whether the person would benefit from substance abuse treatment 101133  
and monitoring; 101134

|  |        |
|--|--------|
| (3) Determine, based on the assessment described in division       | 101135 |
| (E)(2) of this section, the treatment needs of the program         | 101136 |
| participants served by the community addiction services provider;  | 101137 |
| (4) Develop, for program participants served by the community      | 101138 |
| addiction services provider, individualized goals and objectives;  | 101139 |
| (5) Provide access to the long-acting antagonist therapies,        | 101140 |
| partial agonist therapies, or both, that are included in the       | 101141 |
| program's medication-assisted treatment;                           | 101142 |
| (6) Provide other types of therapies, including psychosocial       | 101143 |
| therapies, for both substance abuse and any disorders that are     | 101144 |
| considered by the community addiction services provider to be      | 101145 |
| co-occurring disorders;  | 101146 |
| (7) Monitor program compliance through the use of regular          | 101147 |
| drug testing, including urinalysis, of the program participants    | 101148 |
| served by the community addiction services provider;               | 101149 |
| (8) Provide access to time-limited recovery supports.              | 101150 |
| (F) In the case of medication-assisted treatment provided          | 101151 |
| under the program, all of the following conditions apply:          | 101152 |
| (1) A drug may be used only if the drug has been approved by       | 101153 |
| the United States Food and Drug Administration for use in treating | 101154 |
| dependence on opioids, alcohol, or both, or for preventing relapse | 101155 |
| into the use of opioids, alcohol, or both.                         | 101156 |
| (2) One or more drugs may be used, but each drug that is used      | 101157 |
| must constitute long-acting antagonist therapy or partial agonist  | 101158 |
| therapy.   | 101159 |
| (3) If a drug constituting partial agonist therapy is used,        | 101160 |
| the program shall provide safeguards to minimize abuse and         | 101161 |
| diversion of the drug, including such safeguards as routine drug   | 101162 |
| testing of program participants.                                   | 101163 |
| (G) It is anticipated and expected that MAT drug court             | 101164 |

programs will expand their ability to serve more drug court participants as a result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support the program established under this section are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director, in collaboration with major Ohio health care plans, shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for medication-assisted treatment for program participants. The plans developed under this division shall ensure all of the following:

(1) The development of an efficient and timely process for review of eligibility for health benefits for all offenders selected to participate in the program;

(2) A rapid conversion to reimbursement for all health care services by the participant's health care plan following approval for coverage of health care benefits;

(3) The development of a consistent benefit package that provides ready access to and reimbursement for essential health care services including, but not limited to, primary health care services, alcohol and opioid detoxification services, appropriate psychosocial services, and medication for long-acting injectable antagonist therapies and partial agonist therapies;

(4) The development of guidelines that require the provision of all treatment services, including medication, with minimal administrative barriers and within a time frame that meets the requirements of individual patient care plans.

(H) Upon completion of the report required in division (J) of Section 331.90 of Am. Sub. H.B. 64 of the 131st General Assembly, the institution that prepared the report shall submit the report to the Governor, Chief Justice of the Supreme Court, President of

the Senate, Speaker of the House of Representatives, Director of 101196  
Mental Health and Addiction Services, Director of Rehabilitation 101197  
and Correction, and any state agency that the Department of Mental 101198  
Health and Addiction Services collaborates with in conducting the 101199  
program. 101200

(I) Of the foregoing appropriation item 336422, Criminal 101201  
Justice Services, up to \$5,000,000 in each fiscal year shall be 101202  
used to support medication-assisted treatment for drug court 101203  
specialized docket programs. 101204

**Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH 101205**  
CORRECTIONS 101206

Any business commenced but not completed by July 1, 2015, by 101207  
the Department of Rehabilitation and Correction regarding recovery 101208  
services shall be completed by the Department of Mental Health and 101209  
Addiction Services. No validation, cure, right, privilege, remedy, 101210  
obligation, or liability is lost or impaired by reason of the 101211  
transfer required by this section and shall be administered by the 101212  
Department of Mental Health and Addiction Services. Any rules, 101213  
orders, and determinations pertaining to the Bureau of Recovery 101214  
Services continue in effect as rules, orders, and determinations 101215  
of the Department of Mental Health and Addiction Services until 101216  
modified or rescinded by the Department of Mental Health and 101217  
Addiction Services. If necessary to ensure the integrity of the 101218  
numbering of the Administrative Code, the Director of the 101219  
Legislative Service Commission shall renumber the numbers to 101220  
reflect their transfer to the Department of Mental Health and 101221  
Addiction Services. 101222

Subject to the lay-off provisions of sections 124.321 to 101223  
124.382 of the Revised Code, all employees of the Bureau of 101224  
Recovery Services are hereby transferred to the Department of 101225  
Mental Health and Addiction Services and retain their positions 101226

and all of their benefits. 101227

Wherever the Bureau of Recovery Services is referred to in 101228  
any law, contract, or other document, the reference shall be 101229  
deemed to refer to the Department of Mental Health and Addiction 101230  
Services or its director, as appropriate. 101231

Any business commenced but not completed under appropriation 101232  
item 505321, Institution Medical Services, pertaining to the 101233  
Bureau of Recovery Services, shall be completed under 101234  
appropriation item 336423, Addiction Services Partnership with 101235  
Corrections, in the same manner, and with the same effect, as if 101236  
completed with regard to appropriation item 505321, Institution 101237  
Medical Services. 101238

**Section 337.90. RECOVERY HOUSING** 101239

The foregoing appropriation item 336424, Recovery Housing, 101240  
shall be used to expand and support access to recovery housing as 101241  
defined in section 340.01 of the Revised Code and in accordance 101242  
with section 340.034 of the Revised Code. For expenditures that 101243  
are capital in nature, the Department of Mental Health and 101244  
Addiction Services shall develop procedures to administer these 101245  
funds in a manner that is consistent with current community 101246  
capital assistance guidelines. 101247

**Section 337.100. SPECIALIZED DOCKET SUPPORT** 101248

(A) The foregoing appropriation item 336425, Specialized 101249  
Docket Support, shall be used to defray a portion of the annual 101250  
payroll costs associated with the specialized docket of a common 101251  
pleas court, municipal court, county court, juvenile court, or 101252  
family court that meets all of the eligibility requirements in 101253  
division (B) of this section, including a family dependency 101254  
treatment docket. The foregoing appropriation item 336425, 101255  
Specialized Docket Support, may also be used to defray costs 101256

associated with treatment services and recovery supports for 101257  
participants. 101258

(B) To be eligible, the specialized docket must have received 101259  
Supreme Court of Ohio final certification and include participants 101260  
with behavioral health needs in its target population. 101261

(C) Of the foregoing appropriation item 336425, Specialized 101262  
Docket Support, the Department of Mental Health and Addiction 101263  
Services shall use up to one per cent of the funds appropriated in 101264  
each fiscal year to pay the cost it incurs in administering the 101265  
duties established in this section. 101266

(D) The Department, in consultation with the Supreme Court of 101267  
Ohio, may adopt funding distribution methodology, guidelines, and 101268  
procedures as necessary to carry out the purposes of this section. 101269

**Section 337.110. COMMUNITY INNOVATIONS** 101270

The foregoing appropriation item 336504, Community 101271  
Innovations, may be used by the Department of Mental Health and 101272  
Addiction Services to make targeted investments in programs, 101273  
projects, or systems operated by or under the authority of other 101274  
state agencies, governmental entities, or private not-for-profit 101275  
agencies that impact, or are impacted by, the operations and 101276  
functions of the Department, with the goal of achieving a net 101277  
reduction in expenditure of state general revenue funds and/or 101278  
improved outcomes for Ohio citizens without a net increase in 101279  
state general revenue fund spending. 101280

The Director shall identify and evaluate programs, projects, 101281  
or systems proposed or operated, in whole or in part, outside of 101282  
the authority of the Department, where targeted investment of 101283  
these funds in the program, project, or system is expected to 101284  
decrease demand for the Department or other resources funded with 101285  
state general revenue funds, and/or to measurably improve outcomes 101286

for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to transfer money from the appropriation item to other state agencies, governmental entities, or private not-for-profit agencies in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of moneys from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other resources to the program, project, or system; expected state savings and/or improved outcomes and proposed mechanisms for measurement of such savings or outcomes; and required reporting regarding expenditure of funds and savings or outcomes achieved.

Of the foregoing appropriation item 336504, Community Innovations, up to \$3,000,000 in fiscal year 2018 and \$4,000,000 in fiscal year 2019 shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

Of the foregoing appropriation item 336504, Community Innovations, up to \$500,000 in fiscal year 2018 and \$750,000 in fiscal year 2019 shall be used to enhance access to naloxone across the state for county health departments to then disperse through a grant program to local law enforcement, emergency personnel, and first responders. If local law enforcement, emergency personnel, and first responders are not making use of the naloxone grant funds, the county health department may use grant funding to provide naloxone through a Project DAWN program within the county.

Of the foregoing appropriation item 336504, Community

Innovations, up to \$850,000 in fiscal year 2018 and \$2,000,000 in 101319  
fiscal year 2019 shall be used to support projects that assist 101320  
local communities in implementing a full continuum of care, 101321  
including workforce development, as described in division (A)(1) 101322  
of section 340.03 of the Revised Code. 101323

**Section 337.120. RESIDENTIAL STATE SUPPLEMENT** 101324

(A) The foregoing appropriation item 336510, Residential 101325  
State Supplement, may be used by the Department of Mental Health 101326  
and Addiction Services to provide training for residential 101327  
facilities providing accommodations, supervision, and personal 101328  
care services to three to sixteen unrelated adults with mental 101329  
illness and to make payments to residential state supplement 101330  
recipients. 101331

(B) The Department of Mental Health and Addiction Services 101332  
shall adopt rules establishing eligibility criteria and payment 101333  
amounts under section 5119.41 of the Revised Code. 101334

**Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 101335  
CONSULTATION** 101336

The foregoing appropriation item 336511, Early Childhood 101337  
Mental Health Counselors and Consultation, shall be used to 101338  
promote identification and intervention for early childhood mental 101339  
health and to enhance healthy social emotional development in 101340  
order to reduce preschool to third grade classroom expulsions. 101341  
Funds shall be used by the Department of Mental Health and 101342  
Addiction Services to support early childhood mental health 101343  
credentialed counselors and consultation services, as well as 101344  
administration and workforce development for the program. 101345

**Section 337.140. MEDICAID SUPPORT** 101346

The foregoing appropriation item 652321, Medicaid Support, 101347

shall be used to fund specified Medicaid Services as delegated by 101348  
the state's single agency responsible for the Medicaid Program. 101349

**Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION** 101350

A portion of appropriation item 336629, Problem Gambling and 101351  
Casino Addiction, shall be allocated to boards of alcohol, drug 101352  
addiction, and mental health services in accordance with a 101353  
distribution methodology determined by the Director of Mental 101354  
Health and Addiction Services. 101355

**Section 337.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING** 101356  
**POOL** 101357

A county family and children first council may establish and 101358  
operate a flexible funding pool in order to assure access to 101359  
needed services by families, children, and older adults in need of 101360  
protective services. The operation of the flexible funding pools 101361  
shall be subject to the following restrictions: 101362

(A) The county council shall establish and operate the 101363  
flexible funding pool in accordance with formal guidance issued by 101364  
the Family and Children First Cabinet Council; 101365

(B) The county council shall produce an annual report on its 101366  
use of the pooled funds. The annual report shall conform to a 101367  
format prescribed in the formal guidance issued by the Family and 101368  
Children First Cabinet Council; 101369

(C) Unless otherwise restricted, funds transferred to the 101370  
flexible funding pool may include state general revenues allocated 101371  
to local entities to support the provision of services to families 101372  
and children; 101373

(D) The amounts transferred to the flexible funding pool 101374  
shall be limited to amounts that can be redirected without 101375  
impairing the achievement of the objectives for which the initial 101376

allocation is designated; and 101377

(E) Each amount transferred to the flexible funding pool from 101378  
a specific allocation shall be approved for transfer by the 101379  
director of the local agency that was the original recipient of 101380  
the allocation. 101381

**Section 337.170.** MEDICAID SPENDING AS MAINTENANCE OF EFFORT 101382

The designation of administering agency for federal aid shall 101383  
be held jointly by the Department of Mental Health and Addiction 101384  
Services and the Department of Medicaid for determining 101385  
maintenance of effort pursuant to 42 U.S.C. 300x-30. The 101386  
Department of Mental Health and Addiction Services remains the 101387  
designated agency for all other purposes established by 42 U.S.C. 101388  
300x et seq. and section 5119.32 of the Revised Code. 101389

**Section 337.180.** ACCESS SUCCESS II PROGRAM 101390

To the extent cash is available, the Director of Budget and 101391  
Management may transfer cash from the Money Follows the Person 101392  
Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 101393  
Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 101394  
by the Department of Mental Health and Addiction Services. The 101395  
transferred cash is hereby appropriated. 101396

The Department of Mental Health and Addiction Services shall 101397  
use the transferred funds to administer the Access Success II 101398  
Program to help non-Medicaid patients in any hospital established, 101399  
controlled, or supervised by the Department under Chapter 5119. of 101400  
the Revised Code to transition from inpatient status to a 101401  
community setting. 101402

**Section 337.190.** CASH TRANSFER FROM THE INDIGENT DRIVERS 101403  
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 101404  
FUND 101405

On a schedule determined by the Director of Budget and Management, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code to be transferred from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 4750). Upon certification, the Director of Budget and Management may transfer cash from the Indigent Drivers Alcohol Treatment Fund to the Statewide Treatment and Prevention Fund.

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**Section 339.10. MIH COMMISSION ON MINORITY HEALTH**

101416

General Revenue Fund

101417

|            |                      |    |           |    |           |        |
|------------|----------------------|----|-----------|----|-----------|--------|
| GRF 149321 | Operating Expenses   | \$ | 709,697   | \$ | 747,358   | 101418 |
| GRF 149501 | Demonstration Grants | \$ | 878,975   | \$ | 878,975   | 101419 |
| GRF 149502 | Lupus Program        | \$ | 96,000    | \$ | 96,000    | 101420 |
| GRF 149503 | Infant Mortality     | \$ | 1,000,000 | \$ | 1,000,000 | 101421 |

Health Grants

|                                |    |           |    |           |        |
|--------------------------------|----|-----------|----|-----------|--------|
| TOTAL GRF General Revenue Fund | \$ | 2,684,672 | \$ | 2,722,333 | 101422 |
|--------------------------------|----|-----------|----|-----------|--------|

Dedicated Purpose Fund Group

101423

|             |                 |    |        |    |        |        |
|-------------|-----------------|----|--------|----|--------|--------|
| 4C20 149601 | Minority Health | \$ | 50,000 | \$ | 50,000 | 101424 |
|-------------|-----------------|----|--------|----|--------|--------|

Conference

|                                  |    |        |    |        |        |
|----------------------------------|----|--------|----|--------|--------|
| TOTAL DPF Dedicated Purpose Fund | \$ | 50,000 | \$ | 50,000 | 101425 |
|----------------------------------|----|--------|----|--------|--------|

Group

|                              |    |           |    |           |        |
|------------------------------|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 2,734,672 | \$ | 2,772,333 | 101426 |
|------------------------------|----|-----------|----|-----------|--------|

**Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD**

101428

Dedicated Purpose Fund Group

101429

|             |                    |    |         |    |         |        |
|-------------|--------------------|----|---------|----|---------|--------|
| 4K90 865601 | Operating Expenses | \$ | 587,371 | \$ | 604,593 | 101430 |
|-------------|--------------------|----|---------|----|---------|--------|

|                                  |    |         |    |         |        |
|----------------------------------|----|---------|----|---------|--------|
| TOTAL DPF Dedicated Purpose Fund | \$ | 587,371 | \$ | 604,593 | 101431 |
|----------------------------------|----|---------|----|---------|--------|

Group

|                              |    |         |    |         |        |
|------------------------------|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 587,371 | \$ | 604,593 | 101432 |
|------------------------------|----|---------|----|---------|--------|

|      |                              |  |    |             |    |             |        |
|------|------------------------------|--|----|-------------|----|-------------|--------|
|      | <b>Section 343.10.</b>       | DNR DEPARTMENT OF NATURAL RESOURCES                                |    |             |    | 101434      |        |
|      | General Revenue Fund         |  |    |             |    | 101435      |        |
| GRF  | 725401                       | Division of<br>Wildlife-Operating<br>Subsidy                       | \$ | 1,800,000   | \$ | 1,800,000   | 101436 |
| GRF  | 725413                       | Parks and Recreational<br>Facilities Lease<br>Rental Bond Payments | \$ | 39,002,200  | \$ | 44,442,400  | 101437 |
| GRF  | 725456                       | Canal Lands  | \$ | 135,000     | \$ | 135,000     | 101438 |
| GRF  | 725505                       | Healthy Lake Erie<br>Program                                       | \$ | 800,000     | \$ | 1,000,000   | 101439 |
| GRF  | 725507                       | Coal and Mine Safety<br>Programs                                   | \$ | 2,815,409   | \$ | 2,815,409   | 101440 |
| GRF  | 725903                       | Natural Resources<br>General Obligation<br>Bond Debt Service       | \$ | 25,450,300  | \$ | 19,317,800  | 101441 |
| GRF  | 727321                       | Division of Forestry   | \$ | 2,755,587   | \$ | 4,755,587   | 101442 |
| GRF  | 729321                       | Office of Information<br>Technology                                | \$ | 185,309     | \$ | 185,309     | 101443 |
| GRF  | 730321                       | Parks and Recreation   | \$ | 31,045,229  | \$ | 31,062,061  | 101444 |
| GRF  | 736321                       | Division of<br>Engineering   | \$ | 2,097,088   | \$ | 2,080,256   | 101445 |
| GRF  | 737321                       | Division of Water<br>Resources                                     | \$ | 975,804     | \$ | 1,219,754   | 101446 |
| GRF  | 738321                       | Office of Real Estate<br>and Land Management                       | \$ | 742,448     | \$ | 742,448     | 101447 |
| GRF  | 741321                       | Division of Natural<br>Areas and Preserves                         | \$ | 1,016,648   | \$ | 1,270,810   | 101448 |
|      | TOTAL GRF                    | General Revenue Fund   | \$ | 108,821,022 | \$ | 110,826,834 | 101449 |
|      | Dedicated Purpose Fund Group |  |    |             |    |             | 101450 |
| 2270 | 725406                       | Parks Projects   | \$ | 1,073,153   | \$ | 1,112,791   | 101451 |

|      |        |                        |    |            |    |            |        |
|------|--------|------------------------|----|------------|----|------------|--------|
|      |        | Personnel              |    |            |    |            |        |
| 4300 | 725671 | Canal Lands            | \$ | 924,919    | \$ | 927,128    | 101452 |
| 4S90 | 725622 | NatureWorks Personnel  | \$ | 1,069,250  | \$ | 1,080,993  | 101453 |
| 4U60 | 725668 | Scenic Rivers          | \$ | 100,000    | \$ | 100,000    | 101454 |
|      |        | Protection             |    |            |    |            |        |
| 5090 | 725602 | State Forest           | \$ | 9,695,418  | \$ | 8,009,525  | 101455 |
| 5110 | 725646 | Ohio Geological        | \$ | 3,922,925  | \$ | 3,818,039  | 101456 |
|      |        | Mapping                |    |            |    |            |        |
| 5120 | 725605 | State Parks Operations | \$ | 32,289,583 | \$ | 32,289,583 | 101457 |
| 5140 | 725606 | Lake Erie Shoreline    | \$ | 2,125,649  | \$ | 1,681,699  | 101458 |
| 5160 | 725620 | Water Management       | \$ | 2,864,291  | \$ | 2,878,291  | 101459 |
| 5180 | 725643 | Oil and Gas Regulation | \$ | 19,444,876 | \$ | 19,444,876 | 101460 |
|      |        | and Safety             |    |            |    |            |        |
| 5180 | 725677 | Oil and Gas Well       | \$ | 3,000,000  | \$ | 3,000,000  | 101461 |
|      |        | Plugging               |    |            |    |            |        |
| 5210 | 725627 | Off-Road Vehicle       | \$ | 350,000    | \$ | 350,000    | 101462 |
|      |        | Trails                 |    |            |    |            |        |
| 5220 | 725656 | Natural Areas and      | \$ | 996,973    | \$ | 546,973    | 101463 |
|      |        | Preserves              |    |            |    |            |        |
| 5290 | 725639 | Mining Regulation and  | \$ | 4,764,897  | \$ | 4,499,705  | 101464 |
|      |        | Safety                 |    |            |    |            |        |
| 5310 | 725648 | Reclamation Forfeiture | \$ | 5,315,262  | \$ | 217,471    | 101465 |
| 5EL0 | 725612 | Wildlife Law           | \$ | 12,000     | \$ | 12,000     | 101466 |
|      |        | Enforcement            |    |            |    |            |        |
| 5EM0 | 725613 | Natural Resources Law  | \$ | 34,000     | \$ | 34,000     | 101467 |
|      |        | Enforcement            |    |            |    |            |        |
| 5HK0 | 725625 | Ohio Nature Preserves  | \$ | 55,162     | \$ | 1,000      | 101468 |
| 5MF0 | 725635 | Ohio Geology License   | \$ | 5,000      | \$ | 5,000      | 101469 |
|      |        | Plate                  |    |            |    |            |        |
| 5MW0 | 725604 | Natural Resources      | \$ | 2,000,000  | \$ | 2,000,000  | 101470 |
|      |        | Special Purposes       |    |            |    |            |        |
| 5P20 | 725634 | Wildlife Boater Angler | \$ | 5,000,000  | \$ | 5,000,000  | 101471 |
|      |        | Administration         |    |            |    |            |        |

|                                      |        |  |    |             |    |             |        |
|--------------------------------------|--------|--|----|-------------|----|-------------|--------|
| 5TD0                                 | 725514 | Park Maintenance                           | \$ | 1,356,000   | \$ | 1,356,000   | 101472 |
| 6150                                 | 725661 | Dam Safety                                 | \$ | 1,155,691   | \$ | 1,155,691   | 101473 |
| 6970                                 | 725670 | Submerged Lands                            | \$ | 717,155     | \$ | 717,155     | 101474 |
| 7015                                 | 740401 | Division of Wildlife<br>Conservation       | \$ | 62,772,287  | \$ | 62,772,287  | 101475 |
| 7086                                 | 725414 | Waterways Improvement                      | \$ | 6,193,671   | \$ | 6,193,671   | 101476 |
| 7086                                 | 739401 | Watercraft Operations                      | \$ | 22,228,023  | \$ | 22,228,023  | 101477 |
| 8150                                 | 725636 | Cooperative Management<br>Projects         | \$ | 650,000     | \$ | 650,000     | 101478 |
| 8160                                 | 725649 | Wetlands Habitat                           | \$ | 966,885     | \$ | 966,885     | 101479 |
| 8170                                 | 725655 | Wildlife Conservation<br>Checkoff          | \$ | 2,000,000   | \$ | 2,000,000   | 101480 |
| 8180                                 | 725629 | Cooperative Fisheries<br>Research          | \$ | 1,500,000   | \$ | 1,500,000   | 101481 |
| 8190                                 | 725685 | Ohio River Management                      | \$ | 140,000     | \$ | 140,000     | 101482 |
| 81B0                                 | 725688 | Wildlife Habitats                          | \$ | 1,200,000   | \$ | 1,200,000   | 101483 |
| TOTAL                                | DPF    | Dedicated Purpose Fund                     | \$ | 195,923,070 | \$ | 187,888,786 | 101484 |
| Group                                |        |  |    |             |    |             |        |
| Internal Service Activity Fund Group |        |  |    |             |    |             | 101485 |
| 1550                                 | 725601 | Departmental Projects                      | \$ | 1,523,950   | \$ | 1,629,913   | 101486 |
| 1550                                 | 725676 | Hocking Hills State<br>Park Lodge          | \$ | 500,000     | \$ | 500,000     | 101487 |
| 1570                                 | 725651 | Central Support<br>Indirect                | \$ | 5,632,162   | \$ | 5,632,162   | 101488 |
| 2040                                 | 725687 | Information Services                       | \$ | 5,791,238   | \$ | 5,791,238   | 101489 |
| 2050                                 | 725696 | Human Resource Direct<br>Services          | \$ | 2,698,048   | \$ | 2,735,732   | 101490 |
| 2230                                 | 725665 | Law Enforcement<br>Administration          | \$ | 2,664,717   | \$ | 2,827,473   | 101491 |
| 5100                                 | 725631 | Maintenance -<br>State-owned<br>Residences | \$ | 249,611     | \$ | 249,611     | 101492 |
| 6350                                 | 725664 | Fountain Square                            | \$ | 3,647,224   | \$ | 3,768,109   | 101493 |

|  |    |            |                      |
|--|----|------------|----------------------|
| Facilities Management                                  |    |            |                      |
| TOTAL ISA Internal Service Activity                    |    |            | 101494               |
| Fund Group   | \$ | 22,706,950 | \$ 23,134,238 101495 |
| Capital Projects Fund Group                            |    |            | 101496               |
| 7061 725405 Clean Ohio Trail                           | \$ | 301,796    | \$ 301,796 101497    |
| Operating  |    |            |                      |
| TOTAL CPF Capital Projects Fund Group                  | \$ | 301,796    | \$ 301,796 101498    |
| Fiduciary Fund Group                                   |    |            | 101499               |
| 4M80 725675 FOP Contract                               | \$ | 20,219     | \$ 20,219 101500     |
| TOTAL FID Fiduciary Fund Group                         | \$ | 20,219     | \$ 20,219 101501     |
| Holding Account Fund Group                             |    |            | 101502               |
| R017 725659 Performance Cash Bond                      | \$ | 528,993    | \$ 528,993 101503    |
| Refunds  |    |            |                      |
| R043 725624 Forestry                                   | \$ | 2,100,000  | \$ 2,100,000 101504  |
| TOTAL HLD Holding Account Fund Group                   | \$ | 2,628,993  | \$ 2,628,993 101506  |
| Federal Fund Group                                     |    |            | 101507               |
| 3320 725669 Federal Mine Safety Grant                  | \$ | 265,000    | \$ 265,000 101508    |
| 3B30 725640 Federal Forest Pass-Thru                   | \$ | 350,000    | \$ 350,000 101509    |
| 3B40 725641 Federal Flood Pass-Thru                    | \$ | 350,000    | \$ 350,000 101510    |
| 3B50 725645 Federal Abandoned Mine Lands               | \$ | 12,541,621 | \$ 15,465,471 101511 |
| 3B60 725653 Federal Land and Water Conservation Grants | \$ | 950,634    | \$ 950,634 101512    |
| 3B70 725654 Reclamation - Regulatory                   | \$ | 1,986,569  | \$ 1,697,242 101513  |
| 3P10 725632 Geological Survey -                        | \$ | 160,000    | \$ 160,000 101514    |

|                              |                    |                       |    |             |    |             |        |
|------------------------------|--------------------|-----------------------|----|-------------|----|-------------|--------|
|                              |                    | Federal               |    |             |    |             |        |
| 3P20                         | 725642             | Oil and Gas - Federal | \$ | 147,000     | \$ | 147,000     | 101515 |
| 3P30                         | 725650             | Coastal Management -  | \$ | 1,905,150   | \$ | 1,905,150   | 101516 |
|                              |                    | Federal               |    |             |    |             |        |
| 3P40                         | 725660             | Federal - Soil and    | \$ | 601,000     | \$ | 608,000     | 101517 |
|                              |                    | Water Resources       |    |             |    |             |        |
| 3R50                         | 725673             | Acid Mine Drainage    | \$ | 1,200,000   | \$ | 1,200,000   | 101518 |
|                              |                    | Abatement/Treatment   |    |             |    |             |        |
| 3Z50                         | 725657             | Federal Recreation    | \$ | 1,600,000   | \$ | 1,600,000   | 101519 |
|                              |                    | and Trails            |    |             |    |             |        |
| TOTAL FED                    | Federal Fund Group |                       | \$ | 22,056,974  | \$ | 24,698,497  | 101520 |
| TOTAL ALL BUDGET FUND GROUPS |                    |                       | \$ | 352,459,024 | \$ | 349,499,363 | 101521 |

**Section 343.20. PARK MAINTENANCE** 101523

The foregoing appropriation item 725514, Park Maintenance, 101524  
shall be used by the Department of Natural Resources to pay the 101525  
costs of projects supported by the State Park Maintenance Fund 101526  
(Fund 5TD0) under section 1501.08 of the Revised Code. 101527

On July 1, 2017, or as soon as possible thereafter, the 101528  
Director of Natural Resources shall certify the amount of five 101529  
percent of the average of the previous five years of deposits in 101530  
the State Park Fund (Fund 5120) to the Director of Budget and 101531  
Management. The Director of Budget and Management may transfer up 101532  
to \$1,500,000 from Fund 5120 to the State Park Maintenance Fund 101533  
(Fund 5TD0). 101534

**Section 343.30. CENTRAL SUPPORT INDIRECT FUND** 101535

The Department of Natural Resources, with approval of the 101536  
Director of Budget and Management, shall use a methodology for 101537  
determining each division's payments into the Central Support 101538  
Indirect Fund (Fund 1570). The methodology used shall contain the 101539  
characteristics of administrative ease and uniform application in 101540

compliance with federal grant requirements. It may include direct 101541  
cost charges for specific services provided. Payments to Fund 1570 101542  
shall be made using an intrastate transfer voucher. 101543

The foregoing appropriation item 725401, Division of 101544  
Wildlife-Operating Subsidy, shall be used to pay the direct and 101545  
indirect costs of the Division of Wildlife. 101546

**Section 343.40. PARKS AND RECREATIONAL FACILITIES LEASE 101547**  
RENTAL BOND PAYMENTS 101548

The foregoing appropriation item 725413, Parks and 101549  
Recreational Facilities Lease Rental Bond Payments, shall be used 101550  
to meet all payments during the period from July 1, 2017, through 101551  
June 30, 2019, by the Department of Natural Resources pursuant to 101552  
leases and agreements made under section 154.22 of the Revised 101553  
Code. These appropriations are the source of funds pledged for 101554  
bond service charges on related obligations issued under Chapter 101555  
154. of the Revised Code. 101556

HEALTHY LAKE ERIE PROGRAM 101557

The foregoing appropriation item 725505, Healthy Lake Erie 101558  
Program, shall be used by the Director of Natural Resources, in 101559  
support of (1) conservation measures in the Western Lake Erie 101560  
Basin as determined by the Director; (2) funding assistance for 101561  
soil testing, winter cover crops, edge of field testing, tributary 101562  
monitoring, animal waste abatement; and (3) any additional efforts 101563  
to reduce nutrient runoff as the Director may decide. The Director 101564  
shall give priority to recommendations that encourage farmers to 101565  
adopt agricultural production guidelines commonly known as 4R 101566  
nutrient stewardship practices. 101567

COAL AND MINE SAFETY PROGRAM 101568

The foregoing appropriation item 725507, Coal and Mine Safety 101569  
Program, shall be used for the administration of the Mine Safety 101570

|  |        |
|--|--------|
| Program and the Coal Regulation Program.                           | 101571 |
| NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE             | 101572 |
| The foregoing appropriation item 725903, Natural Resources         | 101573 |
| General Obligation Bond Debt Service, shall be used to pay all     | 101574 |
| debt service and related financing costs during the period July 1, | 101575 |
| 2017, through June 30, 2019, on obligations issued under sections  | 101576 |
| 151.01 and 151.05 of the Revised Code.                             | 101577 |
| <b>Section 343.50. OIL AND GAS WELL PLUGGING</b>                   | 101578 |
| The foregoing appropriation item 725677, Oil and Gas Well          | 101579 |
| Plugging, shall be used exclusively for the purposes of plugging   | 101580 |
| wells and to properly restore the land surface of idle and orphan  | 101581 |
| oil and gas wells pursuant to section 1509.071 of the Revised      | 101582 |
| Code. This appropriation item shall not be used for salaries,      | 101583 |
| maintenance, equipment, or other administrative purposes, except   | 101584 |
| for those costs directly attributed to the plugging of an idle or  | 101585 |
| orphan well. This appropriation item shall not be used to transfer | 101586 |
| cash to any other fund or appropriation item.                      | 101587 |
| WELL LOG FILING FEES   | 101588 |
| The Chief of the Division of Water Resources shall deposit         | 101589 |
| fees forwarded to the Division pursuant to section 1521.05 of the  | 101590 |
| Revised Code into the Water Management Fund (Fund 5160) for the    | 101591 |
| purposes described in that section.                                | 101592 |
| PARKS CAPITAL EXPENSES FUND  | 101593 |
| The Director of Natural Resources shall submit to the              | 101594 |
| Director of Budget and Management the estimated design,            | 101595 |
| engineering, and planning costs of capital-related work to be done | 101596 |
| by Department of Natural Resources staff for parks projects within | 101597 |
| the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the | 101598 |
| Director of Budget and Management approves the estimated costs,    | 101599 |
| the Director may release appropriations from Fund 7035             | 101600 |

appropriation item C725E6, Project Planning, for those purposes. 101601  
Upon release of the appropriations, the Department of Natural 101602  
Resources shall pay for these expenses from the Parks Capital 101603  
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 101604  
reimbursed by Fund 7035 using an intrastate transfer voucher. 101605

NATUREWORKS CAPITAL EXPENSES FUND 101606

The Department of Natural Resources shall submit to the 101607  
Director of Budget and Management the estimated design, planning, 101608  
and engineering costs of capital-related work to be done by 101609  
Department of Natural Resources staff for each capital improvement 101610  
project within the Ohio Parks and Natural Resources Fund (Fund 101611  
7031). If the Director of Budget and Management approves the 101612  
estimated costs, the Director may release appropriations from Fund 101613  
7031 appropriation item C725E5, Project Planning, for those 101614  
purposes. Upon release of the appropriations, the Department of 101615  
Natural Resources shall pay for these expenses from the Capital 101616  
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 101617  
reimbursed by Fund 7031 using an intrastate transfer voucher. 101618

**Section 343.60.** HUMAN RESOURCES DIRECT SERVICE 101619

The foregoing appropriation item 725696, Human Resources 101620  
Direct Service, shall be used to cover the cost of support, 101621  
coordination, and oversight of the Department of Natural 101622  
Resources' human resources functions. The Human Resources 101623  
Chargeback Fund (Fund 2050) shall consist of cash transferred to 101624  
it via intrastate transfer voucher from other funds as determined 101625  
by the Director of Natural Resources and the Director of Budget 101626  
and Management. 101627

LAW ENFORCEMENT ADMINISTRATION 101628

The foregoing appropriation item 725665, Law Enforcement 101629  
Administration, shall be used to cover the cost of support, 101630

coordination, and oversight of the Department of Natural Resources' law enforcement functions. The Law Enforcement Administration Fund (Fund 2230) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER

The foregoing appropriation item 725664, Fountain Square Facilities Management, shall be used for payment of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square complex and the Department of Natural Resources grounds at the Ohio Expo Center. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 6350).

**Section 343.70.** CLEAN OHIO TRAIL OPERATING EXPENSES

The foregoing appropriation item 725405, Clean Ohio Trail Operating, shall be used by the Department of Natural Resources in administering Clean Ohio Trail Fund (Fund 7061) projects pursuant to section 1519.05 of the Revised Code.

**Section 345.10.** NUR STATE BOARD OF NURSING

|  |        |                               |                           |        |
|--|--------|-------------------------------|---------------------------|--------|
| Dedicated Purpose Fund Group           |        |                               |                           | 101653 |
| 4K90                                   | 884609 | Operating Expenses            | \$ 8,909,895 \$ 9,317,358 | 101654 |
| 5AC0                                   | 884602 | Nurse Education Grant Program | \$ 1,518,500 \$ 1,518,500 | 101655 |
| 5P80                                   | 884601 | Nursing Special Issues        | \$ 2,000 \$ 2,000         | 101656 |
| TOTAL DPF Dedicated Purpose Fund Group |        |                               |                           | 101657 |
|  |        |                               |                           | 101658 |
|  |        |                               |                           | 101658 |

|   |    |            |    |            |                  |
|---|----|------------|----|------------|------------------|
| TOTAL ALL BUDGET FUND GROUPS  | \$ | 10,430,395 | \$ | 10,837,858 | 101659           |
|   |    |            |    |            |                  |
| <b>Section 347.10.</b> PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,<br>AND ATHLETIC TRAINERS BOARD |    |            |    |            | 101661<br>101662 |
| Dedicated Purpose Fund Group  |    |            |    |            | 101663           |
| 4K90 890609 Operating Expenses  | \$ | 612,956    | \$ | 0          | 101664           |
| TOTAL DPF Dedicated Purpose Fund<br>Group   | \$ | 612,956    | \$ | 0          | 101665           |
| TOTAL ALL BUDGET FUND GROUPS  | \$ | 612,956    | \$ | 0          | 101666           |
|   |    |            |    |            |                  |
| <b>Section 351.10.</b> OLA OHIOANA LIBRARY ASSOCIATION  |    |            |    |            | 101668           |
| General Revenue Fund  |    |            |    |            | 101669           |
| GRF 355501 Library Subsidy  | \$ | 175,000    | \$ | 180,000    | 101670           |
| TOTAL GRF General Revenue Fund  | \$ | 175,000    | \$ | 180,000    | 101671           |
| TOTAL ALL BUDGET FUND GROUPS  | \$ | 175,000    | \$ | 180,000    | 101672           |
|   |    |            |    |            |                  |
| <b>Section 353.10.</b> OOD OPPORTUNITIES FOR OHIOANS WITH<br>DISABILITIES AGENCY                  |    |            |    |            | 101674<br>101675 |
| General Revenue Fund  |    |            |    |            | 101676           |
| GRF 415402 Independent Living<br>Council  | \$ | 252,000    | \$ | 252,000    | 101677           |
| GRF 415406 Assistive Technology   | \$ | 26,618     | \$ | 26,618     | 101678           |
| GRF 415431 Brain Injury   | \$ | 126,567    | \$ | 126,567    | 101679           |
| GRF 415506 Services for<br>Individuals with<br>Disabilities                                       | \$ | 15,817,710 | \$ | 15,817,710 | 101680           |
| GRF 415508 Services for the Deaf  | \$ | 28,000     | \$ | 28,000     | 101681           |
| TOTAL GRF General Revenue Fund  | \$ | 16,250,895 | \$ | 16,250,895 | 101682           |
| Dedicated Purpose Fund Group  |    |            |    |            | 101683           |
| 4670 415609 Business Enterprise<br>Operating Expenses   | \$ | 1,555,368  | \$ | 1,555,368  | 101684           |
| 4680 415618 Third Party Services  | \$ | 12,300,000 | \$ | 12,300,000 | 101685           |

|                           |  |                       |    |             |    |             |        |
|---------------------------|--|-----------------------|----|-------------|----|-------------|--------|
|                           |  | Funding               |    |             |    |             |        |
| 4L10                      | 415619   | Services for          | \$ | 3,575,191   | \$ | 3,575,191   | 101686 |
|                           |  | Rehabilitation        |    |             |    |             |        |
| TOTAL DPF                 | Dedicated Purpose  |                       |    |             |    |             | 101687 |
| Fund Group                |  |                       | \$ | 17,430,559  | \$ | 17,430,559  | 101688 |
| Internal Service Activity | Fund Group   |                       |    |             |    |             | 101689 |
| 4W50                      | 415606   | Program Management    | \$ | 12,486,502  | \$ | 12,785,665  | 101690 |
| TOTAL ISA                 | Internal Service Activity                                      |                       |    |             |    |             | 101691 |
| Fund Group                |  |                       | \$ | 12,486,502  | \$ | 12,785,665  | 101692 |
| Federal Fund Group        |  |                       |    |             |    |             | 101693 |
| 3170                      | 415620   | Disability            | \$ | 82,228,048  | \$ | 82,932,645  | 101694 |
|                           |  | Determination         |    |             |    |             |        |
| 3790                      | 415616   | Federal - Vocational  | \$ | 115,837,977 | \$ | 117,416,322 | 101695 |
|                           |  | Rehabilitation        |    |             |    |             |        |
| 3GH0                      | 415602   | Personal Care         | \$ | 3,139,040   | \$ | 3,139,040   | 101696 |
|                           |  | Assistance            |    |             |    |             |        |
| 3GH0                      | 415604   | Community Centers for | \$ | 1,022,000   | \$ | 1,022,000   | 101697 |
|                           |  | the Deaf              |    |             |    |             |        |
| 3GH0                      | 415613   | Independent Living    | \$ | 627,128     | \$ | 627,128     | 101698 |
| 3L10                      | 415608   | Social Security       | \$ | 7,000,000   | \$ | 8,000,000   | 101699 |
|                           |  | Special Program       |    |             |    |             |        |
|                           |  | Assistance            |    |             |    |             |        |
| 3L40                      | 415615   | Federal - Supported   | \$ | 1,000,000   | \$ | 1,000,000   | 101700 |
|                           |  | Employment            |    |             |    |             |        |
| 3L40                      | 415617   | Vocational            | \$ | 1,778,721   | \$ | 1,778,721   | 101701 |
|                           |  | Rehabilitation        |    |             |    |             |        |
|                           |  | Programs              |    |             |    |             |        |
| TOTAL FED                 | Federal Fund Group   |                       | \$ | 212,632,914 | \$ | 215,915,856 | 101702 |
| TOTAL ALL BUDGET          | FUND GROUPS  |                       | \$ | 258,800,870 | \$ | 262,382,975 | 101703 |
|                           | INDEPENDENT LIVING   |                       |    |             |    |             | 101704 |
|                           | The foregoing appropriation item 415402, Independent Living    |                       |    |             |    |             | 101705 |
|                           | Council, shall be used to support the state independent living |                       |    |             |    |             | 101706 |

programs and centers under Title VII of the Independent Living 101707  
 Services and Centers for Independent Living of the Rehabilitation 101708  
 Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 101709

Of the foregoing appropriation item 415402, Independent 101710  
 Living Council, \$67,662 in each fiscal year shall be used as state 101711  
 matching funds for vocational rehabilitation innovation and 101712  
 expansion activities. 101713

ASSISTIVE TECHNOLOGY 101714

The total amount of the foregoing appropriation item 415406, 101715  
 Assistive Technology, shall be provided to Assistive Technology of 101716  
 Ohio to provide grants and assistive technology services for 101717  
 people with disabilities in the State of Ohio. 101718

BRAIN INJURY 101719

The foregoing appropriation item 415431, Brain Injury, shall 101720  
 be provided to The Ohio State University College of Medicine to 101721  
 support the Brain Injury Program established under section 3304.23 101722  
 of the Revised Code. 101723

SERVICES FOR THE DEAF 101724

The foregoing appropriation item 415508, Services for the 101725  
 Deaf, shall be used to provide grants to community centers for the 101726  
 deaf. 101727

**Section 355.10.** ODB OHIO OPTICAL DISPENSERS BOARD 101728

Dedicated Purpose Fund Group 101729

|                             |    |         |    |   |        |
|-----------------------------|----|---------|----|---|--------|
| 4K90 894609 Program Support | \$ | 235,768 | \$ | 0 | 101730 |
|-----------------------------|----|---------|----|---|--------|

|                                  |    |         |    |   |        |
|----------------------------------|----|---------|----|---|--------|
| TOTAL DPF Dedicated Purpose Fund | \$ | 235,768 | \$ | 0 | 101731 |
|----------------------------------|----|---------|----|---|--------|

Group

|                              |    |         |    |   |        |
|------------------------------|----|---------|----|---|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 235,768 | \$ | 0 | 101732 |
|------------------------------|----|---------|----|---|--------|

**Section 357.10.** OPT STATE BOARD OF OPTOMETRY 101734

|  |    |         |    |          |
|--|----|---------|----|----------|
| Dedicated Purpose Fund Group           |    |         |    | 101735   |
| 4K90 885609 Program Support            | \$ | 227,394 | \$ | 0 101736 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 227,394 | \$ | 0 101737 |
| TOTAL ALL BUDGET FUND GROUPS           | \$ | 227,394 | \$ | 0 101738 |

**Section 359.10.** OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS

|  |    |         |    |          |
|--|----|---------|----|----------|
| Dedicated Purpose Fund Group           |    |         |    | 101740   |
| 4K90 973609 Operating Expenses         | \$ | 122,574 | \$ | 0 101741 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 122,574 | \$ | 0 101742 |
| TOTAL ALL BUDGET FUND GROUPS           | \$ | 122,574 | \$ | 0 101743 |

**Section 361.10.** PEN PENSION SUBSIDIES

|  |    |            |    |                   |
|--|----|------------|----|-------------------|
| General Revenue Fund                               |    |            |    | 101744            |
| GRF 090524 Police and Fire Disability Pension Fund | \$ | 3,000      | \$ | 3,000 101745      |
| GRF 090534 Police and Fire Ad Hoc Cost of Living   | \$ | 42,000     | \$ | 42,000 101746     |
| GRF 090554 Police and Fire Survivor Benefits       | \$ | 355,000    | \$ | 355,000 101747    |
| GRF 090575 Police and Fire Death Benefits          | \$ | 20,000,000 | \$ | 20,000,000 101748 |
| TOTAL GRF General Revenue Fund                     | \$ | 20,400,000 | \$ | 20,400,000 101749 |
| TOTAL ALL BUDGET FUND GROUPS                       | \$ | 20,400,000 | \$ | 20,400,000 101750 |

POLICE AND FIRE DEATH BENEFIT FUND

The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund. The

Treasurer of State shall certify such amounts quarterly to the 101759  
 Director of Budget and Management. By the twentieth day of June of 101760  
 each fiscal year, the Board of Trustees of the Ohio Police and 101761  
 Fire Pension Fund shall certify to the Treasurer of State the 101762  
 amount disbursed in the current fiscal year to make the payments 101763  
 required by section 742.63 of the Revised Code and shall return to 101764  
 the Treasurer of State moneys received from this appropriation 101765  
 item but not disbursed. 101766

**Section 363.10.** UST PETROLEUM UNDERGROUND STORAGE TANK 101767  
 RELEASE COMPENSATION BOARD 101768  
 Dedicated Purpose Fund Group 101769  
 6910 810632 Petroleum Underground \$ 1,433,220 \$ 1,461,073 101770  
 Storage Tank Release  
 Compensation Board -  
 Operating  
 TOTAL DPF Dedicated Purpose Fund \$ 1,433,220 \$ 1,461,073 101771  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,433,220 \$ 1,461,073 101772

**Section 365.10.** PHS STATE PHYSICAL HEALTH SERVICES BOARD 101774  
 Dedicated Purpose Fund Group 101775  
 4K90 127609 Operating Expenses \$ 576,740 \$ 1,122,918 101776  
 TOTAL DPF Dedicated Purpose Fund \$ 576,740 \$ 1,122,918 101777  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 576,740 \$ 1,122,918 101778

**Section 367.10.** PRX STATE BOARD OF PHARMACY 101780  
 Dedicated Purpose Fund Group 101781  
 4A50 887605 Drug Law Enforcement \$ 150,000 \$ 150,000 101782  
 4K90 887609 Operating Expenses \$ 8,460,214 \$ 8,717,387 101783  
 5SG0 887612 Drug Database \$ 200,000 \$ 200,000 101784

|  |                                      |    |            |    |            |        |
|--|--------------------------------------|----|------------|----|------------|--------|
| 5SY0 887613  | Medical Marijuana<br>Control Program | \$ | 1,455,700  | \$ | 1,335,200  | 101785 |
| TOTAL DPF Dedicated Purpose Fund<br>Group                  |                                      | \$ | 10,265,914 | \$ | 10,402,587 | 101786 |
| Federal Fund Group   |                                      |    |            |    |            | 101787 |
| 3EB0 887608  | 2008<br>Developing/Enhancing<br>PMP  | \$ | 50,000     | \$ | 0          | 101788 |
| 3HD0 887614  | Pharmacy Federal<br>Grants           | \$ | 350,001    | \$ | 350,000    | 101789 |
| TOTAL FED Federal Fund Group                               |                                      | \$ | 400,001    | \$ | 350,000    | 101790 |
| TOTAL ALL BUDGET FUND GROUPS                               |                                      | \$ | 10,665,915 | \$ | 10,752,587 | 101791 |
| <b>Section 369.10. PSY STATE BOARD OF PSYCHOLOGY</b>       |                                      |    |            |    |            | 101793 |
| Dedicated Purpose Fund Group                               |                                      |    |            |    |            | 101794 |
| 4K90 882609  | Operating Expenses                   | \$ | 384,551    | \$ | 0          | 101795 |
| TOTAL DPF Dedicated Purpose<br>Fund Group                  |                                      | \$ | 384,551    | \$ | 0          | 101797 |
| TOTAL ALL BUDGET FUND GROUPS                               |                                      | \$ | 384,551    | \$ | 0          | 101798 |
| <b>Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b> |                                      |    |            |    |            | 101800 |
| General Revenue Fund                                       |                                      |    |            |    |            | 101801 |
| GRF 019401   | State Legal Defense<br>Services      | \$ | 3,385,087  | \$ | 3,606,983  | 101802 |
| GRF 019403   | Multi-County: State<br>Share         | \$ | 1,852,470  | \$ | 1,850,310  | 101803 |
| GRF 019404   | Trumbull County -<br>State Share     | \$ | 496,540    | \$ | 485,213    | 101804 |
| GRF 019405   | Training Account                     | \$ | 50,000     | \$ | 50,000     | 101805 |
| GRF 019501   | County Reimbursement                 | \$ | 23,228,920 | \$ | 23,580,511 | 101806 |
| TOTAL GRF General Revenue Fund                             |                                      | \$ | 29,013,017 | \$ | 29,573,017 | 101807 |
| Dedicated Purpose Fund Group                               |                                      |    |            |    |            | 101808 |

|   |        |   |    |            |    |            |                            |
|---|--------|---|----|------------|----|------------|----------------------------|
| 1010  | 019607 | Juvenile Legal Assistance               | \$ | 207,351    | \$ | 204,756    | 101809                     |
| 4060  | 019603 | Training and Publications               | \$ | 25,000     | \$ | 25,000     | 101810                     |
| 4070  | 019604 | County Representation                   | \$ | 407,613    | \$ | 413,815    | 101811                     |
| 4080  | 019605 | Client Payments                         | \$ | 789,868    | \$ | 807,884    | 101812                     |
| 4C70  | 019601 | Multi-County: County Share              | \$ | 2,558,173  | \$ | 2,662,641  | 101813                     |
| 4N90  | 019613 | Gifts and Grants                        | \$ | 10,530     | \$ | 10,530     | 101814                     |
| 4X70  | 019610 | Trumbull County - County Share          | \$ | 685,699    | \$ | 698,234    | 101815                     |
| 5740  | 019606 | Civil Legal Aid                         | \$ | 17,750,000 | \$ | 17,750,000 | 101816                     |
| 5CX0  | 019617 | Civil Case Filing Fee                   | \$ | 556,331    | \$ | 533,722    | 101817                     |
| 5DY0  | 019618 | Indigent Defense Support - County Share | \$ | 32,868,000 | \$ | 32,868,000 | 101818                     |
| 5DY0  | 019619 | Indigent Defense Support - State Office | \$ | 7,167,143  | \$ | 7,212,874  | 101819                     |
| TOTAL DPF Dedicated Purpose   |        |   |    |            |    |            | 101820                     |
| Fund Group  |        |   | \$ | 63,025,708 | \$ | 63,187,456 | 101821                     |
| Federal Fund Group  |        |   |    |            |    |            | 101822                     |
| 3GJ0  | 019622 | Byrne Memorial Grant                    | \$ | 7,766      | \$ | 0          | 101823                     |
| 3S80  | 019608 | Federal Representation                  | \$ | 37,845     | \$ | 38,315     | 101824                     |
| TOTAL FED Federal Fund Group  |        |   | \$ | 45,611     | \$ | 38,315     | 101825                     |
| TOTAL ALL BUDGET FUND GROUPS  |        |   | \$ | 92,084,336 | \$ | 92,798,788 | 101826                     |
| INDIGENT DEFENSE OFFICE   |        |   |    |            |    |            | 101827                     |
| The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County. |        |   |    |            |    |            | 101828<br>101829<br>101830 |
| MULTI-COUNTY OFFICE   |        |   |    |            |    |            | 101831                     |

The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program.

TRAINING ACCOUNT

The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represents at least one indigent defendant at no cost, state and county public defenders, and attorneys who contract with the Ohio Public Defender to provide indigent defense services.

FEDERAL REPRESENTATION

The foregoing appropriation item 019608, Federal Representation, shall be used to support representation provided by the Ohio Public Defender in federal court cases.

**Section 373.10.** DPS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund

|           |        |                      |    |            |    |            |        |
|-----------|--------|----------------------|----|------------|----|------------|--------|
| GRF       | 763403 | EMA Operating        | \$ | 4,433,446  | \$ | 4,862,429  | 101849 |
| GRF       | 767420 | Investigative Unit   | \$ | 11,973,689 | \$ | 12,343,689 | 101850 |
|           |        | Operating            |    |            |    |            |        |
| GRF       | 768425 | Justice Program      | \$ | 724,586    | \$ | 1,032,159  | 101851 |
|           |        | Services             |    |            |    |            |        |
| GRF       | 769406 | Homeland Security -  | \$ | 2,666,617  | \$ | 2,783,242  | 101852 |
|           |        | Operating            |    |            |    |            |        |
| TOTAL GRF |        | General Revenue Fund | \$ | 19,798,338 | \$ | 21,021,519 | 101853 |

Dedicated Purpose Fund Group

|      |        |                 |    |         |    |         |        |
|------|--------|-----------------|----|---------|----|---------|--------|
| 4P60 | 768601 | Justice Program | \$ | 330,000 | \$ | 210,000 | 101855 |
|      |        | Services        |    |         |    |         |        |
| 4V30 | 763662 | EMA Service and | \$ | 751,000 | \$ | 751,000 | 101856 |
|      |        | Reimbursements  |    |         |    |         |        |

|         |        |  |    |            |    |            |        |
|---------|--------|--|----|------------|----|------------|--------|
| 5BK0    | 768687 | Criminal Justice<br>Services - Operating                       | \$ | 550,000    | \$ | 400,000    | 101857 |
| 5BK0    | 768689 | Family Violence<br>Shelter Programs                            | \$ | 1,550,000  | \$ | 1,550,000  | 101858 |
| 5ET0    | 768625 | Drug Law Enforcement   | \$ | 7,000,000  | \$ | 7,000,000  | 101859 |
| 5LM0    | 768698 | Criminal Justice<br>Services Law<br>Enforcement Support        | \$ | 850,946    | \$ | 850,946    | 101860 |
| 5ML0    | 769635 | Infrastructure<br>Protection                                   | \$ | 100,000    | \$ | 100,000    | 101861 |
| 5RH0    | 767697 | OIU Special Projects   | \$ | 900,000    | \$ | 900,000    | 101862 |
| 5RS0    | 768621 | Community Police<br>Relations                                  | \$ | 1,000,000  | \$ | 1,000,000  | 101863 |
| 5Y10    | 767696 | Ohio Investigative<br>Unit Continuing<br>Professional Training | \$ | 20,000     | \$ | 20,000     | 101864 |
| 6220    | 767615 | Investigative,<br>Contraband, and<br>Forfeiture                | \$ | 1,000,000  | \$ | 1,000,000  | 101865 |
| 6570    | 763652 | Utility Radiological<br>Safety                                 | \$ | 1,258,624  | \$ | 1,258,624  | 101866 |
| 6810    | 763653 | SARA Title III Hazmat<br>Planning                              | \$ | 273,629    | \$ | 273,629    | 101867 |
| 8500    | 767628 | Investigative Unit<br>Salvage                                  | \$ | 175,000    | \$ | 175,000    | 101868 |
| TOTAL   | DPF    | Dedicated Purpose Fund<br>Group                                | \$ | 15,759,199 | \$ | 15,489,199 | 101869 |
| Federal | Fund   | Group  |    |            |    |            | 101870 |
| 3290    | 763645 | Federal Mitigation<br>Program                                  | \$ | 7,960,000  | \$ | 7,200,000  | 101871 |
| 3370    | 763609 | Federal Disaster<br>Relief                                     | \$ | 20,019,000 | \$ | 18,017,000 | 101872 |
| 3390    | 763647 | Emergency Management   | \$ | 49,600,000 | \$ | 44,700,000 | 101873 |

|                              |  |    |             |    |             |        |
|------------------------------|--|----|-------------|----|-------------|--------|
|                              | Assistance and<br>Training   |    |             |    |             |        |
| 3FK0 768615                  | Justice Assistance<br>Grants - FFY11                               | \$ | 100,000     | \$ | 100,000     | 101874 |
| 3FP0 767620                  | Ohio Investigative<br>Unit Justice<br>Contraband                   | \$ | 55,000      | \$ | 55,000      | 101875 |
| 3FY0 768616                  | Justice Assistance<br>Grants - FFY12                               | \$ | 100,000     | \$ | 100,000     | 101876 |
| 3FZ0 768617                  | Justice Assistance<br>Grants - FFY13                               | \$ | 400,000     | \$ | 400,000     | 101877 |
| 3GA0 768618                  | Justice Assistance<br>Grants - FFY14                               | \$ | 900,000     | \$ | 900,000     | 101878 |
| 3GL0 768619                  | Justice Assistance<br>Grants - FFY15                               | \$ | 15,000,000  | \$ | 15,000,000  | 101879 |
| 3GT0 767691                  | Investigative Unit<br>Federal Equity Share                         | \$ | 300,000     | \$ | 300,000     | 101880 |
| 3GU0 769610                  | Investigations Grants<br>- Food Stamps, Liquor<br>and Tobacco Laws | \$ | 1,400,000   | \$ | 1,400,000   | 101881 |
| 3GU0 769631                  | Homeland Security<br>Disaster Grants                               | \$ | 1,400,000   | \$ | 1,400,000   | 101882 |
| 3L50 768604                  | Justice Program  | \$ | 10,500,000  | \$ | 10,500,000  | 101883 |
| 3N50 763644                  | U.S. Department of<br>Energy Agreement                             | \$ | 31,672      | \$ | 31,672      | 101884 |
| TOTAL FED                    | Federal Fund Group   | \$ | 107,765,672 | \$ | 100,103,672 | 101885 |
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 143,323,209 | \$ | 136,614,390 | 101886 |

**Section 373.20.** STATE DISASTER RELIEF 101888

The State Disaster Relief Fund (Fund 5330) may accept 101889  
transfers of cash or appropriations from Controlling Board 101890  
appropriation items for the Ohio Emergency Management Agency 101891  
disaster response costs and disaster program management costs, and 101892

may also be used for the following purposes: 101893

(A) To accept transfers of cash or appropriations from 101894  
Controlling Board appropriation items for Ohio Emergency 101895  
Management Agency public assistance and mitigation program match 101896  
costs to reimburse eligible local governments and private 101897  
nonprofit organizations for costs related to disasters; 101898

(B) To accept transfers of cash to reimburse the costs 101899  
associated with Emergency Management Assistance Compact (EMAC) 101900  
deployments; 101901

(C) To accept disaster related reimbursement from federal, 101902  
state, and local governments. The Director of Budget and 101903  
Management may transfer cash from reimbursements received by this 101904  
fund to other funds of the state from which transfers were 101905  
originally approved by the Controlling Board. 101906

(D) To accept transfers of cash or appropriations from 101907  
Controlling Board appropriation items to fund the State Disaster 101908  
Relief Program, for disasters that qualify for the program by 101909  
written authorization of the Governor, and the State Individual 101910  
Assistance Program for disasters that have been declared by the 101911  
federal Small Business Administration and that qualify for the 101912  
program by written authorization from the Governor. The Ohio 101913  
Emergency Management Agency shall publish and make available 101914  
application packets outlining procedures for the State Disaster 101915  
Relief Program and the State Individual Assistance Program. 101916

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 101917  
AGENCY SERVICE AND REIMBURSEMENT FUND 101918

On July 1 of each fiscal year, or as soon as possible 101919  
thereafter, the Director of Budget and Management shall transfer 101920  
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 101921  
Emergency Management Agency Service and Reimbursement Fund (Fund 101922  
4V30) to be distributed to the Ohio Task Force One - Urban Search 101923

and Rescue Unit, other similar urban search and rescue units 101924  
 around the state, and for maintenance of the statewide fire 101925  
 emergency response plan by an entity recognized by the Ohio 101926  
 Emergency Management Agency. 101927

COMMUNITY POLICE RELATIONS 101928

The foregoing appropriation item 768621, Community Police 101929  
 Relations, shall be used to implement key recommendations of the 101930  
 Ohio Task Force on Community-Police Relations, including a 101931  
 database on use of force and officer involved shootings, a public 101932  
 awareness campaign, and state-provided assistance with 101933  
 policy-making and manuals. 101934

SARA TITLE III HAZMAT PLANNING 101935

The SARA Title III Hazmat Planning Fund (Fund 6810) is 101936  
 entitled to receive grant funds from the Emergency Response 101937  
 Commission to implement the Emergency Management Agency's 101938  
 responsibilities under Chapter 3750. of the Revised Code. 101939

**Section 375.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO 101940

Dedicated Purpose Fund Group 101941

4A30 870614 Grade Crossing \$ 1,200,000 \$ 2,000,000 101942  
 Protection  
 Devices-State

4L80 870617 Pipeline Safety-State \$ 331,992 \$ 331,992 101943

5610 870606 Power Siting Board \$ 581,000 \$ 581,000 101944

5F60 870622 Utility and Railroad \$ 32,826,624 \$ 32,826,624 101945  
 Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 85,000 \$ 85,000 101946

5LT0 870640 Intrastate \$ 195,000 \$ 195,000 101947  
 Registration

5LT0 870641 Unified Carrier \$ 450,000 \$ 450,000 101948  
 Registration

|                              |        |   |    |             |    |             |        |
|------------------------------|--------|---|----|-------------|----|-------------|--------|
| 5LT0                         | 870642 | Hazardous Materials<br>Registration                     | \$ | 775,000     | \$ | 775,000     | 101949 |
| 5LT0                         | 870643 | Non-hazardous<br>Materials Civil<br>Forfeiture          | \$ | 292,000     | \$ | 292,000     | 101950 |
| 5LT0                         | 870644 | Hazardous Materials<br>Civil Forfeiture                 | \$ | 898,800     | \$ | 898,800     | 101951 |
| 5LT0                         | 870645 | Motor Carrier<br>Enforcement                            | \$ | 5,222,646   | \$ | 5,222,646   | 101952 |
| 5Q50                         | 870626 | Telecommunications<br>Relay Service                     | \$ | 3,500,000   | \$ | 3,500,000   | 101953 |
| 5QR0                         | 870646 | Underground Facilities<br>Protection                    | \$ | 50,000      | \$ | 50,000      | 101954 |
| 5QS0                         | 870647 | Underground Facilities<br>Administration                | \$ | 316,000     | \$ | 316,000     | 101955 |
| TOTAL DPF                    |        | Dedicated Purpose Fund<br>Group                         | \$ | 46,724,062  | \$ | 47,524,062  | 101956 |
|                              |        | Federal Fund Group                                      |    |             |    |             | 101957 |
| 3330                         | 870601 | Gas Pipeline Safety                                     | \$ | 597,959     | \$ | 597,959     | 101958 |
| 3500                         | 870608 | Motor Carrier Safety                                    | \$ | 7,351,660   | \$ | 7,351,660   | 101959 |
| 3V30                         | 870604 | Commercial Vehicle<br>Information<br>Systems/Networks   | \$ | 100,000     | \$ | 100,000     | 101960 |
| TOTAL FED                    |        | Federal Fund Group                                      | \$ | 8,049,619   | \$ | 8,049,619   | 101961 |
| TOTAL ALL BUDGET FUND GROUPS |        |   | \$ | 54,773,681  | \$ | 55,573,681  | 101962 |
|                              |        | <b>Section 377.10. PWC PUBLIC WORKS COMMISSION</b>      |    |             |    |             | 101964 |
|                              |        | General Revenue Fund                                    |    |             |    |             | 101965 |
| GRF                          | 150904 | Conservation General<br>Obligation Bond Debt<br>Service | \$ | 38,179,700  | \$ | 41,626,700  | 101966 |
| GRF                          | 150907 | Infrastructure  | \$ | 228,005,100 | \$ | 221,142,200 | 101967 |

|                                 |    |             |                       |
|---------------------------------|----|-------------|-----------------------|
| Improvement General             |    |             |                       |
| Obligation Bond Debt            |    |             |                       |
| Service                         |    |             |                       |
| TOTAL GRF General Revenue Fund  | \$ | 266,184,800 | \$ 262,768,900 101968 |
| Capital Projects Fund Group     |    |             | 101969                |
| 7038 150321 State Capital       | \$ | 923,229     | \$ 925,915 101970     |
| Improvements Program            |    |             |                       |
| - Operating Expenses            |    |             |                       |
| 7056 150403 Clean Ohio          | \$ | 296,051     | \$ 296,051 101971     |
| Conservation                    |    |             |                       |
| Operating                       |    |             |                       |
| TOTAL CPF Capital Projects Fund | \$ | 1,219,280   | \$ 1,221,966 101972   |
| Group                           |    |             |                       |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 267,404,080 | \$ 263,990,866 101973 |

**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT 101975  
SERVICE 101976

The foregoing appropriation item 150904, Conservation General 101977  
Obligation Bond Debt Service, shall be used to pay all debt 101978  
service and related financing costs during the period from July 1, 101979  
2017, through June 30, 2019, at the times they are required to be 101980  
made for obligations issued under sections 151.01 and 151.09 of 101981  
the Revised Code. 101982

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 101983  
SERVICE 101984

The foregoing appropriation item 150907, Infrastructure 101985  
Improvement General Obligation Bond Debt Service, shall be used to 101986  
pay all debt service and related financing costs during the period 101987  
from July 1, 2017, through June 30, 2019, at the times they are 101988  
required to be made for obligations issued under sections 151.01 101989  
and 151.08 of the Revised Code. 101990

CLEAN OHIO CONSERVATION OPERATING 101991

The foregoing appropriation item 150403, Clean Ohio Conservation Operating, shall be used by the Ohio Public Works Commission in administering Clean Ohio Conservation Fund (Fund 7056) projects pursuant to sections 164.20 to 164.27 of the Revised Code.

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 101997

The foregoing appropriation item 150321, State Capital Improvements Program - Operating Expenses, shall be used by the Ohio Public Works Commission to administer the State Capital Improvement Program under sections 164.01 to 164.16 of the Revised Code.

DISTRICT ADMINISTRATION COSTS 102003

The Director of the Public Works Commission is authorized to create a District Administration Costs Program from proceeds of the Capital Improvements Fund and Local Transportation Improvement Program Fund. The program shall be used to provide for the direct costs of district administration of the nineteen public works districts. Districts choosing to participate in the program shall only expend State Capital Improvements Fund moneys for State Capital Improvements Fund costs and Local Transportation Improvement Program Fund moneys for Local Transportation Improvement Program Fund costs. The District Administration Costs Program account shall not exceed \$1,235,000 per fiscal year. Each public works district may be eligible for up to \$65,000 per fiscal year from its district allocation as provided in sections 164.08 and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and nonallowable costs for the purpose of the District Administration Costs Program. Nonallowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District

Administration Costs Program without the approval of those costs 102023  
by the district public works committee under section 164.04 of the 102024  
Revised Code. 102025

**NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 102026**

The Director of the Public Works Commission is authorized to 102027  
create a District Administration Costs Program for districts 102028  
represented by natural resource assistance councils. This program 102029  
shall be funded from proceeds of the Clean Ohio Conservation Fund. 102030  
The program shall be used by natural resource assistance councils 102031  
in order to provide for administration costs of the nineteen 102032  
natural resource assistance councils for the direct costs of 102033  
council administration. Councils choosing to participate in this 102034  
program may be eligible for up to \$15,000 per fiscal year from its 102035  
district allocation as provided in section 164.27 of the Revised 102036  
Code. The director shall define allowable and nonallowable costs 102037  
for the purpose of the District Administration Costs Program. 102038  
Nonallowable costs include indirect costs, elected official 102039  
salaries and benefits, and project-specific costs. 102040

**Section 379.10. RAC STATE RACING COMMISSION 102041**

|   |        |                                    |                           |   |
|---|--------|------------------------------------|---------------------------|---|
| Dedicated Purpose Fund Group            |        |                                    |                           | 102042                                    |
| 5620                                    | 875601 | Thoroughbred<br>Development        | \$ 1,400,000 \$ 1,400,000 | 102043                                    |
| 5630                                    | 875602 | Standardbred<br>Development        | \$ 1,550,000 \$ 1,550,000 | 102044                                    |
| 5650                                    | 875604 | Racing Commission<br>Operating     | \$ 3,743,995 \$ 3,770,948 | 102045                                    |
| 5JK0                                    | 875610 | Horse Racing<br>Development-Casino | \$ 8,512,095 \$ 8,512,095 | 102046                                    |
| 5NL0                                    | 875611 | Revenue<br>Redistribution          | \$ 8,000,000 \$ 8,000,000 | 102047                                    |
| <b>TOTAL DPF Dedicated Purpose Fund</b> |        |                                    |                           | <b>\$ 23,206,090 \$ 23,233,043 102048</b> |

Group

|                                 |    |            |    |            |        |
|---------------------------------|----|------------|----|------------|--------|
| Fiduciary Fund Group            |    |            |    |            | 102049 |
| 5C40 875607 Simulcast Horse     | \$ | 9,000,000  | \$ | 9,000,000  | 102050 |
| Racing Purse                    |    |            |    |            |        |
| TOTAL FID Fiduciary Fund Group  | \$ | 9,000,000  | \$ | 9,000,000  | 102051 |
|                                 |    |            |    |            |        |
| Holding Account Fund Group      |    |            |    |            | 102052 |
| R021 875605 Bond Reimbursements | \$ | 100,000    | \$ | 100,000    | 102053 |
| TOTAL HLD Holding Account Fund  | \$ | 100,000    | \$ | 100,000    | 102054 |
|                                 |    |            |    |            |        |
| Group                           |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 32,306,090 | \$ | 32,333,043 | 102055 |

**Section 381.10.** BOR DEPARTMENT OF HIGHER EDUCATION 102057

|                                   |    |            |    |            |        |
|-----------------------------------|----|------------|----|------------|--------|
| General Revenue Fund              |    |            |    |            | 102058 |
| GRF 235321 Operating Expenses     | \$ | 5,824,732  | \$ | 5,823,667  | 102059 |
| GRF 235402 Sea Grants             | \$ | 299,250    | \$ | 299,250    | 102060 |
| GRF 235406 Articulation and       | \$ | 2,014,192  | \$ | 2,014,192  | 102061 |
| Transfer                          |    |            |    |            |        |
| GRF 235408 Midwest Higher         | \$ | 115,000    | \$ | 115,000    | 102062 |
| Education Compact                 |    |            |    |            |        |
| GRF 235414 Grants and Scholarship | \$ | 843,745    | \$ | 843,745    | 102063 |
| Administration                    |    |            |    |            |        |
| GRF 235417 Technology Maintenance | \$ | 4,680,735  | \$ | 4,680,735  | 102064 |
| and Operations                    |    |            |    |            |        |
| GRF 235428 Appalachian New        | \$ | 1,500,000  | \$ | 1,500,000  | 102065 |
| Economy Partnership               |    |            |    |            |        |
| GRF 235438 Choose Ohio First      | \$ | 16,674,688 | \$ | 16,674,688 | 102066 |
| Scholarship                       |    |            |    |            |        |
| GRF 235443 Adult Basic and        | \$ | 7,302,416  | \$ | 7,302,416  | 102067 |
| Literacy Education -              |    |            |    |            |        |
| State                             |    |            |    |            |        |
| GRF 235444 Ohio Technical Centers | \$ | 16,985,722 | \$ | 17,155,580 | 102068 |
| GRF 235474 Area Health Education  | \$ | 900,000    | \$ | 900,000    | 102069 |

|            |  |    |               |    |                      |
|------------|--|----|---------------|----|----------------------|
|            | Centers Program                                    |    |               |    |                      |
|            | Support  |    |               |    |                      |
| GRF 235492 | Campus Safety and Training                         | \$ | 750,000       | \$ | 750,000 102070       |
| GRF 235501 | State Share of Instruction                         | \$ | 1,999,210,716 | \$ | 2,019,202,823 102071 |
| GRF 235502 | Student Support Services                           | \$ | 632,974       | \$ | 632,974 102072       |
| GRF 235504 | War Orphans Scholarships                           | \$ | 8,200,000     | \$ | 8,500,000 102073     |
| GRF 235507 | OhioLINK   | \$ | 6,211,012     | \$ | 6,211,012 102074     |
| GRF 235508 | Air Force Institute of Technology                  | \$ | 1,740,803     | \$ | 1,740,803 102075     |
| GRF 235510 | Ohio Supercomputer Center                          | \$ | 4,876,126     | \$ | 4,876,126 102076     |
| GRF 235511 | Cooperative Extension Service                      | \$ | 24,061,355    | \$ | 24,061,355 102077    |
| GRF 235514 | Central State Supplement                           | \$ | 11,863,468    | \$ | 11,863,468 102078    |
| GRF 235515 | Case Western Reserve University School of Medicine | \$ | 2,146,253     | \$ | 2,146,253 102079     |
| GRF 235519 | Family Practice                                    | \$ | 3,166,185     | \$ | 3,166,185 102080     |
| GRF 235520 | Shawnee State Supplement                           | \$ | 2,576,097     | \$ | 2,576,097 102081     |
| GRF 235525 | Geriatric Medicine                                 | \$ | 522,151       | \$ | 522,151 102082       |
| GRF 235526 | Primary Care Residencies                           | \$ | 1,500,000     | \$ | 1,500,000 102083     |
| GRF 235535 | Ohio Agricultural Research and Development Center  | \$ | 36,361,470    | \$ | 36,361,470 102084    |
| GRF 235536 | The Ohio State University Clinical                 | \$ | 9,668,941     | \$ | 9,668,941 102085     |

|            |   |    |             |    |             |        |
|------------|---|----|-------------|----|-------------|--------|
|            | Teaching  |    |             |    |             |        |
| GRF 235537 | University of Cincinnati Clinical Teaching          | \$ | 7,952,573   | \$ | 7,952,573   | 102086 |
| GRF 235538 | University of Toledo Clinical Teaching              | \$ | 6,198,600   | \$ | 6,198,600   | 102087 |
| GRF 235539 | Wright State University Clinical Teaching           | \$ | 3,011,400   | \$ | 3,011,400   | 102088 |
| GRF 235540 | Ohio University Clinical Teaching                   | \$ | 2,911,212   | \$ | 2,911,212   | 102089 |
| GRF 235541 | Northeast Ohio Medical University Clinical Teaching | \$ | 2,994,178   | \$ | 2,994,178   | 102090 |
| GRF 235546 | Central State Agricultural Research and Development | \$ | 1,437,017   | \$ | 1,437,017   | 102091 |
| GRF 235548 | Central State Cooperative Extension Services        | \$ | 1,346,976   | \$ | 1,346,976   | 102092 |
| GRF 235552 | Capital Component                                   | \$ | 6,350,817   | \$ | 1,584,491   | 102093 |
| GRF 235555 | Library Depositories                                | \$ | 1,440,342   | \$ | 1,440,342   | 102094 |
| GRF 235556 | Ohio Academic Resources Network                     | \$ | 3,172,519   | \$ | 3,172,519   | 102095 |
| GRF 235558 | Long-term Care Research                             | \$ | 325,300     | \$ | 325,300     | 102096 |
| GRF 235563 | Ohio College Opportunity Grant                      | \$ | 100,000,000 | \$ | 102,000,000 | 102097 |
| GRF 235572 | The Ohio State University Clinic Support            | \$ | 766,533     | \$ | 766,533     | 102098 |
| GRF 235599 | National Guard Scholarship Program                  | \$ | 19,400,000  | \$ | 19,400,000  | 102099 |

|             |                              |                  |                  |        |
|-------------|------------------------------|------------------|------------------|--------|
| GRF 235909  | Higher Education             | \$ 272,425,600   | \$ 300,094,600   | 102100 |
|             | General Obligation           |                  |                  |        |
|             | Bond Debt Service            |                  |                  |        |
| TOTAL GRF   | General Revenue Fund         | \$ 2,600,361,098 | \$ 2,645,724,672 | 102101 |
|             | Dedicated Purpose Fund Group |                  |                  | 102102 |
| 2200 235614 | Program Approval and         | \$ 664,562       | \$ 664,562       | 102103 |
|             | Reauthorization              |                  |                  |        |
| 4560 235603 | Sales and Services           | \$ 199,250       | \$ 199,250       | 102104 |
| 4E80 235602 | Higher Educational           | \$ 50,000        | \$ 50,000        | 102105 |
|             | Facility Commission          |                  |                  |        |
|             | Administration               |                  |                  |        |
| 5D40 235675 | Conference/Special           | \$ 1,884,095     | \$ 1,884,095     | 102106 |
|             | Purposes                     |                  |                  |        |
| 5FR0 235650 | State and Non-Federal        | \$ 1,000,000     | \$ 1,000,000     | 102107 |
|             | Grants and Award             |                  |                  |        |
| 5JC0 235550 | Accelerated                  | \$ 5,000,000     | \$ 5,000,000     | 102108 |
|             | Completion in                |                  |                  |        |
|             | Technical Studies            |                  |                  |        |
| 5JC0 235654 | Federal Research             | \$ 2,500,000     | \$ 2,500,000     | 102109 |
|             | Network                      |                  |                  |        |
| 5NH0 235684 | OhioMeansJobs                | \$ 250,000       | \$ 250,000       | 102110 |
|             | Workforce Development        |                  |                  |        |
|             | Revolving Loan               |                  |                  |        |
|             | Program                      |                  |                  |        |
| 5P30 235663 | Variable Savings Plan        | \$ 8,082,899     | \$ 8,082,899     | 102111 |
| 5RA0 235616 | Workforce and Higher         | \$ 5,000,000     | \$ 5,000,000     | 102112 |
|             | Education Programs           |                  |                  |        |
| 5TF0 235566 | Completion and               | \$ 425,000       | \$ 875,000       | 102113 |
|             | Retention for                |                  |                  |        |
|             | Education Success            |                  |                  |        |
| 5TF0 235600 | Finish for Your              | \$ 2,000,000     | \$ 4,000,000     | 102114 |
|             | Future Scholarship           |                  |                  |        |
|             | Program                      |                  |                  |        |

|   |        |  |    |               |    |               |        |
|---|--------|--|----|---------------|----|---------------|--------|
| 5TF0  | 235653 | College Ready<br>Transition Courses                  | \$ | 500,000       | \$ | 1,000,000     | 102115 |
| 6450  | 235664 | Guaranteed Savings<br>Plan                           | \$ | 1,061,886     | \$ | 1,061,886     | 102116 |
| 6820  | 235606 | Nursing Loan Program                                 | \$ | 891,320       | \$ | 891,320       | 102117 |
| TOTAL DPF Dedicated Purpose Fund<br>Group             |        |  | \$ | 29,509,012    | \$ | 32,459,012    | 102118 |
| Bond Research and Development Fund Group              |        |  |    |               |    |               | 102119 |
| 7011  | 235634 | Research Incentive<br>Third Frontier                 | \$ | 8,000,000     | \$ | 8,000,000     | 102120 |
| TOTAL BRD Bond Research and<br>Development Fund Group |        |  | \$ | 8,000,000     | \$ | 8,000,000     | 102121 |
| Federal Fund Group                                    |        |  |    |               |    |               | 102122 |
| 3120  | 235611 | Gear-up Grant  | \$ | 2,000,000     | \$ | 2,000,000     | 102123 |
| 3120  | 235612 | Carl D. Perkins<br>Grant/Plan<br>Administration      | \$ | 1,350,000     | \$ | 1,350,000     | 102124 |
| 3120  | 235617 | Improving Teacher<br>Quality Grant                   | \$ | 2,800,000     | \$ | 2,800,000     | 102125 |
| 3120  | 235641 | Adult Basic and<br>Literacy Education -<br>Federal   | \$ | 16,400,000    | \$ | 16,600,000    | 102126 |
| 3BG0  | 235651 | Gear Up Grant<br>Scholarships                        | \$ | 1,250,000     | \$ | 1,250,000     | 102127 |
| 3H20  | 235608 | Human Services<br>Project                            | \$ | 375,000       | \$ | 375,000       | 102128 |
| 3N60  | 235658 | John R. Justice<br>Student Loan<br>Repayment Program | \$ | 60,000        | \$ | 60,000        | 102129 |
| TOTAL FED Federal Fund Group                          |        |  | \$ | 24,235,000    | \$ | 24,435,000    | 102130 |
| TOTAL ALL BUDGET FUND GROUPS                          |        |  | \$ | 2,662,105,110 | \$ | 2,710,618,684 | 102131 |
| <b>Section 381.20. SEA GRANTS</b>                     |        |  |    |               |    |               | 102133 |

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.

**Section 381.30. ARTICULATION AND TRANSFER** 102140

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

**Section 381.40. MIDWEST HIGHER EDUCATION COMPACT** 102150

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

**Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION** 102154

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National

Guard Scholarship Program. 102163

**Section 381.60.** TECHNOLOGY MAINTENANCE AND OPERATIONS 102164

The foregoing appropriation item 235417, Technology 102165  
Maintenance and Operations, shall be used by the Chancellor of 102166  
Higher Education to support the development and implementation of 102167  
information technology solutions designed to improve the 102168  
performance and capacity of the Department of Higher Education. 102169  
The information technology solutions may be provided by the Ohio 102170  
Technology Consortium (OH-TECH). 102171

Of the foregoing appropriation item 235417, Technology 102172  
Maintenance and Operations, a portion in each fiscal year may be 102173  
used by the Chancellor to support the continued implementation of 102174  
eStudent Services, a consortium organized under division (T) of 102175  
section 3333.04 of the Revised Code to expand access to dual 102176  
enrollment opportunities for high school students, as well as 102177  
adult and higher education opportunities through technology. The 102178  
funds shall be used by eStudent Services to develop and promote 102179  
learning and assessment through the use of technology, to test and 102180  
provide advice on emerging learning-directed technologies, to 102181  
facilitate cost-effectiveness through shared educational 102182  
technology investments, and for any other priorities of the 102183  
Chancellor of Higher Education. 102184

Of the foregoing appropriation item 235417, Technology 102185  
Maintenance and Operations, a portion in each fiscal year shall be 102186  
used by the Chancellor to implement a high priority data 102187  
warehouse, advanced analytics, and visualization integration 102188  
services associated with the Higher Education Information (HEI) 102189  
system. The services may be facilitated by OH-TECH. 102190

TECHNOLOGY INTEGRATION AND PROFESSIONAL DEVELOPMENT LINE ITEM 102191  
TRANSFER 102192

On July 1, 2017, or as soon as possible thereafter, the 102193  
Director of Budget and Management, upon request by the Chancellor 102194  
of Higher Education, shall cancel any existing encumbrances 102195  
against appropriation item 235483, Technology Integration and 102196  
Professional Development, and re-establish them against 102197  
appropriation item 235417, Technology Maintenance and Operations. 102198  
The re-established encumbrance amounts are hereby appropriated. 102199

**Section 381.70.** APPALACHIAN NEW ECONOMY PARTNERSHIP 102200

The foregoing appropriation item 235428, Appalachian New 102201  
Economy Partnership, shall be distributed to Ohio University to 102202  
continue a multi-campus and multi-agency coordinated effort to 102203  
link Appalachia to the new economy. Ohio University shall use 102204  
these funds to provide leadership in the development and 102205  
implementation of initiatives in the areas of entrepreneurship, 102206  
management, education, and technology. 102207

**Section 381.80.** CHOOSE OHIO FIRST SCHOLARSHIP 102208

The foregoing appropriation item 235438, Choose Ohio First 102209  
Scholarship, shall be used to operate the program prescribed in 102210  
sections 3333.60 to 3333.69 of the Revised Code. 102211

During each fiscal year, the Chancellor of Higher Education, 102212  
as soon as possible after cancellation, may certify to the 102213  
Director of Budget and Management the amount of canceled 102214  
prior-year encumbrances in appropriation item 235438, Choose Ohio 102215  
First Scholarship. Upon receipt of the certification, the Director 102216  
of Budget and Management may transfer cash, up to the certified 102217  
amount, from the General Revenue Fund to the Choose Ohio First 102218  
Scholarship Reserve Fund (Fund 5PV0). 102219

**Section 381.90.** ADULT BASIC AND LITERACY EDUCATION 102220

The foregoing appropriation item 235443, Adult Basic and 102221

Literacy Education - State, shall be used to support the adult 102222  
basic and literacy education instructional grant program and state 102223  
leadership program. The supported programs shall satisfy the state 102224  
match and maintenance of effort requirements for the 102225  
state-administered grant program. 102226

**Section 381.100. OHIO TECHNICAL CENTERS FUNDING** 102227

The foregoing appropriation item 235444, Ohio Technical 102228  
Centers, shall be used by the Chancellor of Higher Education to 102229  
support post-secondary adult career-technical education. The 102230  
Chancellor shall provide coordination for Ohio Technical Centers 102231  
through program approval processes, data collection of program and 102232  
student outcomes, and subsidy disbursements from the foregoing 102233  
appropriation item 235444, Ohio Technical Centers. 102234

(A)(1) As soon as possible in each fiscal year, in accordance 102235  
with instructions of the Chancellor, each Ohio Technical Center 102236  
shall report its actual data, consistent with the definitions in 102237  
the Higher Education Information (HEI) system's files, to the 102238  
Chancellor. 102239

(a) In defining the number of full-time equivalent students 102240  
for state subsidy purposes, the Chancellor shall exclude all 102241  
students who are not residents of Ohio. 102242

(b) A full-time equivalent student shall be defined as a 102243  
student who completes 450 hours. Those students that complete some 102244  
portion of 450 hours shall be counted as a partial full-time 102245  
equivalent for funding purposes, while students that complete more 102246  
than 450 hours shall be counted as proportionally greater than one 102247  
full-time equivalent. 102248

(c) In calculating each Ohio Technical Center's full-time 102249  
equivalent students, the Chancellor shall use a three-year 102250  
average. 102251

(d) After June 30, 2019, Ohio Technical Centers shall operate with, or be an active candidate for, accreditation by an accreditor authorized by the United States Department of Education to be eligible to receive subsidies from the foregoing appropriation item 235444, Ohio Technical Centers.

(2) In each fiscal year, twenty-five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis.

(3) In each fiscal year, twenty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention.

(4) In each fiscal year, fifty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study.

(5) In each fiscal year, five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have earned a credential

from an industry-recognized third party. 102284

(B) Of the foregoing appropriation item 235444, Ohio 102285  
Technical Centers, up to 2.38 per cent in each fiscal year may be 102286  
distributed by the Chancellor to the Ohio Central School System, 102287  
up to \$48,000 in each fiscal year may be utilized for assistance 102288  
for Ohio Technical Centers, and up to \$1,300,000 in each fiscal 102289  
year may be distributed by the Chancellor to Ohio Technical 102290  
Centers that provide business consultation with matching local 102291  
dollars, with preference to industries on the in-demand jobs list 102292  
created under section 6301.11 of the Revised Code or in regionally 102293  
emerging fields. Centers meeting this requirement shall receive an 102294  
amount not to exceed \$25,000 per center. 102295

(C) The remainder of the foregoing appropriation item 235444, 102296  
Ohio Technical Centers, in each fiscal year shall be distributed 102297  
in accordance with division (A) of this section. 102298

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 102299  
CENTERS 102300

(1) In fiscal year 2018, no Ohio Technical Center shall 102301  
receive performance funding calculated under division (A) of this 102302  
section, excluding funding for third party credentials calculated 102303  
under division (A)(5) of this section, that is less than 95 per 102304  
cent of the average allocation the Center received, excluding 102305  
funding for third party credentials, in the three prior fiscal 102306  
years. 102307

In fiscal year 2019, no Ohio Technical Center shall receive 102308  
performance funding calculated under division (A) of this section, 102309  
excluding funding for third party credentials calculated under 102310  
division (A)(5) of this section, that is less than 94 per cent of 102311  
the average allocation the Center received, excluding funding for 102312  
third party credentials, in the three prior fiscal years. 102313

(2) In order to ensure that no Center receives less than the 102314

amounts identified for each fiscal year in accordance with 102315  
division (D)(1) of this section, funds shall be made available to 102316  
support the phase-in allocation by proportionally reducing formula 102317  
earnings from each Center not receiving phase-in funding. 102318

**Section 381.110.** AREA HEALTH EDUCATION CENTERS PROGRAM 102319  
SUPPORT 102320

The foregoing appropriation item 235474, Area Health 102321  
Education Centers Program Support, shall be used by the Chancellor 102322  
of Higher Education to support the medical school regional area 102323  
health education centers' educational programs for the continued 102324  
support of medical and other health professions education and for 102325  
support of the Area Health Education Center Program. 102326

**Section 381.120.** CAMPUS SAFETY AND TRAINING 102327

The foregoing appropriation item 235492, Campus Safety and 102328  
Training, shall be used by the Chancellor of Higher Education for 102329  
the purpose of developing model best practices for preventing and 102330  
responding to sexual violence on campus. The Chancellor, in 102331  
consultation with state institutions of higher education as 102332  
defined in section 3345.011 of the Revised Code and private 102333  
nonprofit institutions of higher education holding certificates of 102334  
authorization under Chapter 1713. of the Revised Code, shall 102335  
continue to develop model best practices in line with emerging 102336  
trends, research, and evidence-based training for preventing and 102337  
responding to sexual violence and protecting students and staff 102338  
who are victims of sexual violence on campus. The Chancellor shall 102339  
convene state institutions of higher education and private 102340  
nonprofit institutions of higher education in the training and 102341  
implementation of best practices regarding campus sexual violence. 102342

**Section 381.130.** STATE SHARE OF INSTRUCTION FORMULAS 102343

The Chancellor of Higher Education shall establish procedures 102344  
to allocate the foregoing appropriation item 235501, State Share 102345  
of Instruction, based on the formulas detailed in this section 102346  
that utilize the enrollment, course completion, degree attainment, 102347  
and student achievement factors reported annually by each state 102348  
institution of higher education participating in the Higher 102349  
Education Information (HEI) system. 102350

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 102351  
COMPLETIONS 102352

(1) As soon as possible during each fiscal year of the 102353  
biennium ending June 30, 2019, in accordance with instructions of 102354  
the Department of Higher Education, each state institution of 102355  
higher education shall report its actual data, consistent with the 102356  
definitions in the Higher Education Information (HEI) system's 102357  
enrollment files, to the Chancellor of Higher Education. 102358

(2) In defining the number of full-time equivalent students 102359  
for state subsidy instructional cost purposes, the Chancellor 102360  
shall exclude all undergraduate students who are not residents of 102361  
Ohio or who do not meet the definition of residency for state 102362  
subsidy and tuition surcharge purposes, except those charged 102363  
in-state fees in accordance with reciprocity agreements made under 102364  
section 3333.17 of the Revised Code or employer contracts entered 102365  
into under section 3333.32 of the Revised Code. 102366

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 102367

For purposes of calculating state share of instruction 102368  
allocations, the total instructional costs per full-time 102369  
equivalent student shall be: 102370

| Model                 | Fiscal Year 2018 | Fiscal Year 2019 |        |
|-----------------------|------------------|------------------|--------|
| ARTS AND HUMANITIES 1 | \$8,678          | \$8,837          | 102371 |
| ARTS AND HUMANITIES 2 | \$12,238         | \$12,463         | 102372 |
| ARTS AND HUMANITIES 3 | \$15,530         | \$15,814         | 102373 |

|   |          |          |        |
|---|----------|----------|--------|
| ARTS AND HUMANITIES 4   | \$24,455 | \$24,903 | 102375 |
| ARTS AND HUMANITIES 5   | \$39,092 | \$39,809 | 102376 |
| ARTS AND HUMANITIES 6   | \$40,081 | \$40,815 | 102377 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 1                      | \$8,258  | \$8,409  | 102378 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 2                      | \$9,278  | \$9,448  | 102379 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 3                      | \$11,903 | \$12,121 | 102380 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 4                      | \$13,855 | \$14,109 | 102381 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 5                      | \$22,149 | \$22,555 | 102382 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 6                      | \$23,377 | \$23,805 | 102383 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 7                      | \$34,909 | \$35,549 | 102384 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 1 | \$8,059  | \$8,206  | 102385 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 2 | \$10,889 | \$11,088 | 102386 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 3 | \$12,615 | \$12,846 | 102387 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 4 | \$14,845 | \$15,117 | 102388 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 5 | \$19,560 | \$19,918 | 102389 |
| SCIENCE, TECHNOLOGY,  | \$20,673 | \$21,052 | 102390 |

|   |                  |                  |          |        |
|---|------------------|------------------|----------|--------|
| ENGINEERING, MATHEMATICS,<br>MEDICINE 6                         |                  |                  |          |        |
| SCIENCE, TECHNOLOGY,  | \$23,500         |                  | \$23,930 | 102391 |
| ENGINEERING, MATHEMATICS,<br>MEDICINE 7                         |                  |                  |          |        |
| SCIENCE, TECHNOLOGY,  | \$38,870         |                  | \$39,582 | 102392 |
| ENGINEERING, MATHEMATICS,<br>MEDICINE 8                         |                  |                  |          |        |
| SCIENCE, TECHNOLOGY,  | \$54,329         |                  | \$55,324 | 102393 |
| ENGINEERING, MATHEMATICS,<br>MEDICINE 9                         |                  |                  |          |        |
| Doctoral I and Doctoral II models shall be allocated in         |                  |                  |          | 102394 |
| accordance with division (D)(2) of this section.                |                  |                  |          | 102395 |
| Medical I and Medical II models shall be allocated in           |                  |                  |          | 102396 |
| accordance with divisions (D)(3) and (D)(4) of this section.    |                  |                  |          | 102397 |
| (C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,     |                  |                  |          | 102398 |
| AND GRADUATE WEIGHTS  |                  |                  |          | 102399 |
| For the purpose of implementing the recommendations of the      |                  |                  |          | 102400 |
| 2006 State Share of Instruction Consultation and the Higher     |                  |                  |          | 102401 |
| Education Funding Study Council that priority be given to       |                  |                  |          | 102402 |
| maintaining state support for science, technology, engineering, |                  |                  |          | 102403 |
| mathematics, medicine, and graduate programs, the costs in      |                  |                  |          | 102404 |
| division (B) of this section shall be weighted by the amounts   |                  |                  |          | 102405 |
| provided below:   |                  |                  |          | 102406 |
| Model   | Fiscal Year 2018 | Fiscal Year 2019 |          | 102407 |
| ARTS AND HUMANITIES 1   | 1.0000           | 1.0000           |          | 102408 |
| ARTS AND HUMANITIES 2   | 1.0000           | 1.0000           |          | 102409 |
| ARTS AND HUMANITIES 3   | 1.0000           | 1.0000           |          | 102410 |
| ARTS AND HUMANITIES 4   | 1.0000           | 1.0000           |          | 102411 |
| ARTS AND HUMANITIES 5   | 1.0425           | 1.0425           |          | 102412 |
| ARTS AND HUMANITIES 6   | 1.0425           | 1.0425           |          | 102413 |
| BUSINESS, EDUCATION &   | 1.0000           | 1.0000           |          | 102414 |

|   |        |        |        |
|---|--------|--------|--------|
| SOCIAL SCIENCES 1   |        |        |        |
| BUSINESS, EDUCATION &   | 1.0000 | 1.0000 | 102415 |
| SOCIAL SCIENCES 2   |        |        |        |
| BUSINESS, EDUCATION &   | 1.0000 | 1.0000 | 102416 |
| SOCIAL SCIENCES 3   |        |        |        |
| BUSINESS, EDUCATION &   | 1.0000 | 1.0000 | 102417 |
| SOCIAL SCIENCES 4   |        |        |        |
| BUSINESS, EDUCATION &   | 1.0425 | 1.0425 | 102418 |
| SOCIAL SCIENCES 5   |        |        |        |
| BUSINESS, EDUCATION &   | 1.0425 | 1.0425 | 102419 |
| SOCIAL SCIENCES 6   |        |        |        |
| BUSINESS, EDUCATION &   | 1.0425 | 1.0425 | 102420 |
| SOCIAL SCIENCES 7   |        |        |        |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 1 | 1.0000 | 1.0000 | 102421 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 2 | 1.0017 | 1.0017 | 102422 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 3 | 1.6150 | 1.6150 | 102423 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 4 | 1.6920 | 1.6920 | 102424 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 5 | 1.4222 | 1.4222 | 102425 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 6 | 1.8798 | 1.8798 | 102426 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,               | 1.4380 | 1.4380 | 102427 |

|  |        |        |        |
|--|--------|--------|--------|
| MEDICINE 7   |        |        |        |
| SCIENCE, TECHNOLOGY,   | 1.5675 | 1.5675 | 102428 |
| ENGINEERING, MATHEMATICS,  |        |        |        |
| MEDICINE 8   |        |        |        |
| SCIENCE, TECHNOLOGY,   | 1.1361 | 1.1361 | 102429 |
| ENGINEERING, MATHEMATICS,  |        |        |        |
| MEDICINE 9   |        |        |        |
| (D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA              |        |        | 102430 |
| ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES                      |        |        | 102431 |
| (1) Of the foregoing appropriation item 235501, State Share        |        |        | 102432 |
| of Instruction, 50 per cent of the appropriation for universities, |        |        | 102433 |
| as established in division (A)(2) of the section of this act       |        |        | 102434 |
| entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND     |        |        | 102435 |
| 2019," in each fiscal year shall be reserved for support of        |        |        | 102436 |
| associate, baccalaureate, master's, and professional level degree  |        |        | 102437 |
| attainment.  |        |        | 102438 |
| The degree attainment funding shall be allocated to                |        |        | 102439 |
| universities in proportion to each campus's share of the total     |        |        | 102440 |
| statewide degrees granted, weighted by the cost of the degree      |        |        | 102441 |
| programs. The degree cost calculations shall include the model     |        |        | 102442 |
| cost weights for the science, technology, engineering,             |        |        | 102443 |
| mathematics, and medicine models as established in division (C) of |        |        | 102444 |
| this section.  |        |        | 102445 |
| For degrees including credits earned at multiple                   |        |        | 102446 |
| institutions, degree attainment funding shall be allocated to      |        |        | 102447 |
| universities in proportion to each campus's share of the           |        |        | 102448 |
| student-specific cost of earned credits for the degree. Each       |        |        | 102449 |
| institution shall receive its prorated share of degree funding for |        |        | 102450 |
| credits earned at that institution. Cost of credits not earned at  |        |        | 102451 |
| a university main or regional campus shall be credited to the      |        |        | 102452 |
| degree-granting institution for the first degree earned by a       |        |        | 102453 |
| student at each degree level. The cost credited to the             |        |        | 102454 |

degree-granting institution shall not be eligible for at-risk 102455  
weights and shall be limited to 12.5 per cent of the 102456  
student-specific degree costs. However, the 12.5 per cent 102457  
limitation shall not apply if the student transferred 12 or fewer 102458  
credits into the degree granting institution. 102459

In calculating the subsidy entitlements for degree attainment 102460  
for universities, the Chancellor shall use the following count of 102461  
degrees and degree costs: 102462

(a) The subsidy eligible undergraduate degrees shall be 102463  
defined as follows: 102464

(i) The subsidy eligible degrees conferred to students 102465  
identified as residents of the state of Ohio in any term of their 102466  
studies, as reported through the Higher Education Information 102467  
(HEI) system student enrollment file, shall be weighted by a 102468  
factor of 1. 102469

(ii) The subsidy eligible degrees conferred to students 102470  
identified as out-of-state residents during all terms of their 102471  
studies, as reported through the Higher Education Information 102472  
(HEI) system student enrollment file, who remain in the state of 102473  
Ohio at least one year after graduation, as calculated based on 102474  
the three-year average in-state residency rate using the 102475  
Unemployment Wage data for out-of-state graduates at each 102476  
institution, shall be weighted by a factor of 50 per cent. 102477

(iii) Subsidy eligible associate degrees are defined as those 102478  
earned by students attending any state-supported university main 102479  
or regional campus. 102480

(b) In calculating each campus's count of degrees, the 102481  
Chancellor shall use the three-year average associate, 102482  
baccalaureate, master's, and professional degrees awarded for the 102483  
three-year period ending in the prior year. 102484

(i) If a student is awarded an associate degree and, 102485

subsequently, is awarded a baccalaureate degree, the amount funded 102486  
for the baccalaureate degree shall be limited to either the 102487  
difference in cost between the cost of the baccalaureate degree 102488  
and the cost of the associate degree paid previously, or if the 102489  
associate degree has a higher cost than the baccalaureate degree, 102490  
the cost of the credits earned by the student after the associate 102491  
degree was awarded. 102492

(ii) If a student earns an associate degree then, 102493  
subsequently, earns a baccalaureate degree, the associate degree 102494  
granting institution shall only receive the prorated share of the 102495  
baccalaureate degree funding for the credits earned at that 102496  
institution after the associate degree is awarded. 102497

(iii) If a student earns more than one degree at the same 102498  
institution at the same degree level in the same fiscal year, the 102499  
funding for the highest cost degree shall be prorated among 102500  
institutions based on where the credits were earned and additional 102501  
degrees shall be funded at 25 per cent of the cost of the degrees. 102502

(c) Associate degrees and baccalaureate degrees earned by a 102503  
student defined as at-risk based on academic underpreparation, 102504  
age, minority status, financial status, or first generation 102505  
post-secondary status based on neither parent completing any 102506  
education beyond high school, shall be defined as degrees earned 102507  
by an at-risk student and shall be weighted by the following: 102508

A student-specific degree completion weight, where the weight 102509  
is calculated based on the at-risk factors of the individual 102510  
student, determined by calculating the difference between the 102511  
percentage of students with each risk factor who earned a degree 102512  
and the percentage of non-at-risk students who earned a degree. 102513

(2) Of the foregoing appropriation item 235501, State Share 102514  
of Instruction, up to 11.78 per cent of the appropriation for 102515  
universities, as established in division (A)(2) of the section of 102516

this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 102517  
2018 and 2019," in each fiscal year shall be reserved for support 102518  
of doctoral programs to implement the funding recommendations made 102519  
by representatives of the universities. The amount so reserved 102520  
shall be referred to as the doctoral set-aside. 102521

In fiscal year 2018, NEOMED shall receive \$250,000 and in 102522  
fiscal year 2019 NEOMED shall receive \$275,000 of the doctoral 102523  
set-aside funding allocation with the remaining doctoral set-aside 102524  
allocated to universities as follows: 102525

(a) 32.50 per cent of the remaining doctoral set-aside in 102526  
fiscal year 2018 and 25 per cent of the remaining doctoral 102527  
set-aside in fiscal year 2019 shall be allocated to universities 102528  
in proportion to their share of the statewide total of each state 102529  
institution's three-year average Doctoral I equivalent FTEs as 102530  
calculated on an institutional basis using historical FTEs for the 102531  
period fiscal year 1994 through fiscal year 1998 with annualized 102532  
FTEs for fiscal years 1994 through 1997 and all-term FTEs for 102533  
fiscal year 1998 as adjusted to reflect the effects of doctoral 102534  
review and subsequent changes in Doctoral I equivalent 102535  
enrollments. For the purposes of this calculation, Doctoral I 102536  
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 102537  
times the sum of Doctoral II FTEs. 102538

(b) 45 per cent of the doctoral set-aside in fiscal year 2018 102539  
and 50 per cent of the doctoral set-aside in fiscal year 2019 102540  
shall be allocated to universities in proportion to each campus's 102541  
share of the total statewide doctoral degrees, weighted by the 102542  
cost of the doctoral discipline. In calculating each campus's 102543  
doctoral degrees the Chancellor shall use the three-year average 102544  
doctoral degrees awarded for the three-year period ending in the 102545  
prior year. 102546

(c) 22.5 per cent of the doctoral set-aside in fiscal year 102547  
2018 and 25 per cent of the doctoral set-aside in fiscal year 2019 102548

shall be allocated to universities in proportion to their share of 102549  
research grant activity. Funding for this component shall be 102550  
allocated to eligible universities in proportion to their share of 102551  
research grant activity published by the National Science 102552  
Foundation. Grant awards from the Department of Health and Human 102553  
Services shall be weighted at 50 per cent. 102554

(3) Of the foregoing appropriation item 235501, State Share 102555  
of Instruction, 6.41 per cent of the appropriation for 102556  
universities, as established in division (A)(2) of the section of 102557  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 102558  
2018 AND 2019," in each fiscal year shall be reserved for support 102559  
of Medical II FTEs. The amount so reserved shall be referred to as 102560  
the medical II set-aside. 102561

The medical II set-aside shall be allocated to universities 102562  
in proportion to their share of the statewide total of each state 102563  
institution's three-year average Medical II FTEs as calculated in 102564  
division (A) of this section. 102565

In calculating the core subsidy entitlements for Medical II 102566  
models only, students repeating terms may be no more than five per 102567  
cent of current year enrollment. 102568

(4) Of the foregoing appropriation item 235501, State Share 102569  
of Instruction, 1.48 per cent of the appropriation for 102570  
universities, as established in division (A)(2) of the section of 102571  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 102572  
2018 AND 2019," in each fiscal year shall be reserved for support 102573  
of Medical I FTEs. The amount so reserved shall be referred to as 102574  
the medical I set-aside. 102575

The medical I set-aside shall be allocated to universities in 102576  
proportion to their share of the statewide total of each state 102577  
institution's three-year average Medical I FTEs as calculated in 102578  
division (A) of this section. 102579

(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or financial status shall have their eligible completions weighted by the following:

(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2014-2016 academic years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the three-year period ending in the prior year for all models except Medical I, Medical II, Doctoral I, and Doctoral II.

(d) For universities, the Chancellor shall compute the course completion earnings by dividing the appropriation for universities, established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 2019," and adjusted pursuant to division (B) of that

section, less the degree attainment funding as calculated in 102611  
division (D)(1) of this section, less the doctoral set-aside, less 102612  
the medical I set-aside, and less the medical II set-aside, by the 102613  
sum of all campuses' instructional costs as calculated in division 102614  
(D)(5) of this section. 102615

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 102616  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 102617

(1) Of the foregoing appropriation item 235501, State Share 102618  
of Instruction, 50 per cent of the appropriation for 102619  
state-supported community colleges, state community colleges, and 102620  
technical colleges as established in division (A)(1) of the 102621  
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 102622  
YEARS 2018 AND 2019," in each fiscal year shall be reserved for 102623  
course completion FTEs as aggregated by the subsidy models defined 102624  
in division (B) of this section. 102625

The course completion funding shall be allocated to campuses 102626  
in proportion to each campus's share of the total sector's course 102627  
completions, weighted by the instructional cost of the subsidy 102628  
models. 102629

To calculate the subsidy entitlements for course completions 102630  
at community colleges, state community colleges, and technical 102631  
colleges, the Chancellor shall use the following calculations: 102632

(a) In calculating each campus's count of FTE course 102633  
completions, the Chancellor shall use a three-year average for 102634  
course completions for the three year period ending in the prior 102635  
year. 102636

(b) The subsidy eligible enrollments by model shall equal 102637  
only those FTE students who successfully complete the course as 102638  
defined and reported through the Higher Education Information 102639  
(HEI) system course enrollment file. 102640

(c) Those students with successful course completions, that 102641

are defined as access students based on financial status, minority 102642  
status, age, or academic under-preparation shall have their 102643  
eligible course completions weighted by a statewide access weight. 102644  
The weight given to any student that meets any access factor shall 102645  
be 15 per cent for all course completions. 102646

(d) The model costs as used in the calculation shall be 102647  
augmented by the model weights for science, technology, 102648  
engineering, mathematics, and medicine models as established in 102649  
division (C) of this section. 102650

(2) Of the foregoing appropriation item 235501, State Share 102651  
of Instruction, 25 per cent of the appropriation for 102652  
state-supported community colleges, state community colleges, and 102653  
technical colleges as established in division (A)(1) of the 102654  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 102655  
FISCAL YEARS 2018 AND 2019," in each fiscal year shall be reserved 102656  
for colleges in proportion to their share of college student 102657  
success factors. 102658

Student success factors shall be awarded at the institutional 102659  
level for each student that successfully: 102660

(a) Completes a developmental math course and, within the 102661  
next year, enrolls in a college-level math course. 102662

(b) Completes a developmental English course and, within the 102663  
next year, enrolls in a college-level English course. 102664

(c) Completes 12 semester credit hours of college-level 102665  
coursework. 102666

(d) Completes 24 semester credit hours of college-level 102667  
coursework. 102668

(e) Completes 36 semester credit hours of college-level 102669  
coursework. 102670

(3) Of the foregoing appropriation item 235501, State Share 102671

of Instruction, 25 per cent of the appropriation for 102672  
state-supported community colleges, state community colleges, and 102673  
technical colleges shall be reserved for completion milestones. 102674

Completion milestones shall include associate degrees, 102675  
technical certificates over 30 credit hours as designated by the 102676  
Department of Higher Education, and students transferring to any 102677  
four-year institution with at least 12 credit hours of 102678  
college-level coursework earned at that community college, state 102679  
community college, or technical college. 102680

The completion milestone funding shall be allocated to 102681  
colleges in proportion to each institution's share of the sector's 102682  
total completion milestones, weighted by the instructional cost of 102683  
the associate degree, certificate, or transfer models. Costs for 102684  
technical certificates over 30 hours shall be weighted at one-half 102685  
of the associate degree model costs and transfers with at least 12 102686  
credit hours of college-level coursework shall be weighted at 102687  
one-fourth of the average cost for all associate degree model 102688  
costs. 102689

(4) To calculate the subsidy entitlements for completions at 102690  
community colleges, state community colleges, and technical 102691  
colleges, the Chancellor shall use the following calculations: 102692

(a) In calculating each campus's count of completions, the 102693  
Chancellor shall use a three-year average for completion metrics. 102694

(b) The subsidy eligible completions by model shall equal 102695  
only those students who successfully complete an associate degree 102696  
or technical certificate over 30 credit hours, or transfer to any 102697  
four-year institution with at least 12 credit hours of 102698  
college-level coursework as defined and reported in the Higher 102699  
Education Information (HEI) system. Student completions reported 102700  
in HEI shall have an accompanying course enrollment record in 102701  
order to be subsidy eligible. 102702

(c) Those students with successful completions for associate degrees, technical certificates over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework, identified in division (E)(3) of this section, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible completions weighted by a statewide access weight. The weight shall be 25 per cent for students with one access factor, 66 per cent for students with two access factors, 150 per cent for students with three access factors, and 200 per cent for students with four access factors.

(d) For those students who complete more than one completion milestone, funding for each additional associate degree or technical certificate over 30 credit hours designated as such by the Department of Higher Education shall be funded at 50 per cent of the model costs as defined in division (3) of this section.

(F) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of instruction earnings shall be reduced for each campus by the amount, if any, by which debt service charged in Am. H.B. 748 of the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 562 of the 127th General Assembly for that campus exceeds that campus's capital component earnings. The sum of the amounts deducted shall be transferred to appropriation item 235552, Capital Component, in each fiscal year.

(G) EXCEPTIONAL CIRCUMSTANCES

Adjustments may be made to the state share of instruction

payments and other subsidies distributed by the Chancellor of 102734  
Higher Education to state colleges and universities for 102735  
exceptional circumstances. No adjustments for exceptional 102736  
circumstances may be made without the recommendation of the 102737  
Chancellor and the approval of the Controlling Board. 102738

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 102739  
INSTRUCTION 102740

The standard provisions of the state share of instruction 102741  
calculation as described in the preceding sections of temporary 102742  
law shall apply to any reductions made to appropriation item 102743  
235501, State Share of Instruction, before the Chancellor has 102744  
formally approved the final allocation of the state share of 102745  
instruction funds for any fiscal year. 102746

Any reductions made to appropriation item 235501, State Share 102747  
of Instruction, after the Chancellor has formally approved the 102748  
final allocation of the state share of instruction funds for any 102749  
fiscal year, shall be uniformly applied to each campus in 102750  
proportion to its share of the final allocation. 102751

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 102752

The state share of instruction payments to the institutions 102753  
shall be in substantially equal monthly amounts during the fiscal 102754  
year, unless otherwise determined by the Director of Budget and 102755  
Management pursuant to section 126.09 of the Revised Code. 102756  
Payments during the first six months of the fiscal year shall be 102757  
based upon the state share of instruction appropriation estimates 102758  
made for the various institutions of higher education and payments 102759  
during the last six months of the fiscal year shall be based on 102760  
the final data from the Chancellor. 102761

(J) STUDY ON THE USE OF SCIENCE, TECHNOLOGY, ENGINEERING, 102762  
MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 102763

The presidents of public institutions of higher education as 102764

defined in section 3345.011 of the Revised Code, or their 102765  
designees, in consultation with the Chancellor of Higher 102766  
Education, shall study the effectiveness of the science, 102767  
technology, engineering, mathematics, medicine, and graduate 102768  
weights as originally recommended by the 2006 State Share of 102769  
Instruction Consultation and the Higher Education Funding Study 102770  
Council and as implemented in division (C) of this section. The 102771  
study shall identify the extent to which STEMM and graduate 102772  
weights re-allocate resources among institutions within the State 102773  
Share of Instruction line item, the extent to which the resource 102774  
re-allocation affects institutional production of STEMM and 102775  
graduate completions, and the extent to which the weights are 102776  
appropriate given current workforce data associated with emerging 102777  
and in-demand fields. The study shall be completed by October 15, 102778  
2017. Notwithstanding any provision of law to the contrary, the 102779  
presidents of public institutions of higher education as defined 102780  
in section 3345.011 of the Revised Code, or their designees, in 102781  
consultation with the Chancellor, shall use the results of the 102782  
study to recommend changes in the science, technology, 102783  
engineering, mathematics, medicine, and graduate weights as 102784  
originally recommended by the 2006 State Share of Instruction 102785  
Consultation and the Higher Education Funding Study Council and as 102786  
implemented in division (C) of this section. Not later than 102787  
December 1, 2017, the members shall report any changes to the 102788  
Governor, the General Assembly, and the Office of Budget and 102789  
Management. 102790

**Section 381.140.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 102791  
2018 AND 2019 102792

(A) The foregoing appropriation item 235501, State Share of 102793  
Instruction, shall be distributed according to the section of this 102794  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 102795

(1) Of the foregoing appropriation item 235501, State Share of Instruction, \$460,818,566 in fiscal year 2018 and \$465,426,752 in fiscal year 2019 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, \$1,538,392,150 in fiscal year 2018 and \$1,553,776,071 in fiscal year 2019 shall be distributed to state-supported university main and regional campuses.

**Section 381.150. RESTRICTION ON FEE INCREASES**

(A) Except as provided in division (B) of this section, in fiscal years 2018 and 2019, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional, general, and all other fees. For the 2017-2018 and 2018-2019 academic years, each state institution of higher education shall not increase its in-state undergraduate instructional, general, and all other fees over what the institution charged for the 2016-2017 academic year. This limitation does not apply to room and board.

(B) For the 2018-2019 academic year, the boards of trustees of state institutions of higher education shall provide textbooks to all undergraduate students as a mandatory service. For this purpose, the board of trustees may charge a textbook fee not to exceed an annualized amount of \$300 for a full-time undergraduate student. The board of trustees shall pro-rate the fee for a part-time undergraduate student based on the number of credit hours for which the student is enrolled.

(C) The limitations under this section shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the

effective date of this section with respect to which the 102827  
institution had identified such fee increases as the source of 102828  
funds. Any increase required by such covenants and any such 102829  
mandates, obligations, or commitments shall be reported by the 102830  
Chancellor of Higher Education to the Controlling Board. These 102831  
limitations may also be modified by the Chancellor, with the 102832  
approval of the Controlling Board, to respond to exceptional 102833  
circumstances as identified by the Chancellor. 102834

(D) As used in this section, "textbook" means any required 102835  
instructional tools, such as bound and electronic textbooks and 102836  
software, used specifically for curricular content instruction in 102837  
a course. 102838

**Section 381.160.** HIGHER EDUCATION - BOARD OF TRUSTEES 102839

(A) Funds appropriated for instructional subsidies at 102840  
colleges and universities may be used to provide such branch or 102841  
other off-campus undergraduate courses of study and such master's 102842  
degree courses of study as may be approved by the Chancellor of 102843  
Higher Education. 102844

(B) In providing instructional and other services to 102845  
students, boards of trustees of state institutions of higher 102846  
education shall supplement state subsidies with income from 102847  
charges to students. Except as otherwise provided in this act, 102848  
each board shall establish the fees to be charged to all students, 102849  
including an instructional fee for educational and associated 102850  
operational support of the institution and a general fee for 102851  
noninstructional services, including locally financed student 102852  
services facilities used for the benefit of enrolled students. The 102853  
instructional fee and the general fee shall encompass all charges 102854  
for services assessed uniformly to all enrolled students. Each 102855  
board may also establish special purpose fees, service charges, 102856  
and fines as required; such special purpose fees and service 102857

charges shall be for services or benefits furnished individual 102858  
students or specific categories of students and shall not be 102859  
applied uniformly to all enrolled students. A tuition surcharge 102860  
shall be paid by all students who are not residents of Ohio. 102861

The board of trustees of a state institution of higher 102862  
education shall not authorize a waiver or nonpayment of 102863  
instructional fees or general fees for any particular student or 102864  
any class of students other than waivers specifically authorized 102865  
by law or approved by the Chancellor. This prohibition is not 102866  
intended to limit the authority of boards of trustees to provide 102867  
for payments to students for services rendered the institution, 102868  
nor to prohibit the budgeting of income for staff benefits or for 102869  
student assistance in the form of payment of such instructional 102870  
and general fees. 102871

Each state institution of higher education in its statement 102872  
of charges to students shall separately identify the instructional 102873  
fee, the general fee, the tuition charge, and the tuition 102874  
surcharge. Fee charges to students for instruction shall not be 102875  
considered to be a price of service but shall be considered to be 102876  
an integral part of the state government financing program in 102877  
support of higher educational opportunity for students. 102878

(C) The boards of trustees of state institutions of higher 102879  
education shall ensure that faculty members devote a proper and 102880  
judicious part of their work week to the actual instruction of 102881  
students. Total class credit hours of production per academic term 102882  
per full-time faculty member is expected to meet the standards set 102883  
forth in the budget data submitted by the Chancellor of Higher 102884  
Education. 102885

(D) The authority of government vested by law in the boards 102886  
of trustees of state institutions of higher education shall in 102887  
fact be exercised by those boards. Boards of trustees may consult 102888  
extensively with appropriate student and faculty groups. 102889

Administrative decisions about the utilization of available 102890  
resources, about organizational structure, about disciplinary 102891  
procedure, about the operation and staffing of all auxiliary 102892  
facilities, and about administrative personnel shall be the 102893  
exclusive prerogative of boards of trustees. Any delegation of 102894  
authority by a board of trustees in other areas of responsibility 102895  
shall be accompanied by appropriate standards of guidance 102896  
concerning expected objectives in the exercise of such delegated 102897  
authority and shall be accompanied by periodic review of the 102898  
exercise of this delegated authority to the end that the public 102899  
interest, in contrast to any institutional or special interest, 102900  
shall be served. 102901

**Section 381.170. STUDENT SUPPORT SERVICES** 102902

The foregoing appropriation item 235502, Student Support 102903  
Services, shall be distributed by the Chancellor of Higher 102904  
Education to Ohio's state colleges and universities that incur 102905  
disproportionate costs in the provision of support services to 102906  
disabled students. 102907

**Section 381.180. WAR ORPHANS SCHOLARSHIPS** 102908

The foregoing appropriation item 235504, War Orphans 102909  
Scholarships, shall be used to reimburse state institutions of 102910  
higher education for waivers of instructional fees and general 102911  
fees provided by them, to provide grants to institutions that have 102912  
received a certificate of authorization from the Chancellor of 102913  
Higher Education under Chapter 1713. of the Revised Code, in 102914  
accordance with the provisions of section 5910.04 of the Revised 102915  
Code, and to fund additional scholarship benefits provided by 102916  
section 5910.032 of the Revised Code. 102917

During each fiscal year, the Chancellor, as soon as possible 102918  
after cancellation, may certify to the Director of Budget and 102919

Management the amount of canceled prior-year encumbrances in 102920  
appropriation item 235504, War Orphans Scholarships. Upon receipt 102921  
of the certification, the Director of Budget and Management may 102922  
transfer cash, up to the certified amount, from the General 102923  
Revenue Fund to the War Orphans Scholarship Reserve Fund (Fund 102924  
5PW0). 102925

**Section 381.190. OHIOLINK** 102926

The foregoing appropriation item 235507, OhioLINK, shall be 102927  
used by the Chancellor of Higher Education to support OhioLINK, a 102928  
consortium organized under division (T) of section 3333.04 of the 102929  
Revised Code to serve as the state's electronic library 102930  
information and retrieval system, which provides access statewide 102931  
to an extensive set of electronic databases and resources, the 102932  
library holdings of Ohio's public and participating private 102933  
nonprofit colleges and universities, and the State Library of 102934  
Ohio. 102935

**Section 381.200. AIR FORCE INSTITUTE OF TECHNOLOGY** 102936

The foregoing appropriation item 235508, Air Force Institute 102937  
of Technology, shall be used to: (A) strengthen the research and 102938  
educational linkages between the Wright Patterson Air Force Base 102939  
and institutions of higher education in Ohio; and (B) support the 102940  
Dayton Area Graduate Studies Institute, an engineering graduate 102941  
consortium of Wright State University, the University of Dayton, 102942  
and the Air Force Institute of Technology, with the participation 102943  
of the University of Cincinnati and The Ohio State University. 102944

**Section 381.210. OHIO SUPERCOMPUTER CENTER** 102945

The foregoing appropriation item 235510, Ohio Supercomputer 102946  
Center, shall be used by the Chancellor of Higher Education to 102947  
support the operation of the Ohio Supercomputer Center, a 102948

consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

Funds shall be used, in part, to support AweSim, the Ohio Supercomputer Center's industrial outreach program. The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

**Section 381.220. COOPERATIVE EXTENSION SERVICE**

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

**Section 381.230. CENTRAL STATE SUPPLEMENT**

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

The Chancellor shall monitor the implementation of the plan and the use of funds. Central State University shall provide any information requested by the Chancellor related to the

implementation of the plan. If the Chancellor determines that 102979  
Central State University's use of supplemental funds is not in 102980  
accordance with the plan or if the plan is not having the desired 102981  
effect, the Chancellor may notify Central State University that 102982  
the plan is suspended. Upon receiving such notice, Central State 102983  
University shall avoid all unnecessary expenditures under the 102984  
plan. The Chancellor shall notify the Controlling Board of the 102985  
suspension of the plan and within sixty days prepare a new plan 102986  
for the use of any remaining funds. 102987

**Section 381.240.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 102988  
MEDICINE 102989

The foregoing appropriation item 235515, Case Western Reserve 102990  
University School of Medicine, shall be disbursed to Case Western 102991  
Reserve University through the Chancellor of Higher Education in 102992  
accordance with agreements entered into under section 3333.10 of 102993  
the Revised Code, provided that the state support per full-time 102994  
medical student shall not exceed that provided to full-time 102995  
medical students at state universities. 102996

**Section 381.250.** FAMILY PRACTICE 102997

The Chancellor of Higher Education shall develop plans 102998  
consistent with existing criteria and guidelines as may be 102999  
required for the distribution of appropriation item 235519, Family 103000  
Practice. 103001

**Section 381.260.** SHAWNEE STATE SUPPLEMENT 103002

The foregoing appropriation item 235520, Shawnee State 103003  
Supplement, shall be disbursed by the Chancellor of Higher 103004  
Education to Shawnee State University in accordance with the plan 103005  
developed by the Chancellor and submitted to the Governor and the 103006  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 103007

General Assembly. Funds shall be used in a manner consistent with 103008  
the goals of improving course completion, increasing the number of 103009  
degrees conferred, and furthering the university's mission of 103010  
service to the Appalachian region. 103011

The Chancellor shall monitor the implementation of the plan 103012  
and the use of funds. Shawnee State University shall provide any 103013  
information requested by the Chancellor related to the 103014  
implementation of the plan. If the Chancellor determines that 103015  
Shawnee State University's use of supplemental funds is not in 103016  
accordance with the plan or if the plan is not having the desired 103017  
effect, the Chancellor may notify Shawnee State University that 103018  
the plan is suspended. Upon receiving such notice, Shawnee State 103019  
University shall avoid all unnecessary expenditures under the 103020  
plan. The Chancellor shall notify the Controlling Board of the 103021  
suspension of the plan and within sixty days prepare a new plan 103022  
for the use of any remaining funds. 103023

**Section 381.270. GERIATRIC MEDICINE** 103024

The Chancellor of Higher Education shall develop plans 103025  
consistent with existing criteria and guidelines as may be 103026  
required for the distribution of appropriation item 235525, 103027  
Geriatric Medicine. 103028

**Section 381.280. PRIMARY CARE RESIDENCIES** 103029

The Chancellor of Higher Education shall develop plans 103030  
consistent with existing criteria and guidelines as may be 103031  
required for the distribution of appropriation item 235526, 103032  
Primary Care Residencies. 103033

The foregoing appropriation item 235526, Primary Care 103034  
Residencies, shall be distributed in each fiscal year of the 103035  
biennium, based on whether or not the institution has submitted 103036  
and gained approval for a plan. If the institution does not have 103037

an approved plan, it shall receive five per cent less funding per 103038  
student than it would have received from its annual allocation. 103039  
The remaining funding shall be distributed among those 103040  
institutions that meet or exceed their targets. 103041

**Section 381.290.** OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 103042  
CENTER 103043

The foregoing appropriation item 235535, Ohio Agricultural 103044  
Research and Development Center, shall be disbursed through the 103045  
Chancellor of Higher Education to The Ohio State University in 103046  
monthly payments, unless otherwise determined by the Director of 103047  
Budget and Management under section 126.09 of the Revised Code. 103048  
The Ohio Agricultural Research and Development Center shall not be 103049  
required to remit payment to The Ohio State University during the 103050  
biennium ending June 30, 2019, for cost reallocation assessments. 103051  
The cost reallocation assessments include, but are not limited to, 103052  
any assessment on state appropriations to the Center. 103053

The Ohio Agricultural Research and Development Center, an 103054  
entity of the College of Food, Agricultural, and Environmental 103055  
Sciences of The Ohio State University, shall further its mission 103056  
of enhancing Ohio's economic development and job creation by 103057  
continuing to internally allocate on a competitive basis 103058  
appropriated funding of programs based on demonstrated 103059  
performance. Academic units, faculty, and faculty-driven programs 103060  
shall be evaluated and rewarded consistent with agreed-upon 103061  
performance expectations as called for in the College's 103062  
Expectations and Criteria for Performance Assessment. 103063

**Section 381.300.** STATE UNIVERSITY CLINICAL TEACHING 103064

The foregoing appropriation items 235536, The Ohio State 103065  
University Clinical Teaching; 235537, University of Cincinnati 103066  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 103067

235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of Higher Education.

**Section 381.310.** CENTRAL STATE AGRICULTURAL RESEARCH AND DEVELOPMENT

The foregoing appropriation item 235546, Central State Agricultural Research and Development, shall be used in conjunction with appropriation item 235548, Central State Cooperative Extension Services, by Central State University for its state match requirement as an 1890 land grant university.

**Section 381.320.** CAPITAL COMPONENT

The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of Higher Education to provide funding for prior commitments made pursuant to the state's former capital funding policy for state colleges and universities that was originally established in Am. H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to qualifying capital projects was less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to qualifying capital projects from the campus's formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.

Any campus for which the estimated campus debt service attributable to qualifying capital projects is greater than the campus's formula-determined capital component allocation shall have the difference subtracted from its State Share of Instruction

allocation in each fiscal year. Appropriation equal to the sum of 103098  
all such amounts except that of the Ohio Agricultural Research and 103099  
Development Center shall be transferred from appropriation item 103100  
235501, State Share of Instruction, to appropriation item 235552, 103101  
Capital Component. Appropriation equal to any estimated Ohio 103102  
Agricultural Research and Development Center debt service 103103  
attributable to qualifying capital projects that is greater than 103104  
the Center's formula-determined capital component allocation shall 103105  
be transferred from appropriation item 235535, Ohio Agricultural 103106  
Research and Development Center, to appropriation item 235552, 103107  
Capital Component. 103108

**Section 381.330. LIBRARY DEPOSITORIES** 103109

The foregoing appropriation item 235555, Library 103110  
Depositories, shall be distributed to the state's five regional 103111  
depository libraries for the cost-effective storage of and access 103112  
to lesser-used materials in university library collections. The 103113  
depositories shall be administrated by the Chancellor of Higher 103114  
Education, or by OhioLINK at the discretion of the Chancellor. 103115

**Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 103116

The foregoing appropriation item 235556, Ohio Academic 103117  
Resources Network, shall be used by the Chancellor of Higher 103118  
Education to support the operations of the Ohio Academic Resources 103119  
Network, a consortium organized under division (T) of section 103120  
3333.04 of the Revised Code, which shall include support for 103121  
Ohio's colleges and universities in maintaining and enhancing 103122  
network connections, using new network technologies to improve 103123  
research, education, and economic development programs, and 103124  
sharing information technology services. To the extent network 103125  
capacity is available, OARnet shall support allocating bandwidth 103126  
to eligible programs directly supporting Ohio's economic 103127

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| development.   | 103128 |
| <b>Section 381.350.</b> LONG-TERM CARE RESEARCH                      | 103129 |
| The foregoing appropriation item 235558, Long-term Care              | 103130 |
| Research, shall be disbursed to Miami University for long-term       | 103131 |
| care research.   | 103132 |
| <b>Section 381.360.</b> OHIO COLLEGE OPPORTUNITY GRANT               | 103133 |
| (A) Except as provided in division (C) of this section:              | 103134 |
| Of the foregoing appropriation item 235563, Ohio College             | 103135 |
| Opportunity Grant, \$93,104,152 in fiscal year 2018 and \$95,241,809 | 103136 |
| in fiscal year 2019 shall be used by the Chancellor of Higher        | 103137 |
| Education to award need-based financial aid to students enrolled     | 103138 |
| in eligible public and private nonprofit institutions of higher      | 103139 |
| education, excluding early college high school and post-secondary    | 103140 |
| enrollment option participants.                                      | 103141 |
| The remainder of the foregoing appropriation item 235563,            | 103142 |
| Ohio College Opportunity Grant, shall be used by the Chancellor to   | 103143 |
| award needs-based financial aid to students enrolled in eligible     | 103144 |
| private for-profit career colleges and schools.                      | 103145 |
| (B)(1) As used in this section:                                      | 103146 |
| (a) "Eligible institution" means any institution described in        | 103147 |
| divisions (B)(2)(a) to (c) of section 3333.122 of the Revised        | 103148 |
| Code.  | 103149 |
| (b) The three "sectors" of institutions of higher education          | 103150 |
| consist of the following:  | 103151 |
| (i) State colleges and universities, community colleges,             | 103152 |
| state community colleges, university branches, and technical         | 103153 |
| colleges;  | 103154 |
| (ii) Eligible private nonprofit institutions of higher               | 103155 |

education; 103156

(iii) Eligible private for-profit career colleges and 103157  
schools. 103158

(2) Awards for students attending eligible private nonprofit 103159  
institutions of higher education shall be determined at twice the 103160  
rate of the awards for students attending eligible public 103161  
institutions of higher education. 103162

(3) For students attending an eligible institution 103163  
year-round, awards may be distributed on an annual basis, once 103164  
Pell grants have been exhausted. 103165

(4) If the Chancellor determines that the amounts 103166  
appropriated for support of the Ohio College Opportunity Grant 103167  
program are inadequate to provide grants to all eligible students 103168  
as calculated under division (D) of section 3333.122 of the 103169  
Revised Code, the Chancellor may create a distribution formula for 103170  
fiscal year 2018 and fiscal year 2019 based on the formula used in 103171  
fiscal year 2017, or may follow methods established in division 103172  
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 103173  
Chancellor shall notify the Controlling Board of the distribution 103174  
method. Any formula calculated under this division shall be 103175  
complete and established to coincide with the start of the 103176  
2017-2018 academic year. 103177

(C) Prior to determining the amount of funds available to 103178  
award under this section and section 3333.122 of the Revised Code, 103179  
the Chancellor shall use the foregoing appropriation item 235563, 103180  
Ohio College Opportunity Grant, to pay for renewals or partial 103181  
renewals of scholarships students receive under the Ohio Academic 103182  
Scholarship Program under sections 3333.21 and 3333.22 of the 103183  
Revised Code. In paying for scholarships under this division, the 103184  
Chancellor shall deduct funds from the allocations made under 103185  
division (A) of this section. Deductions shall be proportionate to 103186

the amounts allocated to each sector from the total amounts 103187  
appropriated for each sector under the foregoing appropriation 103188  
item 235563, Ohio College Opportunity Grant. 103189

In each fiscal year, with the exception of sections 3333.121 103190  
and 3333.124 of the Revised Code and the section of this act 103191  
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 103192  
shall not distribute or obligate or commit to be distributed an 103193  
amount greater than what is appropriated under the foregoing 103194  
appropriation item 235563, Ohio College Opportunity Grant. 103195

(D) The Chancellor shall establish, and post on the 103196  
Department of Higher Education's web site, award tables based on 103197  
any formulas created under division (B) of this section. The 103198  
Chancellor shall notify students and institutions of any 103199  
reductions in awards under this section. 103200

(E) Notwithstanding section 3333.122 of the Revised Code, no 103201  
student shall be eligible to receive an Ohio College Opportunity 103202  
Grant for more than ten semesters, fifteen quarters, or the 103203  
equivalent of five academic years, less the number of semesters or 103204  
quarters in which the student received an Ohio Instructional 103205  
Grant. 103206

(F) During each fiscal year, the Chancellor, as soon as 103207  
possible after cancellation, may certify to the Director of Budget 103208  
and Management the amount of canceled prior-year encumbrances in 103209  
appropriation item 235563, Ohio College Opportunity Grant. Upon 103210  
receipt of the certification, the Director of Budget and 103211  
Management may transfer cash, up to the certified amount, from the 103212  
General Revenue Fund to the Ohio College Opportunity Grant Program 103213  
Reserve Fund (Fund 5PU0). 103214

**Section 381.370.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 103215

The foregoing appropriation item 235572, The Ohio State 103216

University Clinic Support, shall be distributed through the 103217  
Chancellor of Higher Education to The Ohio State University for 103218  
support of dental and veterinary medicine clinics. 103219

**Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM** 103220

The Chancellor of Higher Education shall disburse funds from 103221  
appropriation item 235599, National Guard Scholarship Program. 103222  
During each fiscal year, the Chancellor, as soon as possible after 103223  
cancellation, may certify to the Director of Budget and Management 103224  
the amount of canceled prior-year encumbrances in appropriation 103225  
item 235599, National Guard Scholarship Program. Upon receipt of 103226  
the certification, the Director of Budget and Management may 103227  
transfer cash, up to the certified amount, from the General 103228  
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 103229  
5BM0). 103230

**Section 381.390. PLEDGE OF FEES** 103231

Any new pledge of fees, or new agreement for adjustment of 103232  
fees, made in the biennium ending June 30, 2019, to secure bonds 103233  
or notes of a state institution of higher education for a project 103234  
for which bonds or notes were not outstanding on the effective 103235  
date of this section shall be effective only after approval by the 103236  
Chancellor of Higher Education, unless approved in a previous 103237  
biennium. 103238

**Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND** 103239  
**DEBT SERVICE** 103240

The foregoing appropriation item 235909, Higher Education 103241  
General Obligation Bond Debt Service, shall be used to pay all 103242  
debt service and related financing costs during the period from 103243  
July 1, 2017, through June 30, 2019, for obligations issued under 103244  
sections 151.01 and 151.04 of the Revised Code. 103245

**Section 381.410. SALES AND SERVICES** 103246

The Chancellor of Higher Education is authorized to charge 103247  
and accept payment for the provision of goods and services. Such 103248  
charges shall be reasonably related to the cost of producing the 103249  
goods and services. Except as otherwise provided by law, no 103250  
charges may be levied for goods or services that are produced as 103251  
part of the routine responsibilities or duties of the Chancellor. 103252  
All revenues received by the Chancellor shall be deposited into 103253  
Fund 4560, and may be used by the Chancellor to pay for the costs 103254  
of producing the goods and services. 103255

**Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION** 103256  
ADMINISTRATION 103257

The foregoing appropriation item 235602, Higher Educational 103258  
Facility Commission Administration, shall be used by the 103259  
Chancellor of Higher Education for operating expenses related to 103260  
the Chancellor's support of the activities of the Ohio Higher 103261  
Educational Facility Commission. Upon the request of the 103262  
Chancellor, the Director of Budget and Management may transfer up 103263  
to \$50,000 cash in each fiscal year from the HEFC Operating 103264  
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 103265  
4E80). 103266

**Section 381.430. ACCELERATED COMPLETION OF TECHNICAL STUDIES** 103267

(A) The foregoing appropriation item, 235550, Accelerated 103268  
Completion of Technical Studies, shall be used by the Chancellor 103269  
of Higher Education to work with community colleges, as defined in 103270  
section 3354.01 of the Revised Code, state community colleges, as 103271  
defined in section 3358.01 of the Revised Code, and technical 103272  
colleges, as defined in section 3357.01 of the Revised Code, to 103273  
develop a highly structured program to accelerate associate degree 103274  
completion in fields that are either emerging or have in-demand 103275

jobs. For the purposes of this section, the identification of 103276  
fields and jobs as emerging or in-demand shall be supported by 103277  
data from sources that may include the Governor's Office of 103278  
Workforce Transformation, OhioMeansJobs, labor market information 103279  
from the Department of Job and Family Services, and lists of 103280  
in-demand occupations. These funds shall be used to support the 103281  
technical assistance for and the start-up costs of up to seven 103282  
institutions to develop a structured, intensive program for 103283  
student success. 103284

(B) The Chancellor shall select the initial Accelerated 103285  
Completion of Technical Studies (ACTS) cohort of up to seven 103286  
institutions through a competitive request for proposals process. 103287  
The request for proposals shall require institutions to 103288  
demonstrate conditions of readiness that would enable them to 103289  
implement such a program. Special attention may be given to 103290  
institutions that develop a regional proposal that builds on the 103291  
efficiency of multiple institutions and comprehensively addresses 103292  
the needs of their region through collaboration. 103293

(C) Participating institutions shall do all of the following: 103294

(1) Serve at least two hundred fifty students annually in 103295  
majors that fill in-demand or emerging jobs for their region; 103296

(2) Collect program data at the request of the Chancellor; 103297

(3) Develop plans for the sustainability of the program 103298  
through revenue growth from improved student retention and 103299  
completion metrics; and 103300

(4) Attest that students participating in the program will 103301  
receive all of the support to be provided under division (D) of 103302  
this section. 103303

(D) Students participating in the program shall receive all 103304  
of the following: 103305

|  |                                      |
|--|--------------------------------------|
| (1) Tuition waivers that cover any gap between grant aid and tuition and fees;   | 103306<br>103307                     |
| (2) Textbooks at no cost for all classes;  | 103308                               |
| (3) Incentive cards that cover modest recurring costs such as gas or other transportation;   | 103309<br>103310                     |
| (4) Specialized courses and scheduling that enable participating students to better manage college and work while building learning communities; and   | 103311<br>103312<br>103313           |
| (5) Comprehensive support services, including advising from advisors with caseloads no larger than one hundred fifty to one, tutoring, and career services that help students manage the transition to employment. | 103314<br>103315<br>103316<br>103317 |
| (E) Students participating in the program shall maintain all of the following requirements to receive the program support provided under division (D) of this section:   | 103318<br>103319<br>103320           |
| (1) Select and continue in a major that fills a pre-identified in-demand job in their region;  | 103321<br>103322                     |
| (2) Enroll full-time at the participating institution and attempt thirty credit hours within a calendar year;  | 103323<br>103324                     |
| (3) Enroll in no more than two developmental courses, which, if necessary, shall be taken early in the academic progression; and   | 103325<br>103326<br>103327           |
| (4) Participate in student support services, including comprehensive advising, tutoring, and career services.  | 103328<br>103329                     |
| (F) The Chancellor may collaborate with the Director of Job and Family Services to expand the scope of program services and the number of institutions served through the ACTS program.                            | 103330<br>103331<br>103332           |
| <b>Section 381.440. FEDERAL RESEARCH NETWORK</b>   | 103333                               |
| The foregoing appropriation item 235654, Federal Research  | 103334                               |

Network, shall be allocated to The Ohio State University to 103335  
collaborate with Wright-Patterson Air Force Base, NASA Glenn 103336  
Research Center, Ohio's research universities, and the private 103337  
sector to align the state's research assets with emerging missions 103338  
and job growth opportunities emanating from the two federal 103339  
installations, strengthen related workforce development and 103340  
technology commercialization programs, and better position the 103341  
state's university system to directly impact new job creation in 103342  
Ohio. A portion of the foregoing appropriation item 235654, 103343  
Federal Research Network, shall be used to support the growth of 103344  
small business federal contractors in the state and to expand the 103345  
participation of Ohio businesses in the federal Small Business 103346  
Innovation Research Program and related federal programs. 103347

**Section 381.450. OHIOMEANSJOBS WORKFORCE DEVELOPMENT** 103348  
REVOLVING LOAN PROGRAM 103349

The foregoing appropriation item 235684, OhioMeansJobs 103350  
Workforce Development Revolving Loan Program, shall be used by the 103351  
Chancellor of Higher Education to provide administrative support 103352  
for the OhioMeansJobs Workforce Development Revolving Loan 103353  
Program. 103354

**Section 381.460. WORKFORCE AND HIGHER EDUCATION PROGRAMS** 103355

Of the foregoing appropriation item 235616, Workforce and 103356  
Higher Education Programs, up to \$500,000 in each fiscal year 103357  
shall be used by the Chancellor of Higher Education to coordinate 103358  
a statewide effort to promote workforce grant programs. The 103359  
remainder of the foregoing appropriation item 235616, Workforce 103360  
and Higher Education Programs, shall be used by the Chancellor to 103361  
distribute the grant awards under section 3333.93 of the Revised 103362  
Code. 103363

**Section 381.470. COMPLETION AND RETENTION FOR EDUCATIONAL** 103364

SUCCESS 103365

(A) The foregoing appropriation item 235566, Completion and Retention for Educational Success, shall be used for the Completion and Retention for Educational Success (Ohio CARES) Program, which is hereby created to provide financial support to in-state undergraduate students who have been admitted to a state institution of higher education, as defined in section 3345.011 of the Revised Code, or a private nonprofit institution but are determined by the institution to be in jeopardy of disenrolling due to a short-term lack of financial resources. 103366  
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(B) An institution wishing to participate in the program shall apply to the Chancellor, who shall administer the program. In reviewing applications and allocating funds under this section, the Chancellor may give priority to applications from institutions that will focus awards on the following: 103375  
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(1) Students pursuing their first degree; 103380

(2) Students within thirty semester credit hours of completing the minimum requirements for a degree; 103381  
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(3) Students with a grade point average in excess of 2.0; 103383

(4) Students taking more than 10 credit hours per semester; 103384

and 103385

(5) Students pursuing a degree for an in-demand field according to data, which may include sources such as the Governor's Office of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations. 103386  
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An allocation to a participating institution under this section shall not exceed \$15,000 in any single fiscal year. 103391  
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(C) Under the program, the Chancellor shall disburse these funds to a participating public or private institution, in which 103393  
103394

eligible students are enrolled, to make awards to those eligible 103395  
students. A student determined to be eligible to participate in 103396  
the program shall be eligible for a maximum award of \$250 per 103397  
term. A student may not receive more than two awards in any 103398  
academic year. 103399

(D) Each participating institution shall do all of the 103400  
following: 103401

(1) Use the funds allocated under this section to augment 103402  
existing aid programs that are already administered by the 103403  
institution; 103404

(2) Provide a matching contribution with direct institutional 103405  
aid at a ratio of one to one; 103406

(3) Limit awards of the funds to allowable student costs, as 103407  
determined by the institution, within existing aid programs that 103408  
are already administered by the institution; 103409

(4) Monitor students who receive awards under this section; 103410  
and 103411

(5) Provide a report, upon the Chancellor's request, 103412  
summarizing the following metrics for students at the institution 103413  
who receive awards as compared to students who do not: 103414

(a) Course completion rate; 103415

(b) Retention rate in subsequent semesters; 103416

(c) Cumulative GPA; 103417

(d) Number of credit hours attempted; 103418

(e) Number of credit hours completed; 103419

(f) Other metrics as determined to be appropriate by the 103420  
Chancellor. 103421

(E) An amount equal to the unexpended, unencumbered portion 103422  
of the foregoing appropriation item 235566, Completion and 103423

Retention for Educational Success, at the end of fiscal year 2018 103424  
is hereby reappropriated to the Department of Higher Education for 103425  
the same purpose in fiscal year 2019. 103426

**Section 381.480. FINISH FOR YOUR FUTURE SCHOLARSHIP PROGRAM** 103427

(A) The foregoing appropriation item 235600, Finish for Your 103428  
Future Scholarship Program, shall be used to provide scholarship 103429  
benefits under the Ohio Finish for Your Future Scholarship 103430  
Program, which is hereby created to encourage eligible individuals 103431  
that have disenrolled from an eligible institution to re-enroll at 103432  
an eligible institution in pursuit of the individual's first 103433  
post-secondary credential. The Chancellor of Higher Education 103434  
shall administer the program and adopt rules regarding its 103435  
implementation and operation. 103436

(B) As used in this section: 103437

(1) "Post-secondary credential" means a degree that is 103438  
approved by or a certificate that has been designated as a 103439  
technical certificate by the Chancellor of Higher Education. 103440

(2) "Student debt" means money owed by an eligible individual 103441  
on a loan, note, or other lending instrument for the primary 103442  
purpose of paying for educational expenses. 103443

(3) "Eligible institution" means a state institution of 103444  
higher education, as defined in section 3345.011 of the Revised 103445  
Code, a private nonprofit institution in Ohio holding a 103446  
certificate of authorization pursuant to Chapter 1713. of the 103447  
Revised Code, or an Ohio Technical Center recognized by the 103448  
Chancellor that provides post-secondary workforce education. 103449

(4) "Eligible individual" means an Ohio resident that: 103450

(a) Possesses student debt acquired while in pursuit of the 103451  
individual's first post-secondary credential; 103452

(b) Disenrolled from an eligible institution prior to meeting 103453

the minimum requirements necessary to obtain the individual's 103454  
first post-secondary credential and desires to re-enroll at an 103455  
eligible institution in pursuit of the individual's first 103456  
post-secondary credential; 103457

(c) Disenrolled from an eligible institution at least twelve 103458  
months prior to receiving scholarship benefits under this section; 103459  
and 103460

(d) Has the following attested to by an eligible institution 103461  
in accordance with that institution's minimum requirements: 103462

(i) If pursuing a bachelor or associate degree, needs to 103463  
complete thirty semester hours or less to obtain the individual's 103464  
first post-secondary credential at that institution; 103465

(ii) If pursuing a technical certificate, needs to complete 103466  
fifty per cent or less of the minimum requirements necessary to 103467  
obtain the individual's first post-secondary credential at that 103468  
institution. 103469

(C) Under the program, the Chancellor shall disburse these 103470  
funds to an eligible institution to make awards to eligible 103471  
individuals. An eligible individual may receive a maximum state 103472  
scholarship benefit of up to \$3,500 annually, which shall be 103473  
calculated on an academic year basis, to pay for instructional and 103474  
general fees or tuition at an eligible institution, provided that 103475  
the scholarship benefit does not exceed the individual's 103476  
instructional and general fees or tuition that otherwise would be 103477  
charged to the student for any given term. An eligible institution 103478  
allocated funds under this section shall reflect an eligible 103479  
individual's scholarship benefit as a credit on the individual's 103480  
tuition bill. 103481

(D) Eligible institutions shall provide a matching 103482  
contribution at a ratio of one to one in the form of direct 103483  
institutional aid provided to eligible individuals. Eligible 103484

individuals receiving an award under this section shall also match 103485  
the state scholarship benefit at a ratio of one to one. Matching 103486  
funds contributed by an eligible individual shall be in a form 103487  
determined appropriate by the eligible institution, provided that 103488  
the funds are reflected as a valid form of payment on the 103489  
individual's tuition bill. 103490

(E) Each eligible institution shall do all of the following: 103491

(1) Monitor students who receive awards under this section; 103492  
and 103493

(2) Provide a report, upon the Chancellor's request, 103494  
summarizing the following metrics for students at the institution 103495  
who receive awards as compared to students who do not: 103496

(a) Course completion rate; 103497

(b) Retention rate in subsequent semesters; 103498

(c) Number of credit hours attempted; 103499

(d) Number of credit hours completed; 103500

(e) Post-secondary credentials received; 103501

(f) Other metrics as determined to be appropriate by the 103502  
Chancellor. 103503

(F) An amount equal to the unexpended, unencumbered portion 103504  
of the foregoing appropriation item 235600, Finish for Your Future 103505  
Scholarship Program, at the end of fiscal year 2018 is hereby 103506  
reappropriated to the Department of Higher Education for the same 103507  
purpose in fiscal year 2019. 103508

**Section 381.490. COLLEGE READY TRANSITION COURSES** 103509

The foregoing appropriation item 235653, College Ready 103510  
Transition Courses, shall be used by the Chancellor of Higher 103511  
Education, in consultation with the Superintendent of Public 103512  
Instruction, to develop college ready transition courses for high 103513

school students who have not met the state's remediation free 103514  
thresholds in mathematics, English, or other instructional models. 103515

**Section 381.500. STATE FINANCIAL AID RECONCILIATION** 103516

By the first day of September in each fiscal year, or as soon 103517  
as possible thereafter, the Chancellor of Higher Education shall 103518  
certify to the Director of Budget and Management the amount 103519  
necessary to pay any outstanding prior year obligations to higher 103520  
education institutions for the state's financial aid programs. The 103521  
amounts certified are hereby appropriated to appropriation item 103522  
235618, State Financial Aid Reconciliation, from revenues received 103523  
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 103524

**Section 381.510. NURSING LOAN PROGRAM** 103525

The foregoing appropriation item 235606, Nursing Loan 103526  
Program, shall be used to administer the nurse education 103527  
assistance program. 103528

**Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER** 103529

The foregoing appropriation item 235634, Research Incentive 103530  
Third Frontier, shall be used by the Chancellor of Higher 103531  
Education to advance collaborative research at institutions of 103532  
higher education. Of the foregoing appropriation item 235634, 103533  
Research Incentive Third Frontier, up to \$2,000,000 in each fiscal 103534  
year may be allocated toward research regarding the improvement of 103535  
water quality, up to \$1,000,000 in each fiscal year may be 103536  
allocated toward research regarding the reduction of infant 103537  
mortality, up to \$1,000,000 in each fiscal year may be allocated 103538  
toward research regarding opiate addiction issues in Ohio, up to 103539  
\$750,000 in each fiscal year may be allocated toward research 103540  
regarding cyber security initiatives, and up to \$500,000 in each 103541  
fiscal year may be allocated toward the I-Corps@Ohio program. 103542

**Section 381.530. VETERANS PREFERENCES** 103543

The Chancellor of Higher Education shall work with the 103544  
Department of Veterans Services to develop specific veterans 103545  
preference guidelines for higher education institutions. These 103546  
guidelines shall ensure that the institutions' hiring practices 103547  
are in accordance with the intent of Ohio's veterans preference 103548  
laws. 103549

**Section 381.540. (A) As used in this section:** 103550

(1) "Board of trustees" includes the managing authority of a 103551  
university branch district. 103552

(2) "State institution of higher education" has the same 103553  
meaning as in section 3345.011 of the Revised Code. 103554

(B) The board of trustees of any state institution of higher 103555  
education, notwithstanding any rule of the institution to the 103556  
contrary, may adopt a policy providing for mandatory furloughs of 103557  
employees, including faculty, to achieve spending reductions 103558  
necessitated by institutional budget deficits. 103559

**Section 381.550. EFFICIENCY REPORTS** 103560

In each fiscal year, the board of trustees of each public 103561  
institution of higher education shall approve the institution's 103562  
efficiency report submitted to the Chancellor of Higher Education 103563  
under section 3333.95 of the Revised Code. Each institution's 103564  
report shall be based on the recommendations of the Ohio Task 103565  
Force on Affordability and Efficiency in Higher Education, as 103566  
established by the Governor's executive order, and shall benchmark 103567  
and document institutional progress towards implementing the 103568  
recommendations of the Task Force as compared to the institution's 103569  
prior fiscal year efficiency report. 103570

**Section 381.560.** The Chancellor of Higher Education, in 103571  
consultation with institutions of higher education and other 103572  
parties as determined appropriate by the Chancellor, shall conduct 103573  
an analysis of income share agreements used to pay for student 103574  
tuition and higher education-related expenses. Not later than June 103575  
30, 2018, the Chancellor shall submit the findings of the analysis 103576  
to the Governor and the General Assembly in accordance with 103577  
section 101.68 of the Revised Code. 103578

**Section 381.570.** Not later than June 30, 2018, the Chancellor 103579  
of Higher Education, in consultation with representatives from the 103580  
Inter-University Council of Ohio and the Ohio Association of 103581  
Community Colleges, shall develop a model for "3+1" baccalaureate 103582  
degree programs for state universities and state community 103583  
colleges, community colleges, and technical colleges. The model 103584  
shall outline how a student may complete the equivalent of three 103585  
academic years, or ninety semester credit hours, at a state 103586  
community college, community college, or technical college and 103587  
then transfer to a state university to complete the final academic 103588  
year, or thirty semester credit hours, or the remainder of the 103589  
student's baccalaureate degree program. 103590

In developing the model, the Chancellor shall seek input from 103591  
administrators of state institutions of higher education currently 103592  
participating in such a program, as well as faculty leaders in the 103593  
academic fields or disciplines under consideration for the 103594  
program. 103595

Further, the Chancellor shall evaluate existing "3+1" 103596  
baccalaureate degree programs for their cost effectiveness for 103597  
students. 103598

As used in this section, "state institution of higher 103599  
education" and "state university" have the same meanings as in 103600

section 3345.011 of the Revised Code. 103601

**Section 381.580.** The Chancellor of Higher Education shall 103602  
support the continued development of the Ohio Innovation Exchange 103603  
for the purpose of showcasing the research expertise of Ohio's 103604  
university and college faculty in a variety of fields, including, 103605  
but not limited to, engineering, biomedicine, and information 103606  
technology, and to identify institutional research equipment 103607  
available in the state. 103608

**Section 381.590.** The Chancellor of Higher Education shall 103609  
work with state institutions of higher education, as defined by 103610  
section 3345.011 of the Revised Code, Ohio Technical Centers, as 103611  
recognized by the Chancellor, and industry partners to develop 103612  
program models that include project-based learning to increase 103613  
continuing education and non-credit program offerings that lead to 103614  
a credential in order to meet the state's in-demand job needs. 103615

**Section 381.600.** TRANSFER TO THE ECONOMIC DEVELOPMENT 103616  
PROGRAMS FUND (FUND 5JC0) 103617

On July 1, 2017, or as soon as possible thereafter, the 103618  
Director of Budget and Management, upon the request of the 103619  
Chancellor of Higher Education, may transfer up to \$5,000,000 cash 103620  
from the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) to 103621  
the Economic Development Programs Fund (Fund 5JC0). In fiscal year 103622  
2019, the Director of Budget and Management, upon the request of 103623  
the Chancellor of Higher Education, may transfer any unobligated, 103624  
unencumbered cash balance from the Ohio Incumbent Workforce Job 103625  
Training Fund (Fund 5HR0) to the Economic Development Programs 103626  
Fund (Fund 5JC0). 103627

**Section 381.610.** TRANSFERS TO THE COMPLETION, RETENTION, AND 103628  
COLLEGE READINESS FUND (FUND 5TF0) 103629

On July 1, 2017, or as soon as possible thereafter, the 103630  
Director of Budget and Management may transfer \$10,000,000 cash 103631  
from the Casino Operator Settlement Fund (Fund 5KT0) to the 103632  
Completion, Retention, and College Readiness Fund (Fund 5TF0) to 103633  
fully support the appropriations made to the Ohio Finish for Your 103634  
Future Scholarship Program and the College Ready Transition 103635  
Courses Program. 103636

On July 1, 2017, or as soon as possible thereafter, the 103637  
Chancellor of Higher Education shall certify to the Director of 103638  
Budget and Management the unencumbered balance of the General 103639  
Revenue Fund appropriations made in the immediately preceding 103640  
fiscal year for purposes of the Ohio College Opportunity Grant 103641  
Program created in section 3333.122 of the Revised Code. Upon 103642  
receipt of the certification, the Director of Budget and 103643  
Management may transfer cash in an amount not exceeding \$2,500,000 103644  
from the General Revenue Fund to the Completion, Retention, and 103645  
College Readiness Fund (Fund 5TF0). 103646

**Section 381.620. FUND NAME CHANGES** 103647

On July 1, 2017, or as soon as possible thereafter, the 103648  
Director of Budget and Management shall rename the Star Schools 103649  
Fund (Fund 3BG0) the GEAR-UP Grant Scholarships Fund (Fund 3BG0). 103650

On July 1, 2017, or as soon as possible thereafter, the 103651  
Director of Budget and Management shall rename the Joyce 103652  
Foundation Grant Fund (Fund 5FR0) the State and Non-Federal Grants 103653  
and Awards Fund (Fund 5FR0). 103654

On July 1, 2017, or as soon as possible thereafter, the 103655  
Director of Budget and Management shall rename the Federal Grants 103656  
Fund (Fund 3N60) the John R. Justice Student Loan Repayment Fund 103657  
(Fund 3N60). 103658

**Section 383.10. DRC DEPARTMENT OF REHABILITATION AND** 103659

|                              |   |                  |                  |  |        |
|------------------------------|---|------------------|------------------|--|--------|
| CORRECTION                   |   |                  |                  |  | 103660 |
| General Revenue Fund         |   |                  |                  |  | 103661 |
| GRF 501321                   | Institutional<br>Operations   | \$ 1,046,997,529 | \$ 1,048,320,794 |  | 103662 |
| GRF 501405                   | Halfway House   | \$ 66,770,618    | \$ 66,770,618    |  | 103663 |
| GRF 501406                   | Adult Correctional<br>Facilities Lease<br>Rental Bond Payments                    | \$ 78,505,000    | \$ 78,540,400    |  | 103664 |
| GRF 501407                   | Community<br>Nonresidential<br>Programs   | \$ 61,293,426    | \$ 81,056,884    |  | 103665 |
| GRF 501408                   | Community Misdemeanor<br>Programs   | \$ 14,356,800    | \$ 14,356,800    |  | 103666 |
| GRF 501501                   | Community Residential<br>Programs - Community<br>Based Correctional<br>Facilities | \$ 78,531,698    | \$ 78,531,698    |  | 103667 |
| GRF 503321                   | Parole and Community<br>Operations  | \$ 80,883,748    | \$ 82,807,332    |  | 103668 |
| GRF 504321                   | Administrative<br>Operations  | \$ 24,034,553    | \$ 24,611,945    |  | 103669 |
| GRF 505321                   | Institution Medical<br>Services   | \$ 267,275,288   | \$ 273,206,517   |  | 103670 |
| GRF 506321                   | Institution Education<br>Services   | \$ 32,581,211    | \$ 33,372,312    |  | 103671 |
| TOTAL GRF                    | General Revenue Fund  | \$ 1,751,229,871 | \$ 1,781,575,300 |  | 103672 |
| Dedicated Purpose Fund Group |   |                  |                  |  | 103673 |
| 4B00 501601                  | Sewer Treatment<br>Services   | \$ 2,230,000     | \$ 2,230,000     |  | 103674 |
| 4D40 501603                  | Prisoner Programs   | \$ 1,300,000     | \$ 1,300,000     |  | 103675 |
| 4L40 501604                  | Transitional Control  | \$ 1,950,000     | \$ 1,950,000     |  | 103676 |

|   |        |  |    |               |    |               |                            |
|---|--------|--|----|---------------|----|---------------|----------------------------|
| 4S50  | 501608 | Education Services                                 | \$ | 4,725,000     | \$ | 4,725,000     | 103677                     |
| 5AF0  | 501609 | State and Non-Federal<br>Awards                    | \$ | 875,000       | \$ | 875,000       | 103678                     |
| 5H80  | 501617 | Offender Financial<br>Responsibility               | \$ | 2,500,000     | \$ | 3,110,000     | 103679                     |
| TOTAL DPF Dedicated Purpose Fund<br>Group   |        |  | \$ | 13,580,000    | \$ | 14,190,000    | 103680                     |
| Internal Service Activity Fund Group  |        |  |    |               |    |               | 103681                     |
| 1480  | 501602 | Institutional<br>Services                          | \$ | 2,925,000     | \$ | 2,925,000     | 103682                     |
| 2000  | 501607 | Ohio Penal Industries                              | \$ | 52,900,000    | \$ | 52,900,000    | 103683                     |
| 4830  | 501605 | Leased Property<br>Maintenance &<br>Operating      | \$ | 2,000,000     | \$ | 2,000,000     | 103684                     |
| 5710  | 501606 | Corrections Training<br>Maintenance &<br>Operating | \$ | 480,000       | \$ | 480,000       | 103685                     |
| 5L60  | 501611 | Information<br>Technology Services                 | \$ | 1,300,000     | \$ | 1,300,000     | 103686                     |
| TOTAL ISA Internal Activity<br>Fund Group   |        |  |    |               |    |               | 103687                     |
|   |        |  | \$ | 59,605,000    | \$ | 59,605,000    | 103688                     |
| Federal Fund Group  |        |  |    |               |    |               | 103689                     |
| 3230  | 501619 | Federal Grants                                     | \$ | 1,985,000     | \$ | 1,985,000     | 103690                     |
| 3CW0  | 501622 | Federal Equitable<br>Sharing                       | \$ | 455,000       | \$ | 455,000       | 103691                     |
| TOTAL FED Federal<br>Fund Group   |        |  |    |               |    |               | 103692                     |
|   |        |  | \$ | 2,440,000     | \$ | 2,440,000     | 103693                     |
| TOTAL ALL BUDGET FUND GROUPS  |        |  | \$ | 1,826,854,871 | \$ | 1,857,810,300 | 103694                     |
| ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS  |        |  |    |               |    |               | 103695                     |
| The foregoing appropriation item 501406, Adult Correctional<br>Facilities Lease Rental Bond Payments, shall be used to meet all<br>payments during the period from July 1, 2017, through June 30, |        |  |    |               |    |               | 103696<br>103697<br>103698 |

2019, by the Department of Rehabilitation and Correction under the 103699  
 primary leases and agreements for those buildings made under 103700  
 Chapters 152. and 154. of the Revised Code. These appropriations 103701  
 are the source of funds pledged for bond service charges on 103702  
 related obligations issued under Chapters 152. and 154. of the 103703  
 Revised Code. 103704

OSU MEDICAL CHARGES 103705

Notwithstanding section 341.192 of the Revised Code, at the 103706  
 request of the Department of Rehabilitation and Correction, The 103707  
 Ohio State University Medical Center, including the Arthur G. 103708  
 James Cancer Hospital and Richard J. Solove Research Institute and 103709  
 the Richard M. Ross Heart Hospital, shall provide necessary care 103710  
 to persons who are confined in state adult correctional 103711  
 facilities. The provision of necessary inpatient care billed to 103712  
 the Department shall be reimbursed at a rate not to exceed the 103713  
 authorized reimbursement rate for the same service established by 103714  
 the Department of Medicaid under the Medicaid Program. 103715

**Section 385.10.** RCB RESPIRATORY CARE BOARD 103716

|                                |    |         |      |        |
|--------------------------------|----|---------|------|--------|
| Dedicated Purpose Fund Group   |    |         |      | 103717 |
| 4K90 872609 Operating Expenses | \$ | 363,106 | \$ 0 | 103718 |
| TOTAL DPF Dedicated Purpose    |    |         |      | 103719 |
| Fund Group                     | \$ | 363,106 | \$ 0 | 103720 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 363,106 | \$ 0 | 103721 |

**Section 387.10.** RDF STATE REVENUE DISTRIBUTIONS 103723

|                            |    |               |                  |        |
|----------------------------|----|---------------|------------------|--------|
| General Revenue Fund Group |    |               |                  | 103724 |
| GRF 110908 Property Tax    | \$ | 641,015,200   | \$ 645,785,000   | 103725 |
| Reimbursement - Local      |    |               |                  |        |
| Government                 |    |               |                  |        |
| GRF 200903 Property Tax    | \$ | 1,180,084,800 | \$ 1,199,315,000 | 103726 |
| Reimbursement -            |    |               |                  |        |

Education

|                                   |                  |                  |        |
|-----------------------------------|------------------|------------------|--------|
| TOTAL GRF General Revenue Fund    | \$ 1,821,100,000 | \$ 1,845,100,000 | 103727 |
| Group                             |                  |                  |        |
| Revenue Distribution Fund Group   |                  |                  | 103728 |
| 5JG0 110633 Gross Casino Revenue  | \$ 128,400,000   | \$ 126,500,000   | 103729 |
| Payments-County                   |                  |                  |        |
| 5JH0 110634 Gross Casino Revenue  | \$ 85,600,000    | \$ 84,300,000    | 103730 |
| Payments- School                  |                  |                  |        |
| Districts                         |                  |                  |        |
| 5JJ0 110636 Gross Casino Revenue  | \$ 12,500,000    | \$ 12,400,000    | 103731 |
| - Host City                       |                  |                  |        |
| 7047 200902 Property Tax          | \$ 201,811,667   | \$ 162,729,141   | 103732 |
| Replacement Phase                 |                  |                  |        |
| Out-Education                     |                  |                  |        |
| 7049 336900 Indigent Drivers      | \$ 2,250,000     | \$ 2,250,000     | 103733 |
| Alcohol Treatment                 |                  |                  |        |
| 7050 762900 International         | \$ 22,000,000    | \$ 22,000,000    | 103734 |
| Registration Plan                 |                  |                  |        |
| Distribution                      |                  |                  |        |
| 7051 762901 Auto Registration     | \$ 325,000,000   | \$ 325,000,000   | 103735 |
| Distribution                      |                  |                  |        |
| 7060 110960 Gasoline Excise Tax   | \$ 380,000,000   | \$ 380,000,000   | 103736 |
| Fund                              |                  |                  |        |
| 7065 110965 Public Library Fund   | \$ 381,800,000   | \$ 393,500,000   | 103737 |
| 7066 800966 Undivided Liquor      | \$ 14,600,000    | \$ 14,600,000    | 103738 |
| Permits                           |                  |                  |        |
| 7068 110968 State and Local       | \$ 196,000,000   | \$ 196,000,000   | 103739 |
| Government Highway                |                  |                  |        |
| Distributions                     |                  |                  |        |
| 7069 110969 Local Government Fund | \$ 381,800,000   | \$ 393,500,000   | 103740 |
| 7081 110907 Property Tax          | \$ 30,844,526    | \$ 16,700,147    | 103741 |
| Replacement Phase                 |                  |                  |        |
| Out-Local Government              |                  |                  |        |

|                                |        |                       |    |               |    |               |        |
|--------------------------------|--------|-----------------------|----|---------------|----|---------------|--------|
| 7082                           | 110982 | Horse Racing Tax      | \$ | 60,000        | \$ | 60,000        | 103742 |
| 7083                           | 700900 | Ohio Fairs Fund       | \$ | 1,000,000     | \$ | 1,000,000     | 103743 |
| 7104                           | 110997 | Medicaid Local Sales  | \$ | 207,000,000   | \$ | 0             | 103744 |
|                                |        | Tax Transition Fund   |    |               |    |               |        |
| TOTAL RDF Revenue Distribution |        |                       |    |               |    |               | 103745 |
| Fund Group                     |        |                       | \$ | 2,370,666,193 | \$ | 2,130,539,288 | 103746 |
| Fiduciary Fund Group           |        |                       |    |               |    |               | 103747 |
| 4P80                           | 001698 | Cash Management       | \$ | 3,100,000     | \$ | 3,100,000     | 103748 |
|                                |        | Improvement Fund      |    |               |    |               |        |
| 6080                           | 001699 | Investment Earnings   | \$ | 140,000,000   | \$ | 160,000,000   | 103749 |
| 7001                           | 110996 | Horse Racing Tax      | \$ | 240,000       | \$ | 240,000       | 103750 |
|                                |        | Local Government      |    |               |    |               |        |
|                                |        | Payments              |    |               |    |               |        |
| 7062                           | 110962 | Resort Area Excise    | \$ | 1,200,000     | \$ | 1,200,000     | 103751 |
|                                |        | Tax Distribution      |    |               |    |               |        |
| 7063                           | 110963 | Permissive Sales Tax  | \$ | 2,577,800,000 | \$ | 2,653,900,000 | 103752 |
|                                |        | Distribution          |    |               |    |               |        |
| 7067                           | 110967 | School District       | \$ | 435,200,000   | \$ | 451,200,000   | 103753 |
|                                |        | Income Tax            |    |               |    |               |        |
|                                |        | Distribution          |    |               |    |               |        |
| 7085                           | 800985 | Volunteer Firemen's   | \$ | 300,000       | \$ | 300,000       | 103754 |
|                                |        | Dependents Fund       |    |               |    |               |        |
| 7093                           | 110640 | Next Generation 9-1-1 | \$ | 1,000,000     | \$ | 1,000,000     | 103755 |
| 7094                           | 110641 | Wireless 9-1-1        | \$ | 25,700,000    | \$ | 25,700,000    | 103756 |
|                                |        | Government Assistance |    |               |    |               |        |
| 7095                           | 110995 | Municipal Income Net  | \$ | 300,000,000   | \$ | 660,000,000   | 103757 |
|                                |        | Profits Tax           |    |               |    |               |        |
| 7099                           | 762902 | Permission Tax        | \$ | 182,000,000   | \$ | 182,000,000   | 103758 |
|                                |        | Distribution - Auto   |    |               |    |               |        |
|                                |        | Registration          |    |               |    |               |        |
| TOTAL FID Fiduciary Fund Group |        |                       |    |               |    |               | 103759 |
| Holding Account Fund Group     |        |                       |    |               |    |               | 103760 |

|                                      |                    |    |               |    |               |        |
|--------------------------------------|--------------------|----|---------------|----|---------------|--------|
| R045 110617                          | International Fuel | \$ | 36,100,000    | \$ | 36,100,000    | 103761 |
|                                      | Tax Distribution   |    |               |    |               |        |
| TOTAL HLD Holding Account Fund Group |                    | \$ | 36,100,000    | \$ | 36,100,000    | 103762 |
| TOTAL ALL BUDGET FUND GROUPS         |                    | \$ | 7,894,406,193 | \$ | 8,150,379,288 | 103763 |

**Section 387.20.** ADDITIONAL APPROPRIATIONS 103765

Appropriation items in this section shall be used for the 103766  
purpose of administering and distributing the designated revenue 103767  
distribution funds according to the Revised Code. If it is 103768  
determined that additional appropriations are necessary for this 103769  
purpose, such amounts are hereby appropriated. 103770

GENERAL REVENUE FUND TRANSFERS 103771

Notwithstanding any provision of law to the contrary, in 103772  
fiscal year 2018 and fiscal year 2019, the Director of Budget and 103773  
Management may transfer from the General Revenue Fund to the Local 103774  
Government Tangible Property Tax Replacement Fund (Fund 7081) and 103775  
the School District Tangible Property Tax Replacement Fund (Fund 103776  
7047) in the Revenue Distribution Fund Group, those amounts 103777  
necessary to reimburse local taxing units and school districts 103778  
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 103779  
fiscal year 2018 and fiscal year 2019, the Director of Budget and 103780  
Management may make temporary transfers from the General Revenue 103781  
Fund to ensure sufficient balances in the Local Government 103782  
Tangible Property Tax Replacement Fund (Fund 7081) and the School 103783  
District Tangible Property Tax Replacement Fund (Fund 7047) and to 103784  
replenish the General Revenue Fund for such transfers. 103785

MUNICIPAL INCOME NET PROFITS TAX 103786

The foregoing appropriation item 110995, Municipal Income Net 103787  
Profits Tax, shall be used to make payments to municipal 103788  
corporations under section 5745.05 of the Revised Code. If it is 103789  
determined that additional appropriations are necessary to make 103790

such payments, such amounts are hereby appropriated. 103791

PROPERTY TAX REIMBURSEMENT - EDUCATION 103792

The foregoing appropriation item 200903, Property Tax 103793  
Reimbursement - Education, is appropriated to pay for the state's 103794  
costs incurred because of the homestead exemption, the property 103795  
tax rollback, and payments required under division (C) of section 103796  
5705.2110 of the Revised Code. In cooperation with the Department 103797  
of Taxation, the Department of Education shall distribute these 103798  
funds directly to the appropriate school districts of the state, 103799  
notwithstanding sections 321.24 and 323.156 of the Revised Code, 103800  
which provide for payment of the homestead exemption and property 103801  
tax rollback by the Tax Commissioner to the appropriate county 103802  
treasurer and the subsequent redistribution of these funds to the 103803  
appropriate local taxing districts by the county auditor. 103804

Upon receipt of these amounts, each school district shall 103805  
distribute the amount among the proper funds as if it had been 103806  
paid as real or tangible personal property taxes. Payments for the 103807  
costs of administration shall continue to be paid to the county 103808  
treasurer and county auditor as provided for in sections 319.54, 103809  
321.26, and 323.156 of the Revised Code. 103810

Any sums, in addition to the amount specifically appropriated 103811  
in appropriation item 200903, Property Tax Reimbursement - 103812  
Education, for the homestead exemption and the property tax 103813  
rollback payments, and payments required under division (C) of 103814  
section 5705.2110 of the Revised Code, which are determined to be 103815  
necessary for these purposes, are hereby appropriated. 103816

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 103817

The foregoing appropriation item 110908, Property Tax 103818  
Reimbursement-Local Government, is hereby appropriated to pay for 103819  
the state's costs incurred due to the Homestead Exemption, the 103820  
Manufactured Home Property Tax Rollback, and the Property Tax 103821

Rollback. The Tax Commissioner shall distribute these funds 103822  
directly to the appropriate local taxing districts, except for 103823  
school districts, notwithstanding the provisions in sections 103824  
321.24 and 323.156 of the Revised Code, which provide for payment 103825  
of the Homestead Exemption, the Manufactured Home Property Tax 103826  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 103827  
appropriate county treasurer and the subsequent redistribution of 103828  
these funds to the appropriate local taxing districts by the 103829  
county auditor. 103830

Upon receipt of these amounts, each local taxing district 103831  
shall distribute the amount among the proper funds as if it had 103832  
been paid as real property taxes. Payments for the costs of 103833  
administration shall continue to be paid to the county treasurer 103834  
and county auditor as provided for in sections 319.54, 321.26, and 103835  
323.156 of the Revised Code. 103836

Any sums, in addition to the amounts specifically 103837  
appropriated in appropriation item 110908, Property Tax Allocation 103838  
- Local Government, for the Homestead Exemption, the Manufactured 103839  
Home Property Tax Rollback, and the Property Tax Rollback 103840  
payments, which are determined to be necessary for these purposes, 103841  
are hereby appropriated. 103842

MEDICAID LOCAL SALES TAX TRANSITION FUND 103843

(A) There is hereby created in the state treasury the 103844  
Medicaid Local Sales Tax Transition Fund. The fund shall consist 103845  
of money transferred to it. The fund shall be used to mitigate the 103846  
effects of, and assist in the adjustment to, the reduced sales tax 103847  
revenues of counties and affected transit authorities caused by 103848  
the repeal of sales tax collected by Medicaid health insuring 103849  
corporations on health care service transactions. 103850

Amounts provided to counties and transit authorities under 103851  
this section from the Medicaid Local Sales Tax Transition Fund use 103852

the jurisdictions' annualized Medicaid sales tax revenues during 103853  
the calendar year 2015 and 2016 periods. Based on these figures, 103854  
the payments provided in this section provide full replacement of 103855  
the calculated foregone Medicaid sales tax revenues in calendar 103856  
year 2017, which will occur during the October 2017 through 103857  
December 2017 period. The payments under this section also reflect 103858  
a computation of the ability of the counties and transit 103859  
authorities to reasonably adjust to the effects of foregone 103860  
Medicaid sales tax revenues. Over time, each jurisdiction will be 103861  
able to absorb an increasing portion of its foregone Medicaid 103862  
sales tax revenue until it has adjusted to the full foregone 103863  
revenue. Before such full adjustment to the Medicaid sales tax 103864  
change finally occurs, for each year in which the jurisdiction's 103865  
annualized Medicaid sales tax revenue exceeds the amount it is 103866  
computed as being able to reasonably absorb in that year, such 103867  
difference becomes part of the overall distribution provided under 103868  
this section. The amount the jurisdiction is able to absorb in a 103869  
given year is the product derived from multiplying the 103870  
jurisdiction's annualized total sales tax revenues for calendar 103871  
years 2015 and 2016 by the total absorption rate assigned to the 103872  
jurisdiction. The absorption rate, which grows by the same 103873  
increment each year, is initially established at a level that 103874  
takes into account the relative sales tax capacity of a 103875  
jurisdiction; the assigned initial absorption rate is four percent 103876  
but is a smaller amount to the extent the jurisdiction's sales tax 103877  
capacity is below statewide average sales tax capacity. 103878

(B) If the Tax Commissioner orders the cessation of 103879  
collection of sales and use taxes pursuant to division (A)(11)(b) 103880  
of section 5739.01 of the Revised Code, the Commissioner shall 103881  
certify such result to the Director of Budget and Management. 103882  
After receipt of this certification by the Director, the 103883  
requirements in divisions (C), (D), and (E) of this section shall 103884  
take effect. 103885

(C) On or before October 15, 2017, each county and transit authority that as of January 1, 2017, levies any tax under sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall establish a County and Transit Authority Medicaid Sales Tax Transition Fund. The fund shall consist of money distributed to it under this section. Money provided to such fund shall be transferred to the general fund or other fund that receives a lawful portion of the county's or transit authority's sales tax revenue in accordance with a resolution adopted by the board of county commissioners, the county transit board, or trustees of a regional transit authority, as appropriate. Money may be transferred from the County and Transit Authority Medicaid Sales Tax Transition Fund at any time and in any quantity as indicated by the resolution.

(D) On or before November 1, 2017, the Tax Commissioner shall provide for payment to each county and transit authority in the amounts provided in division (E) of this section. The county treasurer or transit authority fiscal officer shall deposit such amount into the County and Transit Authority Medicaid Sales Tax Transition Fund within five business days of its receipt.

(E) Distributions made to counties and transit authorities under this section shall equal the following amounts:

| Counties: |             |  |
|-----------|-------------|--|
| Adams     | \$2,338,462 |  |
| Allen     | \$499,518   |  |
| Ashland   | \$247,665   |  |
| Ashtabula | \$1,953,705 |  |
| Athens    | \$1,361,470 |  |
| Auglaize  | \$164,879   |  |
| Belmont   | \$513,695   |  |
| Brown     | \$2,608,692 |  |
| Butler    | \$2,131,220 |  |

|            |              |        |
|------------|--------------|--------|
| Carroll    | \$222,196    | 103918 |
| Champaign  | \$696,332    | 103919 |
| Clark      | \$6,072,014  | 103920 |
| Clermont   | \$1,385,155  | 103921 |
| Clinton    | \$648,501    | 103922 |
| Columbiana | \$4,912,012  | 103923 |
| Coshocton  | \$1,095,382  | 103924 |
| Crawford   | \$1,747,652  | 103925 |
| Cuyahoga   | \$25,041,192 | 103926 |
| Darke      | \$394,752    | 103927 |
| Defiance   | \$142,872    | 103928 |
| Delaware   | \$223,143    | 103929 |
| Erie       | \$152,337    | 103930 |
| Fairfield  | \$868,591    | 103931 |
| Fayette    | \$392,342    | 103932 |
| Franklin   | \$14,101,763 | 103933 |
| Fulton     | \$368,374    | 103934 |
| Gallia     | \$950,776    | 103935 |
| Geauga     | \$104,067    | 103936 |
| Greene     | \$681,774    | 103937 |
| Guernsey   | \$550,466    | 103938 |
| Hamilton   | \$9,611,825  | 103939 |
| Hancock    | \$116,906    | 103940 |
| Hardin     | \$662,553    | 103941 |
| Harrison   | \$122,629    | 103942 |
| Henry      | \$216,876    | 103943 |
| Highland   | \$1,802,649  | 103944 |
| Hocking    | \$982,451    | 103945 |
| Holmes     | \$35,327     | 103946 |
| Huron      | \$781,761    | 103947 |
| Jackson    | \$1,628,743  | 103948 |
| Jefferson  | \$1,717,858  | 103949 |
| Knox       | \$472,792    | 103950 |

|            |              |        |
|------------|--------------|--------|
| Lake       | \$640,963    | 103951 |
| Lawrence   | \$4,457,248  | 103952 |
| Licking    | \$1,325,897  | 103953 |
| Logan      | \$404,753    | 103954 |
| Lorain     | \$2,425,083  | 103955 |
| Lucas      | \$12,058,600 | 103956 |
| Madison    | \$534,899    | 103957 |
| Mahoning   | \$5,235,592  | 103958 |
| Marion     | \$1,688,310  | 103959 |
| Medina     | \$240,830    | 103960 |
| Meigs      | \$3,504,185  | 103961 |
| Mercer     | \$70,711     | 103962 |
| Miami      | \$426,061    | 103963 |
| Monroe     | \$162,021    | 103964 |
| Montgomery | \$9,198,720  | 103965 |
| Morgan     | \$1,165,475  | 103966 |
| Morrow     | \$1,497,739  | 103967 |
| Muskingum  | \$1,580,290  | 103968 |
| Noble      | \$268,375    | 103969 |
| Ottawa     | \$226,182    | 103970 |
| Paulding   | \$651,361    | 103971 |
| Perry      | \$3,014,204  | 103972 |
| Pickaway   | \$2,027,117  | 103973 |
| Pike       | \$2,030,999  | 103974 |
| Portage    | \$1,168,359  | 103975 |
| Preble     | \$1,050,742  | 103976 |
| Putnam     | \$126,494    | 103977 |
| Richland   | \$955,179    | 103978 |
| Ross       | \$1,903,651  | 103979 |
| Sandusky   | \$558,488    | 103980 |
| Scioto     | \$6,331,880  | 103981 |
| Seneca     | \$904,551    | 103982 |
| Shelby     | \$201,342    | 103983 |

|   |              |                   |
|---|--------------|-------------------|
| Stark   | \$1,471,853  | 103984            |
| Summit  | \$2,309,202  | 103985            |
| Trumbull  | \$3,958,878  | 103986            |
| Tuscarawas  | \$353,741    | 103987            |
| Union   | \$111,287    | 103988            |
| Van Wert  | \$300,928    | 103989            |
| Vinton  | \$2,803,310  | 103990            |
| Warren  | \$317,939    | 103991            |
| Washington  | \$521,996    | 103992            |
| Wayne   | \$585,869    | 103993            |
| Williams  | \$496,855    | 103994            |
| Wood  | \$237,910    | 103995            |
| Wyandot   | \$121,144    | 103996            |
| Transit Authorities:  |              | 103997            |
| Greater Cleveland Regional<br>Transit Authority             | \$20,068,166 | 103998            |
| Central Ohio Regional Transit<br>Authority                  | \$5,273,867  | 103999            |
| Laketran Transit Authority                                  | \$160,420    | 104000            |
| Western Reserve Transit<br>Authority                        | \$1,055,799  | 104001            |
| Greater Dayton Regional Transit<br>Authority                | \$4,605,453  | 104002            |
| Portage Area Regional Transit<br>Authority                  | \$234,905    | 104003            |
| Stark Area Regional Transit<br>Authority                    | \$735,589    | 104004            |
| Metro Regional Transit Authority                            | \$2,315,641  | 104005            |
| <b>Section 389.10. SAN BOARD OF SANITARIAN REGISTRATION</b> |              | 104006            |
| Dedicated Purpose Fund Group                                |              | 104007            |
| 4K90 893609 Operating Expenses                              | \$ 174,533   | \$ 178,120 104008 |
| TOTAL DPF Dedicated Purpose                                 |              | 104009            |

|  |    |            |    |            |        |
|--|----|------------|----|------------|--------|
| Fund Group   | \$ | 174,533    | \$ | 178,120    | 104010 |
| TOTAL ALL BUDGET FUND GROUPS                               | \$ | 174,533    | \$ | 178,120    | 104011 |
| <br>   |    |            |    |            |        |
| <b>Section 391.10.</b> OSB OHIO STATE SCHOOL FOR THE BLIND |    |            |    |            | 104013 |
| General Revenue Fund                                       |    |            |    |            | 104014 |
| GRF 226321 Operations                                      | \$ | 10,302,302 | \$ | 10,544,099 | 104015 |
| TOTAL GRF General Revenue Fund                             | \$ | 10,302,302 | \$ | 10,544,099 | 104016 |
| <br>   |    |            |    |            |        |
| Dedicated Purpose Fund Group                               |    |            |    |            | 104017 |
| 4H80 226602 Education Reform                               | \$ | 354,000    | \$ | 354,000    | 104018 |
| Grants   |    |            |    |            |        |
| 4M50 226601 Work Study and                                 | \$ | 461,521    | \$ | 461,521    | 104019 |
| Technology Investment                                      |    |            |    |            |        |
| 5NJ0 226622 Food Service Program                           | \$ | 9,500      | \$ | 9,500      | 104020 |
| TOTAL DPF Dedicated Purpose                                |    |            |    |            | 104021 |
| Fund Group   | \$ | 825,021    | \$ | 825,021    | 104022 |
| <br>   |    |            |    |            |        |
| Federal Fund Group   |    |            |    |            | 104023 |
| 3100 226626 Federal Grants                                 | \$ | 183,000    | \$ | 183,000    | 104024 |
| 3DT0 226621 Ohio Transition                                | \$ | 650,000    | \$ | 650,000    | 104025 |
| Collaborative  |    |            |    |            |        |
| 3P50 226643 Medicaid Professional                          | \$ | 100,000    | \$ | 100,000    | 104026 |
| Services   |    |            |    |            |        |
| Reimbursement  |    |            |    |            |        |
| TOTAL FED Federal Fund Group                               | \$ | 933,000    | \$ | 933,000    | 104027 |
| TOTAL ALL BUDGET FUND GROUPS                               | \$ | 12,060,323 | \$ | 12,302,120 | 104028 |
| <br>   |    |            |    |            |        |
| <b>Section 393.10.</b> OSD OHIO SCHOOL FOR THE DEAF        |    |            |    |            | 104030 |
| General Revenue Fund                                       |    |            |    |            | 104031 |
| GRF 221321 Operations                                      | \$ | 11,022,322 | \$ | 11,248,544 | 104032 |
| TOTAL GRF General Revenue Fund                             | \$ | 11,022,322 | \$ | 11,248,544 | 104033 |
| <br>   |    |            |    |            |        |
| Dedicated Purpose Fund Group                               |    |            |    |            | 104034 |
| 4M00 221601 Educational Program                            | \$ | 105,000    | \$ | 105,000    | 104035 |
| Expenses   |    |            |    |            |        |

|   |        |                       |    |            |    |            |        |
|---|--------|-----------------------|----|------------|----|------------|--------|
| 4M10  | 221602 | Education Reform      | \$ | 370,000    | \$ | 370,000    | 104036 |
|   |        | Grants                |    |            |    |            |        |
| 5H60  | 221609 | Even Start Fees and   | \$ | 62,999     | \$ | 63,000     | 104037 |
|   |        | Gifts                 |    |            |    |            |        |
| 5NK0  | 221610 | Food Service Program  | \$ | 9,500      | \$ | 9,500      | 104038 |
| TOTAL DPF Dedicated Purpose                   |        |                       |    |            |    |            | 104039 |
| Fund Group                                    |        |                       | \$ | 547,499    | \$ | 547,500    | 104040 |
| Federal Fund Group                            |        |                       |    |            |    |            | 104041 |
| 3110  | 221625 | Federal Grants        | \$ | 385,000    | \$ | 385,000    | 104042 |
| 3R00  | 221684 | Medicaid Professional | \$ | 206,000    | \$ | 206,000    | 104043 |
|   |        | Services              |    |            |    |            |        |
|   |        | Reimbursement         |    |            |    |            |        |
| TOTAL FED Federal Fund Group                  |        |                       | \$ | 591,000    | \$ | 591,000    | 104044 |
| TOTAL ALL BUDGET FUND GROUPS                  |        |                       | \$ | 12,160,821 | \$ | 12,387,044 | 104045 |
| <b>Section 395.10. SOS SECRETARY OF STATE</b> |        |                       |    |            |    |            | 104047 |
| Dedicated Purpose Fund Group                  |        |                       |    |            |    |            | 104048 |
| 4120  | 050609 | Notary Commission     | \$ | 475,000    | \$ | 475,000    | 104049 |
| 4S80  | 050610 | Board of Voting       | \$ | 7,200      | \$ | 7,200      | 104050 |
|   |        | Machine Examiners     |    |            |    |            |        |
| 5990  | 050603 | Business Services     | \$ | 14,385,400 | \$ | 14,385,400 | 104051 |
|   |        | Operating Expenses    |    |            |    |            |        |
| 5990  | 050629 | Statewide Voter       | \$ | 700,000    | \$ | 700,000    | 104052 |
|   |        | Registration Database |    |            |    |            |        |
| 5990  | 050630 | Elections Support     | \$ | 2,144,030  | \$ | 2,144,030  | 104053 |
|   |        | Supplement            |    |            |    |            |        |
| 5990  | 050631 | Precinct Election     | \$ | 234,196    | \$ | 234,196    | 104054 |
|   |        | Officials Training    |    |            |    |            |        |
| 5FG0  | 050620 | BOE Reimbursement and | \$ | 80,000     | \$ | 80,000     | 104055 |
|   |        | Education             |    |            |    |            |        |
| 5SN0  | 050626 | Address               | \$ | 50,000     | \$ | 50,000     | 104056 |
|   |        | Confidentiality       |    |            |    |            |        |

|   |    |            |    |            |        |
|---|----|------------|----|------------|--------|
| TOTAL DPF Dedicated Purpose Fund Group        | \$ | 18,075,826 | \$ | 18,075,826 | 104057 |
| Holding Account Fund Group                    |    |            |    |            | 104058 |
| R001 050605 Uniform Commercial Code Refunds   | \$ | 30,000     | \$ | 30,000     | 104059 |
| R002 050606 Corporate/Business Filing Refunds | \$ | 85,000     | \$ | 85,000     | 104060 |
| TOTAL HLD Holding Account Fund Group          | \$ | 115,000    | \$ | 115,000    | 104061 |
| TOTAL ALL BUDGET FUND GROUPS                  | \$ | 18,190,826 | \$ | 18,190,826 | 104062 |

**Section 395.20. PRECINCT ELECTION OFFICIAL TRAINING** 104064

The foregoing appropriation item 050631, Precinct Election Official Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. At the end of fiscal year 2018, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050631, Precinct Election Official Training, is hereby reappropriated in fiscal year 2019 for the same purpose.

**BOARD OF VOTING MACHINE EXAMINERS** 104073

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.

|   |  |
|---|--|
| HOLDING ACCOUNT FUND GROUP  | 104085   |
| The foregoing appropriation items 050605, Uniform Commercial Code Refunds, and 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.   | 104086<br>104087<br>104088<br>104089<br>104090<br>104091<br>104092<br>104093           |
| MISCELLANEOUS FEDERAL GRANTS  | 104094   |
| Appropriation item 050624, Miscellaneous Federal Grants, shall be used to support programs that are supported by federal grants deposited into the Miscellaneous Federal Grants Fund (Fund 3FM0) pursuant to Section 111.28 of the Revised Code.  | 104095<br>104096<br>104097<br>104098   |
| ADDRESS CONFIDENTIALITY PROGRAM   | 104099   |
| Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$50,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).   | 104100<br>104101<br>104102<br>104103   |
| LITIGATION RELATED EXPENSES   | 104104   |
| Upon the request of the Secretary of State, the Director of Budget and Management may transfer cash and appropriation from any fund and appropriation item used by the Secretary of State to Litigation Related Expenses Fund (Fund 5QE0) appropriation item 050625, Litigation Related Expenses, or Business Services Operating Expenses Fund (Fund 5990) appropriation item 050628, Litigation Related Expenses. The amounts transferred shall be used to pay for any expenses related to lawsuits or legal proceedings against the Secretary of State. | 104105<br>104106<br>104107<br>104108<br>104109<br>104110<br>104111<br>104112<br>104113 |
| ABSENT VOTER'S BALLOT APPLICATION MAILING   | 104114   |

Notwithstanding Division (B) of Section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board may approve cash transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots.

**BALLOT ADVERTISING COSTS**

Notwithstanding Division (G) of Section 3501.17 of the Revised Code, upon requests submitted by the Secretary of State, the Controlling Board may approve transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for the cost of public notices associated with statewide ballot initiatives.

**Section 397.10. SEN THE OHIO SENATE**

|                                      |    |            |    |            |        |
|--------------------------------------|----|------------|----|------------|--------|
| General Revenue Fund                 |    |            |    |            | 104131 |
| GRF 020321 Operating Expenses        | \$ | 15,982,305 | \$ | 15,982,305 | 104132 |
| TOTAL GRF General Revenue Fund       | \$ | 15,982,305 | \$ | 15,982,305 | 104133 |
| Internal Service Activity Fund Group |    |            |    |            | 104134 |
| 1020 020602 Senate Reimbursement     | \$ | 425,800    | \$ | 425,800    | 104135 |
| 4090 020601 Miscellaneous Sales      | \$ | 34,497     | \$ | 34,497     | 104136 |
| TOTAL ISA Internal Service Activity  |    |            |    |            | 104137 |
| Fund Group                           | \$ | 460,297    | \$ | 460,297    | 104138 |
| TOTAL ALL BUDGET FUND GROUPS         | \$ | 16,442,602 | \$ | 16,442,602 | 104139 |

**OPERATING EXPENSES**

On July 1, 2017, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the

end of fiscal year 2017 to be reappropriated to fiscal year 2018. 104145  
 The amount certified is hereby reappropriated to the same 104146  
 appropriation item for fiscal year 2018. 104147

On July 1, 2018, or as soon as possible thereafter, the Clerk 104148  
 of the Senate may certify to the Director of Budget and Management 104149  
 an amount up to the unexpended, unencumbered balance of the 104150  
 foregoing appropriation item 020321, Operating Expenses, at the 104151  
 end of fiscal year 2018 to be reappropriated to fiscal year 2019. 104152  
 The amount certified is hereby reappropriated to the same 104153  
 appropriation item for fiscal year 2019. 104154

**Section 399.20. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 104155**

General Revenue Fund 104156

|                                |    |         |    |         |        |
|--------------------------------|----|---------|----|---------|--------|
| GRF 866321 CSV Operations      | \$ | 322,547 | \$ | 322,547 | 104157 |
| TOTAL GRF General Revenue Fund | \$ | 322,547 | \$ | 322,547 | 104158 |

Dedicated Purpose Fund Group 104159

|                                  |    |       |    |   |        |
|----------------------------------|----|-------|----|---|--------|
| 5GN0 866605 Serve Ohio Support   | \$ | 7,594 | \$ | 0 | 104160 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 7,594 | \$ | 0 | 104161 |

Group

Federal Fund Group 104162

|                                 |    |           |    |           |        |
|---------------------------------|----|-----------|----|-----------|--------|
| 3R70 866617 AmeriCorps Programs | \$ | 8,462,255 | \$ | 8,462,545 | 104163 |
| TOTAL FED Federal Fund Group    | \$ | 8,462,255 | \$ | 8,462,545 | 104164 |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 8,792,396 | \$ | 8,785,092 | 104165 |

**Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND 104167**

Debt Service Fund Group 104168

|                            |    |            |    |            |        |
|----------------------------|----|------------|----|------------|--------|
| 7070 155905 Third Frontier | \$ | 87,015,000 | \$ | 95,039,900 | 104169 |
|----------------------------|----|------------|----|------------|--------|

Research and  
 Development Bond  
 Retirement Fund

|                             |    |             |    |             |        |
|-----------------------------|----|-------------|----|-------------|--------|
| 7072 155902 Highway Capital | \$ | 117,606,700 | \$ | 135,589,800 | 104170 |
|-----------------------------|----|-------------|----|-------------|--------|

|       |        |                         |    |               |    |               |        |
|-------|--------|-------------------------|----|---------------|----|---------------|--------|
|       |        | Improvement Bond        |    |               |    |               |        |
|       |        | Retirement Fund         |    |               |    |               |        |
| 7073  | 155903 | Natural Resources Bond  | \$ | 25,450,300    | \$ | 19,317,800    | 104171 |
|       |        | Retirement Fund         |    |               |    |               |        |
| 7074  | 155904 | Conservation Projects   | \$ | 39,367,200    | \$ | 44,001,700    | 104172 |
|       |        | Bond Retirement Fund    |    |               |    |               |        |
| 7076  | 155906 | Coal Research and       | \$ | 6,319,500     | \$ | 7,820,600     | 104173 |
|       |        | Development Bond        |    |               |    |               |        |
|       |        | Retirement Fund         |    |               |    |               |        |
| 7077  | 155907 | State Capital           | \$ | 232,380,100   | \$ | 229,892,200   | 104174 |
|       |        | Improvement Bond        |    |               |    |               |        |
|       |        | Retirement Fund         |    |               |    |               |        |
| 7078  | 155908 | Common Schools Bond     | \$ | 376,134,900   | \$ | 405,025,700   | 104175 |
|       |        | Retirement Fund         |    |               |    |               |        |
| 7079  | 155909 | Higher Education Bond   | \$ | 272,425,600   | \$ | 300,094,600   | 104176 |
|       |        | Retirement Fund         |    |               |    |               |        |
| 7080  | 155901 | Persian Gulf,           | \$ | 7,118,300     | \$ | 5,090,700     | 104177 |
|       |        | Afghanistan, and Iraq   |    |               |    |               |        |
|       |        | Conflict Bond           |    |               |    |               |        |
|       |        | Retirement Fund         |    |               |    |               |        |
| 7090  | 155912 | Job Ready Site          | \$ | 15,657,175    | \$ | 15,591,200    | 104178 |
|       |        | Development Bond        |    |               |    |               |        |
|       |        | Retirement Fund         |    |               |    |               |        |
| TOTAL | DSF    | Debt Service Fund Group | \$ | 1,179,474,775 | \$ | 1,257,464,200 | 104179 |
| TOTAL | ALL    | BUDGET FUND GROUPS      | \$ | 1,179,474,775 | \$ | 1,257,464,200 | 104180 |

ADDITIONAL APPROPRIATIONS 104181

Appropriation items in this section are for the purpose of 104182  
 paying debt service and financing costs during the period from 104183  
 July 1, 2017 through June 30, 2019 on bonds or notes of the state 104184  
 issued under the Ohio Constitution and acts of the General 104185  
 Assembly. If it is determined that additional amounts are 104186  
 necessary for this purpose, such amounts are hereby appropriated. 104187

|                                  |  |    |            |    |                   |
|----------------------------------|--|----|------------|----|-------------------|
| <b>Section 403.10.</b>           | SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY |    |            |    | 104188            |
|                                  | DEVELOPMENT FOUNDATION                       |    |            |    | 104189            |
|                                  | Dedicated Purpose Fund Group                 |    |            |    | 104190            |
| 5M90 945601                      | Operating Expenses                           | \$ | 352,930    | \$ | 352,930 104191    |
| TOTAL DPF Dedicated Purpose Fund |  | \$ | 352,930    | \$ | 352,930 104192    |
|                                  | Group  |    |            |    |                   |
| TOTAL ALL BUDGET FUND GROUPS     |  | \$ | 352,930    | \$ | 352,930 104193    |
| <br>                             |  |    |            |    |                   |
| <b>Section 405.10.</b>           | SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &     |    |            |    | 104195            |
|                                  | AUDIOLOGY                                    |    |            |    | 104196            |
|                                  | Dedicated Purpose Fund Group                 |    |            |    | 104197            |
| 4K90 886609                      | Operating Expenses                           | \$ | 333,269    | \$ | 0 104198          |
| TOTAL DPF Dedicated Purpose Fund |  | \$ | 333,269    | \$ | 0 104199          |
|                                  | Group  |    |            |    |                   |
| TOTAL ALL BUDGET FUND GROUPS     |  | \$ | 333,269    | \$ | 0 104200          |
| <br>                             |  |    |            |    |                   |
| <b>Section 407.10.</b>           | BTA BOARD OF TAX APPEALS                     |    |            |    | 104202            |
|                                  | General Revenue Fund                         |    |            |    | 104203            |
| GRF 116321                       | Operating Expenses                           | \$ | 1,850,307  | \$ | 1,886,042 104204  |
| TOTAL GRF General Revenue Fund   |  | \$ | 1,850,307  | \$ | 1,886,042 104205  |
| TOTAL ALL BUDGET FUND GROUPS     |  | \$ | 1,850,307  | \$ | 1,886,042 104206  |
| <br>                             |  |    |            |    |                   |
| <b>Section 409.10.</b>           | TAX DEPARTMENT OF TAXATION                   |    |            |    | 104208            |
|                                  | General Revenue Fund                         |    |            |    | 104209            |
| GRF 110321                       | Operating Expenses                           | \$ | 67,940,382 | \$ | 70,440,382 104210 |
| GRF 110404                       | Tobacco Settlement                           | \$ | 0          | \$ | 167,567 104211    |
|                                  | Enforcement                                  |    |            |    |                   |
| TOTAL GRF General Revenue Fund   |  | \$ | 67,940,382 | \$ | 70,607,949 104212 |
|                                  | Dedicated Purpose Fund Group                 |    |            |    | 104213            |
| 2280 110628                      | CAT Administration                           | \$ | 19,196,584 | \$ | 16,696,584 104214 |
| 4330 110602                      | Municipal Data                               | \$ | 178,156    | \$ | 178,156 104215    |

|      |        |                                     |    |            |    |            |        |
|------|--------|-------------------------------------|----|------------|----|------------|--------|
|      |        | Exchange<br>Administration          |    |            |    |            |        |
| 4350 | 110607 | Local Tax                           | \$ | 23,825,558 | \$ | 23,825,558 | 104216 |
|      |        | Administration                      |    |            |    |            |        |
| 4360 | 110608 | Motor Vehicle Audit                 | \$ | 1,523,113  | \$ | 1,523,113  | 104217 |
|      |        | Administration                      |    |            |    |            |        |
| 4370 | 110606 | Income Tax Refund                   | \$ | 38,800     | \$ | 38,800     | 104218 |
|      |        | Contribution<br>Administration      |    |            |    |            |        |
| 4380 | 110609 | School District                     | \$ | 6,427,960  | \$ | 6,427,960  | 104219 |
|      |        | Income Tax<br>Administration        |    |            |    |            |        |
| 4C60 | 110616 | International                       | \$ | 705,869    | \$ | 705,869    | 104220 |
|      |        | Registration Plan<br>Administration |    |            |    |            |        |
| 4R60 | 110610 | Tire Tax                            | \$ | 255,836    | \$ | 255,836    | 104221 |
|      |        | Administration                      |    |            |    |            |        |
| 5BP0 | 110639 | Wireless 9-1-1                      | \$ | 298,794    | \$ | 298,794    | 104222 |
|      |        | Administration                      |    |            |    |            |        |
| 5JM0 | 110637 | Casino Tax                          | \$ | 75,000     | \$ | 75,000     | 104223 |
|      |        | Administration                      |    |            |    |            |        |
| 5MN0 | 110638 | STARS Development and               | \$ | 3,000,000  | \$ | 3,000,000  | 104224 |
|      |        | Implementation                      |    |            |    |            |        |
| 5N50 | 110605 | Municipal Income Tax                | \$ | 3,150,000  | \$ | 6,750,000  | 104225 |
|      |        | Administration                      |    |            |    |            |        |
| 5N60 | 110618 | Kilowatt Hour Tax                   | \$ | 100,000    | \$ | 100,000    | 104226 |
|      |        | Administration                      |    |            |    |            |        |
| 5NY0 | 110643 | Petroleum Activity                  | \$ | 1,000,000  | \$ | 1,000,000  | 104227 |
|      |        | Tax Administration                  |    |            |    |            |        |
| 5V70 | 110622 | Motor Fuel Tax                      | \$ | 5,175,897  | \$ | 5,175,897  | 104228 |
|      |        | Administration                      |    |            |    |            |        |
| 5V80 | 110623 | Property Tax                        | \$ | 6,000,000  | \$ | 6,000,000  | 104229 |
|      |        | Administration                      |    |            |    |            |        |

|                              |        |                                       |    |               |    |               |        |
|------------------------------|--------|---------------------------------------|----|---------------|----|---------------|--------|
| 5W70                         | 110627 | Exempt Facility<br>Administration     | \$ | 49,500        | \$ | 49,500        | 104230 |
| 6390                         | 110614 | Cigarette Tax<br>Enforcement          | \$ | 1,965,511     | \$ | 1,797,944     | 104231 |
| 6880                         | 110615 | Local Excise Tax<br>Administration    | \$ | 500,000       | \$ | 500,000       | 104232 |
| TOTAL DPF                    |        | Dedicated Purpose Fund<br>Group       | \$ | 73,466,578    | \$ | 74,399,011    | 104233 |
| Fiduciary Fund Group         |        |                                       |    |               |    |               | 104234 |
| 4250                         | 110635 | Tax Refunds                           | \$ | 1,911,472,500 | \$ | 1,876,628,500 | 104235 |
| 5CZ0                         | 110631 | Vendor's License<br>Application       | \$ | 380,000       | \$ | 380,000       | 104236 |
| 6420                         | 110613 | Ohio Political Party<br>Distributions | \$ | 180,000       | \$ | 180,000       | 104237 |
| TOTAL FID                    |        | Fiduciary Fund Group                  | \$ | 1,912,032,500 | \$ | 1,877,188,500 | 104238 |
| Holding Account Fund Group   |        |                                       |    |               |    |               | 104239 |
| R010                         | 110611 | Tax Distributions                     | \$ | 25,000        | \$ | 25,000        | 104240 |
| R011                         | 110612 | Miscellaneous Income<br>Tax Receipts  | \$ | 500           | \$ | 500           | 104241 |
| TOTAL HLD                    |        | Holding Account Fund<br>Group         | \$ | 25,500        | \$ | 25,500        | 104242 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                       | \$ | 2,053,464,960 | \$ | 2,022,220,960 | 104243 |

**Section 409.20. TAX REFUNDS** 104245

The foregoing appropriation item 110635, Tax Refunds, shall 104246  
 be used to pay refunds under section 5703.052 of the Revised Code. 104247  
 If it is determined that additional appropriations are necessary 104248  
 for this purpose, such amounts are hereby appropriated. 104249

**VENDOR'S LICENSE PAYMENTS** 104250

The foregoing appropriation item 110631, Vendor's License 104251  
 Application, shall be used to make payments to county auditors 104252  
 under section 5739.17 of the Revised Code. If it is determined 104253

that additional appropriations are necessary to make such 104254  
payments, such amounts are hereby appropriated. 104255

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 104256

The foregoing appropriation item 110616, International 104257  
Registration Plan Administration, shall be used under section 104258  
5703.12 of the Revised Code for audits of persons with vehicles 104259  
registered under the International Registration Plan. 104260

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 104261

Of the foregoing appropriation item 110607, Local Tax 104262  
Administration, the Tax Commissioner may disburse funds, if 104263  
available, for the purposes of paying travel expenses incurred by 104264  
members of Ohio's delegation to the Streamlined Sales Tax Project, 104265  
as appointed under section 5740.02 of the Revised Code. Any travel 104266  
expense reimbursement paid for by the Department of Taxation shall 104267  
be done in accordance with applicable state laws and guidelines. 104268

TOBACCO SETTLEMENT ENFORCEMENT 104269

The foregoing appropriation item 110404, Tobacco Settlement 104270  
Enforcement, shall be used by the Tax Commissioner to pay costs 104271  
incurred in the enforcement of divisions (F) and (G) of section 104272  
5743.03 of the Revised Code. In fiscal year 2018, expenses 104273  
associated with these enforcement activities will be covered by 104274  
appropriation item 110614, Cigarette Tax Enforcement. 104275

STARS DEVELOPMENT AND IMPLEMENTATION FUND 104276

The foregoing appropriation item 110638, STARS Development 104277  
and Implementation, shall be used to pay costs incurred in the 104278  
development and implementation of the department's State Tax 104279  
Accounting and Revenue System. The Director of Budget and 104280  
Management, under a plan submitted by the Tax Commissioner, or as 104281  
otherwise determined by the Director of Budget and Management, 104282  
shall set a schedule to transfer cash from the Revenue Enhancement 104283

Fund, Local Sales Tax Administrative Fund, General School District 104284  
Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, 104285  
Property Tax Administration Fund, and the Motor Fuel Tax 104286  
Administration Fund to the credit of the STARS Development and 104287  
Implementation Fund (Fund 5MN0). The transfers of cash shall not 104288  
exceed \$6,000,000 in the biennium. 104289

APPROPRIATION INCREASE AND CASH TRANSFER TO THE MUNICIPAL 104290  
INCOME TAX ADMINISTRATION FUND 104291

(A) During fiscal year 2018 and fiscal year 2019, if the Tax 104292  
Commissioner determines that the Municipal Income Tax 104293  
Administration Fund (Fund 5N50) created in section 5745.03 of the 104294  
Revised Code has insufficient cash balances to pay expenses 104295  
required by administering the new tax imposed by section 5718.041 104296  
of the Revised Code, the Tax Commissioner shall certify to the 104297  
Director of Budget and Management the additional cash necessary to 104298  
carry out the duties imposed by section 5718.041 of the Revised 104299  
Code. After receiving the certification from the Commissioner and 104300  
if the Director determines that sufficient funds are available in 104301  
the General Revenue Fund, the Director shall transfer cash from 104302  
the General Revenue Fund to Fund 5N50 in an amount that will 104303  
enable the Commissioner to carry out the duties imposed by section 104304  
5718.041 of the Revised Code. 104305

(B) If a cash transfer is made from the General Revenue Fund 104306  
to the Municipal Income Tax Administration Fund under division (A) 104307  
of this section, the Director of Budget and Management and the Tax 104308  
Commissioner shall jointly develop a plan to repay the General 104309  
Revenue Fund as soon as is deemed practical. 104310

(C) During fiscal year 2018 and fiscal year 2019, if the Tax 104311  
Commissioner determines that the Municipal Income Tax 104312  
Administration Fund (Fund 5N50) has insufficient appropriations 104313  
due to the new tax administration obligations imposed by section 104314  
5718.041 of the Revised Code, the Tax Commissioner shall certify 104315

to the Director of Budget and Management the additional 104316  
appropriations necessary to carry out the duties imposed by 104317  
section 5718.041 of the Revised Code. After receiving the 104318  
certification from the Commissioner and if the Director determines 104319  
that sufficient funds are available in Fund 5N50, the Director 104320  
shall approve the certified appropriation increase. Any approved 104321  
appropriation increase is hereby appropriated. 104322

**Section 411.10.** DOT DEPARTMENT OF TRANSPORTATION 104323

General Revenue Fund 104324

GRF 775451 Public Transportation \$ 7,309,348 \$ 7,309,348 104325  
- State

GRF 776465 Rail Development \$ 1,000,000 \$ 2,000,000 104326

GRF 777471 Airport Improvements \$ 6,000,000 \$ 6,000,000 104327  
- State

TOTAL GRF General Revenue Fund \$ 14,309,348 \$ 15,309,348 104328

TOTAL ALL BUDGET FUND GROUPS \$ 14,309,348 \$ 15,309,348 104329

**Section 411.20.** AIRPORT IMPROVEMENTS - STATE 104331

The foregoing appropriation item 777471, Airport Improvements 104332  
- State, shall be used by the Department of Transportation to 104333  
continue the Ohio Airport Grant Program in supporting capital 104334  
improvements, maintaining infrastructure, and ensuring safety at 104335  
publicly owned, public use airports in the state, provided that 104336  
the airports receive neither Federal Aviation Administration Air 104337  
Carrier Enplanement Funds nor Air Cargo Entitlements. 104338

**Section 413.10.** TOS TREASURER OF STATE 104339

General Revenue Fund 104340

GRF 090321 Operating Expenses \$ 8,119,779 \$ 8,119,029 104341

GRF 090401 Office of the Sinking \$ 502,304 \$ 502,304 104342  
Fund

|                                |                       |    |            |    |            |        |
|--------------------------------|-----------------------|----|------------|----|------------|--------|
| GRF 090402                     | Continuing Education  | \$ | 325,000    | \$ | 325,000    | 104343 |
| GRF 090406                     | Treasury Management   | \$ | 1,113,900  | \$ | 1,114,700  | 104344 |
|                                | System Lease Rental   |    |            |    |            |        |
|                                | Payments              |    |            |    |            |        |
| GRF 090407                     | ABLE Promotion        | \$ | 250,000    | \$ | 250,000    | 104345 |
| GRF 090613                     | ABLE Account          | \$ | 1,750,000  | \$ | 1,750,000  | 104346 |
|                                | Administration        |    |            |    |            |        |
| TOTAL GRF General Revenue Fund |                       | \$ | 12,060,983 | \$ | 12,061,033 | 104347 |
| Dedicated Purpose Fund Group   |                       |    |            |    |            | 104348 |
| 4E90 090603                    | Securities Lending    | \$ | 5,200,000  | \$ | 5,200,000  | 104349 |
|                                | Income                |    |            |    |            |        |
| 5770 090605                    | Investment Pool       | \$ | 1,050,000  | \$ | 1,050,000  | 104350 |
|                                | Reimbursement         |    |            |    |            |        |
| 5C50 090602                    | County Treasurer      | \$ | 170,057    | \$ | 170,057    | 104351 |
|                                | Education             |    |            |    |            |        |
| 5NH0 090610                    | OhioMeansJobs         | \$ | 23,250,000 | \$ | 0          | 104352 |
|                                | Workforce Development |    |            |    |            |        |
| 6050 090609                    | Treasurer of State    | \$ | 700,000    | \$ | 700,000    | 104353 |
|                                | Administrative Fund   |    |            |    |            |        |
| TOTAL DPF Dedicated Purpose    |                       |    |            |    |            | 104354 |
| Fund Group                     |                       | \$ | 30,370,057 | \$ | 7,120,057  | 104355 |
| Fiduciary Fund Group           |                       |    |            |    |            | 104356 |
| 4250 090635                    | Tax Refunds           | \$ | 12,000,000 | \$ | 12,000,000 | 104357 |
| TOTAL FID Fiduciary Fund Group |                       | \$ | 12,000,000 | \$ | 12,000,000 | 104358 |
| TOTAL ALL BUDGET FUND GROUPS   |                       | \$ | 54,431,040 | \$ | 31,181,090 | 104359 |

**Section 413.20. OFFICE OF THE SINKING FUND** 104361

The foregoing appropriation item 090401, Office of the 104362  
Sinking Fund, shall be used for costs incurred by or on behalf of 104363  
the Commissioners of the Sinking Fund and the Ohio Public 104364  
Facilities Commission with respect to State of Ohio general 104365  
obligation bonds or notes, and the Treasurer of State with respect 104366

to State of Ohio general obligation and special obligation bonds 104367  
or notes, including, but not limited to, printing, advertising, 104368  
delivery, rating fees and the procurement of ratings, professional 104369  
publications, membership in professional organizations, and other 104370  
services referred to in division (D) of section 151.01 of the 104371  
Revised Code. The General Revenue Fund shall be reimbursed for 104372  
such costs relating to the issuance and administration of Highway 104373  
Capital Improvement bonds or notes authorized under Ohio 104374  
Constitution, Article VIII, Section 2m and Chapter 151. of the 104375  
Revised Code. That reimbursement shall be made from appropriation 104376  
item 155902, Highway Capital Improvement Bond Retirement Fund, by 104377  
intrastate transfer voucher pursuant to a certification by the 104378  
Office of the Sinking Fund of the actual amounts used. The amounts 104379  
necessary to make such a reimbursement are hereby appropriated 104380  
from the Highway Capital Improvement Bond Retirement Fund created 104381  
in section 151.06 of the Revised Code. 104382

ABLE ACCOUNT ADMINISTRATION 104383

The foregoing appropriation item 090613, ABLE Account 104384  
Administration, shall be used for administration of an Achieve a 104385  
Better Living Experience (ABLE) account program. 104386

TAX REFUNDS 104387

The foregoing appropriation item 090635, Tax Refunds, shall 104388  
be used to pay refunds under section 5703.052 of the Revised Code. 104389  
If the Director of Budget and Management determines that 104390  
additional amounts are necessary for this purpose, such amounts 104391  
are hereby appropriated. 104392

**Section 413.30.** TREASURY MANAGEMENT SYSTEM LEASE RENTAL 104393  
PAYMENTS 104394

The foregoing appropriation item 090406, Treasury Management 104395  
System Lease Rental Payments, shall be used for payments during 104396

the period from July 1, 2017, through June 30, 2019, pursuant to 104397  
leases and agreements entered into under Section 701.20 of Am. 104398  
Sub. H.B. 497 of the 130th General Assembly with respect to 104399  
financing the costs associated with the acquisition and 104400  
implementation of the Treasury Management System. If it is 104401  
determined that additional appropriations are necessary for this 104402  
purpose, the amounts are hereby appropriated. 104403

**Section 413.40.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 104404  
LOAN PROGRAM 104405

The foregoing appropriation item 090610, OhioMeansJobs 104406  
Workforce Development Revolving Loan Program, shall be used for 104407  
the OhioMeansJobs Workforce Development Revolving Loan Program to 104408  
provide loans to individuals for workforce training. 104409

Of the foregoing appropriation item 090610, OhioMeansJobs 104410  
Workforce Development Revolving Loan Program, up to \$250,000 in 104411  
fiscal year 2018 may be used by the Treasurer of State to 104412  
administer the program. 104413

Any unexpended and unencumbered portion of the foregoing 104414  
appropriation item 090610, OhioMeansJobs Workforce Development 104415  
Revolving Loan Program, at the end of fiscal year 2018 is hereby 104416  
reappropriated for the same purpose in fiscal year 2019. To the 104417  
extent that reappropriated funds are available, of the foregoing 104418  
appropriation item 090610, OhioMeansJobs Workforce Development 104419  
Revolving Loan Program, up to \$250,000 in fiscal year 2019 may be 104420  
used by the Treasurer of State to administer the program. 104421

**Section 415.10.** DVS DEPARTMENT OF VETERANS SERVICES 104422

General Revenue Fund 104423

|     |        |                 |    |            |    |            |        |
|-----|--------|-----------------|----|------------|----|------------|--------|
| GRF | 900321 | Veterans' Homes | \$ | 27,853,594 | \$ | 27,853,594 | 104424 |
| GRF | 900402 | Hall of Fame    | \$ | 114,980    | \$ | 114,980    | 104425 |
| GRF | 900408 | Department of   | \$ | 2,842,545  | \$ | 2,842,545  | 104426 |

|           |        |  |    |            |    |            |        |
|-----------|--------|--|----|------------|----|------------|--------|
|           |        | Veterans Services  |    |            |    |            |        |
| GRF       | 900501 | Veterans Organizations                                     | \$ | 1,887,986  | \$ | 2,000,000  | 104427 |
| GRF       | 900901 | Veterans Compensation General Obligation Bond Debt Service | \$ | 7,118,300  | \$ | 5,090,700  | 104428 |
| TOTAL GRF |        | General Revenue Fund                                       | \$ | 39,817,405 | \$ | 37,901,819 | 104429 |
|           |        | Dedicated Purpose Fund Group                               |    |            |    |            | 104430 |
| 4840      | 900603 | Veterans' Homes Services                                   | \$ | 990,000    | \$ | 995,000    | 104431 |
| 4E20      | 900602 | Veterans' Homes Operating                                  | \$ | 13,389,605 | \$ | 13,400,000 | 104432 |
| 5DB0      | 900643 | Military Injury Relief Program                             | \$ | 1,000,000  | \$ | 1,000,000  | 104433 |
| 5PH0      | 900642 | Veterans Initiatives                                       | \$ | 70,000     | \$ | 70,000     | 104434 |
| 6040      | 900604 | Veterans' Homes Improvement                                | \$ | 500,000    | \$ | 500,000    | 104435 |
| TOTAL DPF |        | Dedicated Purpose Fund Group                               | \$ | 15,949,605 | \$ | 15,965,000 | 104436 |
|           |        | Debt Service Fund Group                                    |    |            |    |            | 104437 |
| 7041      | 900615 | Veteran Bonus Program - Administration                     | \$ | 330,163    | \$ | 272,687    | 104438 |
| 7041      | 900641 | Persian Gulf, Afghanistan, and Iraq Compensation           | \$ | 1,132,362  | \$ | 1,132,706  | 104439 |
| TOTAL DSF |        | Debt Service Fund Group                                    | \$ | 1,462,525  | \$ | 1,405,393  | 104440 |
|           |        | Federal Fund Group   |    |            |    |            | 104441 |
| 3680      | 900614 | Veterans Training  | \$ | 782,898    | \$ | 805,851    | 104442 |
| 3740      | 900606 | Troops to Teachers   | \$ | 125,002    | \$ | 130,001    | 104443 |
| 3BX0      | 900609 | Medicare Services  | \$ | 3,352,135  | \$ | 3,578,278  | 104444 |
| 3L20      | 900601 | Veterans' Homes  | \$ | 32,021,561 | \$ | 33,378,119 | 104445 |

Operations - Federal

|                              |    |            |    |            |        |
|------------------------------|----|------------|----|------------|--------|
| TOTAL FED Federal Fund Group | \$ | 36,281,596 | \$ | 37,892,249 | 104447 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 93,511,131 | \$ | 93,164,461 | 104448 |

VETERANS ORGANIZATIONS' RENT 104449

The foregoing appropriation item 900408, Department of 104450  
Veterans Services, shall be used to pay veterans organizations' 104451  
rent in buildings managed by the Department of Administrative 104452  
Services. 104453

VETERANS ORGANIZATIONS' SUBSIDIES 104454

Of the foregoing appropriation item 900501, Veterans 104455  
Organizations, in fiscal year 2018, \$28,910 shall be allocated to 104456  
the American Ex-Prisoners of War, \$63,539 shall be allocated to 104457  
the Army Navy Union, USA, Inc., \$57,118 shall be allocated to the 104458  
Korean War Veterans, \$34,321 shall be allocated to the Jewish War 104459  
Veterans, \$66,978 shall be allocated to the Catholic War Veterans, 104460  
\$65,116 shall be allocated to the Military Order of the Purple 104461  
Heart, \$214,776 shall be allocated to the Vietnam Veterans of 104462  
America, \$349,189 shall be allocated to the American Legion of 104463  
Ohio, \$332,547 shall be allocated to the AMVETS, \$249,836 shall be 104464  
allocated to the Disabled American Veterans, \$133,947 shall be 104465  
allocated to the Marine Corps League, \$6,868 shall be allocated to 104466  
the 37th Division Veterans' Association, and \$284,841 shall be 104467  
allocated to the Veterans of Foreign Wars. 104468

Not later than July 30, 2017, each organization listed in the 104469  
preceding paragraph shall submit a report to the Director of 104470  
Veterans Services that meets the requirements established by the 104471  
Director. The Director may request that an organization supplement 104472  
any report with additional information to sufficiently meet the 104473  
established requirements. No funds shall be disbursed from 104474  
appropriation item 900501, Veterans Organizations, to any 104475  
organization listed in the preceding paragraph, until the Director 104476  
determines that the organization has provided information to the 104477

Director that sufficiently meets the established requirements. 104478

In fiscal year 2019, the foregoing appropriation item 900501, 104479  
Veterans Organizations, shall be used to provide grants to 104480  
veterans organizations pursuant to division (W) of section 5902.02 104481  
of the Revised Code to improve access for veterans and their 104482  
families to benefits and resources from the United States 104483  
Department of Veterans Affairs or programs that enhance access to 104484  
employment services and opportunities, or other resources. 104485

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 104486

The foregoing appropriation item 900901, Veterans 104487  
Compensation General Obligation Bond Debt Service, shall be used 104488  
to pay all debt service and related financing costs during the 104489  
period from July 1, 2017, through June 30, 2019, on obligations 104490  
issued under sections 151.01 and 151.12 of the Revised Code. 104491

**Section 417.10.** DVM STATE VETERINARY MEDICAL LICENSING BOARD 104492

Dedicated Purpose Fund Group 104493

|             |                    |    |         |    |         |        |
|-------------|--------------------|----|---------|----|---------|--------|
| 4K90 888609 | Operating Expenses | \$ | 396,369 | \$ | 439,369 | 104494 |
|-------------|--------------------|----|---------|----|---------|--------|

TOTAL DPF Dedicated Purpose 104495

|            |  |    |         |    |         |        |
|------------|--|----|---------|----|---------|--------|
| Fund Group |  | \$ | 396,369 | \$ | 439,369 | 104496 |
|------------|--|----|---------|----|---------|--------|

Internal Service Activity Fund Group 104497

|             |                    |    |        |    |        |        |
|-------------|--------------------|----|--------|----|--------|--------|
| 5BU0 888602 | Veterinary Student | \$ | 30,000 | \$ | 30,000 | 104498 |
|-------------|--------------------|----|--------|----|--------|--------|

Loan Program

TOTAL ISA Internal Service Activity 104499

|            |  |    |        |    |        |        |
|------------|--|----|--------|----|--------|--------|
| Fund Group |  | \$ | 30,000 | \$ | 30,000 | 104500 |
|------------|--|----|--------|----|--------|--------|

|                              |  |    |         |    |         |        |
|------------------------------|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 426,369 | \$ | 469,369 | 104501 |
|------------------------------|--|----|---------|----|---------|--------|

**Section 419.10.** VHP STATE VISION AND HEARING PROFESSIONAL 104503

BOARD 104504

Dedicated Purpose Fund Group 104505

|             |                    |    |         |    |           |        |
|-------------|--------------------|----|---------|----|-----------|--------|
| 4K90 129609 | Operating Expenses | \$ | 627,824 | \$ | 1,128,095 | 104506 |
|-------------|--------------------|----|---------|----|-----------|--------|

|   |    |             |    |             |        |
|---|----|-------------|----|-------------|--------|
| TOTAL DPF Dedicated Purpose Fund                        | \$ | 627,824     | \$ | 1,128,095   | 104507 |
| Group   |    |             |    |             |        |
| TOTAL ALL BUDGET FUND GROUPS                            | \$ | 627,824     | \$ | 1,128,095   | 104508 |
| <br>  |    |             |    |             |        |
| <b>Section 421.10.</b> DYS DEPARTMENT OF YOUTH SERVICES |    |             |    |             | 104510 |
| <br>  |    |             |    |             |        |
| General Revenue Fund                                    |    |             |    |             | 104511 |
| GRF 470401 RECLAIM Ohio                                 | \$ | 157,960,263 | \$ | 161,652,421 | 104512 |
| GRF 470412 Juvenile Correctional                        | \$ | 17,782,100  | \$ | 17,346,900  | 104513 |
| Facilities Lease  |    |             |    |             |        |
| Rental Bond Payments                                    |    |             |    |             |        |
| GRF 470510 Youth Services                               | \$ | 16,702,728  | \$ | 16,702,728  | 104514 |
| GRF 472321 Parole Operations                            | \$ | 10,595,771  | \$ | 10,750,545  | 104515 |
| GRF 477321 Administrative                               | \$ | 11,574,760  | \$ | 11,894,332  | 104516 |
| Operations  |    |             |    |             |        |
| TOTAL GRF General Revenue Fund                          | \$ | 214,615,622 | \$ | 218,346,926 | 104517 |
| <br>  |    |             |    |             |        |
| Dedicated Purpose Fund Group                            |    |             |    |             | 104518 |
| 1470 470612 Vocational Education                        | \$ | 1,690,000   | \$ | 1,463,162   | 104519 |
| 1750 470613 Education Services                          | \$ | 3,385,248   | \$ | 3,492,983   | 104520 |
| 4790 470609 Employee Food Service                       | \$ | 60,273      | \$ | 44,107      | 104521 |
| 4A20 470602 Child Support                               | \$ | 187,998     | \$ | 153,968     | 104522 |
| 4G60 470605 Juvenile Special                            | \$ | 115,000     | \$ | 115,000     | 104523 |
| Revenue - Non-Federal                                   |    |             |    |             |        |
| 5BN0 470629 E-Rate Program                              | \$ | 75,000      | \$ | 75,000      | 104524 |
| TOTAL DPF Dedicated Purpose                             |    |             |    |             | 104525 |
| Fund Group  | \$ | 5,513,519   | \$ | 5,344,220   | 104526 |
| <br>  |    |             |    |             |        |
| Federal Fund Group                                      |    |             |    |             | 104527 |
| 3210 470601 Education                                   | \$ | 947,275     | \$ | 961,519     | 104528 |
| 3210 470603 Juvenile Justice                            | \$ | 2,144,540   | \$ | 2,232,533   | 104529 |
| Prevention  |    |             |    |             |        |
| 3210 470606 Nutrition                                   | \$ | 930,000     | \$ | 930,000     | 104530 |
| 3210 470614 Title IV-E                                  | \$ | 5,766,624   | \$ | 5,766,624   | 104531 |
| Reimbursements  |    |             |    |             |        |

|   |   |    |            |    |            |  |
|---|---|----|------------|----|------------|--|
| 3FC0 470642   | Federal Juvenile Programs FFY 12        | \$ | 1,000      | \$ | 0          | 104532   |
| 3GB0 470643   | Federal Juvenile Programs FFY 13        | \$ | 16,352     | \$ | 200        | 104533   |
| 3V50 470604   | Juvenile Justice/Delinquency Prevention | \$ | 1,720,000  | \$ | 1,720,000  | 104534   |
| TOTAL FED Federal Fund Group  |   |    |            |    |            | 104535   |
|   |   | \$ | 11,525,791 | \$ | 11,610,876 | 104536   |
| TOTAL ALL BUDGET FUND GROUPS  |   |    |            |    |            | 104537   |
| JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS   |   |    |            |    |            | 104538   |
| The foregoing appropriation item 470412, Juvenile Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30, 2019, by the Department of Youth Services under the leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. This appropriation is the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code. |   |    |            |    |            | 104539<br>104540<br>104541<br>104542<br>104543<br>104544<br>104545<br>104546 |
| EDUCATION SERVICES  |   |    |            |    |            | 104547   |
| The foregoing appropriation item 470613, Education Services, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment.  |   |    |            |    |            | 104548<br>104549<br>104550<br>104551<br>104552<br>104553                     |
| FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES  |   |    |            |    |            | 104554   |
| In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer  |   |    |            |    |            | 104555<br>104556<br>104557<br>104558   |

portions of those allocations to a flexible funding pool as 104559  
authorized by the section of this act titled "FAMILY AND CHILDREN 104560  
FIRST FLEXIBLE FUNDING POOL." 104561

**Section 503.10. PERSONAL SERVICE EXPENSES** 104562

Unless otherwise prohibited by law, any appropriation from 104563  
which personal service expenses are paid shall bear the employer's 104564  
share of public employees' retirement, workers' compensation, 104565  
disabled workers' relief, and insurance programs; and the costs of 104566  
centralized financial services, centralized payroll processing, 104567  
and related reports and services; centralized human resources 104568  
services, including affirmative action and equal employment 104569  
opportunity programs; the Office of Collective Bargaining; 104570  
centralized information technology management services; 104571  
administering the enterprise resource planning system; and 104572  
administering the state employee merit system as required by 104573  
section 124.07 of the Revised Code. These costs shall be 104574  
determined in conformity with the appropriate sections of law and 104575  
paid in accordance with procedures specified by the Office of 104576  
Budget and Management. Expenditures from appropriation item 104577  
070601, Public Audit Expense - Intra-State, may be exempted from 104578  
the requirements of this section. 104579

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 104580  
**AGAINST THE STATE** 104581

Except as otherwise provided in this section, an 104582  
appropriation in this act or any other act may be used for the 104583  
purpose of satisfying judgments, settlements, or administrative 104584  
awards ordered or approved by the Court of Claims or by any other 104585  
court of competent jurisdiction in connection with civil actions 104586  
against the state. This authorization does not apply to 104587  
appropriations to be applied to or used for payment of guarantees 104588

by or on behalf of the state, or for payments under lease 104589  
agreements relating to, or debt service on, bonds, notes, or other 104590  
obligations of the state. Notwithstanding any other statute to the 104591  
contrary, this authorization includes appropriations from funds 104592  
into which proceeds of direct obligations of the state are 104593  
deposited only to the extent that the judgment, settlement, or 104594  
administrative award is for, or represents, capital costs for 104595  
which the appropriation may otherwise be used and is consistent 104596  
with the purpose for which any related obligations were issued or 104597  
entered into. Nothing contained in this section is intended to 104598  
subject the state to suit in any forum in which it is not 104599  
otherwise subject to suit, and is not intended to waive or 104600  
compromise any defense or right available to the state in any suit 104601  
against it. 104602

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 104603

This section specifies an additional and supplemental 104604  
procedure to provide for payments of judgments and settlements if 104605  
the Director of Budget and Management determines, pursuant to 104606  
division (C)(4) of section 2743.19 of the Revised Code, that 104607  
sufficient unencumbered moneys do not exist in the fund to support 104608  
a particular appropriation to pay the amount of a final judgment 104609  
rendered against the state or a state agency, including the 104610  
settlement of a claim approved by a court, in an action upon and 104611  
arising out of a contractual obligation for the construction or 104612  
improvement of a capital facility if the costs under the contract 104613  
were payable in whole or in part from a state capital projects 104614  
appropriation. In such a case, the Director may either proceed 104615  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 104616  
or apply to the Controlling Board to increase an appropriation or 104617  
create an appropriation out of any unencumbered moneys in the 104618  
state treasury to the credit of the capital projects fund from 104619  
which the initial state appropriation was made. The amount of an 104620

increase in appropriation or new appropriation approved by the 104621  
Controlling Board is hereby appropriated from the applicable 104622  
capital projects fund and made available for the payment of the 104623  
judgment or settlement. 104624

If the Director does not make the application authorized by 104625  
this section or the Controlling Board disapproves the application, 104626  
and the Director does not make application under division (C)(4) 104627  
of section 2743.19 of the Revised Code, the Director shall for the 104628  
purpose of making that payment make a request to the General 104629  
Assembly as provided for in division (C)(5) of that section. 104630

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 104631

In order to provide funds for the reissuance of voided 104632  
warrants under section 126.37 of the Revised Code, there is hereby 104633  
appropriated, out of moneys in the state treasury from the fund 104634  
credited as provided in section 126.37 of the Revised Code, that 104635  
amount sufficient to pay such warrants when approved by the Office 104636  
of Budget and Management. 104637

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 104638  
**BALANCES OF OPERATING APPROPRIATIONS** 104639

(A) Notwithstanding the original year of appropriation or 104640  
encumbrance the unexpended balance of an operating appropriation 104641  
or reappropriation that a state agency lawfully encumbered prior 104642  
to the close of fiscal year 2017 or fiscal year 2018 is hereby 104643  
reappropriated on the first day of July of the following fiscal 104644  
year from the fund from which it was originally appropriated or 104645  
reappropriated for the period of time listed in this section and 104646  
shall remain available only for the purpose of discharging the 104647  
encumbrance: 104648

(1) For an encumbrance for personal services, maintenance, 104649  
equipment, or items for resale not otherwise identified in this 104650

section for a period of not more than five months from the end of 104651  
the fiscal year; 104652

(2) For an encumbrance for an item of special order 104653  
manufacture not available on state contract or in the open market, 104654  
for a period of not more than five months from the end of the 104655  
fiscal year or, with the written approval of the Director of 104656  
Budget and Management, for a period of not more than twelve months 104657  
from the end of the fiscal year; 104658

(3) For an encumbrance for reclamation of land or oil and gas 104659  
wells, for a period ending when the encumbered appropriation is 104660  
expended provided such period does not extend beyond the FY 2018 - 104661  
FY 2019 biennium; 104662

(4) For an encumbrance for any other expense not otherwise 104663  
identified in this section, for such period as the Director 104664  
approves, provided such period does not extend beyond the FY 2018 104665  
- FY 2019 biennium. 104666

(B) Any operating appropriations for which unexpended 104667  
balances are reappropriated in fiscal year 2018 or fiscal year 104668  
2019 pursuant to division (A)(2) of this section shall be reported 104669  
to the Controlling Board by the Director of Budget and Management 104670  
by the thirty-first day of December of each year. The report shall 104671  
include the item, the cost of the item, and the name of the 104672  
vendor. The report shall be updated on a quarterly basis for 104673  
encumbrances remaining open. 104674

(C) Upon the expiration of the reappropriation period set out 104675  
in division (A) of this section, a reappropriation made by this 104676  
section lapses, and the Director of Budget and Management shall 104677  
cancel the encumbrance of the unexpended reappropriation not later 104678  
than the end of the weekend following the expiration of the 104679  
reappropriation period. 104680

(D) If the Controlling Board approved a purchase, that 104681

approval remains in effect so long as the appropriation used to 104682  
make that purchase remains encumbered. 104683

**Section 503.60. CORRECTION OF ACCOUNTING ERRORS** 104684

(A) The Director of Budget and Management may correct 104685  
accounting errors committed by the staff of the Office of Budget 104686  
and Management, such as reestablishing encumbrances or 104687  
appropriations canceled in error, during the cancellation of 104688  
operating encumbrances in November and of non-operating 104689  
encumbrances in December. 104690

(B) The Director of Budget and Management may at any time 104691  
correct accounting errors committed by staff or a state agency or 104692  
state institution of higher education, as defined in section 104693  
3345.011 of the Revised Code, such as reestablishing prior year 104694  
non-operating encumbrances canceled or modified in error. The 104695  
reestablished encumbrance amounts are hereby appropriated. 104696

**Section 503.70. TEMPORARY REVENUE HOLDING** 104697

The Director of Budget and Management may create funds in the 104698  
state treasury solely for the purpose of temporarily holding 104699  
revenue required to be credited to a fund in the state treasury, 104700  
whose disposition is not immediately known at the time of receipt. 104701  
Once identified, the Director shall credit the revenue to the 104702  
appropriate fund in the state treasury. 104703

**Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND** 104704  
**RE-ESTABLISHMENT OF ENCUMBRANCES** 104705

Any cash transferred by the Director of Budget and Management 104706  
under section 126.15 of the Revised Code is hereby appropriated. 104707  
Any amounts necessary to re-establish appropriations or 104708  
encumbrances under section 126.15 of the Revised Code are hereby 104709  
appropriated. 104710

**Section 503.90.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 104711

The Director of Budget and Management may transfer 104712  
appropriations between the Third Frontier Research and Development 104713  
Fund (Fund 7011) and the Third Frontier Research and Development 104714  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 104715  
exclusion from the calculation of gross income for federal income 104716  
taxation purposes under the "Internal Revenue Code of 1986," 100 104717  
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations 104718  
issued to fund projects appropriated from the Third Frontier 104719  
Research and Development Fund (Fund 7011). 104720

The Director may also create new appropriation items within 104721  
the Third Frontier Research and Development Taxable Bond Fund 104722  
(Fund 7014) and make transfers of appropriations to them for 104723  
projects originally funded from appropriations made from the Third 104724  
Frontier Research and Development Fund (Fund 7011). 104725

**Section 503.100.** INCOME TAX DISTRIBUTION TO COUNTIES 104726

There are hereby appropriated out of any moneys in the state 104727  
treasury to the credit of the General Revenue Fund, which are not 104728  
otherwise appropriated, funds sufficient to make any payment 104729  
required by division (B)(2) of section 5747.03 of the Revised 104730  
Code. 104731

**Section 503.110.** EXPENDITURES AND APPROPRIATION INCREASES 104732  
APPROVED BY THE CONTROLLING BOARD 104733

Any money that the Controlling Board approves for expenditure 104734  
or any increase in appropriation that the Controlling Board 104735  
approves under sections 127.14, 131.35, and 131.39 of the Revised 104736  
Code or any other provision of law is hereby appropriated for the 104737  
period ending June 30, 2019. 104738

**Section 503.120.** FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE 104739  
104740

If the Governor's Residence Fund (Fund 4H20) receives payment 104741  
for use of the residence pursuant to section 107.40 of the Revised 104742  
Code, the amounts so received are hereby appropriated to 104743  
appropriation item 100604, Governor's Residence Gift. 104744

**Section 506.10.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 104745

Unless the agency and nuclear electric utility mutually agree 104746  
to a higher amount by contract, the maximum amounts that may be 104747  
assessed against nuclear electric utilities under division (B)(2) 104748  
of section 4937.05 of the Revised Code and deposited into the 104749  
specified funds are as follows: 104750

| <u>Fund</u>  | <u>User</u>                        | <u>FY 2018</u> | <u>FY 2019</u> |                  |
|--|------------------------------------|----------------|----------------|------------------|
| Utility  | Department of                      | \$ 125,000     | \$ 125,000     | 104751<br>104752 |
| Radiological<br>Safety Fund<br>(Fund 4E40)             | Agriculture                        |                |                |                  |
| Radiation<br>Emergency<br>Response Fund<br>(Fund 6100) | Department of<br>Health            | \$ 1,086,098   | \$ 1,086,098   | 104753           |
| ER Radiological<br>Safety Fund<br>(Fund 6440)          | Environmental<br>Protection Agency | \$ 298,304     | \$ 303,174     | 104754           |
| Emergency<br>Response Plan<br>Fund (Fund 6570)         | Department of<br>Public Safety     | \$ 1,200,000   | \$ 1,200,000   | 104755           |

**Section 512.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED 104756  
104757

Notwithstanding any provision of law to the contrary, the 104758

Director of Budget and Management, through June 30, 2019, may 104759  
transfer interest earned by any state fund to the General Revenue 104760  
Fund. This section does not apply to funds whose source of revenue 104761  
is restricted or protected by the Ohio Constitution, federal tax 104762  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 104763  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 104764

**Section 512.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 104765**  
FROM NON-GRF FUNDS 104766

Notwithstanding any provision of law to the contrary, the 104767  
Director of Budget and Management may transfer up to \$200,000,000 104768  
in cash, during the biennium ending June 30, 2019, from 104769  
non-General Revenue Funds that are not constitutionally restricted 104770  
to the General Revenue Fund. 104771

**Section 512.30. RACETRACK RELOCATION FUND 104772**

On July 1, 2017, or as soon as possible thereafter, the 104773  
Director of Budget and Management shall transfer the cash balance 104774  
of the Racetrack Relocation Fund (Fund 5MG0) to the General 104775  
Revenue Fund. Upon completion of the transfer, the Racetrack 104776  
Relocation Fund is hereby abolished. On and after July 1, 2017, 104777  
any payment that is otherwise required to be credited to the 104778  
Racetrack Relocation Fund shall be credited to the General Revenue 104779  
Fund. 104780

**Section 512.40. UNCLAIMED FUND REMITTANCE 104781**

Notwithstanding division (A) of section 169.05 of the Revised 104782  
Code, during the biennium ending June 30, 2019, the Director of 104783  
Budget and Management may request the Director of Commerce to 104784  
remit to the General Revenue Fund, up to \$200,000,000 of unclaimed 104785  
funds that have been reported by holders of unclaimed funds under 104786  
section 169.05 of the Revised Code, irrespective of the allocation 104787

of the unclaimed funds under that section. The Director of 104788  
Commerce shall remit the funds at the time requested by the 104789  
Director of Budget and Management. 104790

**Section 512.50.** FISCAL YEAR 2017 GENERAL REVENUE FUND ENDING 104791  
BALANCE 104792

Notwithstanding divisions (B) and (C) of section 131.44 of 104793  
the Revised Code, the Director of Budget and Management shall 104794  
determine the surplus General Revenue Fund revenue that existed on 104795  
June 30, 2017, in excess of the amount required under division 104796  
(A)(3) of section 131.44 of the Revised Code, and allocate that 104797  
amount, to the extent of the amount so determined, as follows: 104798

(A) First, the Director of Budget and Management shall 104799  
transfer a cash amount of up to \$207,000,000 to the Medicaid Local 104800  
Sales Tax Transition Fund; 104801

(B) Second, the Director shall transfer a cash amount of up 104802  
to \$273,415 to the Lake Erie Protection Fund. 104803

**Section 512.60.** GENERAL REVENUE FUND TRANSFER TO TOURISM FUND 104804

Not later than October 20, 2018, the Tax Commissioner shall 104805  
calculate the growth in fiscal year 2017 revenue relative to the 104806  
prior fiscal year from the sales tax imposed under section 5739.02 104807  
of the Revised Code on categories that have been determined to be 104808  
related to tourism and certify that amount to the Director of 104809  
Budget and Management. On or before the last day of October 2018, 104810  
the Director of Budget and Management may transfer from the 104811  
General Revenue Fund to the Tourism Fund (Fund 5MJ0) the amount 104812  
certified by the Commissioner under this division, except that the 104813  
transfer shall not exceed the amount transferred from the General 104814  
Revenue Fund to the Tourism Fund in fiscal year 2018. 104815

**Section 512.70.** MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 104816

On October 1, 2017, or as soon as possible thereafter, the Director of Commerce and the Executive Director of the Board of Pharmacy shall consult with the Director of Budget and Management to determine a repayment schedule for the biennium ending June 30, 2019, to fully repay the fiscal year 2017 transfer on behalf of each agency from the Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical Marijuana Control Program Fund (Fund 5YS0). Payments made by the Department of Commerce and the Board of Pharmacy in accordance with this repayment schedule shall be credited to the General Revenue Fund.

**Section 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM**

There is hereby established in the Highway Operating Fund (Fund 7002), used by the Department of Transportation, a Diesel Emissions Reduction Grant Program. The Director of Environmental Protection shall administer the program and shall solicit, evaluate, score, and select projects submitted by public and private entities that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. The Director of Transportation shall process Federal Highway Administration-approved projects as recommended by the Director of Environmental Protection.

In addition to the allowable expenditures set forth in section 122.861 of the Revised Code, Diesel Emissions Reduction Grant Program funds also may be used to fund projects involving the purchase or use of hybrid and alternative fuel vehicles that are allowed under guidance developed by the Federal Highway Administration for the CMAQ Program.

Public entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program.

Private entities eligible to receive funds under section 104848  
122.861 of the Revised Code and CMAQ shall be reimbursed at the 104849  
direction of the local public agency sponsor and upon approval of 104850  
the Department of Transportation, through direct payments. These 104851  
reimbursements shall be made from moneys in Fund 7002 designated 104852  
for the Department of Transportation's Diesel Emissions Reduction 104853  
Grant Program. Total expenditures from Fund 7002 for the Diesel 104854  
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 104855  
both fiscal year 2018 and fiscal year 2019. 104856

Any allocations under this section represent CMAQ program 104857  
moneys within the Department of Transportation for use by the 104858  
Diesel Emissions Reduction Grant Program by the Environmental 104859  
Protection Agency. These allocations shall not reduce the amount 104860  
of such moneys designated for metropolitan planning organizations. 104861

The Director of Environmental Protection, in consultation 104862  
with the Director of Transportation, shall develop guidance for 104863  
the distribution of funds and for the administration of the Diesel 104864  
Emissions Reduction Grant Program. The guidance shall include a 104865  
method of prioritization for projects, acceptable technologies, 104866  
and procedures for awarding grants. 104867

**Section 512.90. CASH TRANSFERS AND ABOLISHMENT OF FUNDS** 104868

(A) On July 1, 2017, or as soon as possible thereafter, the 104869  
Director of Budget and Management shall transfer the cash balance 104870  
from each of the funds as indicated in the table below to the fund 104871  
also indicated in the table below. Upon completion of each 104872  
transfer and on the effective date of its repeal by this act, 104873  
where applicable, the fund from which the cash balance was 104874  
transferred is hereby abolished. 104875

|             |                |                |        |
|-------------|----------------|----------------|--------|
| User        | Transfer from: | Transfer to:   | 104876 |
| Agency Fund |                | Fund           | 104877 |
| Code        | Code Fund Name | Code Fund Name | 104878 |

|     |      |   |      |  |        |
|-----|------|---|------|--|--------|
| AGE | 4J40 | Passport/Preferred<br>Choices             | GRF  | General Revenue Fund                                 | 104879 |
| AGE | 5AA0 | Ohio's Best Rx<br>Administration          | GRF  | General Revenue Fund                                 | 104880 |
| AGE | 5R50 | Ohio Reads/Stars                          | GRF  | General Revenue Fund                                 | 104881 |
| AGR | 5880 | Brand Registration                        | 6520 | Animal and Consumer<br>Protection Laboratory<br>Fund | 104882 |
| AGR | 5CP0 | Ohio Agriculture License<br>Scholarship   | 4900 | AGRO Ohio Fund                                       | 104883 |
| BOR | 3BE0 | AEFLA Incentive Grant                     | GRF  | General Revenue Fund                                 | 104884 |
| BOR | 3T00 | Ohio Loan Repayment                       | GRF  | General Revenue Fund                                 | 104885 |
| BOR | 5FN0 | College Access Challenge<br>Grant         | GRF  | General Revenue Fund                                 | 104886 |
| BOR | 5HZ0 | Distance Learning<br>Clearinghouse        | GRF  | General Revenue Fund                                 | 104887 |
| BOR | HJT0 | Health Care Assessment<br>Fee             | GRF  | General Revenue Fund                                 | 104888 |
| BOR | 5JV0 | Ohio Articulation and<br>Transfer Network | GRF  | General Revenue Fund                                 | 104889 |
| BOR | 5QF0 | Student Debt Reduction                    | GRF  | General Revenue Fund                                 | 104890 |
| BOR | 5SF0 | STEM Degree Loan<br>Repayment             | GRF  | General Revenue Fund                                 | 104891 |
| BOR | 5X20 | STEM and Foreign<br>Language Academy      | GRF  | General Revenue Fund                                 | 104892 |
| COM | 7043 | Liquor Control                            | GRF  | General Revenue Fund                                 | 104893 |
| COM | 5450 | Savings Institution                       | 5440 | Banks  | 104894 |
| DAS | 5RT0 | Electronic Pollbook                       | GRF  | General Revenue Fund                                 | 104895 |
| DAS | 5C30 | Minor Construction<br>Project Management  | 1320 | Building Management                                  | 104896 |
| DDD | 5CT0 | Intensive Behavioral<br>Needs             | 5GE0 | Operating and Services                               | 104897 |
| DDD | 3M70 | Community Alternative                     | 3A40 | Medicaid-Medicare                                    | 104898 |

| Funding Source |      |                          |      |                         |        |
|----------------|------|--------------------------|------|-------------------------|--------|
| DDD            | 3G60 | Medicaid Waiver          | 3A40 | Medicaid-Medicare       | 104899 |
| DEV            | 5Y60 | Economic Development     | GRF  | General Revenue Fund    | 104900 |
| Contingency    |      |                          |      |                         |        |
| DNR            | 5EN0 | Watercraft Law           | 5EM0 | Natural Resources Law   | 104901 |
|                |      | Enforcement              |      | Enforcement             |        |
| DNR            | 2070 | Real Estate              | 1550 | Departmental Projects   | 104902 |
| DNR            | 5260 | Coal Mining              | 5290 | Mining Regulation and   | 104903 |
|                |      | Administration and       |      | Safety                  |        |
|                |      | Reclamation Reserve      |      |                         |        |
| DNR            | 5270 | Surface Mining           | 5290 | Mining Regulation and   | 104904 |
|                |      |                          |      | Safety                  |        |
| DNR            | 5B30 | Mining Regulation        | 5290 | Mining Regulation and   | 104905 |
|                |      |                          |      | Safety                  |        |
| DNR            | 4J20 | Injection Well Review    | 5110 | Geological Mapping      | 104906 |
| DNR            | 4M70 | Wildfire Suppression     | 5090 | State Forest            | 104907 |
| EPA            | 3F50 | Nonpoint Source          | 3BU0 | Water Quality           | 104908 |
|                |      | Pollution Management     |      | Protection              |        |
| EPA            | 3540 | Federal Hazardous Waste  | 3F30 | Federally Supported     | 104909 |
|                |      | Management               |      | Cleanup and Response    |        |
| LEC            | 5D80 | Lake Erie Resources      | 4C00 | Lake Erie Protection    | 104910 |
| MCD            | 5KW0 | Managed Care Performance | GRF  | General Revenue Fund    | 104911 |
|                |      | Payment                  |      |                         |        |
| MCD            | 5U30 | Health Care Services     | 5DL0 | Medicaid Support and    | 104912 |
|                |      | Administration           |      | Recoveries              |        |
| MHA            | 5CH0 | Residential State        | 4750 | Statewide Treatment and | 104913 |
|                |      | Supplement               |      | Prevention              |        |

(B) On July 1, 2017, or as soon as possible thereafter, the 104914  
 Director of Budget and Management shall cancel any existing 104915  
 encumbrances against each appropriation item as indicated in the 104916  
 table below and reestablish them against the appropriation item 104917  
 also indicated in the table below. In addition, if any other 104918  
 existing encumbrances must be cancelled and reestablished to 104919

|   |                                 |  |  |        |
|---|---------------------------------|--|--|--------|
| properly close out the funds identified in division (A) of this |                                 |  |  | 104920 |
| section, the Director is hereby authorized to carry out those   |                                 |  |  | 104921 |
| necessary transactions. These amounts are hereby appropriated.  |                                 |  |  | 104922 |
| Cancel existing encumbrances                                    | Reestablish encumbrances        |  |  | 104923 |
| against:  | against:                        |  |  |        |
| Fund  | Fund                            |  |  | 104924 |
| Code Appropriation Item   | Code Appropriation Item         |  |  | 104925 |
| 5CT0 653607 - Intensive   | 5GE0 653606 - ICF/IID and       |  |  | 104926 |
| Behavioral Needs  | Waiver Match                    |  |  |        |
| 3M70 653650 - CAFS Medicaid                                     | 3A40 653605 - DC and            |  |  | 104927 |
|   | Residential Facilities          |  |  |        |
|   | Services and Support            |  |  |        |
| 3G60 653639 - Medicaid Waiver                                   | 3A40 653605 - DC and            |  |  | 104928 |
| Program Support   | Residential Facilities          |  |  |        |
|   | Services and Support            |  |  |        |
| 2070 725690 - Real Estate                                       | 1550 725601 - Departmental      |  |  | 104929 |
| Services  | Projects                        |  |  |        |
| 5EN0 725614 - Watercraft Law                                    | 5EM0 725613 - Natural Resources |  |  | 104930 |
| Enforcement   | Law Enforcement                 |  |  |        |
| 4J20 725628 - Injection Well                                    | 5110 725646 - Ohio Geological   |  |  | 104931 |
| Review  | Mapping                         |  |  |        |
| 5260 725610 - Strip Mining                                      | 5290 725639 - Mining Regulation |  |  | 104932 |
| Administration Fee  | and Safety                      |  |  |        |
| 5270 725637 - Surface Mining                                    | 5290 725639 - Mining Regulation |  |  | 104933 |
| Administration  | and Safety                      |  |  |        |
| 5B30 725674 - Mining Reclamation                                | 5290 725639 - Mining Regulation |  |  | 104934 |
|   | and Safety                      |  |  |        |
| 4M70 725686 - Wildfire  | 5090 725602 - State Forest      |  |  | 104935 |
| Suppression   |                                 |  |  |        |
| 3F50 715641 - Nonpoint Source                                   | 3F30 715632 - Federally         |  |  | 104936 |
| Pollution Management  | Supported Cleanup and           |  |  |        |
|   | Response                        |  |  |        |
| 3540 715614 - Hazardous Waste                                   | 3F30 715632 - Federally         |  |  | 104937 |

|      |   |      |  |        |
|------|---|------|--|--------|
|      | Management - Federal                          |      | Supported Cleanup and<br>Response                    |        |
| 5D80 | 780602 - Lake Erie<br>Resources               | 4C00 | 780601 - Lake Erie<br>Protection                     | 104938 |
| 5KW0 | 651612 - Managed Care<br>Performance Payments | GRF  | 651525 - Medicaid/Health<br>Care Services            | 104939 |
| 5U30 | 651654 - Medicaid Program<br>Support          | 5DL0 | 651685 - Medicaid<br>Recoveries - Program<br>Support | 104940 |

(C) The following funds, used by the Department of Aging, shall be abolished on the effective date of their repeal by this act: the General Operations Fund (Fund 4H10) and the Special Projects Fund (Fund 5CE0).

(D) The following fund, used by the Facility Construction Commission shall be abolished on the effective date of its repeal by this act: the Cultural Facilities Commission Administration Fund (Fund 4T80).

(E) The following fund, used by the Environmental Protection Agency, shall be abolished on the effective date of its repeal by this act: the Clean Diesel School Bus Fund (Fund 5CD0).

(F) The following fund, used by the Department of Natural Resources, shall be abolished on the effective date of their repeal by this act: the Water Resources Council Fund (Fund 4X80).

**Section 512.100.** CASH TRANSFER FROM THE SMALL BUSINESS ASSISTANCE FUND TO THE TITLE V CLEAN AIR FUND

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,500,000 cash from the Small Business Assistance Fund (Fund 5A00) used by the Air Quality Development Authority to the Title V Clean Air Fund (Fund 4T30) used by the Environmental Protection Agency.

**Section 512.120.** CASH TRANSFER FROM SAVINGS INSTITUTION FUND 104962

On the effective date of section 1121.30 of the Revised Code, 104963  
as amended by this act, or as soon as possible thereafter, the 104964  
Director of Budget and Management, upon the written request of the 104965  
Director of the Department of Commerce, may transfer the cash 104966  
balance in the Savings Institution Fund (Fund 5450) to the Banks 104967  
Fund (Fund 5440). Upon completion of the transfer, Fund 5450 is 104968  
hereby abolished. 104969

**Section 515.10.** (A) On the effective date of this section, 104970  
the Ohio School Facilities Commission is hereby abolished and all 104971  
of its functions, assets, and liabilities are transferred to the 104972  
Ohio Facilities Construction Commission. The Ohio Facilities 104973  
Construction Commission is successor to, assumes the power and 104974  
obligations and authority of, and otherwise constitutes the 104975  
continuation of the Ohio School Facilities Commission as if 104976  
completed by the Ohio School Facilities Commission. Whenever the 104977  
Ohio School Facilities Commission is referred to in any law, 104978  
contract, or other document, the reference shall be deemed to 104979  
refer to the Ohio Facilities Construction Commission. 104980

(B) Any business commenced but not completed by the Ohio 104981  
School Facilities Commission shall be completed by the Ohio 104982  
Facilities Construction Commission in the same manner and with the 104983  
same effect as if completed by the Ohio School Facilities 104984  
Commission. No validation, cure, right, privilege, remedy, 104985  
obligation, or liability is lost or impaired by reason of the 104986  
transfer and shall be recognized, administered, performed, or 104987  
enforced by the Ohio Facilities Construction Commission. All 104988  
rules, orders, resolutions, and determinations of the Ohio School 104989  
Facilities Commission continue in effect as rules, orders, 104990  
resolutions, and determinations of the Ohio Facilities 104991  
Construction Commission until modified or rescinded by the Ohio 104992

Facilities Construction Commission. If necessary to ensure the integrity of the numbering system of the Ohio Administrative Code, the Director of the Legislative Service Commission shall renumber the Ohio School Facilities Commission's rules to reflect their transfer to the Ohio Facilities Construction Commission.

(C) No judicial or administrative action or proceeding to which the Ohio School Facilities Commission or an authorized officer of the Ohio School Facilities Commission is a party that is pending on the effective date of this section, or on such later date as may be established by an authorized officer of the Ohio Facilities Construction Commission, is affected by the abolishment. Any such action or proceeding shall be prosecuted or defended in the name of the Ohio Facilities Construction Commission. On application to the court or agency, the Ohio Facilities Construction Commission or an authorized officer of the Ohio Facilities Construction Commission may be substituted for the Ohio School Facilities Commission or an authorized officer of the Ohio School Facilities Commission as a party to the action or proceeding.

(D) Notwithstanding any provision of the law to the contrary, on or after the effective date of this section, the Director of Budget and Management shall make budget and accounting changes made necessary by the abolishment, if any, including administrative organization, program transfers, the renaming of funds, the creation of new funds, the transfer of state funds, and the consolidation of funds as authorized by this section. The Director may, if necessary, cancel or establish encumbrances or parts of encumbrances in fiscal years 2018 and 2019 in the appropriate fund and appropriation items for the same purpose and for payment to the same vendor. The established encumbrances are hereby appropriated.

(E) All records, documents, files, equipment, assets, and

other materials of the Ohio School Facilities Commission are 105025  
transferred to the Ohio Facilities Construction Commission. 105026

**Section 515.20.** (A) On January 21, 2018, the Manufactured 105027  
Homes Commission is abolished. The Department of Commerce is 105028  
successor to, assumes the obligations, and assumes the authority 105029  
of the Manufactured Homes Commission. Any business commenced but 105030  
not completed by the Manufactured Homes Commission on that date 105031  
shall be completed by the Department of Commerce. Any validation, 105032  
right, cure, privilege, remedy, obligation, or liability is not 105033  
lost or impaired solely by this abolishment and shall be 105034  
administered by the Department of Commerce. Any action or 105035  
proceeding pending on the effective date of this section is not 105036  
affected by the abolishment of the Commission and shall be 105037  
prosecuted or defended in the name of the Department. In all such 105038  
actions and proceedings, the Department may be substituted as a 105039  
party upon application to the court or other tribunal. 105040

(B) Whenever the Manufactured Homes Commission is referred to 105041  
in any law, contract, or other document, the reference shall be 105042  
deemed to refer to the Department of Commerce or the Director of 105043  
Commerce, whichever is appropriate in context. 105044

(C) The Department of Commerce shall designate the positions 105045  
and employees of the Manufactured Homes Commission, if any, to be 105046  
transferred to the Department, along with any equipment assigned 105047  
to those positions and employees. Any employee transferred to the 105048  
Department retains the employee's respective classification, 105049  
however the Department may reassign and reclassify the employee's 105050  
position and compensation as the Department determines to be in 105051  
the best interest of administration. 105052

(D) Notwithstanding section 145.297 of the Revised Code, the 105053  
Department of Commerce may, at the Department's discretion and 105054  
with approval from the Office of Budget and Management, establish 105055

a retirement incentive plan for eligible employees of the  
Manufactured Homes Commission who are members of the Public  
Employees Retirement System. Any retirement incentive plan  
established pursuant to this section shall remain in effect until  
January 20, 2018.

(E) On January 21, 2018, all equipment, assets, supplies,  
records, and other property of the Manufactured Homes Commission  
are transferred to the Department of Commerce.

(F) All rules, orders, and determinations made or undertaken  
by the Manufactured Homes Commission shall continue in effect as  
the rules, orders, and determinations of the Department of  
Commerce until modified, rescinded, or replaced. If necessary to  
ensure the integrity of the administrative code, the Director of  
the Legislative Service Commission shall renumber the rules  
relating to the Manufactured Homes Commission to reflect its  
abolishment pursuant to this section and the transfer of duties to  
the Department of Commerce pursuant to this act. Within one  
hundred eighty days after the effective date of this section, the  
Department of Commerce shall submit proposed rules to the Joint  
Committee on Agency Rule Review addressing fees and fines  
previously assessed by the Manufactured Homes Commission pursuant  
to Chapter 4781. of the Revised Code and, where reasonably  
possible, shall reduce the amount and frequency of collection and  
assessment.

**Section 515.21. MANUFACTURED HOMES COMMISSION TRANSFER TO  
DEPARTMENT OF COMMERCE**

On January 21, 2018, or as soon as possible thereafter, in  
accordance with Section 515.20 of this act, the Director of Budget  
and Management shall transfer the cash balance in the Manufactured  
Homes Commission Regulatory Fund (Fund 5MC0) used by the  
Manufactured Homes Commission to the Industrial Compliance

Operating Fund (Fund 5560) used by the Department of Commerce. 105087  
Upon completion of the transfer, Fund 5MC0 is hereby abolished. 105088  
The Director of Budget and Management shall cancel any existing 105089  
encumbrances against appropriation item 996610, Manufactured Homes 105090  
Regulation, and reestablish them against appropriation item 105091  
800615, Industrial Compliance. The reestablished amounts are 105092  
hereby appropriated. Any business commenced but not completed 105093  
under appropriation item 996610, Manufactured Homes Regulation, 105094  
shall be completed under appropriation item 800615, Industrial 105095  
Compliance. 105096

On or before March 21, 2018, the Director of the Department 105097  
of Commerce shall certify to the Director of Budget and Management 105098  
an amount of cash in the Occupational Licensing Regulatory Fund 105099  
(Fund 4K90) representing the amount of remaining receipts 105100  
deposited into the fund by reducing the revenue deposited to the 105101  
fund by the Manufactured Homes Commission from the expenditures 105102  
charged to the fund by the Manufactured Homes Commission. The 105103  
Director of Budget and Management may transfer up to the amount 105104  
certified to the Manufactured Homes Regulatory Fund (Fund 5SU0). 105105  
The Director of Budget and Management shall cancel any existing 105106  
encumbrances against appropriation item 996609, Manufactured Homes 105107  
Operating Expenses, and reestablish them against appropriation 105108  
item 800649, Manufactured Homes Regulation. The reestablished 105109  
amounts are hereby appropriated. Any business commenced but not 105110  
completed under appropriation item 996609, Manufactured Homes 105111  
Operating Expenses, shall be completed under appropriation item 105112  
800649, Manufactured Homes Regulation. Upon written request of the 105113  
Director of Commerce, the Director of Budget and Management may 105114  
transfer up to \$200,000 in cash from the Industrial Compliance 105115  
Operating Fund (Fund 5560) to the Manufactured Homes Regulatory 105116  
Fund (Fund 5SU0) in fiscal year 2018 to support the additional 105117  
regulatory and licensing functions required under Chapter 4781. of 105118  
the Revised Code. 105119

Notwithstanding any provision of law to the contrary, on and after January 21, 2018, the Director of Budget and Management may make budget changes necessary by Section 515.20 of this act, if any, including administrative reorganization or program transfers. If it is determined by the Director of Commerce that additional appropriation is necessary in appropriation item 800615, Industrial Compliance, or appropriation item 800649, Manufactured Homes Regulation, to carry out the regulatory and licensing functions required by the amendments to Chapter 4781 of the Revised Code as enacted herein, the Director of Commerce shall certify the amount of additional appropriation needed to the Director of Budget and Management. Upon the approval of the Director of Budget and Management, amounts up to those certified by the Director of Commerce are hereby appropriated.

**Section 515.30.** (A) Effective January 21, 2018, the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, and the State Board of Psychology are abolished.

(B) Any business commenced but not completed by January 21, 2018, by the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, and the State Board of Psychology or by the executive directors of those boards shall be completed by the State Behavioral Health and Social Work Board or the Executive Director of the State Behavioral Health and Social Work Board in the same manner, and with the same effect, as if completed by the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, and the State Board of Psychology, or by the executive directors of those boards.

(C) All rules, orders, and determinations of the Chemical Dependency Professionals Board, the Counselor, Social Worker, and

Marriage and Family Therapist Board, and the State Board of 105151  
Psychology, or by the executive directors of those boards shall 105152  
continue in effect as rules, orders, and determinations of the 105153  
State Behavioral Health and Social Work Board until modified or 105154  
rescinded by the State Behavioral Health and Social Work Board. If 105155  
necessary to ensure the integrity of the numbering of the 105156  
Administrative Code, the Director of the Legislative Service 105157  
Commission shall renumber any rule to reflect its transfer to the 105158  
State Behavioral Health and Social Work Board. 105159

Any licenses, certificates, permits, registrations, or 105160  
endorsements issued before January 21, 2018, by the Chemical 105161  
Dependency Professionals Board, the Counselor, Social Worker, and 105162  
Marriage and Family Therapist Board, and the State Board of 105163  
Psychology shall continue in effect as if issued by the State 105164  
Behavioral Health and Social Work Board. 105165

(D) Effective January 21, 2018, whenever the term "Chemical 105166  
Dependency Professionals Board," "Counselor, Social Worker, and 105167  
Marriage and Family Therapist Board," or "State Board of 105168  
Psychology" is used in any statute, rule, contract, or other 105169  
document, the use shall be construed to mean the "State Behavioral 105170  
Health Professionals Board." 105171

Whenever the Executive Director of the "Chemical Dependency 105172  
Professionals Board," "Counselor, Social Worker, and Marriage and 105173  
Family Therapist Board," or "State Board of Psychology" is used in 105174  
any statute, rule, contract, or other document, the use shall be 105175  
construed to mean the Executive Director of the State Behavioral 105176  
Health Professionals Board. 105177

(E)(1) Subject to the lay-off provisions of sections 124.321 105178  
to 124.382 of the Revised Code, all employees of the Chemical 105179  
Dependency Professionals Board, the Counselor, Social Worker, and 105180  
Marriage and Family Therapist Board, and the State Board of 105181  
Psychology are transferred to the State Behavioral Health and 105182

Social Work Board. The employees shall retain their positions and 105183  
benefits. 105184

(2) During the period beginning January 21, 2018, and ending 105185  
June 30, 2019, the Executive Director of the State Behavioral 105186  
Health and Social Work Board may establish, change, and abolish 105187  
positions on the Board and assign, reassign, classify, reclassify, 105188  
transfer, reduce, promote, or demote all employees of the Board 105189  
who are not subject to Chapter 4117. of the Revised Code. 105190

(3) The authority granted to the Executive Director of the 105191  
Board under division (E)(2) of this section includes assigning or 105192  
reassigning an exempt employee, as defined in section 124.152 of 105193  
the Revised Code, to a bargaining unit classification that the 105194  
Executive Director determines is the proper classification for 105195  
that employee. If an employee in the E-1 pay range is to be 105196  
assigned, reassigned, classified, reclassified, transferred, 105197  
reduced, or demoted to a position in a lower classification during 105198  
the period specified in this section, the Executive Director, or 105199  
in the case of a transfer to a position outside the Board, the 105200  
Director of Administrative Services, shall assign the employee to 105201  
the appropriate classification and place the employee in Step X. 105202  
The employee shall not receive any increase in compensation until 105203  
the maximum rate of pay for that classification exceeds the 105204  
employee's compensation. 105205

(4) Actions taken by the Executive Director pursuant to 105206  
division (E) of this section are not subject to appeal to the 105207  
State Personnel Board of Review. 105208

(F) Notwithstanding section 145.297 of the Revised Code, the 105209  
Chemical Dependency Professionals Board, the Counselor, Social 105210  
Worker, and Marriage and Family Therapist Board, and the State 105211  
Board of Psychology may, at that board's discretion and with 105212  
approval from the Office of Budget and Management, establish a 105213  
retirement incentive plan for eligible employees of those boards 105214

who are members of the Public Employees Retirement System. Any 105215  
retirement incentive plan established pursuant to this section 105216  
shall remain in effect until January 20, 2018. 105217

(G) No validation, cure, right, privilege, remedy, 105218  
obligation, or liability is lost or impaired by reason of the 105219  
transfer required by this section and shall be administered by the 105220  
State Behavioral Health and Social Work Board. No action or 105221  
proceeding pending on the effective date of this act is affected 105222  
by the transfer, and shall be prosecuted or defended in the name 105223  
of the State Behavioral Health and Social Work Board or the 105224  
Board's Executive Director, as appropriate. In all such actions 105225  
and proceedings, the State Behavioral Health and Social Work Board 105226  
or the Board's Executive Director shall be substituted as a party. 105227

(H) Effective January 21, 2018, all records, documents, 105228  
files, equipment, assets, and other materials of the Chemical 105229  
Dependency Professionals Board, the Counselor, Social Worker, and 105230  
Marriage and Family Therapist Board, and the State Board of 105231  
Psychology are transferred to the State Behavioral Health and 105232  
Social Work Board. 105233

**Section 515.31.** (A) Effective January 21, 2018, the Ohio 105234  
Board of Dietetics is abolished. 105235

(B) Any business commenced but not completed by January 21, 105236  
2018, by the Ohio Board of Dietetics, or by the Executive 105237  
Secretary of the Board, shall be completed by the State Medical 105238  
Board or the Executive Director of the State Medical Board in the 105239  
same manner, and with the same effect, as if completed by the Ohio 105240  
Board of Dietetics, or by the Executive Secretary of the Board. 105241

(C) All rules, orders, and determinations of the Ohio Board 105242  
of Dietetics, or by the Executive Secretary of the Board shall 105243  
continue in effect as rules, orders, and determinations of the 105244  
State Medical Board until modified or rescinded by the State 105245

Medical Board. If necessary to ensure the integrity of the 105246  
numbering of the Administrative Code, the Director of the 105247  
Legislative Service Commission shall renumber any rule to reflect 105248  
its transfer to the State Medical Board. 105249

Any licenses, certificates, permits, registrations, or 105250  
endorsements issued before January 21, 2018, by the Ohio Board of 105251  
Dietetics shall continue in effect as if issued by the State 105252  
Medical Board. 105253

(D) Effective January 21, 2018, whenever the term "Ohio Board 105254  
of Dietetics" is used in any statute, rule, contract, or other 105255  
document, the use shall be construed to mean the "State Medical 105256  
Board." 105257

Whenever the Executive Secretary of the Ohio Board of 105258  
Dietetics is used in any statute, rule, contract, or other 105259  
document, the use shall be construed to mean the Executive 105260  
Director of the State Medical Board. 105261

(E)(1) Subject to the lay-off provisions of sections 124.321 105262  
to 124.382 of the Revised Code, all employees of the Ohio Board of 105263  
Dietetics are transferred to the State Medical Board. The 105264  
employees shall retain their positions and benefits. 105265

(2) During the period beginning January 21, 2018, and ending 105266  
June 30, 2019, the Executive Director of the State Medical Board 105267  
may establish, change, and abolish positions on the Board and 105268  
assign, reassign, classify, reclassify, transfer, reduce, promote, 105269  
or demote all employees transferred to the Board under this 105270  
section who are not subject to Chapter 4117. of the Revised Code. 105271

(3) The authority granted to the Executive Director of the 105272  
Board under division (E)(2) of this section includes assigning or 105273  
reassigning an exempt employee, as defined in section 124.152 of 105274  
the Revised Code, to a bargaining unit classification that the 105275  
Executive Director determines is the proper classification for 105276

that employee. If an employee in the E-1 pay range is to be 105277  
assigned, reassigned, classified, reclassified, transferred, 105278  
reduced, or demoted to a position in a lower classification during 105279  
the period specified in this section, the Executive Director, or 105280  
in the case of a transfer to a position outside the Board, the 105281  
Director of Administrative Services, shall assign the employee to 105282  
the appropriate classification and place the employee in Step X. 105283  
The employee shall not receive any increase in compensation until 105284  
the maximum rate of pay for that classification exceeds the 105285  
employee's compensation. 105286

(4) Actions taken by the Executive Director pursuant to 105287  
division (E) of this section are not subject to appeal to the 105288  
State Personnel Board of Review. 105289

(F) Notwithstanding section 145.297 of the Revised Code, the 105290  
Ohio Board of Dietetics may, at that Board's discretion and with 105291  
approval from the Office of Budget and Management, establish a 105292  
retirement incentive plan for eligible employees of the Board who 105293  
are members of the Public Employees Retirement System. Any 105294  
retirement incentive plan established pursuant to this section 105295  
shall remain in effect until January 20, 2018. 105296

(G) No validation, cure, right, privilege, remedy, 105297  
obligation, or liability is lost or impaired by reason of the 105298  
transfer required by this section and shall be administered by the 105299  
State Medical Board. No action or proceeding pending on the 105300  
effective date of this act is affected by the transfer, and shall 105301  
be prosecuted or defended in the name of the State Medical Board 105302  
or the Board's Executive Director, as appropriate. In all such 105303  
actions and proceedings, the State Medical Board or the Board's 105304  
Executive Director shall be substituted as a party. 105305

(H) Effective January 21, 2018, all records, documents, 105306  
files, equipment, assets, and other materials of the Ohio Board of 105307  
Dietetics are transferred to the State Medical Board. 105308

**Section 515.32.** (A) Effective January 21, 2018, the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics are abolished.

(B) Any business commenced but not completed by January 21, 2018, by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics, or by the executive directors of those boards shall be completed by the State Physical Health Services Board or the Executive Director of the State Physical Health Services Board in the same manner, and with the same effect, as if completed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board or the State Board of Orthotics, Prosthetics, and Pedorthics, or by the executive directors of those boards.

(C) All rules, orders, and determinations of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics, or by the executive directors of those boards continue in effect as rules, orders, and determinations of the State Physical Health Services Board until modified or rescinded by the State Physical Health Services Board. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber any rule to reflect its transfer to the State Physical Health Services Board.

Any licenses, certificates, permits, registrations, or endorsements issued before January 21, 2018, by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board or the State Board of Orthotics, Prosthetics, and Pedorthics shall continue in effect as if issued by the State Physical Health

Services Board. 105340

(D) Effective January 21, 2018, whenever the term "Ohio  
Occupational Therapy, Physical Therapy, and Athletic Trainers  
Board" or "State Board of Orthotics, Prosthetics, and Pedorthics"  
is used in any statute, rule, contract, or other document, the use  
shall be construed to mean the "State Physical Health Services  
Board." 105341  
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Whenever the Executive Director of the "Ohio Occupational  
Therapy, Physical Therapy, and Athletic Trainers Board" or "State  
Board of Orthotics, Prosthetics, and Pedorthics" is used in any  
statute, rule, contract, or other document, the use shall be  
construed to mean the Executive Director of the State Physical  
Health Services Board. 105347  
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(E)(1) Subject to the lay-off provisions of sections 124.321  
to 124.382 of the Revised Code, all employees of the Ohio  
Occupational Therapy, Physical Therapy, and Athletic Trainers  
Board and the State Board of Orthotics, Prosthetics, and  
Pedorthics are transferred to the State Physical Health Services  
Board. The employees shall retain their positions and benefits. 105353  
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(2) During the period beginning January 21, 2018, and ending  
June 30, 2019, the Executive Director of the State Physical Health  
Services Board may establish, change, and abolish positions on the  
Board and assign, reassign, classify, reclassify, transfer,  
reduce, promote, or demote all employees of the Board who are not  
subject to Chapter 4117. of the Revised Code. 105359  
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(3) The authority granted to the Executive Director of the  
Board under division (E)(2) of this section includes assigning or  
reassigning an exempt employee, as defined in section 124.152 of  
the Revised Code, to a bargaining unit classification that the  
Executive Director determines is the proper classification for  
that employee. If an employee in the E-1 pay range is to be 105365  
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assigned, reassigned, classified, reclassified, transferred, 105371  
reduced, or demoted to a position in a lower classification during 105372  
the period specified in this section, the Executive Director, or 105373  
in the case of a transfer to a position outside the Board, the 105374  
Director of Administrative Services, shall assign the employee to 105375  
the appropriate classification and place the employee in Step X. 105376  
The employee shall not receive any increase in compensation until 105377  
the maximum rate of pay for that classification exceeds the 105378  
employee's compensation. 105379

(4) Actions taken by the Executive Director pursuant to 105380  
division (E) of this section are not subject to appeal to the 105381  
State Personnel Board of Review. 105382

(F) Notwithstanding section 145.297 of the Revised Code, the 105383  
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers 105384  
Board and the State Board of Orthotics, Prosthetics, and 105385  
Podiatric Medicine, at that board's discretion and with approval from 105386  
the Office of Budget and Management, establish a retirement 105387  
incentive plan for eligible employees of those boards who are 105388  
members of the Public Employees Retirement System. Any retirement 105389  
incentive plan established pursuant to this section shall remain 105390  
in effect until January 20, 2018. 105391

(G) No validation, cure, right, privilege, remedy, 105392  
obligation, or liability is lost or impaired by reason of the 105393  
transfer required by this section and shall be administered by the 105394  
State Physical Health Services Board. No action or proceeding 105395  
pending on the effective date of this act is affected by the 105396  
transfer, and shall be prosecuted or defended in the name of the 105397  
State Physical Health Services Board or the Board's Executive 105398  
Director, as appropriate. In all such actions and proceedings, the 105399  
State Physical Health Services Board or the Board's Executive 105400  
Director shall be substituted as a party. 105401

(H) Effective January 21, 2018, all records, documents, 105402

files, equipment, assets, and other materials of the Ohio 105403  
Occupational Therapy, Physical Therapy, and Athletic Trainers 105404  
Board and the State Board of Orthotics, Prosthetics, and 105405  
Pedorthics are transferred to the State Physical Health Services 105406  
Board. 105407

**Section 515.33.** (A) Effective January 21, 2018, the State 105408  
Board of Optometry, the Ohio Optical Dispensers Board, the Hearing 105409  
Aid Dealers and Fitters Licensing Board, and the Board of 105410  
Speech-Language Pathology and Audiology are abolished. 105411

(B) Any business commenced but not completed by January 21, 105412  
2018, by the State Board of Optometry, the Ohio Optical Dispensers 105413  
Board, the Hearing Aid Dealers and Fitters Licensing Board, and 105414  
the Board of Speech-Language Pathology and Audiology or by the 105415  
executive directors, executive secretary-treasurer, or secretary 105416  
of those boards, as applicable, shall be completed by the State 105417  
Vision and Hearing Professionals Board or the Executive Director 105418  
of the State Vision and Hearing Professionals Board in the same 105419  
manner, and with the same effect, as if completed by the State 105420  
Board of Optometry, the Ohio Optical Dispensers Board, the Hearing 105421  
Aid Dealers and Fitters Licensing Board, or the Board of 105422  
Speech-Language Pathology and Audiology or by the executive 105423  
directors, executive secretary-treasurer, or secretary of those 105424  
boards, as applicable. 105425

(C) All rules, orders, and determinations of the State Board 105426  
of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 105427  
Dealers and Fitters Licensing Board, and the Board of 105428  
Speech-Language Pathology and Audiology or by the executive 105429  
directors, executive secretary-treasurer, or secretary of those 105430  
boards, as applicable, shall continue in effect as rules, orders, 105431  
and determinations of the State Vision and Hearing Professionals 105432  
Board until modified or rescinded by the State Vision and Hearing 105433

Professionals Board. If necessary to ensure the integrity of the 105434  
numbering of the Administrative Code, the Director of the 105435  
Legislative Service Commission shall renumber any rule to reflect 105436  
its transfer to the State Vision and Hearing Professionals Board. 105437

Any licenses, certificates, permits, registrations, or 105438  
endorsements issued before January 21, 2018, by the State Board of 105439  
Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 105440  
Dealers and Fitters Licensing Board, or the Board of 105441  
Speech-Language Pathology and Audiology shall continue in effect 105442  
as if issued by the State Vision and Hearing Professionals Board. 105443

(D) Effective January 21, 2018, whenever the term "State 105444  
Board of Optometry," "Ohio Optical Dispensers Board," "Hearing Aid 105445  
Dealers and Fitters Licensing Board," or "Board of Speech-Language 105446  
Pathology and Audiology" is used in any statute, rule, contract, 105447  
or other document, the use shall be construed to mean the "State 105448  
Vision and Hearing Professionals Board." 105449

Whenever the term "Executive Director of the State Board of 105450  
Optometry," "Executive Secretary-Treasurer of the Ohio Optical 105451  
Dispensers Board," "Secretary of the Hearing Aid Dealers and 105452  
Fitters Licensing Board," or "Executive Director of the Board of 105453  
Speech-Language Pathology and Audiology" is used in a statute, 105454  
rule, contract, or other document, the use shall be construed to 105455  
mean the Executive Director of the State Vision and Hearing 105456  
Professionals Board. 105457

(E)(1) Subject to the lay-off provisions of sections 124.321 105458  
to 124.382 of the Revised Code, all employees of the State Board 105459  
of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 105460  
Dealers and Fitters Licensing Board, and the Board of 105461  
Speech-Language Pathology and Audiology are transferred to the 105462  
State Vision and Hearing Professionals Board. The employees shall 105463  
retain their positions and benefits. 105464

(2) During the period beginning January 21, 2018, and ending 105465  
June 30, 2019, the Executive Director of the State Vision and 105466  
Hearing Professionals Board may establish, change, and abolish 105467  
positions on the Board and assign, reassign, classify, reclassify, 105468  
transfer, reduce, promote, or demote all employees of the Board 105469  
who are not subject to Chapter 4117. of the Revised Code. 105470

(3) The authority granted to the Executive Director of the 105471  
Board under division (E)(2) of this section includes assigning or 105472  
reassigning an exempt employee, as defined in section 124.152 of 105473  
the Revised Code, to a bargaining unit classification that the 105474  
Executive Director determines is the proper classification for 105475  
that employee. If an employee in the E-1 pay range is to be 105476  
assigned, reassigned, classified, reclassified, transferred, 105477  
reduced, or demoted to a position in a lower classification during 105478  
the period specified in this section, the Executive Director, or 105479  
in the case of a transfer to a position outside the Board, the 105480  
Director of Administrative Services, shall assign the employee to 105481  
the appropriate classification and place the employee in Step X. 105482  
The employee shall not receive any increase in compensation until 105483  
the maximum rate of pay for that classification exceeds the 105484  
employee's compensation. 105485

(4) Actions taken by the Executive Director pursuant to 105486  
division (E) of this section are not subject to appeal to the 105487  
State Personnel Board of Review. 105488

(F) Notwithstanding section 145.297 of the Revised Code, the 105489  
State Board of Optometry, the Ohio Optical Dispensers Board, the 105490  
Hearing Aid Dealers and Fitters Licensing Board, and the Board of 105491  
Speech-Language Pathology and Audiology may, at that board's 105492  
discretion and with approval from the Office of Budget and 105493  
Management, establish a retirement incentive plan for eligible 105494  
employees of those boards who are members of the Public Employees 105495  
Retirement System. Any retirement incentive plan established 105496

pursuant to this section shall remain in effect until January 20, 105497  
2018. 105498

(G) No validation, cure, right, privilege, remedy, 105499  
obligation, or liability is lost or impaired by reason of the 105500  
transfer required by this section and shall be administered by the 105501  
State Vision and Hearing Professionals Board. No action or 105502  
proceeding pending on the effective date of this act is affected 105503  
by the transfer, and shall be prosecuted or defended in the name 105504  
of the State Vision and Hearing Professionals Board or the Board's 105505  
Executive Director, as appropriate. In all such actions and 105506  
proceedings, the State Vision and Hearing Professionals Board or 105507  
the Board's Executive Director shall be substituted as a party. 105508

(H) Effective January 21, 2018, all records, documents, 105509  
files, equipment, assets, and other materials of the State Board 105510  
of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 105511  
Dealers and Fitters Licensing Board, and the Board of 105512  
Speech-Language Pathology and Audiology are transferred to the 105513  
State Vision and Hearing Professionals Board. 105514

**Section 515.34.** (A) Effective January 21, 2018, the Ohio 105515  
Respiratory Care Board is abolished. 105516

(B) Any business commenced but not completed by January 21, 105517  
2018, by the Ohio Respiratory Care Board, or by the Executive 105518  
Director of the Board, shall be completed by the State Board of 105519  
Pharmacy, with respect to implementing Chapter 4752. of the 105520  
Revised Code, and the State Medical Board, with respect to 105521  
implementing Chapter 4761. of the Revised Code, or by the 105522  
executive directors of those boards in the same manner, and with 105523  
the same effect, as if completed by the Ohio Respiratory Care 105524  
Board, or by the Executive Director of the Board. 105525

(C) All rules, orders, and determinations of the Ohio 105526  
Respiratory Care Board, or by the Executive Director of the Board 105527

shall continue in effect as rules, orders, and determinations of 105528  
the State Board of Pharmacy, with respect to implementing Chapter 105529  
4752. of the Revised Code, and the State Medical Board, with 105530  
respect to implementing Chapter 4761. of the Revised Code, until 105531  
modified or rescinded by the State Board of Pharmacy or the State 105532  
Medical Board. If necessary to ensure the integrity of the 105533  
numbering of the Administrative Code, the Director of the 105534  
Legislative Service Commission shall renumber any rule to reflect 105535  
its transfer to the State Board of Pharmacy or the State Medical 105536  
Board. 105537

Any licenses, certificates, permits, registrations, or 105538  
endorsements issued before January 21, 2018, by the Ohio 105539  
Respiratory Care Board shall continue in effect as if issued by 105540  
the State Board of Pharmacy, with respect to implementing Chapter 105541  
4752. of the Revised Code, and the State Medical Board, with 105542  
respect to implementing Chapter 4761. of the Revised Code. 105543

(D) Effective January 21, 2018, whenever the term "Ohio 105544  
Respiratory Care Board" is used in any statute, rule, contract, or 105545  
other document, the use shall be construed to mean the "State 105546  
Board of Pharmacy," with respect to implementing Chapter 4752. of 105547  
the Revised Code, or the "State Medical Board," with respect to 105548  
implementing Chapter 4761. of the Revised Code. 105549

Whenever the Executive Director of the Ohio Respiratory Care 105550  
Board is used in any statute, rule, contract, or other document, 105551  
the use shall be construed to mean the Executive Director of the 105552  
State Board of Pharmacy, with respect to implementing Chapter 105553  
4752. of the Revised Code, or the Executive Director of the State 105554  
Medical Board, with respect to implementing Chapter 4761. of the 105555  
Revised Code. 105556

(E)(1) Subject to the lay-off provisions of sections 124.321 105557  
to 124.382 of the Revised Code, all employees of the Ohio 105558  
Respiratory Care Board are transferred to the State Board of 105559

Pharmacy, with respect to implementing Chapter 4752. of the 105560  
Revised Code, or the State Medical Board, with respect to 105561  
implementing Chapter 4761. of the Revised Code. The employees 105562  
shall retain their positions and benefits. 105563

(2) During the period beginning January 21, 2018, and ending 105564  
June 30, 2019, the executive directors of the State Board of 105565  
Pharmacy and the State Medical Board may establish, change, and 105566  
abolish positions on those boards and assign, reassign, classify, 105567  
reclassify, transfer, reduce, promote, or demote all employees 105568  
transferred to those boards under this section who are not subject 105569  
to Chapter 4117. of the Revised Code. 105570

(3) The authority granted to the executive directors of the 105571  
State Board of Pharmacy and the State Medical Board under division 105572  
(E)(2) of this section includes assigning or reassigning an exempt 105573  
employee, as defined in section 124.152 of the Revised Code, to a 105574  
bargaining unit classification that the executive directors 105575  
determine is the proper classification for that employee. If an 105576  
employee in the E-1 pay range is to be assigned, reassigned, 105577  
classified, reclassified, transferred, reduced, or demoted to a 105578  
position in a lower classification during the period specified in 105579  
this section, the executive directors, or in the case of a 105580  
transfer to a position outside those boards, the Director of 105581  
Administrative Services, shall assign the employee to the 105582  
appropriate classification and place the employee in Step X. The 105583  
employee shall not receive any increase in compensation until the 105584  
maximum rate of pay for that classification exceeds the employee's 105585  
compensation. 105586

(4) Actions taken by the executive directors pursuant to 105587  
division (E) of this section are not subject to appeal to the 105588  
State Personnel Board of Review. 105589

(F) Notwithstanding section 145.297 of the Revised Code, the 105590  
Ohio Respiratory Care Board may, at the Board's discretion and 105591

with approval from the Office of Budget and Management, establish 105592  
a retirement incentive plan for eligible employees of the Board 105593  
who are members of the Public Employees Retirement System. Any 105594  
retirement incentive plan established pursuant to this section 105595  
shall remain in effect until January 20, 2018. 105596

(G) No validation, cure, right, privilege, remedy, 105597  
obligation, or liability is lost or impaired by reason of the 105598  
transfer required by this section and shall be administered by the 105599  
State Board of Pharmacy, with respect to implementing Chapter 105600  
4752. of the Revised Code, and the State Medical Board, with 105601  
respect to implementing Chapter 4761. of the Revised Code. No 105602  
action or proceeding pending on the effective date of this act is 105603  
affected by the transfer, and shall be prosecuted or defended in 105604  
the name of the State Board of Pharmacy or the State Medical 105605  
Board, as applicable, or that board's executive director, as 105606  
appropriate. In all such actions and proceedings, the State Board 105607  
of Pharmacy or the State Medical Board, as applicable, or that 105608  
board's executive director shall be substituted as a party. 105609

(H) Effective January 21, 2018, all records, documents, 105610  
files, equipment, assets, and other materials of the Ohio 105611  
Respiratory Care Board are transferred to the State Board of 105612  
Pharmacy, with respect to implementing Chapter 4752. of the 105613  
Revised Code and the State Medical Board, with respect to 105614  
implementing Chapter 4761. of the Revised Code. 105615

**Section 515.35.** Notwithstanding any provision of the law to 105616  
the contrary, on or after the effective date of this section, the 105617  
Director of Budget and Management shall make any accounting 105618  
changes made necessary by the transfers and consolidations 105619  
contained in Sections 515.30 to 515.34 of this act. 105620

On or after January 21, 2018, the Director of Budget and 105621  
Management may cancel any existing encumbrances of any agency 105622

abolished in Sections 515.30 to 515.34 of this act and reestablish 105623  
those encumbrances to a licensing board established in Chapter 105624  
4744. of the Revised Code, the State Pharmacy Board, or the State 105625  
Medical Board as necessary. The reestablished encumbrance amounts 105626  
are hereby appropriated. 105627

**Section 515.40.** (A) On January 21, 2018, the Barber Board is 105628  
abolished. The State Cosmetology and Barber Board is successor to, 105629  
assumes the obligations, and authority of the Barber Board. Any 105630  
business commenced but not completed by the Barber Board shall be 105631  
completed by the State Cosmetology and Barber Board. Any 105632  
validation, right, cure, privilege, remedy, obligation, or 105633  
liability is not lost or impaired solely by this abolishment and 105634  
shall be administered by the State Cosmetology and Barber Board. 105635  
Any action or proceeding pending on January 21, 2018, that is not 105636  
affected by the abolishment of the Barber Board and shall be 105637  
prosecuted or defended in the name of the State Cosmetology and 105638  
Barber Board. In all such actions and proceedings, the State 105639  
Cosmetology and Barber Board may be substituted as a party upon 105640  
application to the court or other tribunal. 105641

(B)(1) Subject to the layoff provisions of sections 124.321 105642  
to 124.382 of the Revised Code, on January 21, 2018, all employees 105643  
of the Barber Board are transferred to the State Cosmetology and 105644  
Barber Board. The employees shall retain their positions and 105645  
benefits. 105646

(2) During the period beginning January 21, 2018, and ending 105647  
June 30, 2019, the Executive Director of the State Cosmetology and 105648  
Barber Board may establish, change, and abolish positions of the 105649  
State Cosmetology and Barber Board and assign, reassign, classify, 105650  
reclassify, transfer, reduce, promote, or demote all employees of 105651  
the Board who are not subject to Chapter 4117. of the Revised 105652  
Code. 105653

(3) The authority granted under division (B)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Executive Director determines that the bargaining unit classification is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in division (B)(2) of this section, the Executive Director, or in the case of a transfer outside the Board the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to division (B) of this section are not subject to appeal to the State Personnel Board of Review.

(C) Notwithstanding section 145.297 of the Revised Code, the Barber Board may at the Board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of the Barber Board who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until January 20, 2018.

(D) On January 21, 2018, all equipment, assets, supplies, records, and other property of the Barber Board is transferred to the State Cosmetology and Barber Board.

(E) All rules, orders, and determinations made or undertaken by the Barber Board shall continue in effect as the rules, orders, and determinations of the State Cosmetology and Barber Board until modified, rescinded, or replaced. If necessary to ensure the

integrity of the Administrative Code, the Director of the 105686  
Legislative Service Commission shall renumber the rules relating 105687  
to the Barber Board to reflect its abolishment pursuant to this 105688  
provision and transfer of duties to the State Cosmetology and 105689  
Barber Board pursuant to the provisions contained within this act. 105690  
Within one hundred eighty days after the effective date of this 105691  
section, the State Cosmetology and Barber Board shall submit 105692  
proposed rules to the Joint Committee on Agency Rule Review 105693  
addressing fees and fines previously assessed by the Barber Board 105694  
pursuant to Chapter 4709. of the Revised Code, and where 105695  
reasonably possible, shall reduce the amount and frequency of 105696  
collection and assessment. 105697

(F) Any licenses, certificates, permits, registrations, or 105698  
endorsements issued before January 21, 2018, by the Barber Board 105699  
shall continue in effect as if issued by the State Cosmetology and 105700  
Barber Board. 105701

(G) On or after January 21, 2018, notwithstanding any 105702  
provision of law to the contrary, the Director of Budget and 105703  
Management may make budget changes made necessary by this section, 105704  
including cancelling encumbrances of the Barber Board and 105705  
reestablishing them as encumbrances of the State Cosmetology and 105706  
Barber Board. Any reestablished encumbrances are hereby 105707  
appropriated. 105708

**Section 518.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 105709

Certain appropriations are in this act for the purpose of 105710  
paying debt service and financing costs on general obligation 105711  
bonds or notes of the state issued pursuant to the Ohio 105712  
Constitution and acts of the General Assembly. If it is determined 105713  
that additional appropriations are necessary for this purpose, 105714  
such amounts are hereby appropriated. 105715

**Section 518.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE 105716

Certain appropriations are in this act for the purpose of 105717  
making lease rental payments pursuant to leases and agreements 105718  
relating to bonds or notes issued by the Treasurer of State, or 105719  
previously by the Ohio Building Authority, pursuant to the Ohio 105720  
Constitution and acts of the General Assembly. If it is determined 105721  
that additional appropriations are necessary for this purpose, 105722  
such amounts are hereby appropriated. 105723

**Section 518.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 105724  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 105725

The Office of Budget and Management shall process payments 105726  
from general obligation and lease rental payment appropriation 105727  
items during the period from July 1, 2017, through June 30, 2019, 105728  
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 105729  
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, 105730  
and Chapters 151., 152., and 154. of the Revised Code. Payments 105731  
shall be made upon certification by the Treasurer of State of the 105732  
dates and the amounts due on those dates. 105733

**Section 521.10.** STATE AND LOCAL REBATE AUTHORIZATION 105734

If it is determined that a payment is necessary in the amount 105735  
computed at the time to represent the portion of investment income 105736  
to be rebated or amounts in lieu of or in addition to any rebate 105737  
amount to be paid to the federal government in order to maintain 105738  
the exclusion from gross income for federal income tax purposes of 105739  
interest on those state obligations under section 148(f) of the 105740  
Internal Revenue Code, such an amount is hereby appropriated from 105741  
those funds designated by or pursuant to the applicable 105742  
proceedings authorizing the issuance of state obligations. 105743

Payments for this purpose shall be approved and vouchered by 105744

the Office of Budget and Management. 105745

**Section 521.20.** STATEWIDE INDIRECT COST RECOVERY 105746

Whenever the Director of Budget and Management determines 105747  
that an appropriation made to a state agency from a fund of the 105748  
state is insufficient to provide for the recovery of statewide 105749  
indirect costs under section 126.12 of the Revised Code, the 105750  
amount required for such purpose is hereby appropriated from the 105751  
available receipts of such fund. 105752

**Section 521.30.** TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 105753  
COST ALLOCATION PLAN 105754

The total transfers made from the General Revenue Fund by the 105755  
Director of Budget and Management under this section shall not 105756  
exceed the amounts transferred into the General Revenue Fund under 105757  
section 126.12 of the Revised Code. 105758

The director of an agency may certify to the Director of 105759  
Budget and Management the amount of expenses not allowed to be 105760  
included in the Statewide Indirect Cost Allocation Plan under 105761  
federal regulations, from any fund included in the Statewide 105762  
Indirect Cost Allocation Plan, prepared as required by section 105763  
126.12 of the Revised Code. 105764

Upon determining that no alternative source of funding is 105765  
available to pay for such expenses, the Director of Budget and 105766  
Management may transfer cash from the General Revenue Fund into 105767  
the fund for which the certification is made, up to the amount of 105768  
the certification. The director of the agency receiving such funds 105769  
shall include, as part of the next budget submission prepared 105770  
under section 126.02 of the Revised Code, a request for funding 105771  
for such activities from an alternative source such that further 105772  
federal disallowances would not be required. 105773

The director of an agency may certify to the Director of 105774

Budget and Management the amount of expenses paid in error from a 105775  
fund included in the Statewide Indirect Cost Allocation Plan. The 105776  
Director of Budget and Management may transfer cash from the fund 105777  
from which the expenditure should have been made into the fund 105778  
from which the expenses were erroneously paid, up to the amount of 105779  
the certification. 105780

The director of an agency may certify to the Director of 105781  
Budget and Management the amount of expenses or revenues not 105782  
allowed to be included in the Statewide Indirect Cost Allocation 105783  
Plan under federal regulations, for any fund included in the 105784  
Statewide Indirect Cost Allocation Plan, for which the federal 105785  
government requires payment. If the Director of Budget and 105786  
Management determines that an appropriation made to a state agency 105787  
from a fund of the state is insufficient to pay the amount 105788  
required by the federal government, the amount required for such 105789  
purpose is hereby appropriated from the available receipts of such 105790  
fund, up to the amount of the certification. 105791

**Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 105792

Notwithstanding any provision of law to the contrary, on or 105793  
before the first day of September of each fiscal year, the 105794  
Director of Budget and Management, in order to reduce the payment 105795  
of adjustments to the federal government, as determined by the 105796  
plan prepared under division (A) of section 126.12 of the Revised 105797  
Code, may designate such funds as the Director considers necessary 105798  
to retain their own interest earnings. 105799

**Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 105800

Pursuant to the plan for compliance with the Federal Cash 105801  
Management Improvement Act required by section 131.36 of the 105802  
Revised Code, the Director of Budget and Management may cancel and 105803  
re-establish all or part of encumbrances in like amounts within 105804

the funds identified by the plan. The amounts necessary to 105805  
re-establish all or part of encumbrances are hereby appropriated. 105806

**Section 610.10.** That Section 369.540 of Am. Sub. H.B. 64 of 105807  
the 131st General Assembly be amended and that Section 369.540 of 105808  
Am. Sub. H.B. 64 of the 131st General Assembly be amended to 105809  
codify it as section 3333.95 of the Revised Code to read as 105810  
follows: 105811

**Sec. ~~369.540~~ 3333.95. ~~EFFICIENCY ADVISORY COMMITTEE~~** 105812

The ~~Chancellor~~ chancellor of ~~Higher Education~~ higher 105813  
education shall maintain an efficiency advisory committee for the 105814  
purpose of generating ~~optimal~~ institutional efficiency ~~plans~~ 105815  
reports for campuses, identifying shared services opportunities, 105816  
streamlining administrative operations, and sharing best practices 105817  
in efficiencies among public institutions of higher education. The 105818  
committee shall meet at the call of the ~~Chancellor~~ chancellor or 105819  
the ~~Chancellor's~~ chancellor's designee. Each state institution of 105820  
higher education shall designate an employee to serve as its 105821  
efficiency officer responsible for the evaluation and improvement 105822  
of operational efficiencies on campus. Each efficiency officer 105823  
shall serve on the efficiency advisory committee. 105824

By the thirty-first day of December ~~31~~ of each year, the 105825  
~~Chancellor~~ chancellor of ~~Higher Education~~ higher education shall 105826  
provide a report to the ~~Office~~ office of ~~Budget~~ budget and 105827  
~~Management~~ management, the ~~Governor~~ governor, and the General 105828  
~~Assembly~~ president of the senate, and the speaker of the house of 105829  
representatives compiling efficiency reports from all public 105830  
institutions of higher education ~~and benchmarking efficiency gains~~ 105831  
~~realized over the preceding year. The reports from each~~ 105832  
~~institution shall identify efficiencies at each public institution~~ 105833  
~~of higher education, and quantify revenue enhancements,~~ 105834

~~reallocation of resources, expense reductions, and cost avoidance~~ 105835  
~~where possible in the areas of general operational functions,~~ 105836  
~~academic program delivery, energy usage, and information~~ 105837  
~~technology and procurement reforms. The reports shall particularly~~ 105838  
~~emphasize areas where these reforms are demonstrating savings or~~ 105839  
~~cost avoidance to students. The report shall also be made~~ 105840  
available to the public on the ~~Department~~ department of ~~Higher~~ 105841  
Education's higher education's web site. 105842

**Section 610.11.** That existing Section 369.540 of Am. Sub. 105843  
H.B. 64 of the 131st General Assembly is hereby repealed. 105844

**Section 610.20.** That Section 529.10 of S.B. 310 of the 131st 105845  
General Assembly be amended and that Section 529.10 of S.B. 310 of 105846  
the 131st General Assembly be amended to codify it as section 105847  
123.211 of the Revised Code to read as follows: 105848

**Sec. ~~529.10~~ 123.211.** ~~AGENCY ADMINISTRATION OF CAPITAL~~ 105849  
~~FACILITIES PROJECTS~~ 105850

(A) Notwithstanding any contrary provision of section 123.21 105851  
of the Revised Code, the ~~Executive Director~~ executive director of 105852  
the Ohio ~~Facilities Construction Commission~~ facilities 105853  
construction commission may authorize any of the ~~Departments of~~ 105854  
~~Mental Health and Addiction Services, Developmental Disabilities,~~ 105855  
~~Agriculture, Job and Family Services, Rehabilitation and~~ 105856  
~~Correction, Youth Services, Public Safety, Transportation,~~ 105857  
~~Veterans Services, and the Bureau of Workers' Compensation~~ 105858  
following agencies to administer any capital facilities ~~projects~~ 105859  
project, the estimated cost of which, including design fees, 105860  
construction, equipment, and contingency amounts, is less than 105861  
~~\$1,500,000~~ one million five hundred thousand dollars: 105862

(1) The department of mental health and addiction services; 105863

|   |        |
|---|--------|
| <u>(2) The department of developmental disabilities;</u>  | 105864 |
| <u>(3) The department of agriculture;</u>   | 105865 |
| <u>(4) The department of job and family services;</u>   | 105866 |
| <u>(5) The department of rehabilitation and correction;</u>   | 105867 |
| <u>(6) The department of youth services;</u>  | 105868 |
| <u>(7) The department of public safety;</u>   | 105869 |
| <u>(8) The department of transportation;</u>  | 105870 |
| <u>(9) The department of veterans services;</u>   | 105871 |
| <u>(10) The bureau of workers' compensation;</u>  | 105872 |
| <u>(11) The department of administrative services;</u>  | 105873 |
| <u>(12) The state school for the deaf;</u>  | 105874 |
| <u>(13) The state school for the blind. Requests</u>  | 105875 |
| <u>(B) A state agency that wishes to administer a project under</u>   | 105876 |
| <u>division (A) of this section shall submit a request for</u>  | 105877 |
| <u>authorization to administer capital facilities projects shall be</u>   | 105878 |
| <u>made through the <del>OAKS-CI</del> Ohio administrative knowledge system</u>   | 105879 |
| <u>capital improvements application by the applicable state agency.</u>   | 105880 |
| <u>Upon the release of funds for the projects by the <del>Controlling</del></u>   | 105881 |
| <u>Board <del>controlling board</del> or the <del>Director</del> <u>director</u> of <del>Budget</del> <u>budget</u></u> | 105882 |
| <u>and <del>Management</del> <u>management</u>, the agency may administer the capital</u>                               | 105883 |
| <u>project or projects for which agency administration has been</u>   | 105884 |
| <u>authorized without the supervision, control, or approval of the</u>  | 105885 |
| <u><del>Executive Director</del> <u>executive director</u> of the Ohio <del>Facilities</del></u>                        | 105886 |
| <u><del>Construction Commission</del> <u>facilities construction commission</u>.</u>                                    | 105887 |
| <u>(C) A state agency authorized by the <del>Executive Director</del></u>   | 105888 |
| <u><del>executive director</del> of the Ohio <del>Facilities Construction Commission</del></u>                          | 105889 |
| <u><del>facilities construction commission</del> to administer capital</u>  | 105890 |
| <u>facilities projects pursuant to this section shall comply with the</u>   | 105891 |
| <u>applicable procedures and guidelines established in Chapter 153.</u>   | 105892 |

of the Revised Code and shall track all project information in 105893  
~~OAKS-CI~~ the Ohio administrative knowledge system capital 105894  
improvements application pursuant to Ohio ~~Facilities Construction~~ 105895  
~~Commission~~ facilities construction commission guidelines. 105896

**Section 610.21.** That existing Section 529.10 of S.B. 310 of 105897  
the 131st General Assembly is hereby repealed. 105898

**Section 610.30.** That Section 203.10 of S.B. 310 of the 131st 105899  
General Assembly, as amended by Sub. H.B. 390 of the 131st General 105900  
Assembly, be amended to read as follows: 105901

**Sec. 203.10.** ADJ ADJUTANT GENERAL 105902

Army National Guard Service Contract Fund (Fund 3420) 105903

|   |  |    |            |            |        |
|---|--|----|------------|------------|--------|
| C74537  | Renovation Projects - Federal Share    | \$ | 7,100,000  | 105904     |        |
| C74539  | Renovations and Improvements - Federal | \$ | 15,000,000 | 105905     |        |
| TOTAL Army National Guard Service Contract Fund |  |    | \$         | 22,100,000 | 105906 |

Administrative Building Fund (Fund 7026) 105907

|                                    |  |    |           |            |        |
|------------------------------------|--|----|-----------|------------|--------|
| C74528                             | Camp Perry Improvements                | \$ | 2,250,000 | 105908     |        |
| C74535                             | Renovations and Improvements           | \$ | 5,100,000 | 105909     |        |
| C74540                             | Aerial Port of Embarkation/Debarkation | \$ | 250,000   | 105910     |        |
| TOTAL Administrative Building Fund |  |    | \$        | 7,600,000  | 105911 |
| TOTAL ALL FUNDS                    |  |    | \$        | 29,700,000 | 105912 |

RENOVATIONS AND IMPROVEMENTS - FEDERAL 105913

The foregoing appropriation item C74539, Renovations and 105914  
Improvements - Federal, shall be used to fund capital projects 105915  
that are coded as receiving one hundred per cent federal support 105916  
pursuant to the agreement support code identified in the 105917  
Facilities Inventory and Support Plan between the Office of the 105918  
Adjutant General and the Army National Guard. Notwithstanding 105919  
section 131.35 of the Revised Code, if after the effective date of 105920  
this section, additional federal funds are made available to the 105921

Adjutant General to carry out the Facilities Inventory Support 105922  
Plan, the Adjutant General may request that the Director of Budget 105923  
and Management authorize expenditures in excess of the amounts 105924  
appropriated to appropriation item C74539, Renovations and 105925  
Improvements - Federal. Upon approval of the Director of Budget 105926  
and Management the additional amounts are hereby appropriated. 105927  
Notwithstanding section 126.14 of the Revised Code, if the 105928  
Adjutant General is approved by the federal government to complete 105929  
additional, unanticipated one hundred per cent federally funded 105930  
projects after July 1, 2017, and before October 1, 2017, the 105931  
appropriations for these additional projects may be released upon 105932  
written approval of the Director of Budget and Management. 105933

AERIAL PORT OF EMBARKATION/DEBARKATION 105934

The foregoing appropriation item C74540, Aerial Port of 105935  
Embarkation/Debarkation, shall be used to acquire a cargo 105936  
facility, tarmac, and the surrounding property from the Western 105937  
Reserve Port Authority. 105938

**Section 610.31.** That existing Section 203.10 of S.B. 310 of 105939  
the 131st General Assembly, as amended by Sub. H.B. 390 of the 105940  
131st General Assembly, is hereby repealed. 105941

**Section 610.40.** That Sections 125.10 and 125.11 of Am. Sub. 105942  
H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 105943  
64 of the 131st General Assembly, be amended to read as follows: 105944

**Sec. 125.10.** ~~(A)~~ Sections 5168.01, 5168.02, 5168.03, 5168.04, 105945  
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 105946  
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 105947  
repealed, effective October 16, ~~2017~~ 2019. 105948

~~(B) Notwithstanding the repeal by this act of section 5168.12 105949~~  
~~of the Revised Code, any money remaining in the Legislative Budget 105950~~

~~Services Fund on the effective date of the repeal of that section 105951  
shall be used solely for the purposes stated in then former 105952  
section 5168.12 of the Revised Code. When all money in the 105953  
Legislative Budget Services Fund has been spent after then former 105954  
section 5168.12 of the Revised Code is repealed, the fund shall 105955  
cease to exist. 105956~~

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 105957  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 105958  
Code are hereby repealed, effective October 1, ~~2017~~ 2019. 105959

**Section 610.41.** That existing Sections 125.10 and 125.11 of 105960  
Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. 105961  
Sub. H.B. 64 of the 131st General Assembly, are hereby repealed. 105962

**Section 610.50.** That Section 2 of Am. Sub. S.B. 1 of the 105963  
130th General Assembly, as amended by Am. Sub. H.B. 64 of the 105964  
131st General Assembly, be amended to read as follows: 105965

**Sec. 2.** (A) As used in this section: 105966

(1) "Institution" means any of the following: 105967

(a) A state institution of higher education, as defined in 105968  
section 3345.011 of the Revised Code; 105969

(b) A private career school, as defined in section 3332.01 of 105970  
the Revised Code; 105971

(c) A private, nonprofit institution in this state holding a 105972  
certificate of authorization pursuant to Chapter 1713. of the 105973  
Revised Code; 105974

(d) A private institution exempt from regulation under 105975  
Chapter 3332. of the Revised Code as prescribed in section 105976  
3333.046 of the Revised Code, if the program has a certificate of 105977  
authorization pursuant to Chapter 1713. of the Revised Code; 105978

|  |  |
|--|--|
| (e) A career-technical center, joint vocational school district, comprehensive career-technical center, or compact career-technical center offering adult training.  | 105979<br>105980<br>105981   |
| (2) "Workforce training program" includes any of the following:  | 105982<br>105983   |
| (a) Courses, programs, or a degree from an institution;  | 105984   |
| (b) Vocational education classes offered to adult learners;  | 105985   |
| (c) <u>Non-Credit certificate programs that align with the state's in-demand jobs, as determined by the list of in-demand jobs posted to the web site of OhioMeansJobs.</u>  | 105986<br>105987<br>105988   |
| (d) Any other training program designed to meet the special requirements of a particular employer.   | 105989<br>105990   |
| (B)(1) The OhioMeansJobs Workforce Development Revolving Loan Program is hereby established for the purpose of assisting with job growth and advancement through training and retraining. The Chancellor of Higher Education shall award funds to an institution that the institution shall use to award loans to participants in a workforce training program that is approved by the Chancellor and that is administered by the institution.   | 105991<br>105992<br>105993<br>105994<br>105995<br>105996<br>105997                     |
| (2) In awarding funds under this section, the Chancellor shall give a preference to an institution for a workforce training program in which the institution partners with a business that is willing to repay all or part of the loan on behalf of a program participant or with a business that also provides funding for the program, in comparison to a program that does not have such a partnership. The Chancellor shall consider a program that has employment opportunities in areas that are in demand, including, but not limited to, energy exploration. | 105998<br>105999<br>106000<br>106001<br>106002<br>106003<br>106004<br>106005<br>106006 |
| (3) The Chancellor also shall consider all of the following factors when determining whether to award funds under this section   | 106007<br>106008   |

to an institution for a workforce training program, to the extent that these factors apply to the program:

(a) The success rate of the workforce training program offered by the institution;

(b) The cost of the workforce training program based upon a comparison of similar workforce training programs offered in this state;

(c) The rate that the workforce training program participants obtain employment in the field in which they receive training under the program;

(d) The willingness of the institution to assist a participant in paying for the costs of participating in the workforce training program;

(e) The extent to which the program has demonstrated support from business partners.

(4) After the initial funds are awarded to institutions under this section, the Chancellor, in awarding subsequent funds under this section, shall give greater weight to the factors listed in division (B)(3)(a) of this section in comparison to the other factors listed in division (B)(3) of this section, but shall not give that factor greater weight than the preference given in division (B)(2) of this section.

(C) Funds shall be disbursed to successful applicants using moneys from the OhioMeansJobs Workforce Development Revolving Loan Fund established in section 6301.14 of the Revised Code. The Chancellor shall not award to an institution more than ~~one~~ two hundred fifty thousand dollars per workforce training program per year under this section. An institution receiving funds under this section shall establish, in consultation with the Department of Higher Education, eligibility requirements that a participant in the workforce training program for which the institution received

the funds shall satisfy to receive a loan under this section, and 106040  
the institution shall apply the loan proceeds to program costs for 106041  
those participants who satisfy those requirements. A loan applied 106042  
by an institution to program costs for a participant under this 106043  
section shall not exceed ten thousand dollars per program in which 106044  
the participant participates. 106045

(D) Except as provided in the rules adopted by the Treasurer 106046  
of State pursuant to division (G) of this section, a loan to a 106047  
program participant shall remain interest-free until six months 106048  
after the date the participant successfully completes the 106049  
workforce training program, if the participant also continues to 106050  
reside in this state. Beginning on the earlier of the date that is 106051  
six months after the individual completes the workforce training 106052  
program for which the participant received a loan under this 106053  
section, the date the individual terminates enrollment in the 106054  
workforce training program without completion, or the date the 106055  
participant ceases to reside in this state, the Treasurer of State 106056  
shall assess a rate of interest of not more than four per cent per 106057  
annum on any outstanding principal balance of that loan. The 106058  
Treasurer of State shall not assess a zero per cent interest rate. 106059  
The Treasurer of State shall establish a payment schedule not to 106060  
exceed seven years after the date a participant successfully 106061  
completes the workforce training program. 106062

(E) The Chancellor shall prescribe, by rule adopted in 106063  
accordance with Chapter 119. of the Revised Code, procedures 106064  
necessary to carry out this section, including all of the 106065  
following: 106066

(1) Application procedures for funds under this section, 106067  
which shall require an applicant to include a description of the 106068  
workforce training program for which the institution intends to 106069  
award loans and the number of individuals who will be 106070  
participating in that program; 106071

(2) A method to determine the amount of funds awarded to an institution based on the costs of the workforce training program for which a program participant receives a loan and the number of individuals the institution estimates will participate in the program;

(3) The process by which the Chancellor approves workforce training programs for which loans are granted under this section.

(F) The Treasurer of State shall be responsible for making deposits and withdrawals and maintaining records pertaining to the OhioMeansJobs Workforce Development Revolving Loan Fund.

(G) The Treasurer of State shall service the loans described in this section and may designate a third party to serve as an agent of the Treasurer of State in servicing the loans. A third party designated by the Treasurer of State is authorized to take such actions, to enter into such contracts, and to execute all instruments necessary or appropriate to service those loans. The Treasurer of State shall adopt rules pursuant to section 111.15 of the Revised Code to do all of the following:

(1) Establish a fee to be charged to a loan recipient to offset the cost of servicing the loan;

(2) Establish terms of repayment for a loan;

(3) Assess interest on loans for a participant who fails to comply with continuing eligibility requirements, who fails to complete the workforce training program for which the participant received the loan, or whose participation in the program is on a staggered basis;

(4) Disburse funds to an institution.

(H) The Treasurer of State may adopt any additional rules pursuant to section 111.15 of the Revised Code that the Treasurer of State considers necessary to implement division (G) of this

section. 106102

(I) The loan servicing fee established pursuant to division 106103  
(G)(1) of this section shall not exceed the actual cost of 106104  
servicing the loan. 106105

(J)(1) The Chancellor shall prepare a report outlining the 106106  
amount each institution received under this section during the 106107  
previous year, including the amount awarded to each individual 106108  
workforce training program. 106109

(2) Beginning on July 1, 2014, and continuing every year 106110  
thereafter for so long as the Chancellor awards funds under the 106111  
Program, the Chancellor shall submit the report prepared in 106112  
division (J)(1) of this section to the Governor, the Speaker and 106113  
Minority Leader of the House of Representatives, and the President 106114  
and Minority Leader of the Senate. 106115

**Section 610.51.** That existing Section 2 of Am. Sub. S.B. 1 of 106116  
the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 106117  
131st General Assembly, is hereby repealed. 106118

**Section 620.10.** That Section 7 of Am. Sub. H.B. 52 of the 106119  
131st General Assembly is hereby repealed. 106120

**Section 733.10.** Notwithstanding division (O)(6)(a) of section 106121  
3301.0711 of the Revised Code, as amended by this act, in 2017, 106122  
the Department of Education shall not release as public records 106123  
any questions and corresponding preferred answers from the English 106124  
language arts and mathematics assessments prescribed under 106125  
division (A) of section 3301.0710 of the Revised Code that were 106126  
administered in the 2015-2016 school year. 106127

**Section 733.20.** The revisions by this act to section 3365.03 106128  
of the Revised Code shall first apply to students seeking to 106129

participate in the College Credit Plus program during the 106130  
2018-2019 school year. For participation during the 2017-2018 106131  
school year, students shall meet the eligibility requirements 106132  
prescribed by section 3365.03 of the Revised Code, as it existed 106133  
prior to the effective date of this section. 106134

**Section 733.30.** The revisions by this act to section 3365.07 106135  
of the Revised Code regarding textbooks, and the provisions of 106136  
section 3365.072 of the Revised Code, shall first apply to 106137  
textbook arrangements under the College Credit Plus program for 106138  
the 2018-2019 school year. For the 2017-2018 school year, textbook 106139  
arrangements under the program shall be governed by section 106140  
3365.07 of the Revised Code, as it existed prior to the effective 106141  
date of this section. 106142

**Section 733.40.** Not later than July 1, 2018, the Department 106143  
of Education, in consultation with the Department of Higher 106144  
Education and the Governor's Office of Workforce Transformation, 106145  
shall develop both of the following: 106146

(A) A plan that permits and encourages school districts and 106147  
chartered nonpublic schools to integrate academic content in 106148  
subject areas for which the State Board of Education adopts 106149  
standards under section 3301.079 of the Revised Code into other 106150  
coursework so that students may earn simultaneous credit in 106151  
accordance with division (I) of section 3313.603 of the Revised 106152  
Code; 106153

(B) Guidance to assist school districts and schools that 106154  
choose to implement integrated coursework under division (I) of 106155  
section 3313.603 of the Revised Code that includes guidance on 106156  
appropriate licensure teachers must have to teach integrated 106157  
coursework and guidance on appropriately integrating subject area 106158  
content into course curriculum to ensure that students receive 106159

instruction in the academic content necessary to meet graduation requirements. 106160  
106161

**Section 733.50.** The Chancellor of Higher Education, in consultation with the Director of the Governor's Office of Workforce Transformation and the Superintendent of Public Instruction, shall work with the business community and higher education institutions to develop a program targeted at increasing the number of high school students in Ohio who pursue certificates or degrees in the field of advanced technology and cyber security. 106162  
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**Section 737.10.** All money received by the Director of Environmental Protection under section 3751.05 of the Revised Code as that section existed prior to its amendment by this act shall remain in the Toxic Chemical Release Reporting Fund, to be used exclusively for purposes of implementing, administering, and enforcing Chapter 3751. of the Revised Code and rules adopted and orders issued under it. In addition, any money received by the Director after the act's effective date under section 3751.05 of the Revised Code for filing fees or late fees required to be paid under that section prior to the act's effective date shall be deposited in the Fund and used for those purposes. 106169  
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**Section 749.10.** (A) The Public Utilities Commission shall explore, in whatever format it considers appropriate, the latest technological and regulatory innovations for the electric distribution system, which may include researching the following: 106180  
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(1) Distributed energy resources, including battery storage; 106184

(2) Advanced metering infrastructure; 106185

(3) Electric distribution automation, sensors, controls, and data exchange and use; 106186  
106187

(4) Associated electric rate design; 106188

(5) Any other available technological and regulatory innovations, including those that may be developed in the future.

(B) Upon completion of the research under division (A) of this section, and if the Commission finds it necessary, the Commission may examine any resulting work product and issue a report that summarizes the major findings and recommends a course of action to implement cost-effective distribution system innovations.

**Section 753.10.** (A) The Governor may execute one or more deeds in the name of the state conveying to a purchaser or purchasers, their heirs, successors, and assigns, to be determined in the manner provided in division (C) of this section, all of the state's right, title, and interest in the following described real estate:

Warren County, Lebanon

Begin at the northwest corner of Warren County parcel number 11052000120, said corner also being on the south right-of-way line of State Route 63 (SR63) and the east line of Norfolk Southern Railroad lands (Warren County parcel number 11055020030), thence westerly along the south right-of-way line of State Route 63 (SR63) 465 +/- feet to a fence line projected from the south, thence southerly along the fence line 650 +/- feet to the east line of the said Norfolk Southern Railroad lands, thence northwesterly along the said east line of the said Norfolk Southern Railroad lands 320 +/- feet to an angle point in the east line of the said Norfolk Southern Railroad lands, thence westerly along the said east line of the said Norfolk Southern Railroad lands 140 +/- feet to an angle point in the east line of the said Norfolk Southern Railroad lands, thence northwesterly along the said east line of the said Norfolk Southern Railroad lands 570 +/- feet to the beginning and containing approximately 3.2 acres.

Begin at the southeast corner of lands now or formerly owned 106220  
by Warren General Property (Warren County parcel number 106221  
11064000201) said corner also being on the north right-of-way line 106222  
of State Route 63 (SR 63), thence northerly along the east line of 106223  
said Warren General Property lands 2035 +/- feet to the northeast 106224  
corner of said Warren General Property lands, thence westerly 106225  
along the north line of said Warren General Property lands 2635 106226  
+/- feet to the easterly right-of-way of North Union Road, thence 106227  
along the easterly right-of-way of North Union Road 3475 +/- feet 106228  
to the southwest corner of lands now or formerly owned by Warren 106229  
County Commissioners (Warren County parcel number 08313000040), 106230  
thence easterly along the south line of said Commissioners lands 106231  
and lands now or formerly owned by FRL Real Estate LLC (Warren 106232  
County parcel number 08313000082) 2420 +/- feet to a point on the 106233  
south line of said FRL Real Estate lands and the northwest corner 106234  
of lands now or formerly owned by Grand Communities LTD. (Warren 106235  
County parcel number 12362000190), thence southerly along the west 106236  
line of said Grand Communities LTD. lands 1400 +/- feet to a 106237  
corner of Grand Communities LTD. lands, thence westerly along said 106238  
Grand Communities LTD. lands 585 +/- feet to a corner of said 106239  
Grand Communities LTD. lands, thence southerly along said Grand 106240  
Communities LTD. lands extended 3685 +/- feet extended to a fence 106241  
line that surrounds a wastewater treatment facility, thence 106242  
westerly along the fence line 195 +/- feet to the southerly top of 106243  
bank of Shaker Creek, thence southwesterly along the top of bank 106244  
270 +/- feet to a point, thence southerly 125 +/- feet to the 106245  
north right-of-way line of State Route 63 (SR 63), thence westerly 106246  
along the north right-of-way line of State Route 63 (SR 63) 750 106247  
+/- feet to the beginning and containing 292 acres. 106248

Begin at the southwest corner of lands now or formerly owned 106249  
by Warren County Commissioners (Warren County parcel number 106250  
12364000010), said corner also being in the centerline of State 106251  
Route 63 (SR 63), thence westerly with the center of State Route 106252

63 (SR 63) 1255 +/- feet to the extension of a fence line from the north that surrounds a wastewater treatment facility, thence northerly along the fence line 280 +/- feet to a fence corner, thence westerly along the fence line 205 +/- feet to a point where the extension of the west line of lands now or formerly owned by Grand Communities LTD. (Warren County parcel number 12362000190), thence northerly along said extended line 1870 +/- feet to a southwest corner of said Grand Communities LTD. lands, thence easterly along the south line of said Grand Communities, LTD. lands and the south line of lands now or formerly owned by Shaker Run Capital Funding (Warren County parcel number 12301000040), 6030 feet to a point on the west line of lands now or formerly owned by Otterbein Lebanon LLC (Warren County parcel number 12302000031), thence southerly along the west line of said Otterbein Lebanon LLC lands 1700 +/- feet to the extension of a fence line from the west that surrounds a Department of Transportation Outpost facility, thence westerly along the fence line 310 +/- feet to a fence corner, thence southerly along the fence line 435 +/- feet to the centerline of State Route 63 (SR 63), thence westerly along the centerline of State route 63 (SR 63) 455 +/- feet to the southeast corner of lands now or formerly owned by Cincinnati Gas & Electric (Warren County parcel number 12303000020), thence with the boundaries of the said Cincinnati Gas & Electric lands the following three (3) courses and distances: (1) northerly 330 +/- feet, (2) northwesterly 405 +/- feet, (3) southerly 560 +/- feet to the centerline of State Route 63 (SR 63), thence westerly along the centerline of State Route 63 (SR 63) 2155 +/- feet to the extension of a fence line projected from the northeast, thence northeasterly along the fence line 675 +/- feet to an angle point in the fence, thence northerly along the fence line 200 +/- feet to a fence corner, thence southwesterly along the fence line 320 +/- feet to a point on the north line of the above referenced Warren County Commissioners

lands (Warren County parcel number 12364000010), thence with the 106286  
boundaries of said County Commissioners lands the following two 106287  
(2) courses and distances: (1) westerly 550 +/- feet, (2) 106288  
southerly 435 +/- feet to the place of beginning containing 106289  
approximately 273 acres. 106290

Begin at the northeast corner of lands now or formerly owned 106291  
by Leah Margaret White (Warren County parcel number 12294000010), 106292  
said corner also being in the centerline of State Route 741 (SR 106293  
741), thence westerly along the north line of said White lands 106294  
2655 +/- feet to the northeast corner of said White lands, thence 106295  
northerly along the projected west line of said White lands 3850 106296  
+/- feet to the southerly right-of-way line of State Route 63 (SR 106297  
63), thence with the said southerly right-of-way the following 106298  
eleven (11) courses and distances: (1) easterly 1815 +/- feet, (2) 106299  
southeasterly 52.09 feet, (3) southeasterly 201.00 feet, (4) 106300  
southeasterly 253.18 feet, (5) southeasterly 50.25 feet, (6) 106301  
southeasterly 33.54 feet, (7) northeasterly 276.16 feet, (8) 106302  
easterly 100.04 feet, (9) easterly 150.01 feet, (10) easterly 106303  
250.20 feet, (11) southeasterly 32.74 feet to the westerly 106304  
right-of-way of State Route 741 (SR 741), thence along the 106305  
westerly right-of-way of State Route 741 (SR 741) the following 106306  
eight (8) courses and distances: (1) southwesterly 388.87 feet, 106307  
(2) southwesterly 186.75 feet, (3) southwesterly 187.79 feet, (4) 106308  
southwesterly 300.37 feet, (5) southwesterly 201.00 feet, (6) 106309  
southwesterly 654.38 feet, (7) southerly 52.04 feet, (8) 106310  
southwesterly 240 +/- feet to the northeast corner of lands owned 106311  
by The State of Ohio - Department of Transportation (Warren County 106312  
parcel number 12294000020), thence with the boundaries of said 106313  
Department of Transportation lands the following three (3) courses 106314  
and distances: (1) westerly 1645 +/- feet, (2) southerly 700 +/- 106315  
feet, (3) easterly 1600 +/- feet to the centerline of State Route 106316  
741 (SR 741), thence southerly along the centerline of State Route 106317  
741 (SR 741) 880 +/- feet to the beginning and containing 106318

approximately 216 acres. 106319

All of Warren County parcel number 12281000030 106320

The foregoing legal descriptions may be corrected or modified 106321  
by the Department of Administrative Services as necessary in order 106322  
to facilitate the recording of the deed or deeds to define the 106323  
description of the real estate identified as no longer obligatory 106324  
by the state. 106325

(B)(1) The conveyance or conveyances include improvements and 106326  
chattels situated on the real estate, and is or are subject to all 106327  
easements, covenants, conditions, and restrictions of record; all 106328  
legal highways and public rights-of-way; zoning, building, and 106329  
other laws, ordinances, restrictions, and regulations; and real 106330  
estate taxes and assessments not yet due and payable. The real 106331  
estate shall be conveyed in "as-is, where-is, with all faults" 106332  
condition. 106333

(2) The deed or deeds for the conveyance of the real estate 106334  
may contain restrictions, covenants, exceptions, reservations, 106335  
reversionary interests, and other terms and conditions the 106336  
Director of Administrative Services determines to be in the best 106337  
interest of the state. 106338

(3) Subsequent to the conveyance or conveyances, any 106339  
restrictions, exceptions, reservations, reversionary interests, or 106340  
other terms and conditions contained in the deed or deeds may be 106341  
released by the state or the Department of Rehabilitation and 106342  
Correction without the necessity of further legislation. 106343

(4) The deed or deeds shall contain restrictions prohibiting 106344  
the purchaser or purchasers from occupying, using, developing, or 106345  
selling the real estate if the occupation, use, development, or 106346  
sale will interfere with the quiet enjoyment of neighboring 106347  
state-owned land. 106348

(5) The real estate described in division (A) of this section 106349

shall be conveyed only if the Director of Administrative Services 106350  
and the Director of Rehabilitation and Correction first have 106351  
determined that the real estate is surplus real property no longer 106352  
needed by the state and that the conveyance or conveyances are in 106353  
the best interest of the state. 106354

(C)(1) The Director of Administrative Services and the 106355  
Director of Rehabilitation and Correction shall offer the sale of 106356  
the real estate in the manner described in divisions (C)(2) or 106357  
(C)(3) of this section. 106358

(2) The Director of Administrative Services may offer the 106359  
sale of the real estate to a purchaser or purchasers to be 106360  
determined, through a negotiated real estate purchase agreement or 106361  
agreements. 106362

Consideration for the conveyance of the real estate shall be 106363  
at a price and at terms and conditions acceptable to the Director 106364  
of Administrative Services and the Director of Rehabilitation and 106365  
Correction. The consideration shall be paid at closing. 106366

(3) The Director of Administrative Services shall conduct a 106367  
sale of the real estate by sealed bid auction or public auction, 106368  
and the real estate shall be sold to the highest bidder at a price 106369  
acceptable to the Director of Administrative Services and the 106370  
Director of Rehabilitation and Correction. The Director of 106371  
Administrative Services shall advertise the sealed bid auction or 106372  
public auction by publication in a newspaper of general 106373  
circulation in Warren County, once a week for three consecutive 106374  
weeks before the date on which the sealed bids are to be opened or 106375  
the public auction is to be held. The Director of Administrative 106376  
Services shall notify the successful bidder in writing. The 106377  
Director of Administrative Services may reject any or all bids. 106378

The purchaser or purchasers shall pay ten percent of the 106379  
purchase price to the Director of Administrative Services not 106380

later than five business days after receiving the notice the bid 106381  
has been accepted, and shall enter into a real estate purchase 106382  
agreement, in the form prescribed by the Department of 106383  
Administrative Services. Payment may be made by bank draft or 106384  
certified check made payable to the Treasurer of State. The 106385  
purchaser or purchasers shall submit the balance of the purchase 106386  
price to the Director of Administrative Services not later than 106387  
sixty days after receiving notice the bid has been accepted. A 106388  
purchaser who does not complete the conditions of the sale as 106389  
prescribed in this division shall forfeit as liquidated damages 106390  
the ten percent of the purchase price paid to the state. If a 106391  
purchaser fails to complete the purchase of the real estate, the 106392  
Director of Administrative Services may accept the next highest 106393  
bid, subject to the foregoing conditions. If the Director of 106394  
Administrative Services rejects all bids, the Director may repeat 106395  
the sealed bid auction or public auction, or may use an 106396  
alternative sale process that is acceptable to the Director of 106397  
Administrative Services and the Director of Rehabilitation and 106398  
Correction. 106399

The Department of Rehabilitation and Correction shall pay 106400  
advertising costs incident to the sale of the real estate. 106401

(D) The real estate described in division (A) of this section 106402  
may be conveyed as an entire tract or as multiple parcels as 106403  
determined by the Director of Administrative Services and the 106404  
Director of Rehabilitation and Correction. The real estate 106405  
described in division (A) of this section may be conveyed to a 106406  
single purchaser or multiple purchasers as determined by the 106407  
Director of Administrative Services and the Director of 106408  
Rehabilitation and Correction. 106409

(E) Except as otherwise specified in this section, the 106410  
purchaser or purchasers shall pay all costs associated with the 106411  
purchase, closing, and conveyance of the real estate, including 106412

surveys, appraisals, title evidence, title insurance, transfer 106413  
costs and fees, recording costs and fees, taxes, and any other 106414  
fees, assessments, and costs that may be imposed. 106415

(F) The proceeds of the conveyance of facilities and interest 106416  
in real estate sale or sales shall be deposited into the state 106417  
treasury to the credit of the Adult and Juvenile Correctional 106418  
Facilities Bond Retirement Fund in accordance with section 106419  
5120.092 of the Revised Code. 106420

(G) Upon payment of the purchase price, the Auditor of State, 106421  
with the assistance of the Attorney General, shall prepare a deed 106422  
or deeds to the real estate described in division (A) of this 106423  
section. The deed or deeds shall state the consideration and shall 106424  
be executed by the Governor in the name of the state, 106425  
countersigned by the Secretary of State, sealed with the Great 106426  
Seal of the State, presented in the Office of the Auditor of State 106427  
for recording, and delivered to the purchaser or purchasers. The 106428  
purchaser or purchasers shall present the deed or deeds for 106429  
recording in the Office of the Warren County Recorder. 106430

(H) This section expires three years after its effective 106431  
date. 106432

**Section 757.10.** (A) As used in this section, "net additional 106433  
tax" means, in the case of a wholesale dealer, the net additional 106434  
amount of tax resulting from the amendment by this act of section 106435  
5743.02 of the Revised Code, less the discount allowed under 106436  
section 5743.05 of the Revised Code as a commission for affixing 106437  
stamps, that is due on all packages of Ohio stamped cigarettes and 106438  
on all unaffixed Ohio cigarette tax stamps that the wholesale 106439  
dealer has on hand as of the beginning of business on July 1, 106440  
2017, and, in the case of a retail dealer, means the net 106441  
additional amount of tax resulting from the amendment by this act 106442  
of section 5743.02 of the Revised Code that is due on all packages 106443

of Ohio stamped cigarettes that the retail dealer has on hand as 106444  
of the beginning of business on July 1, 2017. 106445

(B) In addition to the return required under section 5743.03 106446  
of the Revised Code, each wholesale dealer and each retail dealer 106447  
shall make and file a return on forms prescribed by the Tax 106448  
Commissioner showing the net additional tax due and any other 106449  
information that the commissioner considers necessary to apply 106450  
sections 5743.01 to 5743.20 of the Revised Code in the 106451  
administration of the net additional tax. On or before September 106452  
30, 2017, each wholesale dealer and each retail dealer shall 106453  
deliver the return to the Commissioner, together with remittance 106454  
of the net additional tax. 106455

(C) Any wholesale or retail dealer who fails to file a return 106456  
or remit net additional tax as required under this section shall 106457  
forfeit and pay into the state treasury a late charge equal to 106458  
fifty dollars or ten per cent of the net additional tax due, 106459  
whichever is greater. 106460

(D) Unpaid or unreported net additional taxes and late 106461  
charges may be collected by assessment in the manner prescribed 106462  
under sections 5743.081 and 5743.082 of the Revised Code. 106463

(E) All amounts collected under this section shall be 106464  
considered revenue arising from the tax imposed by section 5743.02 106465  
of the Revised Code. 106466

**Section 757.20.** (A) Notwithstanding the requirements of 106467  
division (B) of section 5747.50 of the Revised Code, the Tax 106468  
Commissioner shall reduce the amount available for distribution to 106469  
counties under that section by one million dollars in each month 106470  
of the period beginning with July 2017, and ending with December 106471  
2017, before calculating the amount to be distributed to each 106472  
county. 106473

(B) On or before the tenth day of each month in the period beginning with July 2017 and ending with December 2017, the tax commissioner shall provide for payment to each county undivided local government fund of a supplement for townships. The commissioner shall determine the amounts paid to each fund as follows:

(1) Four hundred sixteen thousand six hundred sixty-six dollars and sixty-seven cents shall be divided among every county fund so that each township in the state receives an equal amount.

(2) Four hundred sixteen thousand six hundred sixty-six dollars and sixty-six cents shall be divided among every county fund so that each township receives a proportionate share based on the proportion that the total township road miles in the township is of the total township road miles in all townships in the state.

(C)(1) As used in this division, "qualifying village" means a village with a population of less than one thousand according to the most recent federal decennial census.

(2) On or before the tenth day of each month in the period beginning with July 2017, and ending with December 2017, the tax commissioner shall provide for payment to each county undivided local government fund of a supplement for qualifying villages. The commissioner shall determine the amounts paid to each fund as follows:

(a) Eighty-three thousand three hundred thirty-three dollars and thirty-four cents shall be divided among every county fund so that each qualifying village in the state receives an equal amount.

(b) Eighty-three thousand three hundred thirty-three dollars and thirty-three cents shall be divided among every county fund so that each qualifying village receives a proportionate share based on the proportion that the total village road miles in the

qualifying village is of the total village road miles in all 106505  
qualifying villages in the state. 106506

(D) The tax commissioner shall separately identify to the 106507  
county treasurer the amounts to be allocated to each township 106508  
under divisions (B)(1) and (2) of this section and to each 106509  
qualifying village under divisions (C)(2)(a) and (b) of this 106510  
section. The treasurer shall transfer those amounts to townships 106511  
and qualifying villages from the undivided local government fund. 106512

**Section 757.21.** (A) Notwithstanding division (C)(2) of 106513  
section 5747.50 of the Revised Code, each municipal corporation 106514  
shall receive in each month of the period beginning with July 106515  
2017, and ending with December 2017, an amount equal to the amount 106516  
it received under that section in that same month during the 106517  
period beginning with July 2016, and ending with December 2016. 106518

(B) Notwithstanding division (C)(1) of section 5747.50 of the 106519  
Revised Code, for the purpose of calculating the distributions to 106520  
be made to counties under division (B) of that section, for each 106521  
month during the period beginning with July 2017, and ending with 106522  
December 2017, the "total amount available for distribution to 106523  
municipal corporations during the current month" means the total 106524  
amount to be distributed to municipal corporations in that month 106525  
under this section. 106526

**Section 757.22.** (A) As used in this section, "municipal tax 106527  
liability" has the same meaning as in division (B)(2)(a) of 106528  
section 5747.504 of the Revised Code as enacted by this act. 106529

(B) For the purpose of assisting the Tax Commissioner in 106530  
estimating the amounts required under section 5747.504 of the 106531  
Revised Code, on or before November 15, 2017, each municipal 106532  
corporation shall certify to the Commissioner the municipal 106533  
corporation's municipal tax liability for taxable years 2012, 106534

2013, 2014, 2015, and 2016. If the municipal corporation did not 106535  
levy an income tax for one or more of those taxable years, the 106536  
municipal corporation shall certify the years in which no tax was 106537  
levied and, if applicable, the municipal tax liability for the 106538  
years in which a tax was levied. 106539

(C) A municipal corporation that levied an income tax for any 106540  
one of the taxable years specified in division (B) of this section 106541  
and that fails to certify the amounts required under that division 106542  
for the years in which a tax was levied shall not receive any 106543  
direct distribution under section 5747.504 of the Revised Code 106544  
during the 2018 distribution year. 106545

**Section 757.23.** (A) The Tax Commissioner shall compute the 106546  
estimates required to be certified on or before July 25, 2017, 106547  
under section 5747.501 of the Revised Code as if section 5747.50 106548  
of the Revised Code, as amended by this act, was already in 106549  
effect. If the Commissioner computes the estimates that may be 106550  
completed in December of 2017, under section 5747.501 of the 106551  
Revised Code, such estimates shall be computed as if sections 106552  
5747.50 and 5747.504 of the Revised Code, as amended or enacted by 106553  
this act, were already in effect. 106554

(B) Notwithstanding any provision of section 5747.504 of the 106555  
Revised Code to the contrary, the Tax Commissioner shall perform 106556  
any computations necessary to make the payments required under 106557  
that section for the 2018 calendar year on or before January 10, 106558  
2018. 106559

**Section 757.30.** (A) As used in this section, "vapor 106560  
distributor" and "vapor products" have the same meanings as in 106561  
section 5743.01 of the Revised Code. 106562

(B) Notwithstanding division (B) of section 5743.61 of the 106563  
Revised Code, a vapor distributor shall apply for the license 106564

described in division (A)(1)(b) of that section on or before 106565  
December 31, 2017, or on the day preceding the first day the vapor 106566  
distributor engages in the business of distributing vapor products 106567  
within this state, whichever is later. The initial vapor products 106568  
license issued under this section shall be valid until January 31, 106569  
2019, or, if it is issued after that date, the last day of January 106570  
of the ensuing calendar year. 106571

(C) Vapor products licenses issued under this section are 106572  
subject to the same rules and procedures as vapor products 106573  
licenses issued under section 5743.61 of the Revised Code, and may 106574  
be suspended by the Tax Commissioner under division (D) of that 106575  
section. 106576

**Section 757.40.** In order to facilitate an understanding of 106577  
business incentive tax credits, as defined in section 107.036 of 106578  
the Revised Code, the following table provides an estimate of the 106579  
amount of credits that may be authorized in each fiscal year of 106580  
the 2018-2019 biennium, an estimate of the credits expected to be 106581  
claimed in each fiscal year of that biennium, and an estimate of 106582  
the amount of credits authorized that will remain outstanding at 106583  
the end of that biennium. In totality, this table provides an 106584  
estimate of the state revenue forgone due to business incentive 106585  
tax credits in the 2018-2019 biennium and future biennia. 106586

Biennial Business Incentive Tax Credit Estimates 106587

| Estimate of total value | Estimate of tax        | Expected    | 106589 |
|-------------------------|------------------------|-------------|--------|
| of tax credits          | credits issued/claimed | Outstanding |        |
| authorized              |                        | credits     |        |

(All figures in 106590  
thousands of dollars)

| Tax | FY 2018 | FY 2019 | FY 2018 | FY 2019 | End of | 106592 |
|-----|---------|---------|---------|---------|--------|--------|
|-----|---------|---------|---------|---------|--------|--------|

|              |           |           |           |           |           |        |
|--------------|-----------|-----------|-----------|-----------|-----------|--------|
| Credit       |           |           |           |           | Biennium  |        |
|              |           |           |           |           |           | 106593 |
| Job          | \$100,000 | \$100,000 | \$105,000 | \$100,000 | \$885,000 | 106594 |
| Retention    |           |           |           |           |           |        |
| Tax          |           |           |           |           |           |        |
| Credit*      |           |           |           |           |           | 106595 |
| Job          | \$ 0      | \$ 0      | \$55,000  | \$55,000  | \$290,000 | 106596 |
| Creation     |           |           |           |           |           |        |
| Tax          |           |           |           |           |           |        |
| Credit       |           |           |           |           |           | 106597 |
| Historic     | \$60,000  | \$60,000  | \$120,000 | \$90,000  | \$190,000 | 106598 |
| Preservation |           |           |           |           |           |        |
| Tax          |           |           |           |           |           |        |
| Credit       |           |           |           |           |           | 106599 |
| Motion       | \$40,000  | \$40,000  | \$50,000  | \$50,000  | \$35,000  | 106600 |
| Picture      |           |           |           |           |           |        |
| Tax          |           |           |           |           |           |        |
| Credit       |           |           |           |           |           | 106601 |
| New          | \$10,000  | \$10,000  | \$9,795   | \$10,000  | \$38,205  | 106602 |
| Markets      |           |           |           |           |           |        |
| Tax          |           |           |           |           |           |        |
| Credit       |           |           |           |           |           | 106603 |
| R&D Loan     | \$4,500   | \$4,500   | \$4,500   | \$4,000   | \$30,000  | 106604 |
| Tax          |           |           |           |           |           |        |
| Credit       |           |           |           |           |           | 106605 |
| InvestOhio   | \$12,500  | \$12,500  | \$18,000  | \$15,000  | \$42,000  | 106606 |
| Tax          |           |           |           |           |           |        |

Credit

106607

Estimate \$227,000 \$227,000 \$362,295 \$324,000 \$1,510,205 106608

Total

\*The Job Creation Tax Credit (JCTC) estimate of credits 106609  
outstanding is not just for tax credit certificates already 106610  
issued, but also for the estimated potential value of certificates 106611  
to be issued under the program through 2035 when looking at the 106612  
existing portfolio of approved and active incentives. The estimate 106613  
assumes that the companies receiving credits will continue to meet 106614  
the performance objectives required to continue receiving the 106615  
credit. 106616

**Section 761.10.** It is the intent of the General Assembly that 106617  
the amendment of section 6111.03 and enactment of section 6111.561 106618  
of the Revised Code by this act do all of the following: 106619

(A) Supersede the effect of the holding of the Ohio Supreme 106620  
Court in *Fairfield County Board of Commissioners v. Nally,* 106621  
2015-Ohio 991, 2015; 106622

(B) Exclude from rulemaking under Chapter 119. of the Revised 106623  
Code total maximum daily load (TMDL) drafts, established TMDLs, 106624  
and the submission of a TMDL to the United States Environmental 106625  
Protection Agency; 106626

(C) Make the establishment of a final TMDL appealable to the 106627  
Environmental Review Appeals Commission; 106628

(D) Retain, in full force and effect, TMDLs submitted and 106629  
approved by the United States Environmental Protection Agency 106630  
prior to March 24, 2015. 106631

**Section 763.10.** Not later than June 30, 2019, the governor's 106632  
office of workforce transformation, in conjunction with the Ohio 106633  
library council or its successor organization, may develop a brand 106634

for public libraries as "continuous learning centers" that serve 106635  
as hubs for information about local in-demand jobs and relevant 106636  
education and job training resources. 106637

Not later than June 30, 2019, the state library of Ohio shall 106638  
strengthen the online education resources of the Ohio digital 106639  
library to provide more accessible job training materials to adult 106640  
learners. 106641

**Section 803.10.** (A) The member of the Ohio Facilities 106642  
Construction Commission appointed by the Governor under division 106643  
(B) of section 123.20 of the Revised Code as it existed prior to 106644  
the amendments to that section made by this act shall serve the 106645  
remainder of the member's term. Upon the expiration of the term, 106646  
the Governor shall appoint a member to the Commission in the 106647  
manner provided by section 123.20 of the Revised Code as amended 106648  
by this act. 106649

(B) If the member serving the unexpired term under division 106650  
(A) of this section is unable to fulfill the term, the Governor 106651  
shall appoint a member to fill the vacancy in the manner provided 106652  
by section 123.20 of the Revised Code as amended by this act. 106653

**Section 803.20.** EXCHANGE OF CERTAIN INFORMATION BETWEEN 106654  
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 106655

Until the amendments to sections 191.04 and 191.06 of the 106656  
Revised Code made by this act take effect in accordance with 106657  
section 101.01 of this act, and notwithstanding any provision of 106658  
the Revised Code to the contrary, the provisions in sections 106659  
191.04 and 191.06 of the Revised Code apply for fiscal years 2013 106660  
through 2019. 106661

A portion of the foregoing appropriation items 651425, 106662  
Medicaid Program Support-State, 651525, Medicaid/Health Care 106663

Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid 106664  
Services-Payment Withholding, 651624, Medicaid Program 106665  
Support-Federal, 651680, Health Care Grants-Federal, 651655, 106666  
Medicaid Interagency Pass-Through, 651605, Resident Protection 106667  
Fund, 651631, Money Follows the Person, 651656, Medicaid 106668  
Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 106669  
Medicaid Services-Long Term Care, 651654, Medicaid Program 106670  
Support, and 651649, Medicaid Services-HCAP, may be used to pay 106671  
for services and costs associated with operating protocols adopted 106672  
under sections 191.04 and 191.06 of the Revised Code. 106673

**Section 803.30.** Notwithstanding section 1123.01 of the 106674  
Revised Code, as amended by this act, both of the following apply: 106675

(A) The appointed members who are serving on the Banking 106676  
Commission as of the effective date of this section shall serve 106677  
until the end of the term for which the member was appointed. The 106678  
terms of office set forth in division (B) of that section and the 106679  
qualifications for membership set forth in division (D) of that 106680  
section shall first apply to the members appointed on or after the 106681  
effective date of this section. 106682

(B) The Banking Commission shall, on the effective date of 106683  
this section, additionally consist of the six members appointed to 106684  
the Savings and Loan Associations and Savings Banks Board under 106685  
section 1181.16 of the Revised Code. Each such member shall serve 106686  
until the end of the term for which the member was appointed. 106687

**Section 803.40.** A certificate to practice medicine and 106688  
surgery, osteopathic medicine and surgery, or podiatric medicine 106689  
and surgery issued under Chapter 4731. of the Revised Code, as 106690  
that chapter existed immediately prior to the effective date of 106691  
this section, satisfies the requirements for licensure created by 106692  
this act until the certificate is required to be renewed. Any 106693

renewal shall be in the form of a license issued under Chapter 106694  
4731. of the Revised Code. 106695

**Section 803.50.** The amendment by this act of section 3517.17 106696  
of the Revised Code applies to the first distribution to be made 106697  
under that section after designations under section 5747.081 of 106698  
the Revised Code for taxable years beginning in 2017 are available 106699  
to the Tax Commissioner, and to every distribution thereafter. 106700

**Section 803.60.** The amendment by this act of section 4301.42 106701  
striking "and are entitled to the privileges" and of section 106702  
4303.33 of the Revised Code applies to tax reporting periods 106703  
prescribed under section 4303.33 of the Revised Code beginning on 106704  
or after July 1, 2017. 106705

**Section 803.70.** The amendment by this act of sections 106706  
4303.332 and 4303.333 of the Revised Code applies on and after 106707  
January 1, 2018. 106708

**Section 803.80.** The amendment by this act of section 4301.42 106709  
changing the rates of taxation and of sections 4301.43 and 4305.01 106710  
of the Revised Code applies on and after July 1, 2017. 106711

**Section 803.90.** The amendments by this act of sections 106712  
1514.11, 5703.052, 5703.19, and 5749.02 of the Revised Code apply 106713  
on and after October 1, 2017. 106714

**Section 803.100.** The amendment, enactment, or repeal by this 106715  
act of sections 113.061, 709.023, 715.691, 715.70, 715.71, 715.72, 106716  
718.01, 718.02, 718.04, 718.05, 718.051, 718.06, 718.08, 718.27, 106717  
718.41, 5701.11, 5703.052, 5703.053, 5703.19, 5703.21, 5703.50, 106718  
5703.57, 5703.70, 5703.90, 5718.01, 5718.02, 5718.04, 5718.041, 106719  
5718.05, 5718.051, 5718.06, 5718.07, 5718.08, 5718.10, 5718.12, 106720

5718.13, 5718.15, 5718.19, 5718.23, 5718.24, 5718.27, 5718.35,  
5718.41, 5718.97, and 5718.99 of the Revised Code applies to  
taxable years beginning on or after January 1, 2018.

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**Section 803.110.** The amendment by this act of sections  
319.54, 321.27, 5731.46, and 5731.49 of the Revised Code applies  
to all settlements required under section 5731.46 of the Revised  
Code on and after the effective date of this section.

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**Section 803.120.** The amendment by this act of sections  
3734.9011, 5735.02, 5743.15, and 5743.61 of the Revised Code  
applies on and after January 1, 2018.

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**Section 803.140.** The amendment by this act of sections  
5739.01, 5739.02, 5739.10, and 5741.02 of the Revised Code applies  
on and after October 1, 2017.

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**Section 803.150.** The amendment by this act of section 5739.30  
of the Revised Code applies on and after January 1, 2018.

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**Section 803.160.** The amendment by this act of division (J) of  
section 5743.01 and the amendment of sections 5743.51, 5743.62,  
and 5743.63 of the Revised Code concerning specialty cigars apply  
to invoices dated on or after October 1, 2017.

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**Section 803.170.** The amendment by this act of sections  
5743.01, 5743.025, 5743.14, 5743.20, 5743.41, 5743.44, 5743.51,  
5743.52, 5743.53, 5743.54, 5743.55, 5743.59, 5743.60, 5743.61,  
5743.62, and 5743.63 of the Revised Code concerning vapor products  
only applies on and after January 1, 2018.

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**Section 803.180.** The amendment by this act of sections  
5743.02, 5743.03, 5743.081, and 5743.32 of the Revised Code

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applies on and after July 1, 2017. 106747

**Section 803.190.** The amendment by this act of division (A) of 106748  
section 5743.52 and division (C) of section 5743.62 of the Revised 106749  
Code concerning discounts applies to reporting periods beginning 106750  
on or after July 1, 2017. 106751

**Section 803.200.** The repeal by this act of section 5747.29 of 106752  
the Revised Code applies to taxable years beginning on or after 106753  
January 1, 2017. 106754

**Section 803.210.** The amendment or enactment by this act of 106755  
sections 131.44, 131.51, 5747.50, 5747.501, 5747.502, 5747.503, 106756  
and 5747.504 of the Revised Code applies to distributions made 106757  
from the Local Government Fund on or after January 1, 2018. 106758

The amendment by this act of section 5747.51 of the Revised 106759  
Code shall apply beginning October 1, 2017. 106760

**Section 803.220.** The amendment or repeal by this act of 106761  
sections 1509.01, 1509.02, 1509.11, 1509.34, 1509.50, 1513.08, 106762  
1513.182, 5749.01, 5749.03, 5749.04, 5749.06, 5749.07, 5749.08, 106763  
5749.10, 5749.11, 5749.12, 5749.13, 5749.14, 5749.15, and 5749.17 106764  
shall apply on and after October 1, 2017. 106765

**Section 803.230.** The amendment by this act of division 106766  
(F)(2)(a) of section 5751.01 of the Revised Code applies to tax 106767  
periods beginning on or after July 1, 2017. 106768

The amendment by this act of division (F)(2)(z) of section 106769  
5751.01 of the Revised Code applies to qualifying certificates 106770  
issued for qualifying year 2017 and thereafter. 106771

**Section 806.10.** The items of law contained in this act, and 106772

their applications, are severable. If any item of law contained in 106773  
this act, or if any application of any item of law contained in 106774  
this act, is held invalid, the invalidity does not affect other 106775  
items of law contained in this act and their applications that can 106776  
be given effect without the invalid item of law or application. 106777

**Section 809.10.** An item of law, other than an amending, 106778  
enacting, or repealing clause, that composes the whole or part of 106779  
an uncodified section contained in this act has no effect after 106780  
June 30, 2019, unless its context clearly indicates otherwise. 106781

**Section 812.10.** Except as otherwise provided in this act, the 106782  
amendment, enactment, or repeal by this act of a section is 106783  
subject to the referendum under Ohio Constitution, Article II, 106784  
section 1c and therefore takes effect on the ninety-first day 106785  
after this act is filed with the Secretary of State or, if a later 106786  
effective date is specified below, on that date. 106787

Section 5743.05 of the Revised Code takes effect July 1, 106788  
2017. 106789

Sections 3701.83, 3704.035, 3710.01, 3710.02, 3710.04, 106790  
3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 3710.09, 3710.10, 106791  
3710.11, 3710.12, 3710.13, 3710.14, 3710.15, 3710.17, 3710.19, and 106792  
3710.99 of the Revised Code take effect January 1, 2018. 106793

Sections 119.06, 125.22, 125.92, 1923.02, 2135.01, 2305.113, 106794  
3313.608, 3781.06, 4505.181, 4709.01, 4709.02, 4709.04, 4709.05, 106795  
4709.06, 4709.07, 4709.08, 4709.09, 4709.10, 4709.12, 4709.13, 106796  
4709.14, 4709.23, 4709.26, 4709.27, 4713.01, 4713.02, 4713.03, 106797  
4713.04, 4713.05, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 106798  
4713.082, 4713.09, 4713.11, 4713.13, 4713.141, 4713.17, 4713.20, 106799  
4713.22, 4713.24, 4713.25, 4713.28, 4713.29, 4713.30, 4713.31, 106800  
4713.32, 4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 4713.44, 106801  
4713.45, 4713.48, 4713.50, 4713.51, 4713.55, 4713.57, 4713.58, 106802

|  |        |
|--|--------|
| 4713.59, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.65,    | 106803 |
| 4713.66, 4713.68, 4713.69, 4723.05, 4725.01, 4725.02, 4725.03,     | 106804 |
| 4725.04, 4725.05, 4725.06, 4725.07, 4725.08, 4725.09, 4725.091,    | 106805 |
| 4725.092, 4725.10, 4725.11, 4725.12, 4725.121, 4725.13, 4725.15,   | 106806 |
| 4725.16, 4725.17, 4725.171, 4725.18, 4725.19, 4725.20, 4725.21,    | 106807 |
| 4725.22, 4725.23, 4725.24, 4725.26, 4725.27, 4725.28, 4725.29,     | 106808 |
| 4725.31, 4725.33, 4725.34, 4725.40, 4725.41, 4725.411, 4725.42,    | 106809 |
| 4725.43, 4725.44, 4725.45, 4725.46, 4725.47, 4725.48, 4725.49,     | 106810 |
| 4725.50, 4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 4725.54,   | 106811 |
| 4725.55, 4725.57, 4725.61, 4729.021, 4729.85, 4731.051, 4731.071,  | 106812 |
| 4731.24, 4731.25, 4732.01, 4732.02, 4732.021, 4732.03, 4732.05,    | 106813 |
| 4732.06, 4732.07, 4732.08, 4732.09, 4732.091, 4732.10, 4732.11,    | 106814 |
| 4732.12, 4732.13, 4732.14, 4732.141, 4732.142, 4732.151, 4732.16,  | 106815 |
| 4732.17, 4732.171, 4732.172, 4732.173, 4732.18, 4732.21, 4732.22,  | 106816 |
| 4732.221, 4732.24, 4732.25, 4732.26, 4732.27, 4732.28, 4732.31,    | 106817 |
| 4732.32, 4732.33, 4743.05, 4745.02, 4745.021, 4747.03, 4747.04,    | 106818 |
| 4747.05, 4747.051, 4747.06, 4747.07, 4747.08, 4747.10, 4747.11,    | 106819 |
| 4747.12, 4747.13, 4747.14, 4747.16, 4747.17, 4752.01, 4752.03,     | 106820 |
| 4752.04, 4752.05, 4752.06, 4752.08, 4752.09, 4752.11, 4752.12,     | 106821 |
| 4752.13, 4752.14, 4752.15, 4752.17, 4752.18, 4752.19, 4752.20,     | 106822 |
| 4752.22, 4752.24, 4753.03, 4753.04, 4753.05, 4753.06, 4753.061,    | 106823 |
| 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 4753.091, | 106824 |
| 4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 4755.01,    | 106825 |
| 4755.02, 4755.03, 4755.031, 4755.06, 4755.061, 4755.07, 4755.08,   | 106826 |
| 4755.09, 4755.10, 4755.11, 4755.111, 4755.12, 4755.41, 4755.411,   | 106827 |
| 4755.412, 4755.42, 4755.421, 4755.43, 4755.431, 4755.44, 4755.441, | 106828 |
| 4755.45, 4755.451, 4755.46, 4755.47, 4755.471, 4755.482, 4755.51,  | 106829 |
| 4755.511, 4755.52, 4755.53, 4755.61, 4755.62, 4755.63, 4755.64,    | 106830 |
| 4755.65, 4755.66, 4755.70, 4755.71, 4755.99, 4757.03, 4757.04,     | 106831 |
| 4757.05, 4757.06, 4757.07, 4757.10, 4757.101, 4757.11, 4757.13,    | 106832 |
| 4757.15, 4757.16, 4757.17, 4757.18, 4757.19, 4757.22, 4757.23,     | 106833 |
| 4757.27, 4757.28, 4757.29, 4757.30, 4757.301, 4757.31, 4757.32,    | 106834 |
| 4757.321, 4757.33, 4757.34, 4757.36, 4757.361, 4757.37, 4757.38,   | 106835 |

4757.39, 4757.40, 4757.41, 4757.44, 4757.45, 4758.10, 4758.11, 106836  
4758.12, 4758.13, 4758.15, 4758.16, 4758.17, 4758.18, 4758.20, 106837  
4758.21, 4758.22, 4758.221, 4758.23, 4758.24, 4758.241, 4758.242, 106838  
4758.25, 4758.26, 4758.27, 4758.28, 4758.29, 4758.30, 4758.31, 106839  
4758.32, 4758.35, 4758.36, 4758.47, 4758.51, 4758.52, 4758.72, 106840  
4759.011, 4759.02, 4759.03, 4759.04, 4759.05, 4759.051, 4759.06, 106841  
4759.061, 4759.07, 4759.08, 4759.09, 4759.10, 4759.11, 4759.12, 106842  
4761.011, 4761.02, 4761.03, 4761.031, 4761.032, 4761.04, 4761.05, 106843  
4761.051, 4761.06, 4761.07, 4761.08, 4761.09, 4761.10, 4761.11, 106844  
4761.12, 4761.13, 4761.14, 4761.18, 4779.02, 4779.05, 4779.06, 106845  
4779.07, 4779.08, 4779.09, 4779.091, 4779.10, 4779.11, 4779.12, 106846  
4779.13, 4779.15, 4779.16, 4779.17, 4779.18, 4779.20, 4779.21, 106847  
4779.22, 4779.23, 4779.24, 4779.25, 4779.26, 4779.27, 4779.30, 106848  
4779.32, 4779.33, 4779.34, 4781.04, 4781.06, 4781.07, 4781.08, 106849  
4781.09, 4781.10, 4781.11, 4781.12, 4781.121, 4781.14, 4781.17, 106850  
4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.25, 106851  
4781.26, 4781.27, 4781.28, 4781.29, 4781.31, 4781.32, 4781.33, 106852  
4781.34, 4781.35, 4781.37, 4781.38, 4781.39, 4781.45, 4781.54, 106853  
4783.03, 4783.04, 4783.05, 4783.09, 4783.10, 4783.11, 4783.12, 106854  
4783.13, 5119.94, 5120.55, 5122.01, and 5123.46 of the Revised 106855  
Code and Sections 515.20, 515.21, 515.30, 515.31, 515.32, 515.33, 106856  
515.34, 515.35, and 515.40 of this act take effect on January 21, 106857  
2018. 106858

Section 5124.01 of the Revised Code takes effect July 1, 106859  
2018. 106860

**Section 812.20.** The amendment, enactment, or repeal by this 106861  
act of the sections listed below is exempt from the referendum 106862  
under Ohio Constitution, Article II, section 1d and therefore 106863  
takes effect immediately when this act becomes law or, if a later 106864  
effective date is specified below, on that date. 106865

Sections 1509.01, 1509.02, 1509.11, 1509.34, 1509.50, 106866

1513.08, 1513.182, 4301.42, 4301.43, 4303.33, 4305.01, 5168.75, 106867  
5168.76, 5168.77, 5168.78, 5168.79, 5168.80, 5168.81, 5168.82, 106868  
5168.83, 5168.84, 5168.85, 5168.86, 5703.052, 5703.19, 5739.01, 106869  
5739.02, 5739.10, 5741.02, 5743.02, 5743.03, 5743.081, 5743.32, 106870  
5743.51, 5743.62, 5743.63, 5749.01, 5749.02, 5749.03, 5749.04, 106871  
5749.06, 5749.07, 5749.08, 5749.10, 5749.11, 5749.12, 5749.13, 106872  
5749.14, 5749.15, 5749.17, 5751.01, and 5751.02 of the Revised 106873  
Code. 106874

The amendment by this act of divisions (B)(3), (B)(13), and 106875  
(D)(5) of section 5739.02 of the Revised Code. 106876

The amendment by this act of division (P) of section 5743.01 106877  
of the Revised Code. 106878

The amendment by this act of divisions (A)(1) and (2) of 106879  
section 5743.51 of the Revised Code. 106880

The amendment by this act of division (A) of section 5743.52 106881  
of the Revised Code. 106882

The amendment by this act of divisions (A)(1) and (2) of 106883  
section 5743.63 of the Revised Code. 106884

The amendment by this act of division (F)(2)(a) of section 106885  
5751.01 of the Revised Code. 106886

Sections of this act prefixed with section numbers in the 106887  
200s, 300s, and 400s. 106888

Sections 610.20, 610.21, 610.30, 610.31, 610.50, and 610.51 106889  
of this act. 106890

Sections 757.10, 757.20, 757.21, 757.22, and 757.23 of this 106891  
act. 106892

Sections 803.60, 803.80, 803.90, 803.140, 803.160, 803.180, 106893  
803.190, 803.210, 803.220, and 803.230 of this act. 106894

Sections or parts of sections that state that referenced 106895  
sections in whole or in part are exempt from the referendum. 106896

**Section 812.30.** The sections that are listed in the left-hand column of the following table combine amendments by this act that are and that are not exempt from the referendum under Ohio Constitution, Article II, sections 1c and 1d and section 1.471 of the Revised Code.

The middle column identifies the amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified, on that date.

The right-hand column identifies the amendments to the listed sections that are exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date.

| Section of law | Amendments subject to the referendum  | Amendments exempt from the referendum                   |                  |
|----------------|---|---|------------------|
| 1514.11        | All amendments in the first paragraph   | All amendments except as described in the middle column | 106913<br>106914 |
| 5703.052       | The amendments in division (A) except for " <u>former</u> " and " <u>as that section existed before its repeal by ...B... of the 131st general assembly</u> " | All amendments except as described in the middle column | 106915           |
| 5703.19        | All amendments to division (B)  | All amendments except as described in the middle column | 106916           |

|         |  |  |        |
|---------|--|--|--------|
| 5743.62 | All amendments except for those described in the right-hand column                             | The amendment in divisions (A)(1) and (2);   | 106917 |
|         |  | The following amendment in division (C): " <del>If the return is filed and the amount of the tax shown on the return to be due is paid on or before the date the return is required to be filed, the seller is entitled to a discount equal to two and five tenths per cent of the amount shown on the return to be due.</del> " | 106918 |
| 5749.02 | All amendments in division (B) except for the amendments to divisions (B)(4) and (6);          | All amendments except as described in the middle column  | 106919 |
|         | The amendments in divisions (B)(5) and (7) substituting the Mining Regulation and Safety Fund; |  | 106920 |
|         | The amendment in division (C) striking through ", plus estimated transfers to it from the coal |  | 106921 |

mining administration  
and reclamation  
reserve fund under  
section 1513.181 of  
the Revised Code"

**Section 812.40.** (A) The repeal of sections 5115.01, 5115.02, 106922  
5115.03, 5115.04, 5115.05, 5115.06, 5115.07, 5115.20, 5115.22, and 106923  
5115.23 and the amendment of sections 126.35, 131.23, 323.01, 106924  
323.32, 329.03, 329.051, 2151.43, 2151.49, 3111.04, 3113.06, 106925  
3113.07, 3119.05, 5101.16, 5101.17, 5101.18, 5101.181, 5101.184, 106926  
5101.26, 5101.27, 5101.28, 5101.33, 5101.35, 5101.36, 5117.10, 106927  
5123.01, 5168.02, 5168.09, 5168.14, 5168.26, 5502.13, 5709.64, and 106928  
5747.122 of the Revised Code take effect on December 31, 2017. 106929

(B) Notwithstanding the provisions of Chapter 5115. of the 106930  
Revised Code, on and after the effective date of this section and 106931  
until December 31, 2017, all of the following apply to the 106932  
Disability Financial Assistance Program: 106933

(1) Beginning July 1, 2017, the Department of Job and Family 106934  
Services shall not accept any new application for disability 106935  
financial assistance. 106936

(2) Before July 31, 2017, the Department shall notify the 106937  
following individuals that benefits shall terminate on July 31, 106938  
2017: 106939

(a) Recipients who have applications for Supplemental 106940  
Security Income or Social Security Disability Insurance benefits 106941  
pending before the federal Social Security Administration and who 106942  
have received a denial of reconsideration from the Administration 106943  
on or before July 1, 2017; 106944

(b) Recipients who do not have applications for Supplemental 106945  
Security Income or Social Security Disability Insurance benefits 106946  
pending before the Social Security Administration and who have 106947

received from the Administration on or before July 1, 2017, an 106948  
initial denial of benefits or denial of reconsideration. 106949

(3) Beginning on July 1, 2017, and ending on October 1, 2017, 106950  
the Department shall provide disability financial assistance 106951  
benefits only to recipients who have not received a denial of 106952  
reconsideration from the Social Security Administration. 106953

(4) After October 1, 2017, the Department shall provide 106954  
disability financial assistance benefits only to recipients who 106955  
have applications for Supplemental Security Income or Social 106956  
Security Disability Insurance benefits pending before the Social 106957  
Security Administration and have not received a denial of 106958  
reconsideration from the Administration. 106959

(C) Until July 1, 2019, the Department, or the county 106960  
department of job and family services at the request of the 106961  
Department, may take any action described in former section 106962  
5115.23 of the Revised Code to recover erroneous payments, 106963  
including instituting a civil action. 106964

(D) Beginning December 31, 2017, the Executive Director of 106965  
the Governor's Office of Health Transformation, in cooperation 106966  
with the Directors of the Departments of Job and Family Services 106967  
and Mental Health and Addiction Services, the Medicaid Director, 106968  
and the Executive Director of the Opportunities for Ohioans with 106969  
Disabilities Agency, shall ensure the establishment of a program 106970  
to do both of the following: 106971

(1) Refer adult Medicaid recipients who have been assessed to 106972  
have health conditions to employment readiness or vocational 106973  
rehabilitation services; 106974

(2) Assist adult Medicaid recipients who have been assessed 106975  
to have disabling health conditions to expedite applications for 106976  
Supplemental Security Income or Social Security Disability 106977  
Insurance benefits. 106978

**Section 812.50.** (A) The following are subject to the 106979  
referendum and take effect on the ninety-first day after this act 106980  
is filed with the Secretary of State: 106981

The amendment to division (D) of section 5124.15 of the 106982  
Revised Code. 106983

The amendment to division (A) of section 5124.21 of the 106984  
Revised Code. 106985

(B) The following are subject to the referendum and take 106986  
effect on July 1, 2018: 106987

The amendment to sections 5124.01, 5124.101, 5124.151, 106988  
5124.155, 5124.19, 5124.191, 5124.30, and 5124.39 of the Revised 106989  
Code. 106990

The amendment to section 5124.15 of the Revised Code, except 106991  
for division (D) of the section. 106992

The amendment to section 5124.21 of the Revised Code, except 106993  
for division (A) of the section. 106994

**Section 815.10.** The General Assembly, applying the principle 106995  
stated in division (B) of section 1.52 of the Revised Code that 106996  
amendments are to be harmonized if reasonably capable of 106997  
simultaneous operation, finds that the following sections, 106998  
presented in this act as composites of the sections as amended by 106999  
the acts indicated, are the resulting versions of the sections in 107000  
effect prior to the effective date of the sections as presented in 107001  
this act: 107002

Section 105.41 of the Revised Code as amended by both Am. 107003  
Sub. H.B. 64 and Am. H.B. 141 of the 131st General Assembly. 107004

Section 109.572 of the Revised Code as amended by both Sub. 107005  
H.B. 523 and Am. Sub. S.B. 227 of the 131st General Assembly. 107006

Section 121.22 of the Revised Code as amended by both Sub. 107007

|  |        |
|--|--------|
| H.B. 158 and Sub. H.B. 413 of the 131st General Assembly.          | 107008 |
| Section 124.26 of the Revised Code as amended by both Am.          | 107009 |
| Sub. H.B. 487 and Am. Sub. H.B. 490 of the 129th General Assembly. | 107010 |
| Section 2329.66 of the Revised Code as amended by both H.B.        | 107011 |
| 155 and Sub. S.B. 11 of the 131st General Assembly.                | 107012 |
| Section 3302.03 of the Revised Code as amended by both Am.         | 107013 |
| Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly.    | 107014 |
| Section 3313.372 of the Revised Code as amended by both Am.        | 107015 |
| Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly. | 107016 |
| Section 3314.03 of the Revised Code as amended by Am. Sub.         | 107017 |
| H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st     | 107018 |
| General Assembly.  | 107019 |
| Section 3318.37 of the Revised Code as amended by both Am.         | 107020 |
| Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly. | 107021 |
| Section 3326.11 of the Revised Code as amended by Am. Sub.         | 107022 |
| H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st     | 107023 |
| General Assembly.  | 107024 |
| Section 3742.01 of the Revised Code as amended by both Am.         | 107025 |
| Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly. | 107026 |
| Section 4725.09 of the Revised Code as amended by both Am.         | 107027 |
| Sub. H.B. 104 and Sub. H.B. 149 of the 127th General Assembly.     | 107028 |
| Section 4729.01 of the Revised Code as amended by Sub. H.B.        | 107029 |
| 216, Sub. H.B. 290, Sub. H.B. 505, and Sub. S.B. 332, all of the   | 107030 |
| 131st General Assembly.  | 107031 |
| Section 4729.51 of the Revised Code as amended by both Sub.        | 107032 |
| H.B. 290 and Sub. S.B. 319 of the 131st General Assembly.          | 107033 |
| Section 4731.07 of the Revised Code as amended by both Am.         | 107034 |
| Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly.      | 107035 |
| Section 4731.22 of the Revised Code as amended by Sub. H.B.        | 107036 |

|   |                            |
|---|----------------------------|
| 290, Sub. S.B. 127, and Sub. S.B. 319, all of the 131st General Assembly.   | 107037<br>107038           |
| Section 4731.295 of the Revised Code as amended by both Sub. H.B. 320 of the 130th General Assembly and Am. Sub. H.B. 64 of the 131st General Assembly. | 107039<br>107040<br>107041 |
| Section 4732.14 of the Revised Code as amended by both Sub. H.B. 83 and Am. Sub. H.B. 98 of the 130th General Assembly.                                 | 107042<br>107043           |
| Section 4757.41 of the Revised Code as amended by both Sub. H.B. 158 and H.B. 230 of the 131st General Assembly.  | 107044<br>107045           |
| Section 5123.47 of the Revised Code as amended by both Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.                               | 107046<br>107047           |
| Section 5149.311 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.                          | 107048<br>107049           |
| Section 5703.57 of the Revised Code as amended by both Sub. H.B. 5 and Am. Sub. S.B. 243 of the 130th General Assembly.                                 | 107050<br>107051           |
| Section 5739.01 of the Revised Code as amended by both Sub. H.B. 390 and H.B. 466 of the 131st General Assembly.  | 107052<br>107053           |
| Section 5739.02 of the Revised Code as amended by Am. Sub. H.B. 64, Sub. H.B. 390, and Sub. S.B. 172, all of the 131st General Assembly.                | 107054<br>107055<br>107056 |
| Section 5747.02 of the Revised Code as amended by both Sub. H.B. 182 and Sub. S.B. 208 of the 131st General Assembly.                                   | 107057<br>107058           |
| Section 5747.51 of the Revised Code as amended by both Sub. H.B. 166 and Sub. H.B. 390 of the 131st General Assembly.                                   | 107059<br>107060           |